



# WesternU COMP-NW Campus Annual Security Report for Calendar Year 2024

Published October 1, 2025

Clery Crime Statistics 2022 - 2024

## Clery Compliance Team

This report is provided pursuant to 20 United States Code section 1092 (f), The “Jeanne Clery and Annual Fire Report Discloser of Campus Security Policy and Campus Crime Statistics Act”

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## ANNUAL SECURITY REPORT (ASR)

Western University of Health Sciences (WesternU) College of Osteopathic Medicine of the Pacific-Northwest ( COMP-NW ) Campus's Annual Security Report includes crime statistics for the previous three years that occurred on-campus; on non-campus buildings or property; and on public property within, or immediately adjacent to and accessible from, the campus (also referred to as collectively, the Clery geography). The report also includes institutional policies concerning campus security, such as policies concerning sexual assault, and other matters. The purpose of the Annual Security Report is to provide transparency regarding campus safety and security. Please note that COMP-NW is currently in the process of being renamed to the Heatherington College of Osteopathic Medicine (H-COM).

This report was prepared in cooperation with the local law enforcement agencies and WesternU's Clery Compliance Committee which includes Campus Security, The Office of Title IX & Equal Opportunity, and University Student Affairs. The Clery Compliance Committee assists with the collection of information and required crime statistics, assists in developing, writing, reviewing, and ensuring the accuracy of the ASR and campus policies required to be included in the ASR; assists in proper identification of relevant Clery Act geography; assists in programming, developing, and providing training and outreach efforts on the campus for compliance; and assists in the overall compliance with the Clery Act.

Crime statistics are collected from respective local law enforcement agencies, the Office of Campus Security, and other designated Campus Security Authorities (CSA's) as defined below.

WesternU will provide a notice of availability of this report to the WesternU community on or before October 1st annually. Each year before the deadline imposed by the Clery Act, WesternU will disseminate via an email sent to all currently enrolled students, faculty and staff a notice of the availability of the report with a direct link to this report.

WesternU publishes this report on the Campus Security website at <https://www.westernu.edu/security/security-updates/>.

You can obtain a copy of this report by:

- contacting the Office of Campus Security 541-259-0301,
- by mail addressed to: Security Supervisor Cordell Hutson, 200 Mullins Way, Lebanon OR. 97355
- by email [chutson@westernu.edu](mailto:chutson@westernu.edu) or

- in person at the front desk of 200Mullins Way, Lebanon OR. 97355

### LEGISLATIVE HISTORY OF THE CLERY ACT

The Student Right to Know and Campus Security Act (Public Law 101-542) was signed into law by President Bush in 1990 and went into effect on Sept. 1, 1991. Title II of this act is known as the Crime Awareness and Campus Security Act (CACSA) of 1990. This act amends the Higher Education Act of 1965 (HEA) by adding campus crime statistics and reporting provisions for postsecondary institutions. It requires the disclosure of crime statistics for the most recent three years, as well as disclosure of the institution's current security policies. Institutions are also required to issue timely warnings when necessary. All public and private Title IV eligible institutions must comply with the requirements of this act, which is enforced by the U. S. Department of Education (DOE).

This law was amended when Congress enacted the Campus Sexual Assault Victim's Bill of Rights as part of the Higher Education Amendments of 1992 {Public Law 102-325, Section 486(C)}, giving victims of sexual assault on campus certain basic rights. In addition, institutions are required to develop and distribute a policy statement concerning their campus sexual assault programs targeting the prevention of sex offenses. This statement must also address the procedures to be followed if a sex offense occurs.

A more recent version of this law was passed as part of the Higher Education Amendments Act of 1998 {Section 486(e) of Public Law 105-244}. The official title under this act is the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act {20 U.S.C.1092(f)} ("Clery Act"). On Nov. 1, 1999, DOE issued the final regulations, which went into effect on July 1, 2000. The amendments require DOE to collect, analyze, and report to Congress on the incidences of crime on college campuses. The amendments also expand the requirement of the Student Right to Know and Campus Security Act of 1990 that all institutions of higher education participating in the federal student aid programs must disclose information regarding campus safety policies and procedures and provide statistics on incidence of crimes on campus as part of their campus security report.

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008, requires institutions that maintain on campus student housing facilities to produce an annual fire safety report; outlining fire safety practices, standards, and fire-related on-campus housing statistics.

The Clery Act was further amended by the Violence Against Women Reauthorization Act of 2013 (VAWA) to require institutions to compile and report statistics for additional crimes and incidents of dating and domestic violence and stalking reported to campus security authorities or local law enforcement agencies, as well as to adopt policies to address these matters.

The Stop Campus Hazing Act (SCHA), signed December 23, 2024, amends the Clery Act (renamed the “Jeanne Clery Campus Safety Act”) to explicitly address hazing on campus. Its goals are to improve transparency, accountability, and prevention of hazing in higher education.

More information and resources about the Clery Act are provided by the nonprofit [Clery Center](#)

## University’s Clery Geography

The Clery Act defines the following terms:

On-Campus: “(1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.” (34 CFR 668.46(a)).

On-Campus Student Housing Facilities: “A dormitory or other residential facility for students that is located on an institution’s campus, as defined in § 668.46(a).” (34 CFR 668.41(a)).

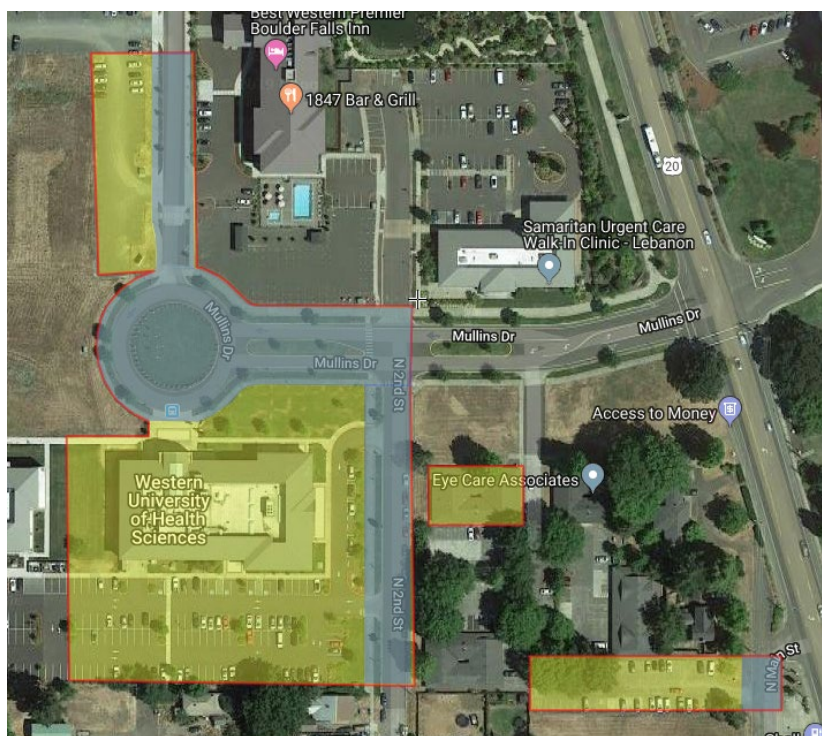
Public property: “All public property, including thoroughfares, streets, sidewalks, and parking facilities, which is within the campus, or immediately adjacent to and accessible from the campus” (34 C.F.R. 668.46(a)). These statistics were provided by the law enforcement agency having jurisdiction where the property is located and Campus Security Authorities, where applicable.

Non-campus Buildings or Property: “Any building or property owned or controlled by a student organization that is officially recognized by the institution; any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution” (34 CFR 668.46(a)).

WesternU considers the following as part of our Clery geography for the COMP-NW campus:



## Oregon COMP-NW Campus Map



Yellow Line: Main campus, including parking lot    Orange Line: Off campus offices

### On Campus Student Housing Facilities:

The WesternU COMP-NW Campus does not have on campus student housing facilities.

### Non-Campus Buildings or Property

WesternU Oregon COMP-NW Campus considers the following Non-campus Building or Property to be part of the Clery geography:

Oliver Station  
5909 SE 92<sup>nd</sup> Avenue  
Portland, OR 97266

For purposes of maintaining the daily crime log (discussed further below), Clery geography includes not only on-campus, non-campus, and public property, as defined above, but also any areas that fall within the patrol jurisdiction of the campus police or campus security department.

### Separate Campuses

A separate campus is defined, for Clery Act reporting purposes, as any additional location, branch campus, school within the institution, or administrative site that is not within a reasonably contiguous area of the campus. WesternU has another separate campus in Oregon referred to as the WesternU College of Health Sciences (CHS-NW) located at 2665 S. Santiam Hwy, Lebanon,

Oregon 97355 and the main WesternU Campus is located in California at 309 E. Second Street, Pomona, CA 91766. The Annual Security Report for these two campuses can be reviewed at: <https://www.westernu.edu/security/security-updates/> and then click on the Annual Security Reports for the CHS-NW Campus and Pomona Campus.

## Reporting Crimes and Other Emergencies

### Reporting of Criminal Offenses at the COMP-NW Oregon Campus

Potential or actual criminal activity or any emergency on the COMP-NW Oregon campus, including medical emergencies, should be reported directly to Campus Security at 541-259-0301 or to the Lebanon Police Department by dialing 9-1-1. Any 9-1-1 call from a university phone will go directly to Campus Security. A 9-1-1 call from a cell phone will automatically be directed to the Lebanon Police Department. Upon receipt of the emergency call, Campus Security officers will be dispatched immediately to the site of the complaint and will simultaneously summon additional emergency resources as needed.

The University encourages students and employees to report all criminal offenses and other emergencies to the Office of Campus Security at 541-259-0301, as soon as possible. If an individual affected by a crime elects to, or is unable to report, prompt reporting by a member of the community to Campus Security and the appropriate police agencies is encouraged. At all times, **if you see something, say something**. Call Campus Security right away if you see someone or something suspicious. Call Campus Security at 541-259-0301, use the [SafeZone](#) app, or you may report in person at the Campus Security Office. As always if it is an emergency call 9-1-1.

For the purpose of making timely warning reports and annual statistical disclosure, criminal offenses should be reported to local law enforcement agencies or Campus Security at 541-259-0301, and/or to any of the other designated Campus Security Authorities (CSAs), who are defined below.

#### Local Police (WesternU Oregon COMP-NW Campus)

- Lebanon Police Department
- Location: 40 N. Second Street, Suite 100, Lebanon, OR 97355
- Phone: 541-451-1751
- Webpage: [Lebanon Police Department](#)

If callers report the incident directly to the Police or Fire Departments, it is imperative that a call be made to the Office of Campus Security so we can direct emergency crews to the proper location and the incident can be documented properly.

## Reporting of Crimes and Other Emergencies at Additional Campus Locations

Potential or actual criminal activity or any emergency, including medical emergencies, should be reported directly to the local law enforcement agency for that campus by dialing 9-1-1 or as listed below.

The University has established relationships with local law enforcement agencies for each of its additional campus locations. These agencies help provide proactive safety patrols of the University community and surrounding area.

For the purposes of making timely warning reports and annual statistical disclosures, criminal offenses should also be reported to the Office of Campus Security for the Oregon COMP-NW Campus at 541-259-0301, and/or to any of the other designated CSAs.

### For Crimes In-Progress or Other Emergencies:

- 1) Reports of in-progress crimes may be made directly to the Police Department by dialing 9-1-1.
- 2) Call Campus Security 541-259-0301 (or extension 0301).

### For Fire or Medical Emergencies:

- 1) Reports of fire or medical emergencies may be made directly to the Fire Department by dialing 9-1-1.
- 2) Call Campus Security 541-259-0301 (or extension 0301).

While the University encourages all campus community members to promptly report all crimes and other emergencies directly to Campus Security or to the police, we recognize that some campus community members may prefer to report to other individuals or university offices.

Victims or witnesses who would prefer to report crimes on a voluntary, confidential basis for purpose of inclusion in the annual disclosure of crime statistics may do so by contacting: Campus Security at (909)706-3000. Campus security will review, classify, and, if appropriate, report for inclusion in the annual statistics.

## VOLUNTARY CONFIDENTIAL RESOURCES

Western University of Health Sciences (WesternU) provides confidential resources for students and employees through Optum Health (Optum). The following confidential resources are available for those unsure about whether to report an incident or who are interested in seeking counseling in addition to (or without) making a formal report.

Optum Employee Assistance Program (services are available for students and employees)

(800) 234-5465 [www.liveandworkwell.com](http://www.liveandworkwell.com) (access code: westernu)

Services: Counseling, Financial and legal advice, life balance support

#### **Optum Provider Contact Information:**

##### **Oregon**

Optum On-Site Providers for students

Services: Counseling, coaching, and critical incident response services

Lisa Shultz, PhD, LPC, NCC

Contact: [lisa\\_schulz@optum.com](mailto:lisa_schulz@optum.com) or by phone: 612-474-7165

WesternU Oregon | COMP-Northwest Building, Suite A2

On Campus: Wednesdays, 10:00am – 3:00pm

WesternU Oregon | CHS-Northwest Building, Office #1007

On Campus: Wednesdays, 2:00pm – 7:00pm

Records, including medical information, referrals and evaluations, are kept confidential by Optum in accordance with federal and state laws. Optum does not disclose private information to anyone without explicit written instructions from the participant, except within federal and state guidelines. Please note, however, that in a professional counseling agency, confidentiality means that counselors may consult with each other regarding any of their clients.

Off campus options for confidential reporting of incidents of sexual assault, domestic violence, dating violence, and stalking include licensed professional counselors, rape crisis centers, and clergy or chaplains.

For a complete summary of available confidential resources, please visit our websites:

<https://www.westernu.edu/otixeo/>, and <https://www.westernu.edu/students/services/counseling/>

#### **Campus Security Authorities:**

A Campus Security Authority (CSA) is defined under the Clery Act as (1) a campus police department or a campus security department of an institution; (2) any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under item (1) of this definition, such as an individual who is responsible for monitoring entrance into institutional property; (3) any individual or organization specified in an institution's statement of campus security policy as an

individual or organization to which students and employees should report criminal offenses; or (4) an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceeding (if such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting as a pastoral or professional counselor). 34 CFR 668.46(a).

For any off campus building that students attend class at and if it does not have campus security on that site, the WesternU employee at that site is whom the students should report crimes or other emergencies to, as that employee would be the CSA for that site.

Examples of WesternU's Campus Security Authorities include, but are not limited to, the following:

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- University Campus Security (541-259-0301)

Location: 200 Mullins Way, Lebanon OR 97355, 1<sup>st</sup> floor lobby, by the parking lot (COMP-NW) or:

2665 S. Santiam Hwy, Lebanon, OR 97355, 1st floor lobby by parking lot (CHS)

- Human Resources (Vice President and Employee Relations)
- Deans, Vice Deans, Associate Deans, Assistant Deans
- Directors
- Faculty or staff mentors/advisors to student organizations
- Members of the University Executive Operations Team (UEOT)
- University Student Affairs (541-259-0220)
- Title IX Coordinator and Deputies Coordinators (541-259-0220 or 541-259-0222)

CSAs are notified annually of their status and reporting obligations and provided training annually to clarify reporting expectations.

Staff in any of the above departments may also be reached by calling 541-259-0200.

## PROFESSIONAL AND PASTORAL COUNSELORS

According to the Clery Act, pastoral and professional counselors are exempt from disclosing reported offenses when acting in their counseling roles. WesternU encourages pastoral and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of the voluntary, confidential options available to them.

*Pastoral Counselor:* WesternU does not have any Pastoral Counselors that work at the institution at this time.

*Professional Counselor:* A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

## Hate Crimes

The Clery Act defines a hate crime as "a crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim," and "the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability."

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**WesternU expressly prohibits any act or conduct that constitutes a hate crime or any act of hate violence. All suspected incidence of hate crimes or other acts of hate violence should be reported to Campus Security, University Student Affairs, other designated CSAs and/or the Lebanon Police Department.**

## Non-Campus WesternU Facilities & Enforcement Authority and Jurisdiction

Facility Name	Access to Facilities	Local Law Enforcement
WesternU Health:  Oliver Station  5909 SE 92 <sup>nd</sup> Avenue	Monday-Friday  8am to 5pm  Closed Saturday and Sunday	Emergency - 9-1-1  Business 503-823-3333

## Authority & Jurisdiction of Local Law Enforcement Agencies & Security Personnel

WesternU has entered a “Memorandum of Understanding,” (MOU), with the Lebanon Police Department to establish guidelines and clarify administrative responsibilities dealing with Part I and Clery reportable crimes and operational working relationships for the University’s campuses. The MOU between the University and the respective law enforcement agencies ensure the accurate and prompt reporting of all Part I crimes and Clery reportable crimes as soon as possible or practical. This ensures each agency can satisfy each other’s obligations to respond, investigate and report in a timely manner.

### Oregon COMP-NW Campus

The Office of Campus Security is a non-sworn safety department that provides a safe and secure learning and working environment for the campus community. The Office of Campus Security enforces university policies, procedures, and the university’s vehicle code. Campus Security Officers perform routine patrols of on-campus and non-campus buildings and properties.

Campus Security Officers have private citizens’ powers to arrest. Oregon Statute ORS133.225 specifies that “a private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A private person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer.”

When engaged in the performance of assigned duties, Campus Security Officers may engage in the following activities:

- Observe and report:
  - Leaks and spills, including those of a hazardous nature
  - Lighting that is not working
  - Slips and fall incidents
  - Fire emergencies
  - Crimes in-progress
  - Suspected crimes or forced entries
  - Bomb threats, and
  - Intruders or suspicious persons.
- Campus Security Officers must refrain from the following:

- Touching or attempting to clean up leaks or spills
- Handling hazardous materials
- Moving or touching a suspicious object or package
- Chasing down and/or restraining persons who violate the access control policy; and
- Using physical force to remove a person from the premises.

When reporting in-progress crimes, fire and other emergencies, the Campus Security Officers will contact the appropriate emergency response agency by dialing 9-1-1. This is to ensure that all appropriate parties have the same information and can work together to ensure proper resolution of the incident.

Premier Security maintains an Illness and Injury Prevention Program, with a Program Administrator responsible for implementing its provisions.

Officers with Premier Security, Inc. are certified by Oregon's Department of Public Safety Standards and Training. On occasion, PREMIER security officers respond to alarms and other requests for service. Since PREMIER security officers only have citizen's arrest powers, criminal incidents are referred to the Lebanon Police Department.

## Annual Disclosure of Crime Statistics

The Office of Campus Security prepares this report, in conjunction with administrators from the main and off-campus sites, to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

This report is prepared in cooperation with the local law enforcement agencies and WesternU's Clery Compliance Committee which includes participation from Campus Security, the Office of Title IX & Equal Opportunity, and University Student Affairs. Each University entity provides updated Annual statistical information on their crime statistics and their educational efforts and programs to comply with the Clery Act.

Crime statistics are collected from local law enforcement agencies, the Office of Campus Security, and other designated CSAs.

All statistical information received from local law enforcement agencies is compiled by the Office of Campus Security as reported by the reporting agencies. A letter or e-mail is sent yearly to all the local law enforcement agencies of all WesternU Oregon campuses requesting crime statistics within its Clery geography to maintain Clery compliance.



## Daily Crime Log

A copy of the daily crime log is maintained at the Campus Security front desk and can be viewed by request at the Campus Security Office at the Oregon COMP-NW Campus. Each guard, as they sign on for a shift, reviews the logbook during pass down procedures in addition to receiving a verbal briefing regarding the previous shift from the outgoing guard. Logbook pages are archived digitally by Premier Security for future reference and can be viewed by the WesternU Director of Campus Security on the California campus.

## Security & Access Policy

### Main Campus Security of Access to Campus Facilities

During business hours, the University (excluding certain offices and facilities) will be open to students, employees, contractors, guests, and invitees. Access to all university facilities is secured either by automated key locks or by hard key lock at all times.

Keys and Access cards are issued by Oregon Campus Operations. In the case of periods of extended closing, the University will admit only those with prior written approval to all facilities. Community members are instructed to close and secure their respective work area or classroom before they leave the location. The Office of Campus Security will secure any doors that are found open while patrolling the campus.

The doors of all buildings will be secured around the clock. Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic are documented by the Office of Campus Security. The concerns are then forwarded to the appropriate administrator or office for review. These incident/maintenance reports document security, safety, and maintenance issues such as landscaping, locks, alarms, lighting, and communications.

### *Monitoring & Reporting of Student Organization Activity at Non-Campus Locations*

The University does not recognize and is not aware of any non-campus locations, including non-campus housing facilities, owned, or controlled by student organizations officially recognized by the university. There is no agreement or policy by or between the university and local law enforcement agencies to monitor activities of any officially recognized student organizations at non-campus locations.

## Emergency Notification, Timely Warnings, and Evacuation

### Emergency Notification

In the event of a significant emergency or dangerous situation involving immediate threat existing on the WesternU COMP NW Oregon campus, the Emergency Management Committee

will meet in person physically or by electronic means, or by phone and will (1) confirm if a serious incident occurred or is occurring that may present an immediate and/or continuing threat to anyone on the campus; (2) determine the appropriate segment or segments of the campus community to receive a notification; (3) determine the content of the notification; and (4) initiate the notification system via the University's Emergency Notification System discussed below.

The Emergency Management Committee is comprised of the University's Provost/Chief Academic Officer, the Senior Vice President of Shared Services & Chief Operating Officer, the Director of Campus Security, and other members from the Oregon COMP-NW Campus (if applicable), comprise the Emergency Management Committee.

An "immediate" threat as used here includes an imminent or impending threat, such as a large fire burning on or near the campus. The committee will consider the safety of the community in developing the content and issuing an emergency notification. Some examples of significant emergencies or dangerous situations are:

- earthquake
- train derailment
- gas leak
- terrorist incident
- armed intruder
- bomb threat
- civil unrest or rioting
- explosion
- nearby chemical or hazardous materials
- assault

WesternU will, without delay and taking into account the safety of the campus community, determine the content of the notification and initiate the notification system, unless the warning will compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency.

## Timely Warnings

The Clery Act requires the University to alert the campus community to certain crimes reported to CSAs and local police agencies considered by WesternU to represent a threat that occurred on the campus in a manner that is timely and will aid in the prevention of similar crimes. Consistent with the statute, such alerts will withhold as confidential the names and other identifying information of the victim. Although the Clery Act does not define "timely," the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves. This means

that a warning should be issued as soon as pertinent information is available. Based on the urgency of the situation, the Director of Campus Security may consult with the Vice President of WesternU Oregon or the Vice Dean, to determine whether communication with local law enforcement is also needed. The Sr. Director of Operations, Assistant Dean of Student Affairs and Manager of Public Affairs may also be included in the discussion and would prepare appropriate notifications to be released to the university community.

Timely Warnings are disseminated by one or more of the following methods: mass emailing, text message, phone call using the University's notification system (SafeZone), University's website and social media platforms, or [SafeZone](#) "in person direct notification", and posting of notification as an option when appropriate to the affected campuses.

## Evacuation Procedures

The Oregon Campus Safety Committee conducts an emergency evacuation drill annually. The committee holds regular training drills for all Building Safety Coordinators (BSC) and support staff in evacuation procedures in selected buildings on campus or Off-Site locations.

- Fire alarms or verbal notice will be used to sound the evacuation.
- Remain calm, walk quickly but do not run.
- Exit via stairway, DO NOT USE ELEVATORS. (All multi-level buildings are equipped with one or more evacuation chairs for disabled persons who cannot negotiate stairs on their own.)
- Follow instructions of the Building Safety Coordinators and Office of Campus Security, Premier Security Guards, or other emergency personnel.
- Seek out and give assistance as needed to any disabled persons in the area.
- If time permits, turn off the power to all electrical equipment and close doors.
- Go to the designated Evacuation Assembly Area for your building. These are located outside away from the building. Keep roadways and walkways clear for emergency vehicles.
- WAIT FOR INSTRUCTIONS from emergency personnel. DO NOT RE-ENTER THE BUILDING until instructed to do so by the Office of Campus Security, PREMIER Security Guards, or other emergency personnel.

The University's publicized emergency operations plan, and evacuation procedures can be found at [The University's Fire Prevention Plan - Emergency Action Plan](#)

The University's Director of EHS maintains and keeps documented reports on all drills and evacuations. At least once during the academic year the Office of Campus Security runs a test of the SafeZone App Campus emergency notification system. Tests and results are documented and stored within the SafeZone App System. An announced test was conducted on 10/17/2024 at 10:17am, "The Great Shakeout". Security along with building safety coordinators evacuated the building, and all participants responded to their evacuation zone.

## UNIVERSITY'S NOTIFICATION SYSTEM

Notifications (including, but not limited to, timely warnings and emergency notifications) are disseminated by one or more of the following methods: mass emailing, the university's notification system ([SafeZone](#)), university's website, social media platforms, "in person direct notification" or phone call to the affected campuses.

The University uses "[SafeZone](#)" Campus Notification System as a means of notifying students, faculty, and staff of pertinent information for all campuses. The user will receive an email and can pick multiple ways of additional notification: text, phone, and cell phone. The system can be activated from any location that has access to internet coverage. The [SafeZone](#) System notifies by email, or other optional methods, all individuals listed in the Banner system can target designated groups on any of the University's campuses.

The SafeZone system is an automatic sign up for all Faculty, Students, and Staff in the Banner system based on current information provided by the user. The user must remain in the email notification queue but can opt-out of additional message formats such as text or cell phone notifications. The University uses the University email system for all current students and employees with no opt-out ability. It is the responsibility of staff members and students to keep their emergency contact information updated. To update, go to the [Ban-Web Self-Services Menu/Personal Information Services Menu](#).

### Emergency Notification and Timely Warnings

	Emergency Notification	Timely Warnings
<b>Scope</b>	Significant emergency or dangerous situation	Clery crimes, reported to CSAs or local police agencies
<b>Trigger</b>	Event that is currently occurring on or imminently threatening campus	Crimes that occurred and represent an ongoing threat
<b>Where</b>	Only on campus	Anywhere on Clery Geography
<b>Timing</b>	Immediately upon confirmation of situation	As soon as information is available

In the event of an immediate threat to the health or safety of students or employees on campus, WesternU will activate its emergency notification procedures. WesternU will provide appropriate follow-up information to the campus community, as necessary.

WesternU is not obligated to issue a timely warning for crimes reported to a pastoral or professional counselor in the performance of their official duties.

### Earthquake Response

1. Each classroom on campus has a poster showing a schematic of the building floor you are on and the general area, and a recommended evacuation route.
2. Take time to know your primary evacuation route and scope out an alternative route, if for some unforeseen reasons, the primary is unusable.
3. Know where your evacuation gathering site is and proceed there quickly.
4. You may not be returning to the building, so take car keys, purse, cell phone, medication, glasses, flashlight, wallet, etc.
5. Leave the building safely and efficiently.
  - DO NOT USE ELEVATORS
  - Walk, do not run
  - Feel doors for heat. If hot, seek another route
  - Evacuate quietly so you can hear emergency instructions
  - Use handrails in stairwells; stay to the right
  - Assist people with disabilities
  - Watch for falling glass and debris
  - Do not return to the building until instructed to do so by authorities

### Campus Evacuation

1. Drive carefully through campus parking lots.
2. Drive to the nearest exit, even if it may not be your usual exit.
3. Follow the directions of Premier Security Officer(s) or other emergency response personnel.
4. Carpool if feasible.
5. Do not return to campus unless directed by authorities.

### Active Shooter and Other Forms of Direct Attacks

If the campus becomes the target of an attacker, if you cannot get away from the threat, it is important to immediately secure yourself and those with you in an area that better isolates you from the attacker. If discovered and directly threatened, use anything available to you as a weapon to fight off the attacker.

This response is called “Run, Hide, Fight” and is emphasized as a standard in responding to the Active Shooter and other forms of direct attacks upon the campus community members and facilities.

The University works with local law enforcement and fire service agencies to maintain accurate information and resources to assist these first responders as they arrive to stop and apprehend the attacker.

The following video link is provided to illustrate ways in which you can help yourself and others in an emergency. To view click the link [Run-Hide-Fight](#).

## Hazing

WesternU prohibits hazing as set forth in WesternU’s [Anti-Hazing Policy](#). The Anti-Hazing Policy, amongst other things, sets out information on reporting methods, procedures related to investigation of Hazing incidents, disciplinary actions, WesternU’s training, prevention, awareness and outreach program, required disclosures, procedures by which all students and employees are informed of the policy and revisions, and pertinent state laws as related to hazing.

## Sexual Assault, Domestic Violence, Dating Violence, and Stalking

### Educational & Awareness Program

WesternU has programs designed to prepare, assist, and train the students and staff to confront and prevent serious campus problems.

- **Employee training** - Sexual Assault, Domestic Violence, Dating, and Stalking training for all new employees, and all current employees is completed by Human Resources upon hire date and every two years.
- **Student Training** - all newly matriculated first year students to complete an online training module. This program is offered by Vector Solutions. All continuing students are required to take “refresher” online training courses on an annual basis. Failure to complete the training results in a notification to their appropriate college Dean and a hold on their student account.

## University’s Statement Prohibiting Sexual Assault, Domestic Violence, Dating, & Stalking

WesternU does not tolerate any form of discrimination, and expressly prohibits any conduct constituting dating violence, domestic violence, sexual assault and stalking as those terms are defined by the Clery Act (Clery Act definitions are set out further below). The University will promptly investigate all allegations of sexual assault and take appropriate action when necessary.

Any student who individually or in concert with others participates in any of the following is subject to university discipline as well as criminal prosecution.

## Prohibited Conduct Definitions

The Sexual and Gender-Based Harassment, Interpersonal Violence, and Other Sexual Misconduct (SIM) Policy specifically addresses all forms of sex discrimination, including sexual harassment and other related acts referred to within the SIM Policy as Prohibited Conduct. The following are forms of Prohibited Conduct under the SIM policy:

**1. TITLE IX SEXUAL HARASSMENT** – Conduct that satisfies one or more of the following:

A. *Quid Pro Quo*: A WesternU employee conditioning the provision of an aid, benefit, or service of WesternU on an individual's participation in unwelcome sexual conduct; or

B. *Hostile Environment Harassment*: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the WesternU's education program or activity; or

C. A Student, Employee, or Third Party who engages in Sexual Assault, Domestic Violence, Dating Violence, or Stalking as defined herein; and

i. The alleged conduct was perpetrated against a person in the United States; and

ii. The conduct took place within WesternU's programs and activities (See Scope and Jurisdiction section).

Conduct that does not meet this strict definition for Title IX Sexual Harassment is still prohibited by the SIM Policy if it otherwise constitutes Prohibited Conduct as further detailed below.

D. **TITLE IX SEXUAL ASSAULT**: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent or unlawful, nonforcible sexual intercourse, including sexual exploitation and any of the following:

1. **Rape**: Sexual intercourse between two people, and may include oral or anal intercourse, without the Affirmative Consent of the Complainant.

2. Sexual Assault with an Object: TO use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Affirmative Consent of the Complainant.
3. Fondling: The touching of the private body parts of another person for the purposes of sexual gratification, without the Affirmative Consent of the Complainant.
4. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
5. Statutory Rape: Sexual Intercourse with a person who is under the age of 18 years.

E. TITLE IX DATING VIOLENCE : Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

F. TITLE IX DOMESTIC VIOLENCE: Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of California, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of California.

G. TITLE IX STALKING: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others; or suffer substantial emotional distress.

**2. NON-TITLE IX MISCONDUCT** – Non-Title IX Misconduct is Prohibited Conduct that falls within the scope of the SIM Policy and the definitions below but that does not fall within the definition of Title IX Sexual Harassment, either due to the nature of the conduct or because it did not reportedly occur within a program or activity of WesternU in the United States. Such conduct is defined for purposes of the SIM Policy as:

#### **A. NON-TITLE IX HARASSMENT-**

Harassment based on sex, gender, gender identity, gender expression, sexual orientation is illegal and violates WesternU policy. Harassment shall be found where a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his/her/their ability to participate in or to realize the intended benefits of a WesternU activity, employment, or resource.



Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

**Verbal:** Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's race, gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on sex, gender, gender identity, gender expression, or sexual orientation.

**Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against, or blocking another person, whistling, or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's sex, gender, gender identity, gender expression, or sexual orientation.

**Visual or Written:** The display or circulation of visual or written material that degrades an individual or group based on sex, gender, gender identity, gender expression, or sexual orientation. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

**Environmental:** A hostile academic or work environment may exist where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular sex, gender, gender identity, gender expression, or sexual orientation. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her/their immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is

humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

**B. NON-TITLE IX SEXUAL HARASSMENT** – In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made from or in the work or educational setting, under any of the following conditions:

- a. submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress by someone who is not an employee of WesternU;
- b. submission to, or reject of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual by someone who is not an employee of WesternU;
- c. the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment;
- d. submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through WesternU by someone who is not an employee of WesternU.

This definition encompasses two kinds of sexual harassment:

“Quid pro quo” sexual harassment occurs when a person in a position of authority, who is not an employee of WesternU, makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

“Hostile environment” sexual harassment occurs when unwelcome conduct based on a person's gender alters the conditions of an individual's learning or work environment, unreasonably interferes with an individual's academic or work performance, or creates an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it unreasonably interfered with the person's academic or work performance, or created an intimidating, hostile, or offensive learning or working environment.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a

reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

Sexual harassment includes sexual battery, sexual violence, and sexual exploitation.

*B. Non-Title IX Sexual Assault:* Sexual Assault as defined in the Title IX Sexual Harassment definition above (rape, fondling, incest, statutory rape) that did not reportedly occur in a WesternU education program or activity in the United States.

*C. Non-Title IX Domestic Violence:* Domestic Violence as defined in the Title IX Sexual Harassment definition above that did not reportedly occur in a WesternU education program or activity in the United States.

*D. Non-Title IX Dating Violence:* Dating Violence as defined in the Title IX as defined in the Title IX Sexual Harassment definition above that did not reportedly occur in a WesternU education program or activity in the United States.

*E. Non-Title IX Stalking:* Stalking as defined in the Title IX Sexual Harassment definition above that did not reportedly occur in a WesternU education program or activity in the United States, or that otherwise fits within the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the alleged victim on the basis of sex.

## Affirmative Consent and Incapacitation

Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Both Parties must give affirmative consent to sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence does not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable, based on the facts and circumstances the Respondent knew, or reasonably should have known, at the time of the incident. A Respondent's belief is not a valid defense where:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness;

- The Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
  - o Asleep or unconscious;
  - o Unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
  - o Unable to communicate due to a mental or physical condition.

In Oregon, ORS 163.315 defines “ Incapacity to Consent” means a (1) A person is considered incapable of consenting to a sexual act if the person is: (a) Under 18 years of age; (b) Incapable of apprising the nature of the person’s conduct; (c) Mentally incapacitated; or (d) Physically helpless. (2) A lack of verbal or physical resistance does not, by itself, constitute consent but may be considered by the trier of fact along with all other relevant evidence. (3) A person is incapable of appraising the nature of the person’s conduct if: (a) The person is unable to understand the nature of the conduct; (b) The person is unable to understand the right to choose whether and how to engage in conduct, including the right to revoke a prior decision to engage in conduct; or (c) The person is unable to communicate a decision to engage in conduct.

## Procedures to Follow

If an incident of sexual assault, domestic violence, dating violence, or stalking occurs, it is important to preserve evidence as it may assist in proving that the alleged criminal offense occurred, or may be helpful in obtaining a protection order. A student who is a victim of a sexual assault is encouraged to seek immediate health attention and has the option of seeking treatment at Samaritan Lebanon Community Hospital Medical Center located at 525 Santiam Highway SE, Lebanon, OR 97355, 541-258-2101. When possible, a victim should not bathe, douche, use the toilet, or change clothing prior to a medical exam – which is important both to address any health issues that may arise and for evidence collection.

Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence should be documented by taking a photograph. On campus, this will be handled by the Lebanon Police Department. If the event occurred off campus, the local police agency will handle the documentation. Evidence of stalking, including any communication such as written notes, voice mail or other electronic communications, should be saved and not altered in any way. Provide this to the law enforcement officer or Campus Security officer who responds to your call.

## Reporting Incidents of Sexual Assault, Domestic Violence, Dating Violence, & Stalking

WesternU encourages members of the WesternU community to report Prohibited Conduct. Individuals may choose to report Prohibited Conduct by:

- Contacting the Title IX Coordinator or Deputy Title IX Coordinator(s) See contact information above. Reporting Prohibited Conduct to the Title IX Coordinator does not automatically initiate an investigation under the SIM policy. A report allows WesternU to provide a wide variety of support and resources to impacted individuals and to prevent the reoccurrence of the conduct. After reporting Prohibited Conduct to the Title IX Coordinator, the Title IX Coordinator will provide information about WesternU's complaint procedures.
- Contacting law enforcement. An individual has the right to report criminal acts to law enforcement.
- Contacting external agencies. Students may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employees may file a complaint with the Equal Employment Opportunity Commission (EEOC).

Because individuals may be deterred from reporting incidents of sexual harassment if alcohol, drugs, or other violations of WesternU policies were involved, WesternU will inform individuals that the primary concern is for student and employee safety and that use of alcohol or drugs never makes a complainant at fault for sexual harassment. An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of applicable WesternU conduct policies or procedures at or near the time of the incident, unless WesternU 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 dishonesty.

If there are parallel criminal and Title IX investigations, WesternU will cooperate with the external law enforcement agency and will coordinate to ensure that the Title IX process does not hinder legal process or proceedings. WesternU will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, WesternU does not document personal information; WesternU reports the type of conduct, and the time, date, and location.

### Anonymous Reporting

An individual can exercise the option to file an anonymous complaint using the report form found online at [www.westernu.edu/otixeo](http://www.westernu.edu/otixeo); however, doing so may limit WesternU's ability to adequately investigate and resolve the claim. If WesternU determines it cannot proceed with the information provided from the anonymous source, appropriate steps will be taken to the extent possible to

respond to the complaint, to limit the effects of the alleged Prohibited Conduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant, if known.

## TIME LIMITS ON REPORTING

There is no time limitation on reporting Prohibited Conduct under the SIM Policy to the Title IX Coordinator or Title IX Deputy Coordinator. WesternU strongly encourages prompt reporting of Prohibited Conduct. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A delay may limit WesternU's ability to effectively respond to a report of Prohibited Conduct.

### IMPORTANCE OF PRESERVING EVIDENCE:

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. WesternU will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

#### Sexual Assault

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement)

Seeking medical treatment can be essential, even if it is not for the purposes of collecting forensic evidence.

#### Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
  - o Make a secondary recording of any voice messages and/or save the audio files to a cloud server.

- o Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- o Save copies of email and social media correspondence, including notifications related to account access alerts.
- o Take time-stamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- o Save copies of any messages, including those showing any request for no further contact.
- o Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

### Options for Involvement of Law Enforcement & University Authorities

Victims of incidents of sexual assault, domestic violence, dating violence, and stalking are not required to report to law enforcement in order to receive assistance from or pursue any options with the University. Likewise, such victims are not required to notify University authorities in order to report such matters to law enforcement and/or receive outside resources. The following options are available to such victims:

- Notify local law enforcement agencies.
- Notify designated University authorities and allow them to assist with notifying law enforcement.
- Notify designated University authorities and decline to involve local law enforcement.
- Decline to notify local law enforcement AND University authorities.

The University will comply with a victim's request for assistance in notifying local law enforcement and/or proper University authorities.

### Restraining Order

Restraining Orders are court orders directing a violent person to stop harassing a victim or the victim's children. They may be obtained without cost and will be enforced by the Police Department.

You may apply for a Domestic Violence Restraining Order if a person has abused you or threatened to abuse you AND you have one of the following relationships with that person:

- Married, divorced, separated, registered domestic partnership, have a child together, dating or used to date, live together, or used to live together or.
- You are related within the second degree of affinity or consanguinity. This means mother or mother-in-law, father or father-in-law, child or stepchild or legally adopted child, grandparent or grandparent-in-law, grandchild or grandchild-in-law, sister or sister-in-law, brother or brother-in-law, stepparent, daughter-in-law, or son-in-law. The in-law must be through a current marriage.

**IMPORTANT:** You can also ask that other family or household members be protected by the Restraining Order. The person seeking protection is called the protected person. The person you want protection from is called the restrained person.

An order may be obtained to:

- Direct the attacker to leave the household
- Prevent the attacker from entering the residence, school, business, or place of employment of the victim
- Award the victim or other parent custody of, visitation with, a minor child or children
- Restrain the attacker from molesting or interfering with minor children in the custody of the victim
- Direct the party not granted custody to pay support of minor children, if that party has a legal obligation to do so
- Direct the defendant to make specified debit payments coming due while the order is in effect and/or,
- Direct that either or both parties participate in counseling

A Domestic Violence Restraining Order is always free. In many courts, free legal assistance is available, or you can represent yourself.

To obtain a temporary or regular restraining order, you must appear at the Linn County Circuit Court, 300 SW 4th Ave, Albany, OR 97321, (541) 967-3845 and file a petition requesting the restraining order.



Restraining orders are enforced by the local law enforcement and courts. While the university will do its best to assist in the compliance with a restraining order or other judicially issued protective orders, the scope of such order may impact the university's ability to assist.

## Confidentiality, Privilege, and Privacy

WesternU will take reasonable steps to protect the privacy of parties and witnesses under its Procedures noted in the Sexual and Gender-Based Harassment, Interpersonal Violence, and Other Sexual Misconduct (SIM) Policy. These steps will not restrict the ability of parties to discuss the allegations under investigation or to gather and present relevant evidence.

Consistent with the requirements of this SIM Policy and Procedure, WesternU shall keep confidential the identity of any individual who has made a report, Complaint, or Formal Complaint except as may be permitted by law, or to carry out the purposes of this Procedure. This means that WesternU will protect a party's privacy consistent with these Procedures but may disclose information to those who have a legitimate need to know and in order to process a Complaint or Formal Complaint under these Procedures.

Confidentiality is not absolute, however. Where criminal conduct has occurred, or where the health or safety of others in the community may be in danger, it may be necessary for WesternU to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct.

Student Complainant Requests for Confidentiality: If a student complainant requests confidentiality when reporting sexual harassment, which could preclude a meaningful investigation or potential discipline of the respondent, if found responsible, or requests that WesternU not pursue an investigation or disciplinary action to address alleged Prohibited Conduct, WesternU shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the Complainant. Western U shall normally grant the request when possible. In determining whether to disclose a Complainant's identity or proceed with an investigation over the objection of a Complainant, WesternU will consider whether any of the following apply:

- There are multiple or prior reports of sexual misconduct against the respondent;
- The respondent reportedly used a weapon, physical restraints, or engaged in battery;
- The alleged respondent is a faculty or staff member with oversight of students;
- There is a power imbalance between the complainant and respondent;
- The complainant believes he/she/they will be less safe if his/her/their name is disclosed or an investigation is conducted.

- WesternU can conduct a thorough investigation and obtain relevant evidence in the absence of the complainant's cooperation.

If WesternU determines it can honor a student's confidentiality request, WesternU shall still take reasonable steps to respond to the complainant, consistent with the request, to limit the effects of the alleged Prohibited Conduct and prevent its recurrence without initiating an investigation or revealing the identity of the complainant. WesternU shall also take immediate steps to provide for the safety of the student complainant while keeping the student complainant's identity confidential as appropriate. WesternU shall notify the complainant that the request for confidentiality will limit the steps WesternU will take to respond to the report of Prohibited Conduct.

If WesternU determines that it cannot honor the student's confidentiality request, WesternU shall inform the complainant prior to taking any action. WesternU shall also take immediate steps to provide for the safety of the student complainant where appropriate. In the event the complainant requests that WesternU inform the respondent that the student complainant requested WesternU not investigate or seek discipline, WesternU will honor this request.

### Responsible Employees/ Employees Who Have a Duty to Report

As related to WesternU's Sexual and Gender-Based Harassment, Interpersonal Violence, and Other Sexual Misconduct (SIM) Policy and as required under Title IX, Responsible Employee means an employee who has the authority to take action to redress Prohibited Conduct or provide supportive measures to students, or who has the duty to report disclosures of suspected Prohibited Conduct to the Title IX Coordinator.

Responsible Employees includes, but is not limited to, those individuals with any of the following positions or substantially similar positions or job duties, regardless of the specific title the institution may attach to the position:

- Title IX Coordinator and Deputy Title IX Coordinators;
- Faculty and associate faculty, teachers, instructors, or lecturers;
- Teaching assistants and fellows, while performing the duties of employment by the institution;
- Laboratory directors, coordinators, or principal investigators;
- Rotations, internship, or externship directors or coordinators; and
- Study abroad program directors or coordinators.

- Members of the Senior Leadership Team
- Campus Security Director
- Manager of Campus Security
- Academic Deans of WesternU Colleges
- WesternU Student Affairs Deans and Associate Vice Presidents

Responsible Employee does not include those individuals who are also any of the following:

- A therapist, victim advocate or other position with similar responsibilities, or other individual acting in a professional capacity for which confidentiality is mandated by law.

Individuals who are not deemed Responsible Employees shall inform each student who makes disclosures regarding Prohibited Conduct of the student's ability to report to a Responsible Employee and direct the student to those specific reporting resources.

Responsible Employees will undergo regular mandatory training regarding their obligation to prohibited conduct under the SIM Policy to the Title IX Coordinator. Failure to report disclosures of suspected Prohibited Conduct to the Title IX Coordinator could lead to discipline, up to and including termination.

## Interim and/or Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a Complaint or Formal Complaint has been filed. WesternU will provide the Complainant and Respondent with written notice of options for, available assistance in, and how to request available supportive measures. WesternU will provide such measures to Complainant and Respondent as appropriate and as reasonably available to restore or preserve equal access to WesternU's education program or activities. These measures are designed to protect the safety of all Parties, protect WesternU's educational environment, or deter sexual harassment. WesternU will provide supportive measures on a confidential basis and will not disclose that WesternU is providing supportive measures except to those with a need to know to enable WesternU to provide the service.

Supportive measures may include, but are not limited to:

- Temporary "no contact" directive,
- Changes to academic schedules and other course-related adjustments,
- Counseling

- Extensions of deadlines
- Campus escort services
- Changes in work locations, schedules, or assignments
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Referrals to external support organizations (i.e., Center Against Rape and Domestic Violence, CARDV).

When requested by a complainant or otherwise determined to be appropriate, WesternU shall issue a no-contact directive prohibiting a respondent from contacting the complainant during the pendency of this Process. WesternU shall not issue a mutual no-contact directive automatically but instead shall consider the specific circumstances of each report of Prohibited Conduct to determine whether a mutual no-contact directive is necessary or justifiable to protect a party's safety or well-being, or to respond to interference with an investigation. If WesternU issues any no-contact directive, WesternU shall provide the parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action. If WesternU issues a mutual no-contact directive, WesternU shall also provide the parties with a written justification for the directive.

### Written Notification of Rights, Options and Resources

Upon receipt of a report of sexual assault, domestic violence, dating violence, or stalking, whether the offense occurred on or off campus, the University will provide written notification titled: [WesternU's Rights & Options](#) to students and employees about their rights, existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community. This notification shall also contain information about available options and assistance through supportive measures and how to request such measures. These measures include academic situations, living situations, transportation situations, working situations and other protective measures. WesternU will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

## Bystander Intervention and Risk Reduction

WesternU encourages all members of the WesternU community to be Active Bystanders against sexual violence. Bystanders are those who witness inappropriate behaviors or harmful situations, such as sexual harassment or sexual violence. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Bystanders can have a powerful impact on sexual violence prevention.

The following information is based on Bystander Intervention research and can help members of the WesternU community learn to recognize the signs of danger and develop plans to keep each other safe. Commit to being an Active Bystander.

### Risk Reduction:

Research indicates that Bystander Intervention may reduce rates of sexual violence on college campuses. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Although more research is needed on the efficacy of Bystander intervention as a social strategy, extant research by Salazar (2014) demonstrates that Bystander intervention strategies may:

- Encourage participants to identify potentially harmful situations and intervene more often
- engaged in less sexual violence perpetration
- retains greater legal knowledge of sexual assault, effective consent, subscribe to less rape myths,
- express greater empathy for rape victims and less negative date rape attitudes and less hostility toward women and less hyper-gender ideology
- possesses greater intentions to intervene
- less positive outcome expectancies for nonconsensual sex
- more positive outcome expectancies for intervening
- Decrease comfort with other's inappropriate behaviors

Moreover, Kettrey, et al. (2021) reviewed a sample of 19 studies (N = 7920) and found that bystander intervention training provided significant success in empowering participants in identifying situations that warrant intervention. Additionally, Jouriles, et al (2018) reviewed 24 studies and found that bystander intervention programming had a slight effect of improved attitudes/beliefs (effect 0.27) and a moderate effect on increased bystander behavior (effect 0.39).

They also found that although the effect diminished overtime, the effect was sustained in some instances in as much 3 months following the programming.

### *Simple steps to becoming an Active Bystander:*

- **Notice the situation.** Be aware of your surroundings.
- **Interpret it as a problem.** Do I recognize that someone needs help?
- **Feel responsible to act.** See yourself as being part of the solution to help.
- **Know what to do.** Educate yourself on what to do.
- **Intervene safely.** Act but be sure to keep yourself safe.

### *Common Bystander Intervention Strategies:*

1. **Direct** - Directly intervene verbally or physically in a situation.
2. **Delegate** – Enlist help from one or more people around you.
3. **Delay** - After the incident is over, check in with the person who was harmed to see if they need assistance.
4. **Distract** – Indirectly take action to divert attention away from the person causing harm to give the person experiencing harm time to move to safety.
5. **Document** – As soon as possible, take steps to document the situation (e.g., preserve notes, photos, video, etc.) in case it is needed for formal action.

### *Additional Considerations for How to Intervene Safely:*

When you choose to intervene, always consider options for action that maintain your personal safety. Here are a few options for consideration:

- **Intervene Early** – Taking action when the problem is small can prevent a situation growing into a bigger, more harmful issue.
- **Tell another person.** Being with others is a good idea when a situation looks dangerous.
- **Ask a person you are worried about if he/she is okay.** Provide options and a listening ear.
- **Distract or redirect individuals in unsafe situations.**
- **Ask the person if he/she wants to leave.** Make sure that he/she gets home safely.
- **Call the police (911)** or someone else in authority or yell for help

Remember that effective helping can mean that doing something may be better than doing nothing.

### **Works Cited**

Jouriles, E. N., Krauss, A., Vu, N. L., Banyard, V. L., & McDonald, R. (2018). Bystander programs addressing sexual violence on college campuses: A systematic review and meta-analysis of program outcomes and delivery methods. *Journal of American College Health*, 66(6), 457-466.

Kettrey, H.H., Marx, R.A. Effects of bystander sexual assault prevention programs on promoting intervention skills and combatting the bystander effect: a systematic review and meta-analysis. *J Exp Criminal* 17, 343–367 (2021). <https://doi.org/10.1007/s11292-020-09417-y>

Salazar, L. F., Vivolo-Kantor, A., Hardin, J., & Berkowitz, A. (2014). A web-based sexual violence bystander intervention for male college students: Randomized controlled trial. Journal of medical Internet research, 16(9), e203. <https://www.jmir.org/2014/9/e203/>

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

## On Campus Resources

If you or someone you know may have experienced any form of sexual assault, domestic violence, dating violence, or stalking, we urge you to seek immediate assistance. Student assistance can be obtained from:

### Campus Security

Hours: 6AM to 1AM / 7 days a week

Location: 200 Mullins Drive, 1<sup>st</sup> Floor, Lebanon, OR

Telephone: 541-259-0301

## Off Campus Resources

Optum Health Counseling- Available 24/7: 800-234-5465, password is westernu

Center Against Rape and Domestic Violence (CARDV)

24/7 Crisis Hotline: 541-754-0110

### Sarah's Place

A regional center with certified Sexual Assault Nurse Examiners (SANE nurses) on staff.

1046 SW 6<sup>th</sup> Avenue, Albany, OR 97321

Telephone: 541-812-4420

### Samaritan Lebanon Community Hospital

525 Santiam Highway SE, Lebanon, OR 97355

Telephone: 541-258-2101

Victims/survivors may take a support person with them to the hospital.

### Lebanon Police Department

Location: 40 N. Second Street, Suite 100, Lebanon, OR 97355

Telephone: 541-451-1751

Emergencies: 9-1-1

## Complaint Procedures

### Oversight of Complaint Procedures

The Title IX Coordinator is charged with receiving complaints of Prohibited Conduct and coordinating their investigation.

The investigation of complaints must be assigned by the Title IX Coordinator to a neutral investigator. A neutral investigator means an outside investigator or an internal investigator who is not in the chain of command of the respondent, not substantially implicated by the allegations in the complaint, and who is otherwise impartial. Neutral investigators must be properly trained to conduct such investigations. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially using trauma-informed investigation techniques.

#### Intake and Processing of the Complaint:

Upon receiving a Complaint, the Title IX Coordinator will:

- Consider whether WesternU can undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules, obtaining apologies, providing informal counseling, training, etc.
- Advise all Parties that he/she/they need not participate in an informal resolution of the Complaint, as described above, and they have the right to end the informal resolution process at any time.
- Advise a student Complainant that he/she/they may file a Complaint with the Office for Civil Rights of the U.S. Department of Education and employee Complainants may file a Complaint with the California Civil Rights Department. All Complainants should be advised that they have a right to file a Complaint with local law enforcement, if the act complained of is also a criminal act. WesternU must investigate even if the Complainant files a Complaint with local law enforcement. In addition, WesternU should ensure that Complainants are aware of any available resources, such as counseling, health, and mental health services.
- In matters involving student sexual harassment, provide student Parties notice regarding appropriate counseling resources developed and maintained by WesternU.
- Take interim steps to protect a Complainant from coming into contact with an accused individual, especially if the Complainant is a victim of sexual violence. The Title IX Coordinator should notify the Complainant of his/her/their options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, WesternU may prohibit the accused individual from having any contact with the Complainant pending the results of the investigation. When taking steps to separate the



Complainant and accused individual, WesternU shall minimize the burden on the Complainant. For example, it is not appropriate to remove Complainants from classes while allowing accused individuals to remain.

## Investigations

WesternU shall promptly investigate every Complaint. This includes Complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of WesternU, whether those programs take place in WesternU's facilities, on a WesternU bus, or at a class or training program sponsored by WesternU at another location. WesternU shall promptly investigate complaints of Prohibited Conduct that occur off campus if the alleged conduct creates a hostile environment on campus.

The investigation and adjudication of alleged Prohibited Conduct is not an adversarial process between the Complainant, the Respondent, and the witnesses, but rather a process for WesternU to comply with its obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

Investigations are best conducted within a confidential climate. Therefore, WesternU does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. WesternU will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation and to protect the rights of student and employee Respondents during the investigation process and any ensuing discipline.

## Emergency Removal:

- *Student Respondents*: WesternU can act to remove a student Respondent accused of Prohibited Conduct from its education program or activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an imminent and serious threat to the health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator and may be done in conjunction with other campus partners using its standard objective violence risk assessment procedures.

OTIXEO office will promptly provide the student Respondent with written notice of any removal (including rationale) and an opportunity to challenge the removal. The student respondent will have three (3) business days after receipt of the notification to submit a written challenge to the action. Upon receipt of a written challenge, the Title IX Coordinator will meet with the student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate, should be

modified, or lifted. When this meeting is not requested within three (3) business days, objections to the emergency removal or interim suspension will be deemed waived. A student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Title IX Coordinator for review.

An emergency removal may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Title IX Coordinator will communicate the final decision in writing, typically within three (3) business days of the review meeting.

### *Employee Respondents:*

Following a report of Prohibited Conduct, WesternU may place a non-student employee on administrative leave during the pendency of the investigation, resolution process and/or any associated grievances/appeals thereafter. In reaching a determination as to administrative leave, the Title IX Coordinator will consult with the Respondent's immediate supervisor or designee, Chief Human Resources Officer, Provost or other appropriate officials. The Title IX Coordinator will issue a notice of administrative leave to the Respondent.

### Dismissal of Title IX Complaints:

WesternU must investigate the allegations in a Formal Complaint. However, WesternU must dismiss the Formal Complaint and will not process the complaint under the SIM Policy and Procedures in Appendix A if any of the following three circumstances exist:

1. If the conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined in the Prohibited Conduct section, even if proved;
2. If the conduct alleged in the Formal Complaint did not occur in WesternU's education program or activity;
3. If the conduct alleged in the Formal Complaint did not occur against a person in the United States.

WesternU has discretion to dismiss a Formal Complaint or any allegation under the following circumstances:

1. If at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations;
2. If the Respondent is no longer enrolled or employed by WesternU; or

3. If there are specific circumstances that prevent WesternU from gathering evidence sufficient to reach a determination regarding responsibility as to the Formal Complaint or allegations.

If WesternU dismissed the Formal Complaint or any allegations, the Title IX Coordinator shall simultaneously provide the Parties with written notice of the dismissal and reason.

WesternU will also notify the Parties of their right to appeal. WesternU may commence proceedings under other policies and procedures (including Appendix B of the SIM policy) after dismissing a Formal Complaint.

## INFORMAL RESOLUTION

At its discretion, WesternU may offer the Parties informal resolution in lieu of resolving a Complaint through WesternU's SIM Policy and Procedures. WesternU does not offer informal resolution, including settlement, to resolve allegations that an employee engaged in sexual harassment of a student, to resolve allegations that an employee engaged in sexual assault, sexual violence, or sexual battery, or to resolve allegations of sexual violence involving a student Party.

WesternU shall not require the Parties to participate in an informal resolution process. WesternU does not require waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right. WesternU must obtain the Parties' voluntary, written consent to the informal resolution process.

WesternU will inform the Parties in writing of any informal resolution process it offers and determines is appropriate, if any. Before the initiation of an informal resolution process, WesternU will explain in writing to the Parties:

- a. The allegations;
- b. The requirements of the informal resolution process;
- c. That any Party has the right to withdraw from the informal resolution process and initiate or resume procedures at any time before agreeing to a resolution;
- d. That if the Parties agree to a resolution at the end of the informal resolution process, the Parties cannot initiate or resume procedures arising from the same allegations; and
- e. What information WesternU will maintain and whether and how WesternU could disclose such information for use in Title IX Complaint procedures if such procedures are initiated or resumed.

- f. Written notice is provided to both Parties disclosing the allegations, requirements of the informal resolution process including the circumstances which preclude the parties from resuming a Formal Complaint arising from the same allegations once resolved.
- g. Provides an opportunity for either party to withdraw from the process, prior to resolution concluding, and resuming the Formal Complaint Procedure.
- h. Parties voluntarily agree, in writing.
- i. The matter does not involve allegations of an employee engaging in Prohibited Conduct against student.

Not all allegations may be appropriate for Informal Resolution, particularly those allegations which involve Assault, Domestic Violence, Dating Violence or Stalking.

The Title IX Coordinator may be utilized to facilitate informal resolutions, as appropriate.

#### Informal Resolution Approaches

##### (1) Supportive Resolution

The Title IX Coordinator or Informal Resolution Facilitator will meet with the Complainant to determine reasonable supports that are designed to restore or preserve the Complainant's access to the Recipient's Education Program and Activity. Such supports can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received the NOIA, the Informal Resolution Facilitator may also provide reasonable supports for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options and the Title IX Coordinator does not believe there is a need to sign a Formal Complaint. At the discretion of the Informal Resolution Facilitator, this resolution option can result in an agreement between the Complainant and the Recipient that does not require assent from any other party, as long as it does not unduly burden any other party or function punitively with respect to them.

##### (2) Accepted Responsibility

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Formal Complaint Process. If the Respondent indicates an intent to accept responsibility for all alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option. If Informal Resolution is available, the Informal Resolution Facilitator will determine whether all Parties and the Recipient are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Informal Resolution Facilitator implements the accepted Finding that the Respondent is in violation of WesternU's SIM Policy, implements agreed-upon restrictions and remedies, and determines any

other appropriate responses in coordination with other appropriate administrator(s), as necessary. This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Formal Complaint Process will either begin or resume. When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the Prohibited Conduct, prevent its recurrence, and remedy its effects, both on the Complainant and the community.

### (3) Alternative Resolution

WesternU offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction between the Parties; indirect action by the Title IX Coordinator or other appropriate Recipient officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Title IX Coordinator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement. Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Informal Resolution Facilitator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Formal Complaint Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). Where the failure to abide by the Informal Resolution agreement terms results in a failure to remedy a Policy violation, the Administrator must consider whether to dissolve the agreement and reinstate the Formal Complaint Process to remedy the impact as required by law. The results of Formal Complaints resolved by alternative resolution are not appealable.

**Timelines and Extensions:**

WesternU will undertake its process promptly and as swiftly as possible. WesternU will complete the investigation and its determination regarding responsibility or the informal resolution process within 180 working days. When appropriate, the Title IX Coordinator may determine that good cause exists to extend the 180 working day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for WesternU breaks or vacations, or due to the complexity of the investigation. WesternU will provide notice of this extension to the Complainant and Respondent in writing and include the reason for the delay and anticipated timing of completion. A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping. WesternU shall grant a student Party's reasonable request for an extension of a deadline related to a Complaint during periods of examinations or school closures.

**INVESTIGATION**

The investigation and adjudication of a Formal Complaint is not an adversarial process between the complainant, the respondent, and the witnesses. The complainant does not have the burden to prove, nor does the respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

The Title IX Coordinator is responsible to oversee investigations to ensure timely resolution and compliance with Title IX and the SIM Procedures.

WesternU will investigate Title IX Formal Complaints fairly and objectively. Individuals serving as investigators will have training on what constitutes sexual harassment, WesternU's Title IX procedures, and trauma-informed investigation techniques. WesternU will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence and complies with the SIM procedures.

Issuance of a Notice of Allegation(s): Upon receipt of a formal complaint, the Title IX Coordinator will provide the following written notice to the parties who are known, simultaneously:

- a. Notice of the Sexual and Gender-Based Harassment, Interpersonal Violence, and Other Sexual Misconduct (SIM) Policy and Procedure;
- b. Notice of the allegations of Title IX sexual harassment including sufficient details known at the time and sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX sexual harassment, and the date and location of the alleged incident, if known;

- c. Statement that the Respondent is presumed not responsible for the alleged conduct and that Determination regarding Responsibility is made at the conclusion of the Title IX Complaint Process;
- d. Notice that the parties that they may have an Advisor of their choice, who may be, but is not required to be, an attorney. A student Party may request WesternU provide an Advisor to the student;
- e. Notice that the parties will have the opportunity to inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which WesternU does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source.
- f. Inform the parties of the ***Statement on Truthfulness***.
- g. For student Parties, notice regarding appropriate counseling resources WesternU has developed and maintains.

**Note:** If, during the course of the Investigation, additional allegations have been identified that were not included in the Notice of Allegation but should be investigated, WesternU will provide a notice to the parties, who are known, of the additional allegations.

Notice of Investigative Interview: WesternU will provide the parties with written notice of date, time, location, participants and purpose of investigative interviews to a Party whose participation is invited or expected with sufficient time to prepare.

Witnesses: The Investigator will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence that are relevant and otherwise permissible.

Evidence: WesternU will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. WesternU will objectively evaluate all evidence that is relevant and otherwise permissible including both inculpatory and exculpatory evidence. Credibility determination will not be based on a person's status as a complainant, respondent, or witness.

- Use of Privileged Information- WesternU does not require, allow, rely upon, or otherwise use questions or evidence that would constitute, or seek disclosure of, information

protected under a legally- recognized privilege (e.g.- attorney-client privilege, doctor-patient privilege, spousal privilege, etc.), unless the person holding the privilege provides voluntary, written consent to waive the privilege.

- Evidence of Past Sexual History: An investigator or Decision-Maker shall not consider the past sexual history of a Party except in the limited circumstances described below:
  - The Investigator or Decision-Maker shall not consider the prior or subsequent sexual history between the Complainant and anyone other than the Respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual; or
  - The Investigator or Decision-Maker shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations.

Where the investigator or Decision-Maker allows consideration of questions or evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent, the mere fact that the Complainant and the Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this section of the SIM Policy, the Investigator or Decision-Maker shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with the procedure in the SIM Policy.

**Evidence Review:** Prior to the investigator preparing an investigative report, WesternU shall provide the parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the Decision-Maker does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

WesternU will make available to each party and the party's Advisor, if any, the evidence subject to evidence review in an electronic format or a hard copy. WesternU will allow the parties at least 10 business days to submit a written response, which the Investigator will consider prior to completion of the Investigative Report



**Investigative Report:** The Investigator will prepare a final investigative report, which will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the Investigator. The investigator will not make a determination regarding responsibility.

The investigator may redact information not directly related to the allegations or privileged information. However, the investigator will keep a log of information he/she/they does not produce to the Parties. The investigator will provide this log only to the Title IX Coordinator. The Title IX Coordinator will not disclose the log to the Parties but will maintain the log in the Title IX Coordinator's file, in the event it later becomes relevant.

WesternU will provide the final investigative report in an electronic format or a hard copy to each Party and their Advisors, if any, at least 10 business days prior to the live hearing. The parties may provide a written response to the report with 10 business days of issuance of the final investigative report. This report remains confidential and will only be disclosed as necessary to meet the hearing requirements specified herein, or, for faculty respondents who may be subject to the Adequate Cause for Dismissal process outlined in the University Faculty Handbook. Any such disclosures are subject to the confidentiality obligations and restrictions articulated in the SIM policy/procedure.

## HEARING

### 1. APPENDIX A - TITLE IX HEARING – (*See Formal Resolution and Procedural Tracks*)

**A.** Upon the conclusion of an Investigation of a Formal Complaint alleging Title IX Prohibited Conduct, WesternU will provide a live hearing in order to make a Determination of Responsibility. The hearing will be facilitated according to the following:

**i. Notice of Hearing:** WesternU will provide all Parties notice of the date, time, location, participants, and purpose of the scheduled hearing(s) and pre-meeting(s). WesternU will provide parties access to the evidence and Investigative Report during the hearing.

**ii. Hearing Officer:** WesternU may appoint a Hearing Officer to assist the procedural aspects of the hearing. The Hearing Officer does not make the final Determination of Responsibility.

**iii. Witnesses:** Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless:

All parties and the Decision-Maker assent to the new witness's participation in the hearing without remanding the Formal Complaint back to the Investigator,

The Decision-Maker deems the evidence presented by the new witness to be relevant and not information already established in the record, and

The Witness's late involvement was not the result of bad faith by the witness, the Parties, or others.

If the above criteria are not met, but the witness's evidence is deemed relevant and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing
  - Provide the Parties with at least five (5) business days to review the relevant portions of the new witness's statements, if such statements are submitted
  - Remand the Formal Complaint back to the Investigator for further investigation or verification
  - Allow the Parties to review and comment on the testimony of the new witness
  - If the evidence is deemed not relevant, the Decision-maker may proceed with the hearing absent the new witness's participation.
- a. **Decision-Maker(s):** The Hearing will be heard by a single Decision-Maker or a panel of Decision-Maker(s). Decision-Makers are selected from a pool of trained individuals. Members of the pool are trained in all aspects of the Title IX process. They receive annual training organized by the Title IX Coordinator, including a review of WesternU policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately review evidence, understand the allegations and protect safety and promote accountability. All pool members are required to attend this annual training to be eligible to serve.
  - b. **Conflicts of Interests:** WesternU will provide the parties a list of the name of the Decision-Maker(s) at least three (3) business days in advance of the hearing. In cases where the Complainant or Respondent objects to the Decision-Maker based on a conflict of interest, the Complainant or Respondent may request the Title IX Coordinator select a different Decision-Maker. Parties must raise any objections to the Decision-Maker(s) prior to the hearing.
  - c. **Pre-Meeting:** The Hearing Officer may meet with both parties prior to the scheduled hearing to exchange the names of witnesses who will be participating in the hearing and address other pertinent hearing details at least five (5) business days prior to the hearing. The Hearing Officer will not require the parties to provide their proposed cross-examination questions in advance of the hearing,

but the Parties are encouraged to submit their questions to the Hearing Officer during this time.

- d. **Participation of the Parties:** All parties have the opportunity to present facts and arguments during the hearing. However, a Party's advisor will conduct cross-examination.
- e. **WesternU Advisor:** If a party does not have an Advisor present at the hearing, WesternU will provide without fee or charge to that party, an Advisor of WesternU's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- f. **Support Persons:** In addition to an Advisor, each party will be authorized to bring one support person for moral support during the hearing, provided that the support person signs a confidentiality agreement. This individual is strictly prohibited from participating in any manner during the hearing. If the individual displays disruptive, disrespectful, or offensive behavior, they will be removed from the proceedings.
- g. **Private Proceedings:** There will be no observers in the hearing, aside from the designated Advisors to the Parties or the Panel. The Hearing Officer may allow witnesses who have relevant information to appear at a portion of the hearing, separately, in order to respond to specific questions from the panel or the parties involved, and then be excused. Proceedings are private and confidential. All persons present at any time during the hearing are expected to maintain the privacy and confidentiality of the proceedings in accord with WesternU policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose and should discuss doing so with their Advisors.

#### I. Hearing Format:

- **Live Hearing:** WesternU may provide a live hearing with all Parties physically present in the same geographic location or, at WesternU's discretion if a Party or a witness requests, WesternU may provide Parties, witnesses, and other participants the ability to appear at the live hearing virtually with technology enabling participants simultaneously to see and hear each other in real time. If remote participation is desired, the individual should request remote participation from the Hearing Officer at least three (3) business days prior to the hearing.
- **Audio or Visual Recording:** WesternU will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review upon request and under supervision. The parties may not record the proceedings and no other unauthorized recordings are permitted.
- **Standard of Proof:** The Decision-Maker shall provide an explanation of the meaning of the preponderance of the evidence standard and affirm that it shall

apply to adjudications under this procedure. The preponderance of the evidence standard is met if WesternU determines that it is more likely than not that the alleged conduct occurred, based on the facts available at the time of the decision.

**II. Order of Hearing: Typically, a hearing will be facilitated in the following order:**

1. Investigator presents the report. The Decision-Maker and Parties may question the Investigator.

The evidence contained in the Investigative Report is not binding on the Decision-Maker.

2. WesternU will provide the Parties an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory evidence.

Only relevant evidence will be admissible during the hearing. Relevant evidence means evidence, including evidence relevant to the credibility of a Party or witness, having any tendency in reason to prove or disprove any disputed fact material to the allegations under investigation.

Cross-Examination: Each party's Advisor may ask the other party and any witnesses relevant questions, including challenging credibility. Cross-examination must be conducted directly, orally, and in real time by the party's Advisor and never by a party personally

**RELEVANT EVIDENCE:** Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Formal rules of evidence do not apply. In making determinations of relevance do not apply. In making determinations of relevance, the Decision-Maker(s) may take guidance from the formal rules of evidence. Any evidence that the Decision-Maker(s) believes is relevant and credible may be considered. The Hearing Officer will address any evidentiary or relevancy concerns prior to and during the hearing, may exclude irrelevant or immaterial evidence and may ask the Decision-Maker(s) to disregard evidence lacking in credibility or that is improperly prejudicial.

Both parties retain the right to object to the introduction of evidence protected by a recognized privilege, such as (but not limited to) the attorney-client privilege or the medical provider-patient privilege. The Hearing Officer will determine all questions of procedure and evidence.

Anyone appearing at the hearing to provide information will respond to questions on his/her/their own behalf. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that the party did not identify during the investigation and that was available at the time of the investigation. However, the decision maker(s) has/have discretion to accept for good cause, or exclude, such new evidence offered at the hearing. hearing that the party did not identify during the investigation and that was available at the time of the investigation. However, the decision maker(s) has/have discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

- I. **CHARACTER EVIDENCE:** The Decision-maker(s) may decline to hear from character witnesses if deemed irrelevant. In that event, the Decision-maker(s) may accept up to two (2) letters supporting the character of each of the parties.
- II. **FAILURE TO TESTIFY:** If a party or witness does not submit to cross-examination at the hearing, the Decision-Maker may admit any statement of that Party or witness in reaching a determination regarding responsibility. The Decision-Maker will give the statements whatever weight the Decision-Maker determines appropriate, bearing in mind that the statements have not been tested by cross-examination. In doing so, the Decision-Maker should consider, and if possible determine, whether the witness or Party made the statement and what the statement proves.

The Decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

- III. **IMPACT STATEMENTS:** Prior to the conclusion of the hearing, the parties may submit an impact statement to the Title IX Coordinator. Any impact statements will only be made available to the decision maker(s) during deliberations if a Respondent is found responsible for violating WesternU policy. If the respondent is found not responsible, the statements will not be shared with the Decisions Makers.
- IV. **DELIBERATIONS:** The Decision-Maker(s) will deliberate in closed session to determine whether the Respondent is responsible for the alleged conduct. The Decision-Maker(s) will base the determination(s) on a preponderance of the evidence (i.e., whether it is more likely than not that the respondent committed each alleged violation). If the respondent is found responsible, the Decision-Maker(s) will recommend appropriate sanctions.
- V. **DETERMINATION OF RESPONSIBILITY**

The Decision-Maker will prepare a written determination of responsibility. The Title IX Coordinator will issue the written determination of responsibility within twenty (20) business days following the conclusion of the hearing.

The Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Maker will use the preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the Decision-Maker will decide whether it is more likely than not that Title IX sexual harassment occurred.

The Notice of Outcome will include:

Identification of the allegations potentially constituting Title IX sexual harassment;

- a. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;
- b. Findings of fact supporting the determination. In making these findings, the Decision-Maker will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility;
- c. Conclusions regarding the application of the Policy to the facts;
- d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- e. A statement of, and rationale for, any disciplinary sanctions WesternU imposes on the Respondent. WesternU will inform the Complainant of the sanctions against the Respondent
- f. A Statement of whether WesternU will provide the Complainant with remedies designed to restore or preserve equal access to WesternU's education program or activity. WesternU need not disclose to the Respondent remedies that do not affect him/her/them as part of the written determination;
- g. The procedures and permissible bases for the Parties to appeal.
- h. The Title IX Coordinator will provide the Parties with the written determination simultaneously. The Notice of Outcome may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official WesternU records, or emailed to the Parties' WesternU-issued or designated email account.

Once mailed, emailed, or received in person, the written determination is presumptively delivered.

The determination regarding responsibility becomes final either on the date that WesternU provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if no Party appeals, the date on which an appeal would no longer be considered timely. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of any appeal.

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## **2. APPENDIX B, TRACK 1 – NON-TITLE IX HEARING (*See Formal Resolution and Procedural Tracks*)**

**A.** Upon the conclusion of an Investigation of a Formal Complaint, WesternU will provide a hearing in order to make a Determination of Responsibility. The hearing will be facilitated according to the following:

**B. *Issuance of a Notice of Outcome:*** Upon the conclusion of hearing, the Hearing Officer will issue a written Notice of Outcome to the parties simultaneously. The Notice of Outcome will include the determination as to whether Prohibited Conduct occurred including findings of fact supporting the determination. The possible outcomes for each allegation of Prohibited Conduct are “Responsible” or “Not Responsible.” The Notice of Outcome will also identify sanctions and remedies, if applicable.

## **APPENDIX B, TRACK 2 – NO HEARING – (*See Formal Resolution and Procedural Tracks*)**

### **OVERVIEW OF ADJUDICATION TRACKS**

WesternU provides two tracks to adjudicate a Complaint after the completion of the investigation.

Track 1 applies when all of the following apply:

1. The Respondent is a Student;
2. The credibility of one (or both) of the parties, or any witness is central to the Determination of Responsibility; and
3. The Respondent may be subject to dismissal or suspension if found in violation of the SIM Policy.

Track 1 requires a hearing as described more fully below.

Track 2 applies to all other Complaints. Under Track 2, the Investigator decides the Determination of Responsibility and there is no hearing.

## 1. **TRACK 1 – HEARING**

Upon the conclusion of an investigation, WesternU will provide a live hearing in order to make a determination of responsibility. The hearing will be facilitated according to the following:

- **Notice of Hearing:** WesternU will provide all Parties notice of the date, time, location, participants, and purpose of the scheduled hearing(s) and pre-meeting(s). WesternU will provide parties access to the evidence and Investigative Report during the hearing.
- **Hearing Officer:** WesternU may appoint a Hearing Officer to assist the procedural aspects of the hearing. The Hearing Officer does not make the final Determination of Responsibility.
- **Decision-Maker(s):** The Hearing will be heard by a single Decision-Maker or a panel of Decision-Maker(s). Decision-Makers are selected from a pool of trained individuals. Members of the pool are trained in all aspects of the complaint process. They receive annual training, including a review of WesternU policies and procedures as well as applicable state laws and regulations so that they are able to appropriately review evidence, understand the allegations and protect safety and promote accountability. All pool members are required to attend this annual training to be eligible to serve.
- **Conflicts of Interests:** WesternU will provide the parties a list of the name of the Decision-Maker(s) at least three (3) business days in advance of the hearing. In cases where the Complainant or Respondent objects to the Decision-Maker based on a conflict of interest, the Complainant or Respondent may request the Title IX Coordinator select a different Decision-Maker. Parties must raise any objections to the Decision-Maker(s) prior to the hearing.
- **Pre-Meeting:** The Hearing Officer may meet with both parties prior to the scheduled hearing to exchange the names of witnesses who will be participating in the hearing and address other pertinent hearing details at least five (5) business days prior to the hearing. Student parties shall have the opportunity to submit written questions to the Hearing Officer in advance of the hearing.
- **Participation of the Parties:** All parties have the opportunity to present facts and arguments during the hearing. However, neither a Party or a Party's advisor will conduct cross-examination.
- **Support Persons:** In addition to an Advisor, each party will be authorized to bring one support person for moral support during the hearing, provided that the support person signs a confidentiality agreement. This individual is strictly prohibited from participating in any manner during the hearing. If the individual displays disruptive, disrespectful, or offensive behavior, they will be removed from the proceedings.
- **Private Proceedings:** There will be no observers in the hearing, aside from the designated Advisors to the Parties. The Hearing Officer may allow witnesses who have



relevant information to appear at a portion of the hearing, separately, in order to respond to specific questions from the Decision-Maker or the parties involved, and then be excused. Proceedings are private and confidential. All persons present at any time during the hearing are expected to maintain the privacy and confidentiality of the proceedings in accord with WesternU policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose and should discuss doing so with their Advisors.

#### **Hearing Format:**

**Live Hearing:** WesternU may provide a live hearing with all Parties physically present in the same geographic location or, at WesternU's discretion if a Party or a witness requests, WesternU may provide Parties, witnesses, and other participants the ability to appear at the live hearing virtually with technology enabling participants simultaneously to see and hear each other in real time. If remote participation is desired, the individual should request remote participation from the Hearing Officer at least three (3) business days prior to the hearing.

**Audio or Visual Recording:** WesternU will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review. The parties may not record the proceedings and no other unauthorized recordings are permitted.

**Standard of Proof:** The Decision-Maker shall provide an explanation of the meaning of the preponderance of the evidence standard and affirm that it shall apply to adjudications under this procedure. The preponderance of the evidence standard is met if WesternU determines that it is more likely than not that the alleged conduct occurred, based on the facts available at the time of the decision.

**Order of Hearing:** Typically, a hearing will be facilitated in the following order:

- Investigator Presents the Report. The Decision-Maker may question the Investigator.
- WesternU will provide the Parties an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory evidence.
- Parties nor their Advisors are permitted to ask the other party and any witnesses questions. A Party and their Advisor may submit questions to the Decision-Maker for consideration. The Decision-Maker must pose all questions.

- i. **Relevant Evidence:** The Decision-Maker may ask relevant questions only of a party or witness. At the hearing, a party shall have an opportunity to note an objection to the questions posed. WesternU may limit such objections to written form, and neither the Hearing Officer nor WesternU are obligated to respond, other than to include any objection in the record. The Hearing Officer shall have the authority and obligation to

discard or rephrase any question that the hearing officer deems to be repetitive, irrelevant, or harassing. In making these determinations, the Hearing Officer is not bound by, but may take guidance from, the formal rules of evidence.

- ii. Anyone appearing at the hearing to provide information will respond to questions on his/her/their own behalf. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that the party did not identify during the investigation and that was available at the time of the investigation. However, the decision maker(s) has/have discretion to accept for good cause, or exclude, such new evidence offered at the hearing.
- iii. **Character evidence:** The Decision-maker(s) may decline to hear from character witnesses if deemed irrelevant. In that event, the Decision-maker(s) may accept up to two (2) letters supporting the character of each of the parties.
- iv. **Impact Statements:** Prior to the conclusion of the hearing, the parties may submit an impact statement to the Title IX Coordinator. Any impact statements will only be made available to the decision maker(s) during deliberations if a Respondent is found responsible for violating WesternU policy. If the respondent is found not responsible, the statements will not be shared with the Decisions Makers.
- v. **Deliberations:** The Decision-Maker(s) will deliberate in closed session to determine whether the Respondent is responsible for the alleged conduct. The Decision-Maker(s) will base the determination(s) on a preponderance of the evidence (i.e., whether it is more likely than not that the respondent committed each alleged violation). If the respondent is found responsible, the Decision-Maker(s) will recommend appropriate sanctions.
- vi. **Notice of Outcome:** Upon the conclusion of hearing, the Hearing Officer will issue a written Notice of Outcome to the parties simultaneously. The Notice of Outcome will include the determination as to whether Prohibited Conduct occurred including findings of fact supporting the determination. The possible outcomes for each allegation of Prohibited Conduct are “Responsible” or “Not Responsible.” The Notice of Outcome will also identify sanctions and remedies, if applicable.

WesternU may deliver the Notice of Outcome by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official WesternU records, or emailed to the Parties’ WesternU-issued or designated email account. Once mailed, emailed, or received in person, the outcome notification is presumptively delivered.

The parties have a right to appeal the Notice of Outcome. See the Appeals section for more information.

The Notice of Outcome becomes final either on the date that WesternU provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of any appeal.

## **2. TRACK 2 – NO HEARING**

Under Track 2, WesternU will apply the preponderance of the evidence standard. The preponderance of the evidence standard is met if the investigator determines that it is more likely than not that the alleged misconduct occurred, based on the facts available at the time of the decision.

Upon the conclusion of the Investigation, WesternU will issue a written Notice of Outcome to the parties simultaneously. The Notice of Outcome will include the determination as to whether Prohibited Conduct occurred including findings of fact supporting the determination. The possible outcomes for each allegation of Prohibited Conduct are “Responsible” or “Not Responsible.” The Notice of Outcome will also identify sanctions and remedies, if applicable.

The Parties may appeal the Notice of Outcome. See the Appeals section for more information. The Notice of Outcome becomes final either on the date that WesternU provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. For student Respondents, the matter may be referred to the College for handling under the student conduct hearing procedures. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of any appeal.

## **SANCTIONING**

The following are the usual active or inactive sanctions that may be imposed upon students:

- Reprimand: A formal statement that the conduct was unacceptable and a warning that further violation of any WesternU policy, procedure, or directive will result in even more severe sanctions/responsive actions;
- Required Education: A mandate to meet with and engage in either WesternU-sponsored or external educational programs to better comprehend the misconduct and its effects;
- Restrictions: A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or from holding leadership roles in student organizations;
- Probation: An official sanction for violation of WesternU policy, providing for more severe disciplinary sanctions if the student is found in violation of any WesternU policy, procedure,

or directive within a specified period of time. Probation may include denial of specified social privileges, exclusion from extra-curricular activities, exclusion from designated areas of campus, no-contact orders, and other measures deemed appropriate;

- Suspension: Separation from WesternU, or one or more of its facilities, for a defined period of time after which the student is eligible to return. During an institution-wide suspension, the student is banned from WesternU property, functions, events, and activities unless they receive prior written approval from an appropriate institutional official;
- Expulsion: Permanent separation from WesternU. The student is banned from WesternU property, and the student's presence at any WesternU-sponsored activity or event is prohibited;
- Withholding Diploma: WesternU may withhold a student's diploma for a specified period of time and deny a student participation in commencement activities;
- Revocation of Degree: WesternU reserves the right to revoke a degree previously awarded from WesternU for fraud, misrepresentation, and/or other violation of WesternU policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation;
- Other Actions: WesternU may assign any other sanctions as deemed appropriate.

Responsive actions for an employee who has engaged in Prohibited Conduct include:

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Shift or schedule adjustments
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to a New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, WesternU may assign any other responsive actions as deemed appropriate.

Third Parties: In accordance with applicable law, WesternU reserves the right to issue, among others, any of the following sanctions in any order in these circumstances depending on the facts:

- No-contact directive
- Restriction of University privileges
- Restrictions/limitations/ban on access to campus property;
- Discontinuation of relationship or association
- Referral for action under (an)other policy(s).

## APPEAL

A. *Request for Appeal*: For Appendix A, Title-IX and Appendix B, Track 1 matters, any party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome and/or Notice of Sanctions.

The Title IX Coordinator will designate an Appeal Officer to hear the appeal. No Appeal Officer will have been previously involved in the process. The Title IX Coordinator will forward the Request for Appeal to the Appeal Officer who will determine if the Request for Appeal meets the grounds for appeal. This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds for appeal identified above, the Appeal Officer will deny the Request for Appeal. WesternU will provide written notification to the Parties and their Advisors simultaneously notified of the denial and the rationale.

A Party may appeal, based on the following grounds:

- i. Procedural irregularity that affected the outcome of the matter; or
- ii. New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter; or
- iii. The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or

**B. *Appeal Review*:** If the Request for Appeal meets the grounds for appeal, WesternU will notify all Parties and their Advisors. WesternU will allow the non-appealing Party to submit a written statement in support of, or challenging, WesternU's decision to dismiss the Formal Complaint or allegations or WesternU's decision in the determination regarding responsibility. WesternU will allow the non-appealing Party at least ten (10) business days from the date of notice of the appeal to submit the written statement.

The Appeal Officer will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 business days after the Appeal Officer receives the response to the appeal or the last day to provide a response. WesternU will provide the written decision simultaneously to both Parties.

The Appeal Officer may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the Appeal Officer explaining the need for the extension and the proposed length of the extension. The Appeal Officer will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

**Appeal Outcome:** The Appeal Officer will issue a written decision on the appeal, and the rationale for the decision, within 45 business days after the Appeal Officer receives the response to the appeal from the non-appealing Party or the last day to provide a response. WesternU will provide the written decision simultaneously to both Parties.

The Appeal Officer may uphold, modify, or overturn the decision under appeal. If an error cannot be cured, the Appeal Officer may order a new investigation.

## ADVISORS

A party is entitled to be accompanied by his/her/their Advisor in all meetings and interviews at which the party is expected to be present, including intake, interviews, meetings, hearing, and appeals.

A party is entitled to be accompanied by his/her/their Advisor in all meetings and interviews at which the party is expected to be present, including intake, interviews, meetings, hearing, and appeals.

An Advisor assists a party in the process, which could include reviewing of any communication between WesternU and the Party, reviewing relevant policies and procedures, assisting in gathering of relevant evidence (including the identification of witnesses), drafting of pertinent party/witness questions, and accompanying the Party to meetings during the process. Advisors are responsible for conducting cross-examination of the parties and witnesses during the

hearing. WesternU will appoint an Advisor if a Party does not have an advisor for the hearing. Student parties may request WesternU appoint an Advisor for the entirety of the Complaint Process.

The following contains important guidelines governing the use of an Advisor in the process:

- A Party must advise the Title IX Coordinator of the identity of his/her/their selected Advisor at least five (5) business days before the date of their first meeting (if known).
  - A party must provide subsequent timely notice to the Title IX Coordinator if he/she/they change Advisors.
  - If a Party does not select an Advisor before the hearing, WesternU will provide an Advisor of WesternU's choice at no cost to the party.
- Parties and Advisors are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in WesternU's process. The confidentiality agreement restricts unauthorized disclosure of information and evidence obtained solely through the procedure. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.
- Advisors should help their parties prepare for each meeting, and are expected to advise ethically, with integrity and in good faith.
- WesternU generally expects an Advisor to adjust their schedule to allow them to attend meetings/interviews/hearings when planned, but WesternU may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. WesternU may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.
- The Advisor may not testify in or obstruct an interview or disrupt the process.
- Any Advisor who steps out of their role in any meeting under this process will be warned once. If the Advisor continues to disrupt or otherwise fails to respect the limits of their role, the Advisor will be asked to leave the meeting. When an Advisor is removed from a meeting, that meeting will typically continue without the Advisor present. Subsequently, the Title IX Coordinator will determine whether the Advisor may be reinstated or may be replaced by a different Advisor.
- Advisors are not permitted to create an audio or video recording of any kind during any proceeding of procedure

Disclosure of Results of Certain Disciplinary Proceedings:

WesternU will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by WesternU against a student who is

the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

## Federal Education Rights and Privacy Act (FERPA) AND TITLE IX

The outcome of an investigation is part of the education record of the Respondent and is protected from release under the Federal Education Rights and Privacy Act, except under certain conditions. Under Title IX, WesternU is required to tell a complainant whether or not it found that the sexual violence occurred, any individual remedies offered or provided to the complainant, or any sanctions imposed on the perpetrator that directly relate to the complainant, and other steps the school has taken to eliminate the hostile environment and prevent recurrence. Further, the Department of Education interprets FERPA as not conflicting with the Title IX requirement that the school notify the complainant of the outcome of its investigation.

## Definitions

The Clery Act and jurisdictional definitions of dating violence, domestic violence, sexual assault, and stalking are listed below. Also listed below, for educational and awareness purposes, are the jurisdictional definitions of these terms.

### A. CLERY ACT DEFINITIONS

#### **34 CFR 668.46(a) "Dating violence"**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

#### **34 CFR 668.46(a) "Domestic violence"**

(i) A felony or misdemeanor crime of violence committed—



- (A) By a current or former spouse or intimate partner of the victim;
- (B) By a person with whom the victim shares a child in common;
- (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

#### **34 CFR 668.46(a) "Sexual assault"**

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program:

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent

#### **34 CFR 668.46(a) "Stalking"**

- (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - (A) Fear for the person's safety or the safety of others; or
  - (B) Suffer substantial emotional distress.
- (ii) For the purposes of this definition—
  - (A) **Course of conduct** means two or more acts, including, but 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.
  - (B) **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
  - (C) **Substantial emotional distress** means significant mental suffering or anguish that

may, but does not necessarily, require medical or other professional treatment or counseling.

## **B. JURISDICTIONAL DEFINITIONS (OREGON LAW)**

### **Dating Violence**

**Dating Violence:** Oregon state law (ORS 350.253) requires institutions of higher education to implement policies that address dating violence. However, the law does not provide a specific definition of “dating violence.” Instead, Oregon law only defines teen dating violence in ORS 147.450 as follows:

- “Teen dating violence” means:
  - A pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
  - Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

**Domestic Violence as defined by ORS 135.230:** “Domestic violence” means abuse between family or household members.

- “Family or household members” means any of the following: spouses, former spouses, adult persons related by blood or marriage, persons cohabiting with each other, persons who have cohabited with each other or who have been involved in a sexually intimate relationship, unmarried parents of a minor child.

**“Abuse”** means: attempting to cause or intentionally, knowingly or recklessly causing physical injury; intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury; or committing sexual abuse in any degree as defined in ORS 163.415 (Sexual abuse in the third degree), 163.425 (Sexual abuse in the second degree) and 163.427 (Sexual abuse in the first degree).

### **Sexual Assault**

**Sexual Assault:** The following statutes apply to the jurisdictional definition of sexual assault.

**Definitions provided by ORS 163.305:**

- **“Forcible compulsion”** means to compel by: physical force; or a threat, express or implied, that places a person in fear of immediate or future death or physical injury to self or another person, or in fear that the person or another person will immediately or in the future be kidnapped
- **“Mentally incapacitated”** means that a person is rendered incapable of appraising or controlling the conduct of the person at the time of the alleged offense.
- **“Oral or anal sexual intercourse”** means sexual conduct between persons consisting of contact between the sex organs of one person and the mouth or anus of another.
- **“Physically helpless”** means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
- **“Sexual contact”** means any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.
- **“Sexual intercourse”** has its ordinary meaning and occurs upon any penetration, however slight; emission is not required.

**ORS 163.355, Rape in the third degree:**

- A person commits the crime of rape in the third degree if the person has sexual intercourse with another person under 16 years of age.
- Rape in the third degree is a Class C felony.

**ORS 163.365, Rape in the second degree:**

- A person who has sexual intercourse with another person commits the crime of rape in the second degree if the other person is under 14 years of age.
- Rape in the second degree is a Class B felony.

**ORS 163.375, Rape in the first degree:**

- A person who has sexual intercourse with another person commits the crime of rape in the first degree if: the victim is subjected to forcible compulsion by the person, the victim is under 12 years of age; the victim is under 16 years of age and is the person's sibling, of the whole or half blood, the person's child or the person's spouse's child; or the victim is incapable of consent by reason of mental incapacitation, physical helplessness or incapability of appraising the nature of the victim's conduct.
- Rape in the first degree is a Class A felony.

**ORS 163.385, Sodomy in the third degree:**

- A person commits the crime of sodomy in the third degree if the person engages in oral or anal sexual intercourse with another person under 16 years of age or causes that person to engage in oral or anal sexual intercourse.
- Sodomy in the third degree is a Class C felony.

**ORS 163.395, Sodomy in the second degree:**

- A person who engages in oral or anal sexual intercourse with another person or causes another to engage in oral or anal sexual intercourse commits the crime of sodomy in the second degree if the victim is under 14 years of age.
- Sodomy in the second degree is a Class B felony.

**ORS 163.405, Sodomy in the first degree:**

- A person who engages in oral or anal sexual intercourse with another person or causes another to engage in oral or anal sexual intercourse commits the crime of sodomy in the first degree if: the victim is subjected to forcible compulsion by the actor; the victim is under 12 years of age; the victim is under 16 years of age and is the actor's brother or sister, of the whole or half blood, the son or daughter of the actor or the son or daughter of the actor's spouse; or the victim is incapable of consent by reason of mental incapacitation, physical helplessness or incapability of appraising the nature of the victim's conduct.
- Sodomy in the first degree is a Class A felony.

**ORS 163.408, Unlawful sexual penetration in the second degree:**

- Except as permitted under ORS 163.412 (Exceptions to unlawful sexual penetration prohibition), a person commits the crime of unlawful sexual penetration in the second degree if the person

penetrates the vagina, anus or penis of another with any object other than the penis or mouth of the actor and the victim is under 14 years of age.

- Unlawful sexual penetration in the second degree is a Class B felony.

**ORS 163.411, Unlawful sexual penetration in the first degree:**

- Except as permitted under ORS 163.412 (Exceptions to unlawful sexual penetration prohibition), a person commits the crime of unlawful sexual penetration in the first degree if the person penetrates the vagina, anus or penis of another with any object other than the penis or mouth of the actor and: the victim is subjected to forcible compulsion; the victim is under 12 years of age; or the victim is incapable of consent by reason of mental incapacitation, physical helplessness or incapability of appraising the nature of the victim's conduct.
- Unlawful sexual penetration in the first degree is a Class A felony.

**ORS 166.065, Harassment:**

- A person commits the crime of harassment if the person intentionally harasses or annoys another person by subjecting such other person to offensive physical contact and the offensive physical contact consists of touching the sexual or other intimate parts of the other person.
- Harassment is a Class A misdemeanor in this case.

**ORS 163.415, Sexual abuse in the third degree:**

- A person commits the crime of sexual abuse in the third degree if:
  - The person subjects another person to sexual contact and:
    - The victim does not consent to the sexual contact; or
    - The victim is incapable of consent by reason of being under 18 years of age; or
  - For the purpose of arousing or gratifying the sexual desire of the person or another person, the person intentionally propels any dangerous substance at a victim without the consent of the victim.
  -
- Sexual abuse in the third degree is a Class A misdemeanor.
- As used in this section, "dangerous substance" means blood, urine, semen or feces.

**ORS 163.425, Sexual abuse in the second degree:**

- A person commits the crime of sexual abuse in the second degree when:
  - The person subjects another person to sexual intercourse, oral or anal sexual intercourse or, except as provided in ORS 163.412 (Exceptions to unlawful sexual penetration prohibition), penetration of the vagina, anus or penis with any object other than the penis or mouth of the actor and the victim does not consent thereto; or
  - The person violates ORS 163.415 (Sexual abuse in the third degree) (1)(a)(B).
    - The person is 21 years of age or older; and
    - At any time before the commission of the offense, the person was the victim's coach or teacher, as those terms are defined in ORS 163.426.
- Sexual abuse in the second degree is a Class C felony.

**ORS 163.427, Sexual abuse in the first degree:**

- A person commits the crime of sexual abuse in the first degree when that person:
  - Subjects another person to sexual contact and:
    - The victim is less than 14 years of age;
    - The victim is subjected to forcible compulsion by the actor; or
    - The victim is incapable of consent by reason of being mentally incapacitated, physically helpless or incapable of appraising the nature of the victim's conduct; or
  - Intentionally causes a person under 18 years of age to touch or contact the mouth, anus or sex organs of an animal for the purpose of arousing or gratifying the sexual desire of a person.
- Sexual abuse in the first degree is a Class B felony.

**ORS 163.525, Incest:**

- A person commits the crime of incest if the person marries or engages in sexual intercourse or oral or anal sexual intercourse with a person whom the person knows to be related to the person, either legitimately or illegitimately, as an ancestor, descendant or brother or sister of either the whole or half blood.
- Incest is a Class C felony.

## **Stalking**

**Stalking as defined by ORS 163.732:**

- A person commits the crime of stalking if:
  - The 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;
  - It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; **and**

- The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.
- Stalking is a Class A misdemeanor.
- Notwithstanding paragraph (a) of this subsection, stalking is a Class C felony if the person has a prior conviction for:
  - Stalking; **or**
  - Violating a court's stalking protective order.
- When stalking is a Class C felony pursuant to paragraph (b) of this subsection, stalking shall be classified as a person felony and as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission. [1993 c.626 §2; 1995 c.353 §2]

## Sexual and Gender-Based Harassment, Interpersonal Violence, and Other Sexual Misconduct (SIM) Policy

The WesternU Oregon's full-length policy entitled [Sexual and Gender-Based Harassment, Interpersonal Violence, and Other Sexual Misconduct \(SIM\) Policy and Procedure](#) addresses all forms of sex discrimination, including dating violence, domestic violence, sexual assault, stalking, and other related prohibited conduct. The SIM policy provides:

- Full-length description of the investigative and grievance processes available under the policy.
- Definitions and roles of the Title IX Coordinator as well as those involved in any of the process options (including Investigators, Informal Resolution Officers, as well as Decision Makers).
- Scope and Jurisdiction of the policy.
- Full list of rights and responsibilities of the Complainant and Respondent.
- List of supportive measures and Title IX interventions to include interim and protective measures.
- Confidential and Other Supportive Resources.
- Responsible Employees
- Prohibited Conduct Definitions
- Role of the Advisor

Institutional process for reporting prohibited conduct, filing a formal complaint, the grievance process, preliminary review, informal resolution, investigation, making a determination of responsibility, possible sanctions, as well as appeal procedures.

## Missing Students Notification Procedures

If a member of the University Community has reason to believe that a student is missing, through collaboration of the Office of Campus Security, University Student Affairs and local law

enforcement, every effort will be made to locate the student following the procedures outlined in the [Missing Student Notification](#) policy.

In accordance with the Higher Education Opportunity Act; Public Law 110-315, regarding new regulations to campus safety requirements and emergency procedures, the Office of University Student Affairs must inform you that each student residing in University on campus housing has the option to designate an individual or individuals to be contacted by the University no later than 24 hours after the time that the Office of Campus Security determines a student to be missing. Each institution of higher education that provides on-campus housing and participates in any program under this title shall establish a missing student notification policy for students who reside in on-campus housing that:

- Informs each student that they have the option to identify a contact person whom the University shall notify as soon as possible and within 24 hours of the determination that the student is missing in accordance with official notification procedures established by WesternU.
- Informs each student who is under 18 years of age, and not an emancipated individual, that the institution is required to notify a custodial parent or guardian no later than 24 hours after the time that the student is determined to be missing, in accordance with such procedures.
- Informs each student who is under 18 years of age, and not an emancipated individual, that the University must notify a custodial parent or guardian as soon as possible and within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student, in accordance with official notification procedures established by WesternU.
- Informs each residing student that the institution will notify the appropriate law enforcement agency no later than 24 hours after the time that the student is determined missing, in accordance with such procedures.
- Requires (if campus security or law enforcement personnel have been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus) the institution to initiate the emergency contact procedures in accordance with the student's designation.
- Establishes official notification procedures for a missing student who resides in on campus housing that includes procedures for official notification of appropriate individuals at the institution that such student has been missing for more than 24 hours.
- Requires any official missing person report relating to such student be referred immediately to the institution's campus security department; and if, on investigation of the official report, such department determines that the missing student has been missing for more than 24 hours. If a student is determined to have been missing for 24 hours, WesternU administration will contact



local Police, and the student will be determined missing. A University Student Affairs designee will contact the student's emergency contact person or family/parents immediately to inform them of their student's missing status. The University requires all missing student reports to be immediately referred to Campus Security for further investigation.

- Students are responsible for updating their emergency contact(s) through the University Student Affairs Office or via BanWeb. The emergency contacts will be maintained confidentially; only authorized campus individuals and law enforcement officers, in furtherance of a missing person investigation, may have access to the information.

The WesternU COMP-NW campus does not have on-campus student housing facilities.

### Procedures for Reporting and Notification Regarding Missing Students

Individuals who have reason to believe that a student is missing should immediately report their concern to Campus Security. Any member of the campus community should report a missing student by filing a missing person report with any of the following offices:

1. Campus Security at 541-259-0301
2. University Student Affairs Office at 541-259-0220
3. Lebanon Police Department at 541-451-1751 (Emergencies call 9-1-1)

For more information go to [Missing Student Notification](#)

In all programs, students and employees are encouraged to share in the responsibility for their individual safety and security as well as the safety and security of others.

### Registered Sex Offenders

The Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) requires convicted sex offenders to register their status with the Lebanon Police Department if they are enrolled, residing, attending, carrying on a vocation (i.e., contractor or vendor on campus for more than 30 days in the year), or working with or without compensation for WesternU, Oregon. Campus Security does not maintain a public database of registrants at the University.

Sex offenders can be queried by name, or by their residence zip code, county, city, or address. Additionally, this site has a map lookup to view sex offenders who live within a specified radius of a location, such as within a specific radius around your residence, place of work, or around WesternU, Oregon.

### Megan's Law

[Megan's Law: Oregon](http://www.meganslaw.ca.gov/)<http://www.meganslaw.ca.gov/> permits law enforcement agencies to advise the public about registered sex offenders from whom they may be at risk. Megan's Law does not make information public about sex offender registration specific to a college or

university. For more information regarding Megan's Law, call the 24-hour national Megan's Law Helpline at 888-ASK-PFML, and in Oregon (503) 934-1258.

### [Sexual Offender Registration Information](#)

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and Family Educational Rights and Privacy Act (FERPA) of 1974, WesternU is providing a link to the sexual offender registry website maintained by Oregon State Police. This Act requires institutions of higher education to issue a statement advising the campus community where they may obtain law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

Alleged violations of law by registrants under Oregon statutes should be reported to your local law enforcement agency. If you know that a registrant is not residing in the last reported residence listed on this web site, you are encouraged to call the "Information Contact" listed for that registrant.

The [Sex Offenders](#) website is maintained by the Oregon State Police, and they are responsible for maintaining this registry. Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable as a Class 1 misdemeanor.

### [Weapons, Dangerous Materials, and Chemical Deterrents on Campus Policy](#)

WesternU Oregon aspires to maintain a safe and healthy environment. As such, the University prohibits firearms, ammunition, certain knives or cutting devices, explosives, incendiary devices or other dangerous objects on university property (owned, operated or leased) or University sponsored programs/events as outlined in the [Weapons, Dangerous Materials, and Chemical Deterrents on Campus](#) policy.

#### [Prohibited Items:](#)

Prohibited weapons/dangerous objects include but are not limited to firearms, martial arts weapons, Nunchakus, airsoft, pellet or bb guns, belt buckle knives, dirk, dagger, cane swords, pen knives, lipstick knives, switchblade knives, butterfly knives, machetes, slingshots, black jacks, sand clubs, billy clubs, and/or metal knuckles. Prohibited knives include those with blades longer than 2.5 inches, or of any size that open automatically, or have a blade with more than one sharp edge.

#### [Prohibited Activities:](#)

The following conduct is prohibited on all WesternU, Oregon property (owned, operated, or leased) or at university sponsored programs/events:

- Manufacturing, sale, purchase, transportation, possession, concealment, display or use of firearms, ammunition, prohibited knives or cutting devices, explosives, incendiary devices, or other dangerous objects
- Remodeling, sale, purchase, transportation, possession, concealment, display or use of any item resembling a firearm, ammunition, prohibited knife or cutting devices, explosives, incendiary devices, or other dangerous objects
- Use of any item outside of its intended use (i.e., metal pipes, razors, etc.) for the purpose of causing harm to self or others is prohibited.

#### Exceptions:

University staff or faculty can be authorized to possess a specified weapon/dangerous object for use on campus only within the procedural guidelines of the Weapons and Chemical Deterrent Spray policy and as authorized by the University President or designee.

### Security Awareness Programs

During orientation week in August, students are informed of services offered by the Office of Campus Security. The Office of Campus Security addresses a variety of safety issues including but are not limited to, Active Shooter Response training, personal safety, protection of property, how Campus Security patrols the campus, and what security systems are available to Campus Security personnel (i.e., cameras, alarms, etc.).

### Crime Prevention Programs

WesternU has several crime prevention programs available for students and staff. The [SafeZone](#) app technology empowers effective safety-related communication via a campus safety app linked to a cloud-based command dashboard. The goal is for individuals to share information with friends and safety officials about sexual assault, mental health issues, and violence preventing incidents before they occur. Security offers the following safety services:

1. Active Shooter Response Training, given at least during their first year.
2. Self-Defense Training as requested.
3. Weekly Safety Tips sent out via an email to students and staff.

WesternU, Oregon prides itself upon being dedicated to the community; pride in serving the community that surrounds the campus as well as serving those within the university. If you see any of the following, we want to know about it as soon as possible:

- A hazardous condition or suspicious activity, or

- If you notice a person who is injured or severely ill and may be in need of immediate assistance, or
- You sense anyone is behaving in a socially aggressive or destructive manner toward any other person.

To meet this goal, WesternU, Oregon's Office of Campus Security encourages every member and every guest of our campus to:

- Contact us right away. If you see an emergency, call 9-1-1 or 541-259-0301. As we are all frequently reminded if you see something—say something. Help us get there sooner to provide assistance to someone in need.
- Contact someone else on campus. In some cases, people are not sure if calling Campus Security is the best option. We understand, so we encourage you to notify someone else nearby right away, so they can help make that decision of how to get help best—and fastest.
- You can call us at 541-259-0301, email us at <mailto:security@westernu.edu> or stop by our desk on the ground floor of the university building in Lebanon.
- Want to attach a picture of the problem? Great idea! Send that too, it can really help us solve the problem if we can see the hazard you are describing to us.

For more information, please take a moment to visit our webpage: [Campus Security](#)

## Drugs & Alcohol on Campus Policy

WesternU Oregon complies with the mandates of the Drug-Free Schools and Communities Act of 1989 (34 CFR Part 86) and the drug free campuses regulation. WesternU certifies that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

Alcohol and other drugs should not interfere with the University's educational mission. All university students, faculty members, staff members, and administrators are subject to local, state, and federal laws regarding the unlawful possession, distribution, or use of alcohol or illegal drugs.

The unlawful manufacture, distribution, dispensing, possession, or use of illegal drugs on the University campus or at any University-sponsored event, on or off-campus, is prohibited. No one may use illegal substances, or abuse legal substances, including alcohol, in a manner which impairs performance of assigned tasks. A complete description of these regulations is contained in the WesternU [Alcoholic Beverages on Campus](#) policy and the WesternU [Drugs and Alcohol on Campus](#) policy.

WesternU also addresses the use of alcohol and controlled substances, by stating that the following is prohibited.

- Possession or consumption of alcoholic beverages on campus, except at approved events, which follow University guidelines.
- Use, possession, distribution or sale of illegal drugs and marijuana on campus. Possession of drug paraphernalia on campus is also prohibited.

### Assistance for Alcohol Abuse and/or Drug Use Problems

Western University of Health Sciences is committed to education and counseling as the primary focuses of its Substance Prevention Program and will provide confidential and professional assistance for any student who wants it. Students enrolled at Western University of Health Sciences main campus are urged to seek information and help regarding substance abuse through the Counseling and Psychological Services. The staff will provide information about the effects of drug and alcohol use, will help students examine the extent of any potential problem and will develop a plan of action that might involve counseling, education, and/or referral to other resources as needed.

To protect one's privacy, information obtained regarding a student or employee during participation in any related program is treated as confidential. Students or employees may seek counseling by calling (541) 905-5423 or 1-800-234-5465 or by visiting the Counseling Services website at [OptumHealth Assistance Program for Students](#) for additional information. To enter the site anonymously, go to [www.liveandworkwell.com](http://www.liveandworkwell.com) and click the "Click here to enter using only an Access Code" button on the right side. A field will appear, and you can enter your Access Code, "westernu".

The Student Assistance Program (SAP) and the Employee Assistance Program (EAP) are designed to respond to a variety of lifestyle issues. Some of the work is designed to provide quality alcohol and drug information to members of the University community.

### Alcohol (Prohibited Conduct by Students)

The listed conduct applies to behavior occurring on university property or University sponsored programs/events:

- The purchase, possession, consumption, manufacturing, transportation, or distribution of any alcoholic beverages (including beer and wine) by any student, except as permitted by law AND as sanctioned by the University, is prohibited.
- Being under the influence of an intoxicating liquor and being unable to care for one's own safety, interfering with the use of a public way, or interfering with, limiting, or depriving an

individual from participating or benefitting from the University's education or employment programs and/or activities is prohibited.

- Selling, either directly or indirectly, any alcoholic beverages, except under the authority of an Oregon Liquor Control Commission (OLCC) License AND as sanctioned by the University is prohibited. This includes selling glasses, mixes, ice, or tickets for admission.
- Possession of an alcoholic beverage in an open container in a motor vehicle or on a bicycle is prohibited, regardless of who is driving or whether one is intoxicated.
- The manufacturing, use, or possession of a false State Identification Card or Driver License on University Property or a University sponsored program/event is prohibited.
- Driving a motor vehicle or bicycle while under the influence of alcohol is prohibited.
- Possessing, collecting, or otherwise displaying empty alcohol containers (i.e., cans, empty bottles) except as sanctioned by the University is prohibited.

## Fire Safety Reporting

### Fire Safety Reporting

Violation of local, state, federal or campus fire policies is prohibited. This includes but not limited to:

- Arson- willful or malicious burning or attempt to burn any dwelling house, public building, motor vehicle, aircraft, or personal property. This includes fires set to one's own property and minor fires like those in a wastebasket, as long as a deliberate and malicious intent to burn is determined by an investigation, regardless of a formal fire marshal's finding. Causing Fire – accidentally or recklessly causing a fire, regardless of whether it damages university or personal property or causes injury, is prohibited.
- Evacuation – All persons are required to evacuate a building immediately upon the sound of an alarm. Interfering with emergency services, procedures, or failing to conform to established safety regulations and/or instruction given by emergency response staff is prohibited.
- Fire Reporting & Equipment – Falsely reporting a fire, tampering with or misuse of any fire or reporting equipment (e.g., fire alarms, smoke detectors, fire sprinkler, fire extinguishers, "EXIT" signs, etc.) is prohibited.
- Egress – Disabling, opening, damaging, or propping exits used exclusively as fire exits is prohibited (unless being used properly as an exit during an emergency). All hallways, exits, stairwells, doorways, or areas that may be deemed an "egress" (i.e., window) need

to be free from garbage, bicycles, clutter, furniture, or other items that may have a potential to limit entry/exit (including tripping hazard). All doors and windows must have the ability to be fully open.

Any future improvements in fire safety protocols will be made based on a detailed risk assessment. Any remodeling of existing buildings or new constructions will be built to current building and fire codes.

## Smoking/Vaping

Smoking/Vaping is prohibited in any:

- Buildings owned, leased, or rented by the university, whether on or off campus.
- All University-owned or leased vehicles (including shuttles and carts).
- Smoking/vaping is only permitted in designated areas of university parking lots and public sidewalks immediately adjacent to university parking lots.
- Sale of smoking/vaping materials is prohibited on any University properties.
- [Smoking and Vaping](#) policy is inclusive of e-cigarettes, vapes or other smoking devices

## Fire Reporting Procedures

1. Pull emergency alarms and give verbal alarm.
2. Call 9-1-1 from a safe location. Please note you will likely be asked to identify what is burning, where (i.e., the building, floor, room) and your name.
3. Call Campus Security at 541-259-0301 from a safe location
4. Follow evacuation procedures and vacate the building.







## Disclosure Of Crime Statistics

### *Oregon COMP-NW Campus*

(By Clery Act geographic locations & by year reported).

Criminal Offenses - On Campus	2022	2023	2024
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Liquor Law Arrests	0	0	0
Drug Law Arrests	0	0	0
Illegal Weapons Possession Arrests	0	0	0

Criminal Offenses – Non-Campus	2022	2023	2024
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0

Arson (only those L.E. determined as arson)	0	0	0
Liquor Law Arrests	0	0	0
Drug Law Arrests	0	0	0
Illegal Weapons Possession Arrests	0	0	0
<b>Criminal Offenses - Public Property</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson (only those L.E. determined as arson)	0	0	0
Liquor Law Arrests	0	0	0
Drug Law Arrests	0	0	0
Illegal Weapons Possession Arrests	0	0	0

<b>Hate Crimes – On Campus</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson (only those L.E. determined as arson)	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0

Intimidation	0	0	0
Destruction/damage/Vandalism of Property	0	0	0

<b>Hate Crimes – Non-Campus</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson (only those L.E. determined as arson)	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0
Intimidation	0	0	0
Destruction/damage/Vandalism of Property	0	0	0

<b>Hate Crimes – Public Property</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson (only those L.E. determined as arson)	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0
Intimidation	0	0	0

Destruction/damage/Vandalism of Property	0	0	0
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<b>VAWA Offenses – On Campus</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

<b>VAWA Offenses – Non-Campus</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

<b>VAWA Offenses – Public Property</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

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<b>Referrals for Disciplinary Actions - On Campus</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Illegal Weapons Possession	0	0	0
Drug-Law	0	0	0
Liquor Law	0	0	0

<b>Referrals for Disciplinary Actions – Non-Campus</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Illegal Weapons Possession	0	0	0
Drug-Law	0	0	0
Liquor Law	0	0	0

<b>Referrals for Disciplinary Actions – Public Property</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
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Illegal Weapons Possession	0	0	0
Drug-Law	0	0	0
Liquor Law	0	0	0

Unfounded Crimes	2022	2023	2024
Total Unfounded Crimes	0	0	0

## Definitions of Reportable Crimes per Clery Act

\* Unless noted otherwise, these definitions are from Appendix A to Subpart D of Part 668, Title 34.

<b>Criminal Homicide—Manslaughter by Negligence</b>  The killing of another person through gross negligence.	<b>Robbery</b>  The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
<b>Criminal Homicide—Murder and Nonnegligent Manslaughter</b>  The willful (nonnegligent) killing of one human being by another.	<b>Aggravated Assault</b>  An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
<b>Motor Vehicle Theft</b>  The theft or attempted theft of a motor vehicle.	<b>Burglary</b>  The unlawful entry of a structure to commit a felony or a theft.
<b>Arson</b>  Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor	<b>Domestic violence (34 CFR 668.46(a))</b>  (i) A felony or misdemeanor crime of violence committed—

<p>vehicle or aircraft, personal property of another, etc.</p> <p><b>Dating violence</b> (34 CFR 668.46(a))</p> <p>Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.</p> <p>(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.</p> <p>(ii) For the purposes of this definition—</p> <p>(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.</p> <p>(B) Dating violence does not include acts covered under the definition of domestic violence.</p>	<p>(A) By a current or former spouse or intimate partner of the victim;</p> <p>(B) By a person with whom the victim shares a child in common;</p> <p>(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;</p> <p>(D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or</p> <p>(E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.</p> <p><b>Stalking</b> (34 CFR 668.46(a))</p> <p>(i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—</p> <p>(A) Fear for the person's safety or the safety of others; or</p> <p>(B) Suffer substantial emotional distress.</p> <p>(ii) For the purposes of this definition—</p> <p>(A) Course of conduct means two or more acts, including, but 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.</p> <p>(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.</p> <p>(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.</p>
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<p><b>Sexual assault</b> (34 CFR 668.46(a)). An offense that meets the definition of rape, fondling, incest, or statutory rape:</p>	
<p><b>Statutory Rape</b> —Sexual intercourse with a person who is under the statutory age of consent.</p>	<p><b>Incest</b> —Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.</p>
<p><b>Rape</b> - the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.</p>	<p><b>Fondling</b> —The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.</p>

<p><b>Hate crime.</b> A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.</p> <p>Hate crimes include all primary crimes (murder and nonnegligent manslaughter, negligent manslaughter, rape, fondling, etc.) that manifest evidence that the victim was chosen based on one of the categories of bias, in addition to the following crimes:</p>	
<p><b><u>Larceny-Theft (Except Motor Vehicle Theft)</u></b></p> <p>The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc.,</p>	<p><b><u>Simple Assault</u></b></p> <p>An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or</p>

are excluded.	loss of consciousness.
<p><b><u>Intimidation</u></b></p> <p><u>To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.</u></p>	<p><b><u>Destruction/Damage/Vandalism of Property</u></b></p> <p><u>To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.</u></p>

<p><b><u>Weapons Law Violations:</u></b></p> <p><u>The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.</u></p>	<p><b><u>Drug Abuse Violations:</u></b> The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.</p>
<p><b><u>Liquor Law Violations:</u></b></p> <p><u>The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.</u></p>	