



November 13, 2017

US Senator Ron Wyden  
United States Senate  
Washington, D.C. 20510

Dear Senator Wyden:

I write in response to your November 3 letter asking for information about the interplay between the University of Oregon's student conduct procedures, Title IX responsibilities, and law enforcement investigations.

Thank you for acknowledging that the University of Oregon cares deeply about our students. We are committed to making our campus safe, creating a culture that prevents campus sexual assault, and responding appropriately when it does occur. Much of my presidency has been devoted to improving the university's campus sexual misconduct response and prevention activities. I am proud of what we have accomplished and of the caring staff that are diligently implementing these changes.

I asked the Title IX staff and Office of General Counsel to respond to your specific questions. That response is included here. I am confident that the University of Oregon responded appropriately in this particular case.

I am concerned by the assertion that "time and time again, colleges and universities demonstrate to policymakers, students, the general public, and especially to victims, that too often they are acting to protect their own interests." At the University of Oregon, nothing could be further from the truth. This statement relies on an inaccurate premise, and I am troubled that it perpetuates a narrative that belies the facts at the University of Oregon and belittles the efforts of many managers, staff, and faculty members who have worked hard to develop policies and procedures to protect our students.

Specific to the case you referenced, the alleged incident occurred in another state and the investigation was led by an outside law enforcement agency. The media's reporting on this issue does not reflect the entirety of the information in the case due to privacy laws, which I know you deeply value and we as a university are bound to enforce. We take any and all incidents of sexual violence very seriously and have the protocols in place that give agency and privacy to victims and survivors while maintaining the safety of our campus. We have shared publicly that we did not open a conduct investigation because the alleged survivor was clear and consistent in her request that no action be taken. Our law enforcement and Title IX team determined that the evidence in the case did not meet the criteria for overriding the survivor's wishes. The degree to which those wishes have been disregarded in recent months is frankly shocking.



More broadly, universities operate in a unique environment where we have tools, such as student conduct codes, that provide us with an additional way to respond to incidents of campus sexual assault. We also have programming that promotes safety and prevention. In fact, the UO has been a leader in developing prevention programs and student-centric reporting obligations for faculty and staff. We have an extraordinary mix of model programming much of which is detailed in the Annual Report of the Title IX Coordinator.

In addition, as I have noted, we have specific burdens as it relates to student privacy. You are a well-established champion of student privacy. Surely, you agree that these privacy obligations extend to all students, including those who participate in intercollegiate athletics. More importantly, the right to privacy and agency of the survivor of a sexual assault should not be eroded because the alleged perpetrator is a student-athlete.

While we have regularly engaged with your staff on these issues, I welcome the opportunity to provide an in-person briefing when you are next in Oregon. Our staff responds to more than 450 disclosures a year and we welcome the opportunity to share information with policy makers. I will not claim that we are perfect but I think you would be proud of our efforts.

Please let me know if you have questions about the attached response and whether you would like to meet with me and members of our General Counsel and Title IX offices.

Sincerely,

Michael H. Schill  
President and Professor of Law

## **Response to US Senator Ron Wyden’s letter of November 3, 2017**

Prepared by Offices of Title IX and the General Counsel, University of Oregon

Submitted November 13, 2017

Senator Wyden posed a series of questions in his letter to University of Oregon President Michael H. Schill. We respond, below to those questions. Prior to responding, it is critical to explain the university’s concerns with the information requested and to underscore the core issues that this matter highlights: the University of Oregon’s strong commitment to respecting the autonomy of a survivor and its hesitancy to share information about this matter in light of that commitment.

In terms of determining how much information to share, the university must be cognizant that what we are being asked to share or comment upon publically is information directly related to the educational record of a former student, or the educational record of a student at another institution.

Respecting the privacy of student information is particularly important in a case like this one—a case in which we have very clear information (as was published plainly in the article by Sports Illustrated which linked to the redacted police report) that the survivor did not want to move forward with an investigation or formal process. As explained in more detail below, the university is committed to protecting the confidentiality and autonomy of survivors and has shown this strong commitment through its policies and practices.

- **How are determinations made as to whether information related to a potential student sexual misconduct violation is deemed “insufficient” or “sufficient” to warrant notifying the director of Student Conduct and Community Standards.**

The Standard Operating Procedures (SOPs) (<http://dos.uoregon.edu/sexual-misconduct>) are not university policy, but rather guidelines that implement the Code of Student Conduct and transparently describe how the university generally responds to disclosures and reports of sexual misconduct. These procedures are regularly followed when the underlying allegations relate to any form of sexual harassment, including sexual assault, dating or domestic violence, gender-based harassment and bullying, stalking, and any other conduct that, if true, implicates Title IX. However, given the complexity of these types of incidents, these are not strict policies that require absolute adherence, nor should there be. A certain amount of flexibility is required to allow our professionals to respond to the totality of the information present and the unique circumstances that arise in various cases.

Where information is presented to the Title IX coordinator, it is her practice to inform the Director of Student Conduct of the allegations where there is sufficient information present to determine that a violation of the Code may have occurred and either the conduct process is being requested by the survivor or the Title IX coordinator has reason to believe that action without the survivor’s consent may be required. As explained in detail at sections three and four of the SOPs, in most cases, the university will not take action without the survivor’s consent; however, the university will move forward when it is determined that there is a threat to the health or safety of any persons on campus. The director and the Title IX Coordinator work very closely together to determine appropriate emergency actions, risk assessments where no action is requested and alternative resolutions to

disclosures if no formal process is being pursued. The director often receives information first, and then shares that information with the Title IX Coordinator when it involves conduct that may implicate Title IX.

However, assessing sufficient information also involves considering the totality of the information available at the time, the wishes of the survivor and whether there is likely to be a conduct process arising from the allegations. For example, if a survivor made it very clear that she did not wish to pursue a conduct process, or if there were no identified respondent, or if the university lacked jurisdiction because there was no affiliation with the respondent, then the Title IX Coordinator might not pass that information on to the Director of Student Conduct at the time of disclosure. With over 450 disclosures a year and rising, not every single disclosure is shared with the Director of Student Conduct. In this specific instance, an additional complicating factor arose from the fact that the information received by the university was from an external law enforcement agency in the context of an ongoing investigation. Protocols in place at our police department at the time restricted the sharing of information about an outside agency's law enforcement investigation in order to protect that investigation. Indeed, it remains the case for many universities that campus police do not report sexual misconduct cases to the Title IX office unless the survivor asks for that information to be shared. Our new reporting policy (which took effect a year after the events at issue here) makes it clear that such information is to be shared and UOPD will make this reporting obligation clear to any outside agency requesting assistance.

The decision to respect a survivor's wishes and not to share an initial report with the Director of Student Conduct does not foreclose a conduct process ever happening. Rather, the director would be informed if the survivor decided to later pursue a formal process, or in cases where an assessment was needed to determine if the nature of the information met the criteria for moving forward despite a request for no action or without the participation of a survivor. That criterion is stated in the SOPs at Sections 3 and 4 and involves assessing immediate threats to the health or safety of any person(s) on campus.

In September of 2016, given the police department's protocol, limited information was shared with the Title IX Coordinator and therefore she did not have sufficient information to determine that a conduct violation may have occurred. The information she received made clear that the survivor expressed a clear desire that no conduct proceeding be undertaken. The information was otherwise insufficient to indicate that the director should be consulted on emergency action or what that action should be.

- **In this particular case, did the Title IX coordinator and deputy Title IX coordinator/deputy athletic director fail to follow the university's own policies with respect to notifying the director of Student Conduct and Community Standards?**

The Title IX coordinator and deputy Title IX coordinator/deputy athletic director followed both university policies and guidelines.

- **What enforcement and disciplinary actions are taken when UO employees fail to follow standard operating procedures?**

The Standard Operating Procedures are guidelines about how to follow university policy, with built in flexibility to allow for decision-making based on circumstances and the professional judgement of our staff. If UO employees failed to follow university policy, they would be subject to the same employee grievance and disciplinary procedures that all UO employees are subject to, depending on status and any applicable collective bargaining agreements.

Any student who is subject to the Student Code of Conduct, and involved in a conduct process (either subject to conduct code charges or pursuing conduct code charges), may challenge an action based on a failure to follow the Code or the SOPs. These rights are built into the conduct process in the right to appeal a decision both internally, or to file a writ of review in circuit court.

<http://dos.uoregon.edu/social-misconduct>

Students may also file a complaint with the Office for Civil Rights of the United States Department of Education based on a violation of Title IX, or may pursue private action in civil court.

- **Is there a written policy describing the disciplinary policies and enforcement actions related to UO employees' failure to follow standard operating procedures?**

See the answer above. University policies pertaining to student grievances against employees are available at <https://policies.uoregon.edu/grievance-procedures> Sections O and P. If a student believes that one or more UO agents or employees has acted in an arbitrary manner or has acted in non-compliance with federal or state law, policies, directives, or administrative rules, or has acted in a way that exceeds authority or abuses discretion, to the personal detriment of that student, that student may file a grievance under the process described in Sections O and P. University policies describing employees disciplinary processes can be found at <https://hr.uoregon.edu/employee-labor-relations/employment-policies>.

- **What actions did all University of Oregon staff or affiliated personnel take upon receiving information relating to the alleged sexual assault involving a UO student in September of 2016, which was reported by the *Daily Emerald* and *Sports Illustrated*?**

When UOPD received a request for assistance from a police agency in Wyoming, they reached out to the Deputy Athletic Director/Deputy Title IX Coordinator for contact information for the accused student. The Deputy Coordinator in Athletics then reached out to the Title IX Coordinator, per protocol. The Deputy Coordinator informed the Athletic Director that contact was being made by UOPD with the student-athlete, but did not share details of the allegations. The Title IX Coordinator then reached out to UOPD for further information. Based on the information that the Title IX Coordinator discussed with UOPD at the time, which was limited due to UOPD's protocol of not sharing detailed information learned from an outside agency's investigation, there was not enough information to justify overriding the wishes of a non-participating survivor who did not make the report to law enforcement and did not wish to make a report. Therefore, at that time, the Title IX Coordinator did not discuss the report with the Director of Student Conduct. The Title IX Coordinator

then relied upon UOPD to provide further information if further information became available. This did not foreclose a conduct process, it simply meant that based on the information available at that time there was not enough to assess whether emergency action was appropriate or whether a conduct process should proceed against the survivor's wishes. Since September 2016, UOPD received no further requests for assistance from the Northern Wyoming Community College District police. We were informed some ten months later that the NWCCD police closed their investigation with no charges in July 2017.

Nothing in the university's policies or protocols would indicate that the respondent's status as a student athlete should either a) cause the university to initiate a conduct proceeding against the survivor's wishes; or b) suspend the athlete from athletic participation prior to a finding of responsibility or a showing that his conduct creates a risk to the campus community or the athletic program.

**Conclusion:** The University of Oregon has spent the last year or more dedicating time and effort to enacting a cultural shift with our new student-centered reporting policy to enable students, victims, and survivors to retain more choice about whether to make an official report or pursue formal processes. Even before that, we were deferring as much as possible to the wishes of survivors in whether to pursue formal processes while keeping the safety of our community at the forefront. Our entire process was reconfigured to ensure that students receive immediate outreach first from our confidential staff to connect them with resources, support, and interim measures as quickly as students would like. Because of our increased resources and more streamlined protocols, our confidential staff are able to get outreach to disclosing students generally within 24 hours. Our staff respond 24-7, on and off campus, and work with students, sometimes for years, while they complete their studies. As a result, our disclosure rates have climbed significantly every year for three years and continue to grow. We are proud of this accomplishment, and it is due in no small part to students feeling safer disclosing because they understand that will not be forced into a process that they don't want.

Media stories such as that which prompted this inquiry do not help because they reinforce the message that, if one discloses to the university, the intimate details of one's account could be published in national media. We have had students tell us directly that they considered not reporting or delayed reporting because they were afraid of that very occurrence. We do a disservice to survivors when we buckle to demands to share detailed information with the media and therefore we do not disclose information unless absolutely necessary. Policymakers who are passionate about helping survivors should provide assistance in changing the discourse to instead focus on the importance of privacy and the autonomy and choice we wish to see for all students in conduct proceedings.

We appreciate the Senator's thoughts and share his frustration about the difficulty of preventing campus sexual assault. But, when it comes to responding to a report, it is important that all involved be thoughtful in the use of conduct and disciplinary proceedings, especially if law enforcement investigations are occurring concurrently. The university followed the process as necessary under nuanced and challenging circumstances. We did not open up a conduct investigation because the survivor was clear and consistent in her request that no action be taken, and we did not view the

information as meeting our criteria for overriding a survivor's wishes. We have protocols in place that give agency and privacy to victims and survivors while maintaining the safety of our campus. We will continue to take any and all incidents of sexual violence very seriously.

## **Addendum – Annual Report of the Title IX Coordinator 2016**

The Annual Report of the Title IX Coordinator (2016) contains information about the comprehensive review of the university's efforts to strengthen prevention and response to sexual misconduct and support for survivors and the status of our improvement efforts.

An executive summary is available on pages 4-5. The report provides further evidence of UO's commitment and efforts to make our campus safe.

It is worth highlighting key information in the report, as well as updates since the report was prepared:

- Upon the September 2017 withdrawal of the US Department of Education's Title IX guidance, President Michael H. Schill sent a **message to campus affirming UO's commitment to Title IX**.
- Fall 2017 saw the **full implementation of student-centric faculty-staff reporting policies**. Nationally lauded as a potential model, this new policy involves all employees in creating a safer environment by requiring most employees to follow the wishes of the survivor while also connecting them with confidential resources and support. This places survivor agency and trauma informed practices at the core of institutional efforts.
- **Additional staff to support Title IX at the Office of the General Counsel:** Jessica Price began her work with UO in September 2017. She is an experienced attorney with a focus on Title IX and civil rights.
- UO provides **free legal representation to survivors of sexual assault** through Student Survivor Legal Services. Extensive research by UO law faculty and the Congressional Research Service, indicates the UO is the only university in the country to offer this service to survivors.
- UO recently **made reporting easier by contracting with Callisto**, an online portal that allows students to record and store information about their experience on an encrypted platform. They can then choose whether and when to report to the university or law enforcement while protecting and preserving information vital to an effective investigation. More information about this exciting program can be found here: <https://www.projectcallisto.org/>
- As of 2017, UO's **health center is working towards five certified sexual assault nurse examiners (SANE)**. Many other universities across the country have one at best. We currently have three Nurse Practitioners that provide sexual assault forensic examinations (SAFE), and one additional working limited hours in retirement. In addition, two Registered Nurses are in the process of becoming certified sexual assault nurse examiners (SANE).
- UO is one of the only institutions nationally to **provide 24-7 confidential outreach to student survivors** by licensed, confidential social workers. Our Crisis Intervention and Sexual Violence Support Services provides outreach generally within 24 hours of receiving information, and can work

both on campus and in the community to ensure students are connected with interim measures, support and appropriate resources, all without requiring a student to disclose further information to the university. This includes **a central hotline** to provide 24-7 connection with services available on- and off-campus for students who have experienced sexual violence. This number is on the back of every student I.D. card.

- The Senator has made it clear he has a particular interest in ensuring that conduct notations for students who participate in intercollegiate athletics are made available to schools if the student transfers. As we have previously shared with staff, the University of Oregon has implemented a standard practice to ensure the safety of its students, which goes further than only relying on self-disclosure, and **requires all transfer student-athletes** to provide consent for UO to check their conduct records at prior institutions. In addition, to be considered for admission as a transfer student, all student applicants must be eligible to return to any previously attended institution.
- With help from a US Department of Justice grant in the early 2000s, UO was an **early implementer of programs to prevent sexual misconduct and educate students** about healthy behavior. Presented by the Sexual Wellness Advocacy Team, “It Can’t Be Rape” is a mandatory presentation delivered to all new students through summer orientation programs. Combined with our groundbreaking “Get Explicit” fall orientation program for all incoming students, these programs cover consent, healthy relationships and sexuality, bystander intervention, and creating shared understandings of sexual assault, dating and partner violence, stalking, and sexual harassment. Those programs are continuing and were identified in the Association of American Universities report as a national model. This year alone, over 4,000 incoming students were trained during summer and fall, which included 96 percent of all incoming freshman prior to and during the Red Zone. The remaining four percent will receive training soon.

# **Annual Report of the Title IX Coordinator**

**Darci Heroy**

**2016**

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

*Title IX, Education Amendments of 1972*

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## **Message from the President**

The University of Oregon will not tolerate sexual violence or harassment in any form.

Every member of our community deserves to feel safe and secure in their academic pursuits. We owe it to our students, their families and our entire community to work together to combat sexual assault and to hold each other accountable.

We will teach our students to respect each other. We will teach them to stand up for each other. We will show them that we have zero tolerance for sexual violence by swiftly investigating reports and taking action without sacrificing due process. We will not rest until we succeed.

*President Michael Schill, University of Oregon*

## **University Policy Prohibiting Sexual Harassment**

The university’s policy prohibiting “sexual harassment” specifically prohibits discrimination on the basis of sex or gender, sexual harassment, sexual violence, sexual assault, dating or domestic violence, sex or gender based stalking or bullying, and other gendered harassment. “Harassment” as defined under the Student Conduct Code will be interpreted to include these policy definitions. Sexual harassment and sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, and/or gender identify of those involved.

Title IX applies to all members of the university community. All students, faculty, staff, applicants for admission, and applicants for employment as well as those actively engaged in our community as volunteers, contractors, and attendees at events are protected from gender discrimination, sexual harassment, and sexual violence.

## Introduction

This report highlights and assesses the university's efforts to prevent and respond to incidents of sex discrimination. As the first report from the AVP and Title IX Coordinator, this report generally covers activities and initiatives starting in 2015 and continuing through the 2016–17 academic year. Over the past two years, the university has focused its considerable efforts on education and prevention, developing clear policies for reporting and response, and collaboration across campus and the greater community. The goal moving forward will be to have an annual report release for the prior calendar year that coincides with Sexual Assault Awareness Month. This will provide an opportunity for open dialogue and structured time for feedback.

This report will also provide data and contextual information regarding the number and types of reports received by the Title IX Coordinator and the process by which reports are resolved. The purpose of reporting this data is to increase awareness and promote transparency.

Please be aware that the Title IX Coordinator has an obligation to balance transparency with the commitment to respect the privacy of those involved, including the duty to keep confidential information protected under the Family Educational Rights and Privacy Act (FERPA). The university hopes the *Annual Report of the Title IX Coordinator* will create productive community dialogue and reflection.

The Office of the Title IX Coordinator will continue its efforts to create and maintain a respectful and inclusive community free of prohibited harassment and discrimination. If you have any feedback regarding the report please contact:

Title IX Coordinator  
541-346-8136  
[titleixcoordinator@uoregon.edu](mailto:titleixcoordinator@uoregon.edu)  
106 Johnson Hall

## Executive Summary and Highlights

The University of Oregon is committed to ensuring that all students have access to a quality learning experience and the opportunity to pursue their academic goals in a safe, supportive learning environment. Any form of sexual or gender-based harassment interferes with our students' abilities to be engaged learners and is antithetical to the community values of the institution. This annual report assesses our progress over the last two years as well as openly discussing the areas in which we see a need for continued evolution in order to better serve the campus community.

This Executive Summary first highlights some of the more significant achievements of the last two academic years. These have been directly responsive to feedback from campus stakeholders, faculty, students, staff, and internal and external reviews, as well as guidance from the Office for Civil Rights, local and national judicial opinions, and legislative activity.

- A Title IX Coordinator position was created and filled that reports directly to the President and the Vice President for Student Life. This position serves as the key coordinating administrator monitoring all programs and policies related to Title IX.
- New Deputy Title IX coordinators have been designated in Intercollegiate Athletics, the School of Law, the Graduate School, the UO in Portland, and the Lundquist College of Business. The roles of deputy coordinators for undergraduate students, faculty, and staff have been clarified.
- Critical staff members have been added in Crisis Intervention and Sexual Violence Support Services, Sexual Violence Prevention Education, the Counseling and Testing Center, the Office of Affirmative Action and Equal Opportunity, the Ombuds Program, and the University of Oregon Police Department. This has greatly increased our effectiveness and the timeliness of overall response to all reports of discrimination and harassment.
- Dedicated faculty and staff have stepped up to become involved in the Title IX process by becoming trained to serve as support personnel for student respondents, providing outreach and support when students are accused of sexual misconduct.
- Additional faculty and staff members have agreed to serve as appeals officers, increasing our pool of trained staff to provide internal procedural review of student conduct decisions in our Title IX process. This allows us to consistently assess and review our own processes, and is a critical part of ensuring a fair and neutral process.
- The university has successfully increased the quality of communication with both on- and off-campus support and response services, including victim support services and law

enforcement. The University of Oregon Police Department maintains a memorandum of understanding with the Eugene Police Department for investigations of sexual assault, and the Lane County District Attorney's Office has a designated Campus Sexual Assault team.

- Starting in Winter 2017, new student ID cards were issued to all University of Oregon students with contact information for the 24/7 confidential SAFE hotline.
- As of January 2016, new comprehensive procedures for the reporting, investigation and adjudication of allegations of sexual misconduct were implemented as the culmination of efforts from the Office of the President, Office of the Dean of Students, Office of Affirmative Action and Equal Opportunity, and Office of the General Counsel. These procedures will now be subject to annual, transparent review.
- In September 2017, a new reporting policy will become effective, the culmination of over eight months of collaborative work between faculty, students, and the administration. This policy will reshape our definition of required reporting and serve as a model for efforts to reform other reporting policies related to discrimination and harassment.

## **Where We Are Now: 2015–17**

A comprehensive review of the university's efforts related to Title IX in 2014 identified the need to redesign campus infrastructure, to strengthen the institution's response to allegations of sexual misconduct, and to develop more effective prevention programming. It also highlighted the importance of increasing education and prevention efforts campus-wide with specific consideration for particular student groups and the importance of a comprehensive prevention and response coordinated by a central administrator.

During the last two academic years, the university has invested significant time, energy, and financial resources in implementing not only the recommendations from the 2014 reviews, but additional changes due to continuing assessment and openly solicited feedback. Because of the magnitude of the task, this campus evolution is occurring in what can be thought of currently as two distinct phases: 1) Solidifying our Foundation, and 2) Creating a Shared Understanding.

## **Phase One: Solidifying Our Foundation**

### **Coordinated Campus and Community Response**

Sexual misconduct against students, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking, is a form of sex discrimination under Title IX. In January 2014 the White House called on all schools to closely examine how they address sexual assault as part of their educational mission—from the initial reporting, through the campus adjudication process, and final outcome.

The results of a survey conducted in 2015 at 27 college campuses, including the University of Oregon, reaffirmed previous findings that one in five college students has experienced some form of sexual assault. That survey, as well as one conducted by UO researchers, showed that incidents of sex assault and misconduct at the UO generally mirror statistics at campuses nationwide. The results also showed an ongoing need at the UO to increase awareness of services and to improve the reception of university support and response.

During the last few years, the University of Oregon has invested countless hours and resources to address the issue of sexual misconduct on campus to match its increased awareness and understanding of this issue with concrete actions to reduce and prevent sexual misconduct and to improve the institutional response when such incidents do occur.

### **Centralizing Coordination**

To increase structural transparency and to centralize administration of Title IX issues across campus, the university created the Associate Vice President and Title IX Coordinator position in 2015; prior to that, the university designated the AAEO director as the Title IX coordinator. This permanent position is charged with coordinating the implementation and administration of the university's procedures for resolving complaints of discrimination or harassment and overseeing campus climate data and case management information to track prevention and response efforts. This position is also tasked with providing assessment and input regarding policies related to gender- and sex-based discrimination and harassment, which includes reporting obligations of employees and processes by which individuals or groups may be held accountable.

The Title IX Coordinator serves as the primary administrator for all matters related to gender-based discrimination, sexual harassment, and sexual violence, which includes following nationally developing promising practices, outreach to campus stakeholders and the community, and ensuring that all campus first-responders (i.e., University of Oregon Police Department, Crisis Intervention and Sexual Violence Support Services, Office of the Dean of Students) and those involved in the complaint resolution process receive trauma-informed annual training.

New Deputy Title IX coordinators have also been designated in Intercollegiate Athletics, the School of Law, the Graduate School, the UO in Portland, and the Lundquist College of Business. The roles of deputy coordinators for undergraduate students, faculty, and staff have been clarified.

In addition, dedicated faculty and staff have stepped up to become involved in the Title IX process by becoming trained to serve as support personnel for student respondents, providing outreach and support when students are accused of sexual misconduct. Faculty and staff have agreed to serve as appeals officers, increasing our pool of trained staff to provide internal review of student conduct decisions in our Title IX process. This invaluable service allows us to consistently assess and review our own processes, and provides a critical part of ensuring a fair and neutral process for our students.

### **Investment in Resources**

The university has invested significant funding in Title IX-related matters over the last few years, including not only financial assistance to programs but also increases in staffing for key roles throughout our prevention, response, and accountability processes.

Critical staff have been added in Crisis Intervention and Sexual Violence Support Services, Sexual Violence Prevention Education, the Counseling and Testing Center, the University Health Center, the Office of Affirmative Action and Equal Opportunity, the Ombuds Program, and the University of Oregon Police Department. This has greatly increased our effectiveness and the timeliness of overall response to all reports of discrimination and harassment.

#### **Campus Partner Highlight**

### **Office of Crisis Intervention and Sexual Violence Support Services**

The Office of Crisis Intervention and Sexual Violence Support Services is a unique program among higher education institutions in Oregon. We are currently the only university offering 24/7/365 outreach by licensed social workers to our students who have experienced a Title IX-related incident. These professional staff take turns being on call after hours to ensure university students always have access to confidential support services. Team members meet one-on-one with students, help them understand their reporting options, where and

how to access other confidential resources, assist with academic accommodations including engaging with the registrar and other campus departments to ensure that students are not required to disclose a Title IX-related incident as they seek academic accommodations. The team also assists with many other interim measures and accommodations including safety planning, no-contact orders, connecting students with health care, legal services, law enforcement, financial aid assistance, work accommodations, and visa assistance.

All of this means that because of partnerships across campus, we are generally able to provide outreach and coordinated care to all students reporting experiences of discrimination, harassment, or violence within 24 hours of the report.

Key resources are being continually updated and improved based on feedback and with the goal of providing easily available and accurate information. For example, the new Title IX website launches in summer 2017: a hub for centralized, easy-to-navigate and up-to-date information on all of the UO's Title IX-related efforts, policies and procedures. At the same time, the university begins a new partnership with Callisto for anonymous reporting, and the redesigned Office of Affirmative Action & Equal Opportunity website was launched in early 2017. The websites of Student Conduct and Community Standards and the Division of Student Life were updated and launched in fall 2016 and include more easily navigable and mobile-friendly formats along with critical and easily accessible safety information. Information is routinely updated on the SAFE website and the Prevention website, with the goal of continually providing accurate and up-to-date information based on evolving and promising practices.

### **Increasing Outreach and Collaboration**

Some of the clear data from climate surveys as well as feedback from both internal and external reviews that were completed in 2014 and 2015 indicated that the university needed to increase communication with key audiences across campus. What became apparent was that more needed to be done to build trust and relationships with students, faculty, and staff by increasing transparency and outreach.

To accomplish this, the Title IX Coordinator and many employees involved in the administration of Title IX have expanded partnerships and engagement in a variety of ways designed to not only monitor the response framework from the perspective of diverse stakeholders, but to also begin to incorporate critical feedback and increase collaboration across disciplines.

As part of this broader outreach, the Title IX Coordinator and Title IX personnel either lead or participate in various interdisciplinary work groups, committees, and task forces. These include:

- A new task force to lead the implementation of the revised Responsible Employee Reporting policy relating to student reports of sex- and gender-based harassment and violence.
- The Sexual Assault Advisory Council, a group of faculty, staff, alumni, community leaders, and experts whose task is to guide the university's efforts to end sexual violence and foster a campus culture of safety, respect, and responsibility.
- The Fraternity and Sorority Life Sexual Violence Prevention Leadership Board, which includes leadership from each chapter, meets weekly with the Director of Sexual Violence Prevention and Education.

- The University Senate Committee on Sexual and Gender-Based Violence, which is charged with implementing and maintaining the recommendations of the Task Force to Address Sexual Violence and Survivor Support.
- The University Senate Responsible Working Group, which continues to work with the president to implement a new Responsible Employee Policy (effective September 15, 2017) concerning victim-driven reporting obligations of faculty and staff on incidents of sexual misconduct, sexual harassment, and unwanted sexual contact.
- Working groups focused specifically on thematic areas such as protocols for providing pregnancy and parenting accommodations to students and a work group dedicated to institutional and program assessment and research.
- The Alliance for Sexual Assault Prevention is a committee of professionals and students across campus that meet monthly who are committed to the creation of a safer campus environment through the prevention of sexual violence.
- The Prevention Executive Committee was established by the former vice president of Student Life to gather faculty and practitioners with expertise in reducing risk and increasing protective factors that ultimately yield student success. This committee has specifically focused on sexual violence prevention, crisis response, suicide prevention, and substance abuse prevention. In addition to examining and recommending prevention efforts, the committee is dedicated to research, assessment, and making data driven decisions informed by best practices.
- The Dean's Consultation Committee functions as an interdisciplinary problem-solving group supporting students. Representatives come from the Office of the Dean of Students, the University Counseling and Testing Center, the Office of Student Conduct and Community Standards, the University of Oregon Police Department, University Housing, the University Health Center, and other offices as needed.
- The Athletics Deputy Title IX coordinator tracks all education and prevention efforts, and the newly reorganized Intercollegiate Athletics Advisory Committee (IAAC) will focus on academic and welfare issues related to student athletes.
- The UO has free resources for students involved in both sides of the resolution process including staff that are trained as support for both victims and survivors and respondents, as well as legal services via the Office of Student Advocacy or Student Survivor Legal Services.

The university has also successfully increased the quality of communication with both on- and off-campus support and response services, including victim support services and law enforcement. The university and the University of Oregon Police Department maintain a Memorandum of Understanding (MOU) and meet regularly with key law enforcement agencies in the area including the Eugene Police Department, City of Eugene, Lane County District

Attorney's Office, and Sexual Assault Support Services. The Lane County District Attorney's Office has designated this group as a Campus Sexual Assault Prosecution Project, and has obtained a cutting edge grant that allows the district attorney to assign a dedicated prosecutor for all campus sexual assault cases. This MOU and team has allowed us to reduce the number of times victims need to interview with different agencies, significantly decreased the risk of re-traumatizing a victim, and helps us to avoid undermining either the criminal or administrative process. We are receiving interest from campus law enforcement around the country about this collaborative structure. This structure will be discussed in detail at the fall Leave No Victim Behind 2017 Conference hosted at the UO by the University of Oregon Police Department, the California Victim Compensation and Government Claims Board, and the Federal Office for Victims of Crime. This conference is open to all.

In addition, the Title IX Coordinator and Title IX staff have spent hundreds of hours in the last year alone training, presenting, facilitating questions and answers, and meeting individually with students, faculty, departments, organizations, leadership, and staff throughout the university to build relationships and ensure not only that accurate information is being provided campus-wide, but that more and more voices are being heard throughout the process.

## Prevention Education

The UO has significantly increased the visibility of our ongoing efforts with prevention education support over the last two years by increasing the number and variety of prevention efforts. Our participation rates are reflective of this effort. For example, our cutting edge Get Explicit program for all incoming first-year students had an 82 percent participation rate the first year, which increased to 99 percent participation from new students living in the residence halls during fall 2016. This increase in participation rates as well as the increase in opportunities for engagement are also showing up in both the reporting rates and the changing language of students and employees. A full list of our prevention education activities can be found at [prevention.uoregon.edu/initiatives](http://prevention.uoregon.edu/initiatives). Some specific programs have been receiving a lot of attention:

- **Get Explicit 101** is a peer-facilitated training specifically designed for new students living in the residence halls that addresses what it means to be a Duck by preventing sexual violence. Get Explicit 101 includes interactive discussions about healthy relationships, boundaries, consent, social norms, bystander intervention, and responding to sexual violence. Get Explicit 101 empowers students to be intentional with boundaries, direct with communication, explicit with consent, and engaged as a community member to prevent sexual violence. By participating in these workshops, students contribute to the UO's goal for a safer and healthier campus community. Since fall 2015, more than 7,000 students participated in the Get Explicit 101 trainings, which are offered during the Red Zone. The program is intentionally required in the fall term and during Red Zone, since the first six to eight weeks on college

campuses have been identified as high risk for perpetration of sexual assault. Additionally, these workshops set a strong foundation of the peer and institutional expectations around interpersonal violence. Get Explicit 101 guides students through peer-education and interactive models to explore bystander intervention and violence prevention. A modified version of this is also required for incoming transfer students throughout the year.

- Since 2001, the UO's **Sexual Wellness Advocacy Team (SWAT)** has advocated for healthy sexual relationships and worked to prevent sexual assault and dating violence through peer education. In October, SWAT was selected as the NASPA Region V award winner for the 2016 "Innovative Program" award. Using evidence-based practices and innovative programming, SWAT has proven itself as a longstanding leader in the field of campus sexual violence prevention. SWAT received the Silver Excellence Award from NASPA in the Violence Education and Prevention, Crisis Management, and Campus Security category.

#### Campus Partner Highlight

### Victim's Assistance Fund

**The Victim's Assistance Fund provides crucial support to students at risk of leaving school due to the unanticipated expenses often associated with experiencing sexual violence. Because of this fund, many students have been able to pay for critical medical care services, expenses related to safe housing, replacement of stolen or damaged property, and other costs that may have prevented them from staying at the UO. To learn how you can donate to this fund to directly support students in crisis, please call Student Life Advancement at 541-346-0044.**

With 18 student members—and a waiting list for acceptance into the program—SWAT has become a well-known and much-sought-after leadership experience at the UO. SWAT has presented at a number of national and statewide conferences on sexual assault prevention including the National Conference on Campus Sexual Assault and Violence at the University of California at Berkeley in 2015 and the US Department of Justice Office on Violence Against Women Campus Training Institute in Columbus, Ohio. In 2016 SWAT traveled to Western Oregon University and Oregon State University to present interactive workshops. SWAT has also traveled to universities and colleges as presenters and consultants for institutions seeking to create similar peer programs including the University of

Utah, University of California at Berkeley, Drew University, Eastern Washington University, and Boise State University. Additionally, SWAT is frequently invited to present at other campuses and violence prevention events throughout the state and region.

The SWAT program has two major components: a weekly class during the academic year where students devise and present theater-based educational presentations for their peers, and a summer production performed for incoming first-year students during orientation. Throughout the academic year, SWAT peer educators receive extensive training through an upper division leadership development class. The class is offered through the family and human services major in the School of Education. Students receive two academic credits per term and are thoroughly educated on the theories and dynamics of sexual violence prevention and applied theater theory and techniques.

During the school year program SWAT presents across campus to a wide range of audiences including student athletes, residence halls, international students, fraternities and sororities, academic classes, student of color and LGBTQ student unions, student government, and other campus groups. During the 2016–17 academic year, SWAT reached more than 1,550 students, and in the summers, the original production *It Can't Be Rape* reaches approximately 4,000 new students annually and is a mandatory component of UO orientation. During the 2015–16 school year SWAT trained over 1,100 students, including all UO student athletes, University Housing resident assistants, and many other student groups.

The university has also provided other opportunities of note during the last couple years, including: hosting Mary Koss, Elizabeth Armstrong, David Lisak, Sameena Mulla, and Julie DiCaro to facilitate a dialogue about sexual assault on campus; making empowerment based self-defense, martial arts and RAD classes available to all students (Women Only, Rape Aggression Defense, Martial Arts); and presenting *The Vagina Monologues* (first presented by Pi Beta Phi in 2015 and presented again by the Panhellenic Council in 2016) as a benefit to raise awareness toward ending violence against women specifically shared through the voices of sorority women. Additionally, the UO Department of Intercollegiate Athletics continues to invite speakers to work with teams and staff including activist Brenda Tracy who spoke to the entire UO Football team and staff regarding sexual assault and the unique role that student-athletes play in preventing sexual violence and transforming campus culture. More than 3,000 Fraternity and Sorority Life students participated in prevention efforts during 2014–15.

The visibility of support and response efforts also increased through needs-based prevention and education tailored to specific demographics. For example, the Graduate School offered workshops to graduate students on the topics of sexual harassment and Title IX training and continues to explore opportunities for targeted workshops relating to conflicts of interest, sexual harassment and the vulnerabilities of graduate students, and teaching strategies for handling contentious issues in the classroom. In addition, the School of Law held two workshops for law students including a panel discussion in conjunction with the Wayne Morse Center for Law and Politics on required reporting, conflicts of interest, and the university's response to allegations of sexual harassment.

## **Policy Evaluation and Evolution**

Several of the recommendations for changes revolved around institutional policies that were in need of review and revision. Over the last two years the university has worked diligently with partners across campus and in the community to assess and redesign policies and protocols relating to our campus-wide approach to sexual discrimination, harassment, and violence. We have made great strides and are proud of what we have accomplished in such a short time. Of the many projects that have occurred and are ongoing several are worth explicit mention in this report.

## **Admissions**

First, beginning in fall 2015, all applicants requesting admission to the University of Oregon were required to disclose information about their legal or conduct background, including high school disciplinary information. This process was designed by a collaborative group of campus partners, taking into consideration the most current research on the potential negative side-effects of such policies. As a result, this admission process is multi-tiered to attempt to ensure that incoming students are not dissuaded from applying simply because of unrelated conduct or criminal backgrounds while also assisting us in identifying individuals of concern such as registered sex offenders. A special committee, which includes the Director of Admissions and representatives from the Counseling Center, the Division of Equity and Inclusion, the Office of the Dean of Students, the University of Oregon Police Department, the Graduate School, and Intercollegiate Athletics, looks at each application carefully to assess the particular conduct or criminal charge for relevancy to concerns around sexual violence.

## **Response Protocols**

Second, we assessed and refined our immediate response to reports of sexual harassment, discrimination, and violence. The new streamlined protocols—built upon the already incredible work that many of our staff had been doing for years—ensure we keep as much autonomy as possible with the reporting students. The first critically important piece of our response is that after a report has been received the first outreach from the university comes from our confidential social workers in the Office of Crisis Intervention and Sexual Violence Support Services. These staff are confidential and can help students fully understand their options and what resources are available to them before they choose what they would like to do and with whom they wish to share information. Our crisis staff offer and facilitate a great many types of interim measures including, but not limited to, free counseling services, healthcare, academic accommodations, housing accommodations, and other services intended to support students in retaining full access to their education and educational opportunities. In addition, at the request of either a complainant or a respondent, a no-contact order may be put in place. A no-contact order is always mutual, and violation of the order by either student may result in the university taking action against the student who violated the order.

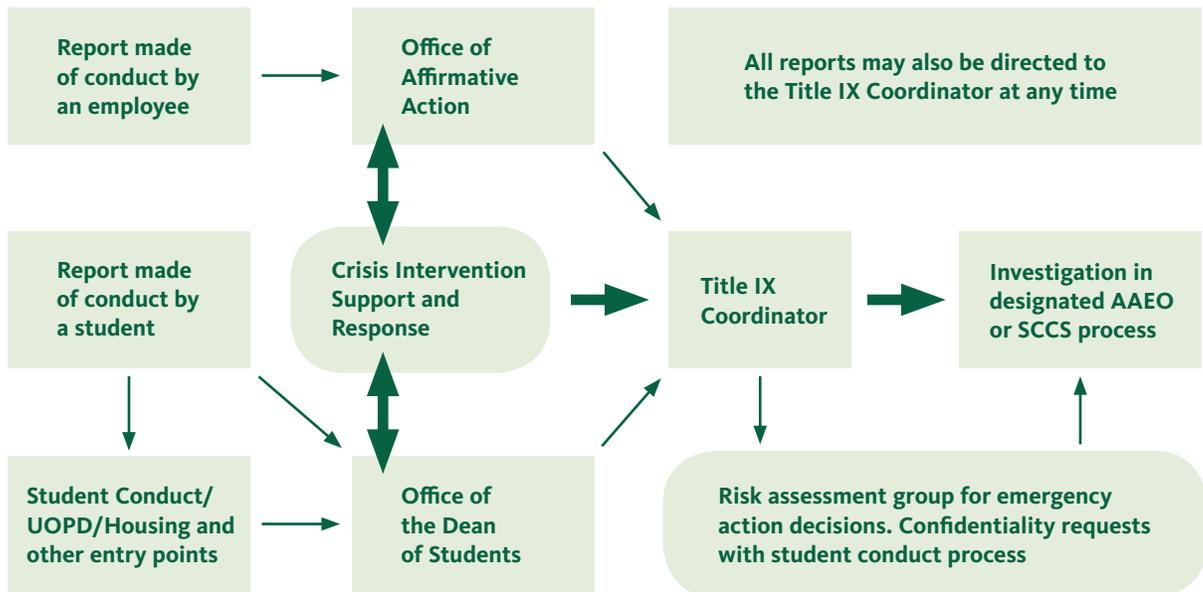
These same interim measures and resources are available to students who have been accused of misconduct. However, these students work with different support staff from the Office of the Dean of Students and other partners in our Respondent Support Services Program. Once a student has been charged with misconduct, or if emergency action has been taken, a Respondent Support Services staff member will reach out to the respondent with information about these resources and measures and will also facilitate those accommodations as requested.

As reports come in to the university, a team of key university officials that includes the Title IX Coordinator and Director of Student Conduct and Community Standards (“Director of Conduct”)

may be convened as necessary to assess whether emergency action is warranted to protect the reporting student or the university community. Emergency action may include temporary suspension of a student from the university or restriction of a student’s movements on campus. If an emergency action is taken, the respondent is immediately informed that they have the right to meet with the Director of Conduct within 72 hours, and usually much sooner. This opportunity to respond to the action is an important protection for the respondent, and also allows us to receive greater information upon which to base our decisions regarding threats to health or safety. Frequently, the emergency action is then modified to allow the respondent to still attend classes even while other restrictions may be in place. Complainants are consulted on these modifications so that both parties are aware of any existing restrictions, but our decisions must be based on the premise of ensuring we protect all students’ access to education and understanding that respondents may ultimately be found not responsible.

The assignment of these incoming reports and assessments is reflected in the chart below. This streamlined structure has enabled us to more quickly track all incoming reports and ensure that each is being coordinated appropriately, to quickly ascertain those necessitating emergency action, and to work smoothly with partners to provide comprehensive, wrap-around services.

### Immediate Response Protocols Flow Chart



## Standard Operating Procedures (SOPs)

Third, a significant institutional change in the last couple of years has been how the university handles allegations of student sexual misconduct. The new standard operating procedures for sexual misconduct cases implemented as of January 1, 2016, and updated in 2017, have increased the transparency of the complaint process, provide clear timelines for parties involved, provide equal opportunities for participation including the viewing of information and response, and have a built-in process for appeal of final decisions. The SOPs were developed in collaboration with various stakeholders, and will be subject to an annual review including input from students, faculty, staff, and community members. We are currently engaged in outreach to many constituents requesting feedback over the summer months including from advisors who have worked with both complainants and respondents.

Efforts are also currently underway to make the SOPs more accessible and easier for students and advisors to understand. The next step is the development of Frequently Asked Questions on the central Title IX website that will describe the SOPs in language that is accessible for both complainants and respondents (who may be experiencing trauma or stress), as well as advisors who may be assisting them. This flowchart is a first attempt to reflect the design of this process.

### Campus Partner Highlight

## University Counseling and Testing Center

The University Counseling and Testing Center (UCTC) is staffed by a team of psychologists, psychology doctoral students, and support staff, all of whom are confidential employees. In addition, the UCTC has the benefit of a specially trained team who specifically address the needs of students who report Title IX-related incidents. The Interpersonal Violence (IPV) team ensures that students are informed of Title IX regulations and campus resources, including information on how to access both confidential and non-confidential resources on and off campus, the reporting process, the SAFE hotline, and the SAFE website. The IPV team works closely with the University Crisis Intervention and Sexual Violence Support Services and the Title IX Coordinator. When students are referred from these offices, the UCTC IPV Coordinator will ensure students are scheduled for an in-person appointment with

a UCTC IPV team member for initial assessment. The UCTC IPV team primarily provides services to complaining students due to the potential conflict of interest that would occur were a therapist to work with both the complainant and the respondent. However, the UCTC also serves respondents, and to avoid these potential conflicts, when a respondent presents at the UCTC for support, which is often facilitated by the Title IX Coordinator or Respondent Support, the UCTC IPV Coordinator works with the front desk to schedule the student for an in-person assessment with a licensed clinician. Steps are taken to ensure the respondent and complainant are not paired with the same therapist or scheduled at the same time. This makes the process feel safer for both students. When a UCTC clinician meets with a respondent, the student will also be made aware of all available university resources.

Directly responsive to policy requirements set forth by the Department of Education Office for Civil Rights (OCR), the Violence Against Women Act (VAWA), and the Clery Act, as well as to current development in court cases, resolution agreements by OCR, and feedback from many stakeholders, the SOPs identify at a minimum the following:

- University officials responsible for receiving and investigating allegations of sexual misconduct, including anonymous reports
- Resources available to students throughout the complaint resolution process
- Interim measures designed to protect students and the community
- The equitable and neutral resolution process designed to fairly investigate allegations of sexual misconduct within a clearly prescribed timeline, including all possible sanctions and a built-in appeal process

The timeline for investigations was clarified to be 60 business days, with built in communications to both parties, what parties can expect at each stage of the process, descriptions of roles, clear information as to when parties may view all of the information gathered, when they can respond, when they can ask questions of the investigator and the other party or witnesses, and clarifications as to the types of information that will be considered or excluded. Students are able to petition for exceptions to the rules, communicate directly with the investigator or decision-maker, may request updates during the process, and have clear rights to have advisors present throughout.

### Campus Partner Highlight

#### ASUO Men's Center

The ASUO Men's Center dedicates considerable time and energy toward addressing sexual violence on campus through a variety of programs including sexual communication workshops, and presentations to classes about men's role in preventing sexual violence. During Sexual Assault Awareness Month 2015, they hosted Men and Allies United: Walk Talk and Roll to Prevent Sexual Violence giving all participants

an opportunity to demonstrate their position as individuals or as members of a group wishing to take a stand against domestic violence, abuse, and interpersonal violence. During 2016 and 2017, they also hosted The Men's Story Project, an event to showcase stories of men from diverse backgrounds and experiences to address the topics that men don't typically share about, but that impact society.

### **Requests for No Action or Confidentiality by the University**

It is important to understand that in the small number of cases where the university must move forward with some type of intervention or even a formal conduct process, a victim or survivor will *not* be forced to participate in that process. They will still be kept informed about what is occurring.

Another significant change in the last few years has been the guidance from the Office of Civil Rights which has clarified the circumstances under which an institution can defer to a student's request that the university not take any action, not share personally identifying information with a respondent, or not take any disciplinary action. To the extent possible, the Title IX Coordinator will attempt to honor such requests. However, there are still limited times when concerns for the safety of the community may mean that the university cannot honor such a request. Because this is a critical decision, the factors that are routinely considered in making that decision are published online so that anyone can understand the decision-making process.

Despite that limitation, the number of cases where the Title IX Coordinator has been unable to honor such a request for no action or confidentiality is very small, only a small percentage of cases per year out of hundreds of reports. Even when a request cannot be honored, that does not mean that a formal conduct process will necessarily occur. Quite frequently other types of intervention can be undertaken that are designed to stop the behavior and prevent it from recurring.

## **Where Are We Going: 2017–19**

### **Phase Two: Creating a Shared Understanding**

As we move into the next phase of our evolution, we will be able to shift from a focus on structural foundation towards an expansion and refining of our processes, policies, and engagement with the community. These last couple years have been defined by necessity and reaction. However, moving forward our goal is to shift toward a greater emphasis on prevention, education, training, and collaboration with our campus constituencies. This shift has already begun with some important changes that are worth mentioning here.

### **New Policies and Resources**

#### **Responsible Reporting Policy**

The University of Oregon Discrimination Complaint and Response policy prohibits discrimination, discriminatory harassment, sexual harassment, and retaliation, and importantly also defines which employees of the institution have an obligation to share information that they receive

related to these types of incidents. Under the emergency policy in place since 2015, most employees have been required to forward information related to student reports of sexual harassment, discrimination, or violence to either the Title IX Coordinator or the Office of Affirmative Action and Equal Opportunity. This obligation could only be relieved if an employee were designated as confidential or certain minor exceptions were justified.

Reporting policies such as these are common across the nation; they easily comply with federal guidance and create certainty for institutions while reducing risk. However, while these policies are enacted in part to help ensure a safe community by encouraging information

sharing with the university, recent scholarship from national experts—including a UO professor—has criticized these policies and their results as harmful to victims and survivors, as well as ineffective in increasing information sharing. What this research has ultimately emphasized is the importance of institutions developing and relying on trusting relationships between students and faculty members or other employees.

As part of our efforts to create a more inclusive approach to responding to sexual harassment, discrimination, and violence, the Title IX Coordinator collaborated with a group of cross-disciplinary faculty members, staff members, students, and administrators to rework the reporting obligations of UO employees in light of this research and the growing national criticism of blanket policies. What resulted is a groundbreaking approach to responsible

reporting obligations that is receiving national attention and leading to many inquiries from other institutions interested in exploring similar changes. The new policy, signed by the UO president in June, will go into effect September 15, 2017, after a comprehensive roll out.

This roll out will also include a new tool for confidential reporting—the Callisto program. We have partnered with Callisto to provide an alternative safe space for students to record information about their experience in a completely confidential setting. This [program](#) is based on trauma-informed interviewing practices and protected by a highly secure encryption system. Callisto provides students with a place to store information related to their experience so that they can choose whether to report to the university or law enforcement, and where they can quickly receive information specific to the UO's policies, processes and support resources. We are very excited about this development and will integrate this resource with our other online options as part of our commitment to creating the safest spaces possible for students to find help at their own pace.

### Campus Partner Highlight

#### ASUO Women's Center

**The ASUO Women's Center serves as a key campus partner in sexual violence prevention programming. They provide trainings and workshops on topics ranging from self-defense to sexual assault, power and oppression; collaborate with campus and community partners including the local non-profit agency Sexual Assault Support Services (SASS), to produce the annual Take Back the Night event in April and during the month of October, which is nationally recognized as Dating Violence Awareness month, the Women's Center annually collects over 240 pounds of toiletries for Womenspace, a domestic violence agency in our community.**

## Comprehensive and Inclusive Training

The university has dedicated significant resources to planning and implementing prevention and education programs for all students. The goal of all prevention programs is the eradication of harassment and discrimination in all its forms. However, in order to do this, we must also create a shared understanding and vision of what culture we strive to create on our campus.

Under the leadership of the Dean of Students, the Sexual Violence Prevention and Education team provides comprehensive and campus-wide efforts to educate and build a culture of awareness. They offer a variety of innovative initiatives and best practices to educate and build awareness around complex issues of sexual harassment, including sexual assault, dating or domestic violence, gender-based harassment or bullying, and stalking. Their ongoing and community-specific trainings align with their goals to:

- Develop education and prevention strategies to broaden the awareness of rape culture, and decrease the incidence of sexual harassment, including sexual assault, dating or domestic violence, gender-based harassment or bullying, and stalking on the UO campus.
- Create a safer campus through participation in policy development, advocacy, and lobbying efforts.
- Serve as a referral source to campus and community services for survivors and concerned others.
- Encourage active involvement in prevention efforts by students, faculty, staff, and community members.
- Provide a networking system for alliance members to work effectively with each other on campus, and to coordinate efforts with other colleges and universities.

Sexual Violence Prevention and Education trainings have been designed for student and faculty groups across campus. Some of the campus-specific trainings include partnerships with and trainings for University Housing, Orientation Programs, Ambassador Programs, the University

### Campus Partner Highlight

#### ASUO Organization Against Sexual Assault (OASA)

A student organization founded to institute effective change in the pursuit of ending sexual violence, their mission is to implement prevention, education, and advocacy efforts for survivors of sexual violence and the general community. The group established the Coalition

for Consent, a group that meets twice per term to discuss sexual violence, consent, and our campus culture. OASA also brought Dr. David Lisak, a nationally recognized expert on non-stranger rapists, to campus to speak with campus leadership.

Counseling and Testing Center, Health Promotion, LGBTQ Student Organizations, Veterans, Non-Traditional Students, Multicultural Student Organizations, Athletics, Fraternity and Sorority Life, International Affairs, the College of Education, the Erb Memorial Union, the Center for Multicultural Academic Excellence, the College of Arts and Sciences, the Recreation Center, the ASUO Women's Center, the ASUO Men's Center, ROTC, and Club Sports.

In addition, these partners have created key outreach to specific populations such as international students. These efforts have included: videos that incorporate information about sexual violence and local resources for help translated into Arabic, Chinese, Japanese, and Korean; partnering with international peer mentors that help in the transition process for international students throughout their first term on campus; specific sexual violence prevention training for entering international students conducted at international student orientation focusing on sexual assault prevention, bystander intervention, risk-reduction, and campus resources as well as cultural nuances.

However, much remains to be done, including improving and expanding training opportunities for all employees. Under the leadership of the Vice President for Finance and Administration, mandatory training for all regular, full- and part-time university employees and Graduate Teaching Fellows (now known as graduate employees) was launched in October 2013. This provided a solid base for institutional training efforts, and we can now focus on improving and expanding upon these efforts moving forward.

### **Graduate Students and Employees**

Particular achievements have included the new, mandatory graduate student training which began in fall term of 2016 and covers topics such as what behaviors constitute harassment and how to address these situations. This training involved "Rehearsals for Life," our dynamic resident theater troupe of graduate students, and is continually being evaluated for improvement. Twice a year, the Graduate School offers a training for Directors of Graduate Studies, a biannual meeting and training to educate directors on the problem of sexual harassment and assault on graduate students, featuring presentations by the Title IX Coordinator, UO General Counsel, and Labor Relations.

Moving forward, we hope to partner with the Graduate School, the Teaching Effectiveness Program, and others to come up with workshops and new approaches to helping graduate students learn critical classroom management skills and how to handle student disclosures of sexual violence.

## Multiple Formats for Employee Training

As we look at ways to ensure that our employees are fully versed in their obligations under the new reporting policy, it will be critical to also ensure that employees have the tools and resources necessary to understand what discriminatory and harassing behaviors look like, what resources are available on campus, and how the UO responds to these types of incidents. In addition, employees must feel supported in their reporting roles, whether designated reporter, student-directed, or confidential, so that employees also have their needs met. Supporting students through traumatic experiences can also have significant impacts on the employees receiving that information. We must work to ensure that our employees feel empowered through knowledge to not only support students, but also to care for themselves.

As part of our work toward ensuring that those employees involved in Title IX support, response and related processes are annually trained and well-versed in trauma-informed practices and the shifting legal landscape, the Title IX Coordinator initiated outreach and collaboration with other institutions around Oregon. As part of this, Oregon State University and the University of Oregon partnered to provide the first annual Title IX training conference in July of 2017. More than 150 practitioners from across Oregon attended this event, bringing together UO and OSU professionals, colleagues from nine different Oregon campuses and K-12, state agencies, both complainant and respondent attorneys, victim advocates, law enforcement and other compliance professionals to learn about the intersections of VAWA, Clery, and Title IX. This three-day training facilitated by national experts as well as our own faculty, staff, and community partners, provided an opportunity for sharing promising practices and has been lauded as “the first Title IX training I’ve attended that really focused on the humanity of Title IX and not just the

### Campus Partner Highlight

#### University Housing

**University Housing staff are critical partners and front-line responders to students who disclose personal experiences. Because of this, we have increased Title IX-focused training with resident assistants as well as all professional staff training to include information regarding trauma-informed responses to victims and survivors and protocols for immediately placing students in touch with our confidential resources or with law enforcement upon request. Housing leadership meets weekly with the Title IX team to ensure consistency and appropriate follow-up. They also partner with the Title IX**

**Coordinator and with Student Conduct in risk assessments for emergency action, and may intervene with students when inappropriate behavior is reported even where the behavior may not rise to the level of a policy violation. This may include mediation or informal conduct conversations. Housing also partners with Title IX to provide accommodations for students, which can include temporary “safe rooms” for students who feel unsafe in their current residence, helping students navigate the housing room change process, and facilitating alternative housing options.**

compliance.” We cannot think of higher praise and we look forward to partnering with OSU and others next year.

The Title IX team is also involved in discussions and planning with partners such as Human Resources, United Academics, the Graduate School, and others to create new training opportunities both in person and online to address the growing needs on campus. In addition, a key focus for the task force looking at implementation of the new reporting policy for fall 2017 is creating new training tools and opportunities to assist with policy directives to ensure employees are appropriately trained in new policy obligations. This involves stakeholders from the Division of Equity and Inclusion, Human Resources, University Communications, Safety and Risk Services, the Dean of Students, Athletics, the Graduate School, the School of Law, the University Senate committees, the Center for Prevention of Abuse and Neglect, as well as interested undergraduate and graduate students.

### **Intersections of Oppression**

A letter from members of the university-wide Diversity Committee requested that future policy and programming developments consider the differential impacts of sexual violence on marginalized groups. Ongoing discussions across campus have highlighted the need for employee trainings to go beyond the focus on Title IX to incorporate the full range of identities

#### **Campus Partner Highlight**

### **Empowerment-Based Self-Defense**

**Empowerment Based Self-Defense for-credit courses led by UO faculty and community partners have trained more than 432 students during the past nine terms. This form of self-defense focuses on awareness, recognizing danger signs, effective boundary setting, assertiveness, and verbal self-defense as well as physical self-defense. It is designed to be easy to learn, offering highly effective physical tactics including non-violent tactics, and requires minutes or hours to master rather than years. As Professor Jocelyn Hollander describes, “Rather than telling women what they should do in a particular situation, we offer a toolbox of strategies for avoiding and interrupting violence, and we empower women to choose the options that are appropriate for their own situation. This approach has been found**

**to be very effective in reducing women’s risk of sexual assault.” This course is being evaluated by a series of three surveys, a comparison group and interviews. Preliminary results suggest that the course has a significant effect on participants’ lives: “More than 75 percent said that it had affected their self-confidence and the safety strategies that they use. More than half reported that their beliefs about women’s ability to defend themselves, their feelings about their own bodies, and their fear of violence had changed. More than a third reported effects on their plans for the future, their beliefs about women, their romantic relationships, their relationships with employers, teachers, and other acquaintances, and their friendships and family relationships.”**

and communities that experience harassment, discrimination, and violence. As our prevention education efforts have increased over the last few years, so too our employee trainings must expand in scope and nuance to include our entire community.

Specific efforts are currently underway to engage particular communities on campus, in not only Title IX but broader prevention and training efforts as well, including increased partnering between the Title IX staff and the Division of Equity and Inclusion; International Affairs; the American English Institute; student government; the Senate Committee on Sexual Orientation, Attraction, Gender Identity and Expression; and other key groups. A key goal of the task force on the new reporting policy will be to begin dialogue about broadening and strengthening trainings.

### **Training for Community Partners**

Because the cities of Eugene and Springfield have relatively large and well-staffed police departments, UOPD may not learn of an allegation of sexual assault from the Eugene Police Department (EPD) or Springfield Police Department (SPD). In such cases, it is unknown whether EPD officers advise students of the campus resources available to them. There is an opportunity to work with the EPD and SPD to ensure that all students are at minimum referred to a confidential campus resource where students can learn of reporting options and make decisions about if and how they want to navigate university resources. In addition, we have a great opportunity to increase our collaboration efforts with community agencies like Sexual Violence Support Services (SASS), Womenspace, and Kids First to ensure that we are providing the most comprehensive and accurate information regarding the extent of services and support available, and working with our partners to provide expert training to our employees.

### **Institutional and Program Assessments**

As a member of the Association of American Universities (AAU), the university participated in the recent Campus Climate Survey on Sexual Assault and Sexual Misconduct. The purpose of this survey was to assess incidents of sexual assault and misconduct and the overall perceptions of risk and knowledge of resources on participating campuses.

University of Oregon Psychology Professor Jennifer Freyd and two doctoral students also administered surveys in 2014 and 2015 to assess student experiences specific to the university. The university plans to participate in future surveys focusing on the efficacy of bystander intervention programming in addition to sharing longitudinal data with multiple institutions. For example, we just finished our first round of participation in a CDC-funded Multi-College Bystander Efficacy evaluation by researchers at the University of Kentucky and West Virginia University. Our university is a participant with more than 25 faculty at institutions across the US on this study to evaluate how universities are responding to the VAWA requirement that all Title IX campuses have bystander programming in place.

In addition, the Director of Sexual Violence Prevention and Education worked with Student Life Assessment and an extern from the College of Education Prevention Sciences to assess the Get Explicit program and will continue to assess efficacy with an eye towards continually evolving the program in responsive to evidence based research. Our practitioners value the importance of research to both inform and evaluate potential best practices.

Standard operating procedures are revised on an annual basis and developed to be more student friendly. This includes making the language clear for students of all levels, English language learners, and students with disabilities. Review of procedures will also afford the Title IX Coordinator the opportunity to review the effectiveness of the university's efforts to reduce and hopefully eliminate gender-based harassment.

As the university continues to increase the availability of different reporting options to meet student needs and address concerns related to the chilling effect of institutional response on student reporting, the confidential SAFE hotline received 20 percent more calls in the fall 2016 term than the same term the previous year. The university plans to respond to the trend of increased reports with increased support for all students.

## Transparency

As previously mentioned, the primary purpose of the *Annual Report of the Title IX Coordinator* is transparency. The Office of the Title IX Coordinator serves the University of Oregon community

### Campus Partner Highlight

#### University of Oregon Police Department (UOPD)

The UOPD is integral to the university's ongoing efforts to address violations of Title IX. The UOPD participates in risk assessments for emergency actions, coordinates with UO investigators to ensure a lack of conflict in investigations, and assists with interventions as appropriate. They also make officers available to ensure a safe environment during large gatherings on campus, including at some athletic events, Greek Life events, and community events such as Take Back the Night. In addition, if a student reports an alleged sexual assault to the UOPD, the department reports the matter to the Title IX Coordinator and coordinates with crisis

intervention staff to ensure the student retains as much choice as possible. UOPD provides self-defense training to students, has assumed oversight and is expanding the Safe Ride program, and is creating liaison relationships with many stakeholders on campus to integrate into the community with active community policing. Students will still guide the program and will still be the drivers. Intoxicated minors will not be targeted for citations or referrals, but if an intoxicated minor engages in behaviors that violate the student conduct code then the intoxication would likely be an element of any applicable corrective or educational action.

in three ways. First, the Title IX Coordinator receives and oversees a coordinated response to incidents and complaints involving students and employees who have experienced, know about, or witnessed acts of gender discrimination, sexual harassment and sexual violence. Second, the Title IX Coordinator provides assistance to anyone in the university community regarding individual rights and the university's responsibilities under Title IX and university policies and procedures. Third, the Title IX Coordinator works with campus leadership to provide training and education designed to increase awareness and reduce the likelihood of gender discrimination, sexual harassment, and sexual violence at the university.

Over the last several years the university has experienced a dramatic increase in the number of reports of incidents of sexual discrimination, harassment, and violence—from 2014–15 to 2015–16 alone we saw a 67 percent increase in student reports. This increase is a positive sign. This means that our efforts to communicate to students that we have incredible resources and support available are paying off. Anecdotal reports from our peer institutions show similar trends, and much of this can likely be attributed to factors such as the increase in national attention to this subject, high profile cases in the media, and the increase in investments by all institutions in prevention education and response efforts. It is not coincidental, for example, that since the implementation of the Get Explicit program in all residence hall cohorts we have experienced an increase in reports that attribute knowledge of how to get help directly to learning from that program.

Transparent communication about our reporting numbers can help encourage reporting by demonstrating how seriously the institution responds to all reports. However, it also requires education about those numbers to avoid common misconceptions. There are many annual requirements for reporting, and numbers in one context frequently don't match numbers in other contexts. This can lead to confusion and mistrust of the reporting entity. In an effort to combat that perception, let us briefly explain why our numbers look different.

First, the frequently cited annual Clery Annual Campus Security and Fire Safety Report contains information drastically different from Title IX numbers for two reasons:

1. The report cites de-identified aggregate numbers of crimes (as defined by Clery) that occur annually and fit within the narrow criminal definitions that Clery uses.
2. These crimes must occur within the geographic area of campus—otherwise known as “Clery Geography.” This generally means property owned or controlled by campus, or “reasonably contiguous” areas. This definition can change and often creates confusion for community partners.

These definitions can lead to interesting results such as a sexual assault being classified as a Clery reportable crime if it occurred on one side of a street, but not the other side of the same street. Or, for example, stalking and unwanted contact that does not put someone in fear for their personal safety or cause substantial emotional distress would not be reportable. The reach

of Title IX is much broader and our policies have very different definitions. In addition, the reach of our jurisdiction extends to behavior between students, affecting students, by and affecting employees that occurs pretty much anywhere. This all means that we would and do report far greater numbers.

Second, not every report that we receive leads to the same outcome. While a formal conduct or grievance process can allow for a greater level of discipline or sanctioning where appropriate, there are many reasons that a report may not go through a formal process. Because we value the autonomy of the reporting individual, we try to defer as much as possible to the wishes of the student or employee whom has been affected. That means that there are sometimes limits to a university response where no report is made, if the assailant is unknown, if the university does not have jurisdiction over the incident, or if the affected individual does not want action to be taken or does not want to be identified. In both the student and employee contexts, individuals who have been accused of misconduct are entitled to procedural rights before any sanction or discipline is issued. This means the right to know who is accusing them, the right to understand the information that is being relied upon in making the decision, and the right to respond to that information and challenge it (generally by asking questions or providing their own information in response). This means that when someone does not want to be identified, that can severely limit the options available to the university. This is important to understand because our community has made it very clear that UO values the autonomy and choice of the reporting individual in incidents of sexual violence, discrimination, and harassment, and that choice can be to not participate and not be identified.

It is also important to note that while investigators and support staff strive to maintain consistent timelines for investigations, timeframes may vary depending on the specific circumstances, complexities, and facts of each case.

With all of that information in mind, the on at Appendix A represents numbers for calendar year 2016, broken out into what we hope will be useful categories. These are reports made by students who have experienced behaviors committed by other students in these categories. The number of confidential reports is represented separately because these numbers do not constitute official “reports” to the university, but rather de-identified aggregate numbers of requests for assistance from the Crisis Intervention Staff related to Title IX.

## Conclusion

The Office of the Title IX Coordinator strives to provide the University of Oregon community with sufficient information and resources so each member may make an informed and safe

decision regarding reporting, response, and resolution of incidents of gender discrimination, sexual harassment, and sexual violence. The UO has advanced its prevention, response, and resolution efforts related to sexual misconduct. Under the direction of the Title IX Coordinator, the Office of Affirmative Action and Equal Opportunity, the Office of the Dean of Students, and the University Counseling and Testing Center, the focus of the university's efforts have been to reduce the risk of victimization of sexual violence before it occurs and ensure a fair and equitable process to resolve allegations and hold perpetrators accountable. University resources have been dedicated to reflect the institution's commitment to achieve the prevention and response goals outlined throughout this report.

Sexual violence and harassment in any form will not be tolerated. All members of the university community have a shared responsibility to foster and demand a culture in which prevention is paramount, reporting expectations and processes are clear, and excellent support services are readily available and accessible.

Collaborative research between academic departments and Student Life are ongoing, and comprehensive guides for the UO community to assist students who have experienced sexual harassment, domestic and dating violence, sexual assault, or stalking are available. The university endeavors for all UO students to receive a caring and integrated institutional response if they are the victim of any form of sexual harassment.

For up-to-date information related to Title IX, visit the [new website](#).

## **Reporting Options and Resources**

### **Confidential Resources**

\* It is important to note that absolute confidentiality cannot be guaranteed. Although the goal

is to protect your privacy and give you control over the information, confidentiality could be compromised due to human error, a court order, or cyber security breach.

### **Crisis Intervention and Sexual Violence Support Services**

Assistance for victims and survivors of sexual violence is available 24/7. Support specialists and advocates may be reached anytime by phone at 541-346-SAFE or 541-346-8194. Students who know of cases of sexual violence, misconduct, or harassment or who have been directly affected by sexual violence, misconduct, or harassment are strongly encouraged to seek support even if they do not know the next steps to take. University employees who have witnessed or been told of student sexual violence, misconduct, or harassment should report to the Dean of Students Office at 541-346-3216. For more information and resources visit [safe.uoregon.edu](http://safe.uoregon.edu).

### **Anonymous Reporting via UOPD**

If a reporter of sexual assault wishes to remain anonymous, the University of Oregon Police Department offers an [anonymous reporting form](#). Anonymous reporting does not exempt the university from its requirement to investigate allegations of sexual misconduct to the best of its ability. If the report is completed with assistance from a university employee, including a student employee, then the report will not be anonymous.

### **New for Fall 2017: Reporting Options via Callisto**

Callisto, an anonymous student reporting portal, offers students a trauma-informed approach. Callisto was developed to address concerns of under-reporting, delayed reporting, identifying repeat offenders, and bolstering student trust in institutional response to sexual assault. Callisto is a student-driven reporting process, meaning the university is not put on notice to begin a formal investigation unless the student chooses to submit the information, or the identity of a perpetrator is matched with another report. This information cannot be subpoenaed and has a very high degree of cyber security. A student's confidential report on Callisto can at a later date be shared by the student, and may be useful as a detailed and time-stamped record of what occurred. Learn more at [projectcallisto.org](http://projectcallisto.org).

### **University Counseling and Testing Center**

The [University Counseling Center](#) provides both individual and group counseling, including crisis support. Their 24-hour crisis line is 541-346-3227.

## **Legal Services**

The university offers free and confidential resource for students who have experienced sexual assault, dating and domestic violence, or stalking through Student Survivor Legal Services at the UO Law School. Appointments may be scheduled online, by phone at 541-346-8619, or by e-mail at [dvattorney@uoregon.edu](mailto:dvattorney@uoregon.edu).

## **Employee Assistance Program**

The comprehensive Employee Assistance Program is available for eligible employees. Their hotline is 800-433-2320.

## **Designated Reporters—Not Confidential or Student-Directed**

“Designated Reporter” in terms of student reports of sexual assault, relationship violence, stalking, and/or sexual harassment means that if you inform a designated reporter that you have experienced sexual assault, relationship violence, stalking, and/or sexual harassment, this person will need to report this to the university’s Title IX office.

In most cases, what happens next will be that a confidential staff member will contact you, provide you with support, and ask what you would like to do next, including nothing as an option. However, it is possible in rare circumstances that your report could trigger required actions by the university even without your participation. If you are uncomfortable with this prospect, please contact the confidential resources described above.

Class assignments or public awareness events do not trigger this obligation.

## **Title IX Coordinator**

Reports may be made directly to the Title IX Coordinator, who may be reached by phone between 9:00 a.m. and 5:00 p.m., Monday through Friday, at 541-346-8136 or by e-mail at [titleixcoordinator@uoregon.edu](mailto:titleixcoordinator@uoregon.edu).

For more information about reporting options visit [titleix.uoregon.edu/how-report](http://titleix.uoregon.edu/how-report).

## **Deputy Title IX Coordinators**

The Deputy Title IX Coordinators report issues of sexual misconduct and discrimination from their respective areas to the university Title IX Coordinator. The programs overseen by Deputy Title IX Coordinators, along with contact information, include:

- Employees (Office of Affirmative Action and Equal Opportunity): 541-346-3123

- Student-Athletes (Deputy Athletic Director): 541-346-5329
- Undergraduate students (Associate Dean of Students): 541-346-1156
- Graduate students (Associate Dean, Professor): 541-346-8425
- Law students (Assistant Dean of Student Affairs, School of Law): 541-346-3896
- Lundquist College of Business students (Human Resource Specialist): 541-346-2991
- UO in Portland students (Assistant Dean of Students): 503-412-3704

### **Student Conduct and Community Standards**

The Student Conduct and Community Standards office assists and educates students on expectations of the Student Conduct Code, and may be reached by phone at 541-346-1140.

**Appendix A: Incidents Reported 2016 Calendar Year**

<b>Type of Incident Disclosed in 2016 Calendar Year</b>	<b>Number of Disclosures</b>	<b>Number Resolved in Formal Process</b>	<b>Finding Reached</b>	<b>Sanction Imposed*</b>
Sexual harassment: including sex or gender based bullying and undefined harassment	120 (3)	7	1 informal resolution; 5 responsible; 1 no charge;	Educational activity; permanent no-contact order/probation; 1-year suspended suspension
Dating or domestic violence	66 (16)	5	1 informal resolution; 2 responsible; 1 not responsible; 1 No Charge	2-year suspension; 3-year suspension.
Stalking: includes tech facilitated, telephonic harassment	44 (4)	1	1 dismissal on request	
Sexual assault : undefined	34 (52)			
Sexual misconduct: non-consensual penetration; Non-consensual sexual contact.	63	26	15 respondents found responsible; 9 found not responsible	8 expulsion total (4 between 2 students); 3-year suspension; Four 2-year suspensions**; 1-year suspension**; 1-year suspended suspension;
Other Title IX-related: undefined, pregnancy accommodation requests, retaliation	40 (4)			
Gender equity concerns – different treatment discrimination	7			
<b>Total</b>	<b>453</b>			

## Additional information of interest related to student reports:

Reports with unknown or non-identified offenders	168	Reports where UO had no jurisdiction (given known information)	66
Reports resolved by informal resolutions	39	Reports referred to Student Conduct, Housing, Dean of Students for resolutions	36
Requests for no action by reporting student	35	Reports partnered with AAEO for Title VII/employment	38
Reports with no response from reporting student to outreach	50	Reports where university was unable to honor request for no formal process	5 (of these, 3 cases involved the same respondent), or approximately 1 percent of all cases.
Student reports of employee (faculty, OA, classified) Behavior	30	Student reports of employee (student employee, graduate employee) behavior	7

\*In formal processes where sanctions are issued, these typically also include other conditions such as meeting with the Director of Student Conduct prior to returning to campus, no contact provisions with the complainant, educational or training sanctions, domestic/dating violence programs, counseling and other demonstrations of reduced risk to the campus. Negative notations on transcripts are also used when appropriate.

\*\* Suspended suspension was also imposed in these cases for the remainder of the respondent's time on campus.

NOTE: Numbers in parentheses are not "reports" but requests for assistance to Crisis Intervention and Sexual Violence Support Services. Title IX receives no information other than aggregate numbers by general category related to these confidential requests.

The above numbers reflect that students choose to move forward with a formal student conduct process in approximately 7 percent of the reports we received in 2016.

Note: Although an individual may not choose to move forward with a formal conduct process, many of these instances documented above allowed for alternative interventions through partnerships with the Dean of Students, Housing, Student Conduct, the Ombuds Program, Human Resources, and countless conversations by the Director of Student Conduct, the Title IX Coordinator, and the AAEO Director with individuals across campus.

Importantly, in every case where a student was the recipient of behavior, that student received outreach generally within 24 hours from our confidential Crisis Staff with the offer of support and resources, and information regarding their rights and options.

Our goals have been 1) to focus on ensuring that every victim/survivor promptly receives enough information to be able to choose if and how they would like to engage with the university for support, 2) to focus our resources on protecting their ability to continue to fully access their education regardless of whether they wish to formally report, and 3) to provide a fair, equitable, and transparent conduct process that protects the rights of all involved for those that choose that route.



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