

**SEXUAL HARASSMENT, SEXUAL ASSAULT, DOMESTIC and DATING VIOLENCE,
AND STALKING PROCEDURES**

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Introduction

Central Oregon Community College's goal is to provide an atmosphere mutual support and respect and fostering an awareness, acceptance and encouragement of different cultures, values and viewpoints. With this, COCC aims to provide at atmosphere free from sexual harassment, sexual assault, domestic or dating violence and stalking.

Information in this document includes policies related to federal regulations and COCC policies related to sexual harassment, sexual assault, domestic or dating violence, and stalking.

Note that this document may include references to COCC's General Policies and Procedures Manuals. Those sections will be updated shortly; in the meantime, concerned parties should use this document for policy details.

Reporting Contact Information

Anyone who believes they were discriminated, harassed or retaliated against due to their protected class status, as well as anyone who witnesses such actions, are encouraged to complete an incident report using the College's [incident reporting system](#). They are also welcome to contact any of the individuals below for support or guidance on any aspect of this policy and associated processes.

Area of Concern	Contact
Discrimination or harassment on the basis of gender, gender identity, sexual orientation or sex discrimination; includes but is not limited to sexual harassment, sexual assault, domestic violence, dating violence, and stalking.	Alicia Moore Vice President of Student Affairs (VPSA)/Title IX Coordinator 2600 NW College Way Coats Campus Center, Room 213 Bend, OR 97703 amoore@cocc.edu or 541.383.7244
Discrimination or harassment on the basis of age, disability, marital status, national origin, ethnicity, color, race, religion, genetic information, citizenship status, veteran status or any other classes protected by State and federal statute.	Laura Boehme (if employee or College representative involved) Chief Human Resources Officer 2600 NW College Way Newberry Hall, Room 109 Bend, OR 97703 lboehme@cocc.edu or 541.383.7219 Andrew Davis (if only students involved) Director of Student and Campus Life 2600 NW College Way Coats Campus Center, Room 211 Bend, OR 97703 apdavis@cocc.edu or 541.383.7591

In addition to the above, individuals are welcome to contact Campus Public Safety to file a report: 2600 NW College Way, Boyle Education Center, Room 161, Bend, OR 97703, publicsafety@cocc.edu, or 541.383.7272.

External inquiries may be made externally to:

Oregon Resources	
Office of Community Colleges and Workforce Development 255 Capitol Street NE Salem, OR 97310 ccwd.info@state.or.us or 503.947.2401	Bureau of Labor and Industries (BOLI) Civil Rights Division 800 NE Oregon St. Suite 1045 Portland, OR 97232 crdemail@boli.state.or.us or 971.673.0764

Federal Resources	
Office for Civil Rights (OCR) U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-1100 Customer Service Hotline: (800) 421-3481 TDD: (877) 521-2172 OCR@ed.gov Complaint form: https://www2.ed.gov/about/offices/list/ocr/complaintintro.html	Equal Employment Opportunity Commission (EEOC) Federal Office Building 909 First Avenue Suite 400 Seattle, WA 98104-1061 (800) 669-4000 TTY: (800) 669-6820 ASL Video Phone: (844) 234-5122

Definition of Terms

The following definitions are used in sections G-28, N-1, N-2, and N-3.

- **Advisor of Choice:** A person chosen by either the reporting or responding parties or by COCC to accompany the parties related to the report (e.g., investigation, hearing, etc.). The role of the advisor is to advise individuals on the Title IX and COCC process and for Title IX, conduct cross-examination in Title IX hearings.
- **Complainant:** The alleged sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim. The term “complainant” applies to Title IX incidents only and is in compliance with federal law.

- Complaint (Title IX - Formal): A document submitted or signed by the complainant or Title IX Coordinator alleging that a respondent engaged in conduct that violates a Title IX policy and requesting that COCC investigate the allegation.
- Dating Violence: Violence and abuse committed by a person to exert power and control over a current or former dating partner. Dating violence often involves a pattern of escalating violence and abuse over a period of time. Dating violence covers a variety of actions, and can include physical abuse and psychological or emotional abuse, and sexual abuse. It can also include “digital abuse”, the use of technology, such as smartphones, the internet, or social media, to intimate, harass, threaten, or isolate a victim. For a full definition of dating violence, see the Violence Against Women Act.
- Domestic Violence: A pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures, or wounds someone. For a full definition of domestic violence, see the Violence Against Women Act.
- Education Program or Activity: Locations, event or circumstances where COCC exercises substantial control over both the respondent and the context in which the sexual harassment or discrimination occurs; this also includes any building owned or controlled by a student organization that is officially recognized by COCC. Note that this definition applies to Title IX only and that Oregon law may include incidents that take place between COCC-affiliated parties at an off-campus location not controlled by the institution.
- Finding: A conclusion by the preponderance of evidence standard that the alleged conduct occurred and whether violated Title IX policy.
- Formal Procedure: Process to formally investigate conduct prohibited by Title IX or COCC sexual harassment; see N-2-11 and N-3-10 for process details.
- Hearings Officer/Decision-Makers: Personnel who have decision-making and sanction or remedy authority within COCC’s Title IX and internal sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim formal processes.
- Investigator: Personnel charged by COCC with gathering facts about an alleged violation of Title IX or COCC sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policies, assessing relevance of information presented, synthesizing evidence, and compiling information into an investigation report.

- Notice: Notice occurs when an employee, student, or third party informs the Title IX Coordinator or other Official with Authority that conduct potentially violating Title IX or COCC sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim occurred or is alleged to have occurred.
- Official with Authority (OWA): A COCC employee with responsibility for managing COCC's Title IX or internal sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policies and procedures, as well as those individuals with assigned to be hearings officers/decision makers. COCC OWA are the Vice President of Student Affairs/Title IX Coordinator, Chief Human Resources Officer, and the Director of Student and Campus Life.
- Protected Class: Includes age, disability, sex, marital status, national origin, ethnicity, color, race, religion, sexual orientation, gender identity, genetic information, citizenship status, veteran or military status, pregnancy or any other classes protected under federal and state statutes in any education program, activities or employment.
- Reasonable Person: Viewing the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may have occurred.
- Remedy: Actions taken by COCC after a decision to address the safety of the Complainant/Reporting Party and/or community to prevent future conduct that violates either Title IX or the College's sexual harassment policy and to restore access to education programs or activities or the workplace.
- Respondent: A person alleged to have engaged in conduct that violates Title IX or COCC internal sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policies.
- Responsible Employees: All COCC employees, with the exception of mental health counselors. Responsible employees must report incidents of sexual harassment to the College's Title IX Officer should they be made aware of or have reasonably known about asexual harassment incident.
- Sanction: A consequence imposed by COCC on a respondent who is found responsible for violating a Title IX or COCC sexual harassment policy.
- Sexual Assault: Any type of sexual contact or behavior that occurs without consent of the recipient. Sexual assault includes sexual activity such as forced sexual intercourse, sodomy, molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity. For a full definition of sexual assault, see the Violence Against Women Act.

- Sexual Harassment: Under Title IX, sexual harassment is defined as unwelcome conduct of a sexual nature that is considered so severe, pervasive, *and* objectively offensive that it effectively denies a person(s) equal access to an education program or activity, as defined under the reasonable person standard. Under state of Oregon law, sexual harassment is defined as severe, pervasive, *or* objectively offensive. In either case, it includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature and may come in the form of a hostile or intimidating environment or quid pro quo.
- Stalking: Pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking is dangerous and can often cause severe and long-lasting emotional and psychological harm to victims. Stalking often escalates over time and can lead to domestic violence, sexual assault, and even homicide. Stalking can include frightening communications, direct or indirect threats, and harassing a victim through the internet. For a full definition of stalking, see the Violence Against Women Act.
- Title IX Coordinator: An official or officials designated by COCC to ensure compliance with Title IX and COCC's Title IX program.

Title IX: Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Title IX refers to the federal law prohibiting sexual harassment, sexual assault, domestic violence, dating violence and stalking on college campuses. The policies listed in this section apply only to qualifying Title IX allegations specifically prohibited by Title IX of the Education Amendments of 1972. According to the Federal Office for Civil Rights and the U. S. Department of Education, Title IX's reach is limited in scope. However, state of Oregon laws and COCC policies prohibit more activities than Title IX. See G-28-3 and N-3 for policy and procedure details.

It is important to note that sexual harassment, sexual assault, domestic violence, dating violence, or stalking may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

The following conditions must be met for an incident to be considered a potential Title IX complaint:

- An incident must take place within the geographic boundaries of the United States;
- An incident must take place on property owned or controlled by the College, at COCC-sponsored events, or in buildings owned or controlled by COCC's recognized student organizations;
- The complainant must be participating in or attempting to participate in an education program or activity at the time of filing the complaint; and

- The complainant must report the incident(s) to an “official with authority” (see G-28-0.1 for contact information).

Additionally, to qualify as sexual harassment under Title IX, the incident must be considered severe, pervasive, *and* objectively offensive that it effectively denies a person(s) equal access to an education program or activity, as defined under the reasonable person standard. This standard does not apply to sexual assault, domestic violence, dating violence or stalking.

Alleged sexual harassment actions that do not fall within the above scope may be reported as a potential violation of COCC’s sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policy, G-28-3.

Officials with Authority

Under Title IX, a College may only investigate an alleged Title IX incident if it was reported to an “Official with Authority” (OWA). An OWA is defined as a COCC employee with responsibility for managing COCC’s Title IX or internal sexual harassment, sexual assault, domestic violence, dating violence, or stalking victim policies and procedures, as well as those individuals assigned to be hearings officers/decision makers. COCC OWA are the Vice President of Student Affairs/Title IX Coordinator, Chief Human Resources Officer, or the Director of Student and Campus Life; see G-28-0.1 for contact information.

COCC Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking

COCC prohibits sexual harassment of any kind between any COCC parties. Sexual harassment is defined as unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual’s work or academic performance, or it has created an intimidating, hostile, or offensive environment and would have such an effect on a reasonable person. This includes sexual assault, domestic violence, dating violence, and stalking (see G-28-0-c definitions of sexual assault, domestic violence, dating violence, and stalking). Sexual harassment may happen between individuals of the same or different genders and may be based on gender stereotypes, sexual orientation and gender identity. It may occur between COCC parties at either on- or off-campus location(s).

Responsible Employees

All COCC employees are considered “responsible employees,” meaning that employees must report incidents of sexual harassment, sexual assault, domestic violence, dating violence, and stalking to the College’s Title IX Officer should they be made aware of or have reasonably known about sexual harassment incident. Personal/mental health counselors are exempt from this requirement.

COCC's Approach to Reviewing Incident Reports

Under COCC's sexual harassment, sexual assault, domestic violence, dating violence, and stalking policies and processes, the College will employ an anti-oppression, culturally-responsive, gender-responsive, and trauma-informed approach to its interaction with the reporting and responding parties; see below for definitions of each. Additionally, the College will provide training on these topics to key staff employees involved with any sexual harassment investigation.

Anti-Oppression. As part of its sexual harassment process, COCC will demonstrate an ongoing commitment to anti-oppression policies and processes by:

- Treating each report seriously and without marginalizing, silencing or dismissing reported behaviors;
- Not blaming the reporting party for any reported or past actions;
- Regularly evaluating sexual harassment, sexual assault, domestic violence, dating violence, and stalking policies and procedures to ensure an equitable process for all parties involved, including individualized supports for the reporting party and equal access to advocates at all stages of the process for all parties.

Culturally-Responsive. As part of its sexual harassment process, COCC will demonstrate an ongoing commitment to being culturally-responsive by:

- Creating opportunities for dialogue about reported incidents between investigators and those involved with any investigation;
- Maintaining a trusting, respectful persona with all parties;
- Understanding that one's history and culture may affect how information is shared;
- Not judging the information or person based on how information is presented; and
- Providing on-going diversity, equity and inclusion training to all employees actively involved in sexual harassment, sexual assault, domestic violence, dating violence, and stalking investigations.

Gender-Responsive. As part of its sexual harassment process, COCC will demonstrate an ongoing commitment to being gender-responsive by:

- Not assuming to know preferred pronouns, gender identity or sexual orientation of parties involved in a report;
- Not stereotyping traditional gender, sexual orientation, or gender preferences roles or behaviors with undue bias;
- Not attributing blame to a particular gender based on an immediate response to an incident, but will instead make sure both parties are heard and reported accurately;
- Ensuring that both parties are heard and that their perspectives are reported accurately by not attributing blame based on an immediate response to an incident.

Trauma-Informed. As part of its sexual harassment process, COCC will demonstrate an ongoing commitment to employing a trauma-informed approach to investigations by:

- Understanding that the reported incident(s) could have varied impact on individuals given the variety of vicarious, historical, institutional and cultural trauma;
- Understanding, recognizing, and responding to the trauma in a manner appropriate to the individual;
- Understanding that reporting parties may experience the effects of trauma before, during, and after an investigation; and
- Employing communication strategies to support the reporting party through and after the process.

Confidentiality

Throughout this process, the College commits to preserving confidentiality to the greatest extent possible, noting that information will be shared only with appropriate College staff as needed to fully investigate the nondiscrimination, sexual harassment, sexual assault, domestic violence, dating violence or stalking concern. However, should the reporting party request complete confidentiality, the College will make every attempt possible to honor that request.

Exceptions to confidentiality:

- The College is required to investigate Title IX concerns if an employee is involved; it is not required to do so if it is a non-Title IX sexual harassment, sexual assault, domestic violence, dating violence, and stalking concern.
- The College is required to investigate if the alleged victim is under the age of 18; depending on the nature of the concern, the College may be required to report information to appropriate authorities (see HR Policy - [Mandatory Reporting - Child Protection Policy](#)).
- The College may investigate a report if it is a pattern of repeated behavior and/or if there appears to be a health or safety risk to the College.

Retaliation

COCC prohibits retaliation against a person(s) who:

- Reported or filed a discrimination or sexual harassment complaint,
- Participated in the investigation or adjudication of such a complaint, or
- Assisted or supported others in bringing forward a complaint.

Retaliation is defined as conduct that may reasonably be perceived to adversely affect a person's educational or work environment because of their good-faith participation in the reporting, investigation, and/or resolution of a real or alleged violation of Title IX or COCC sexual harassment, sexual assault, domestic violence, dating violence, and stalking policy.

Retaliation also includes discouraging a reasonable person from making a report or participating in an investigation under this policy.

Retaliation can be committed by any individual or group of individuals, including by proxy, of those involved with the concern. Retaliation constitutes a violation of this policy even if the underlying allegations did not result in a finding or if the report is dismissed.

Acts of retaliation may be added to existing report and/or investigated separately at the discretion of the College.

Conflict of Interest

When investigating alleged discrimination or sexual harassment concerns, the College will make all attempts to avoid any conflict of interest between personnel involved as investigators, advocates, or hearings officers and those listed in the report. For purposes of this policy, conflict of interest is defined as when an individual has a personal connection to those involved in a report of discrimination (e.g., instructor or supervisor of the reporter or respondent) that could compromise their ability to carry out their role free of bias towards either party.

Decisions about potential conflict will be made by the Vice President of Student Affairs/Title IX Coordinator and/or the Chief Human Resources Officer. If a situation arises in which conflict cannot be avoided, the College may contract with an outside organization for assistance. If a situation arises in which the Vice President of Student Affairs/Title IX Coordinator and/or the Chief Human Resources Officer are involved, the situation will go to the President to appoint appropriate staff to investigate the concerns.