

## **COLLEGE POLICIES AND PROHIBITED CONDUCT**

Any student found to have violated any of the following College Policies and/or prohibited conduct is subject to the disciplinary sanctions outlined in the Code of Conduct.

### **ACADEMIC FREEDOM IN COURSES AND SCHOLARSHIP**

The faculty member in the classroom, laboratory, and conference with students should encourage free discussion, inquiry, and expression. Students are free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but students are also responsible for learning the content of any course of study for which they are enrolled.

Students should expect that performance in academic settings be evaluated on an academic and professional basis. Students should be informed in advance concerning attendance policies and grading procedures of faculty members in whose classes they are enrolled. Students should be given a syllabus or equivalent description of course proceedings and expectations for each class in which they are enrolled. If students believe a final grade in a course or an academic decision affecting continuance in a degree program deviates from established practices, students have the right of appeal. The grounds for such an appeal must be procedural. Appeals procedures are published in the *College Catalog*. Students are responsible for knowing and adhering to the principles of academic integrity as stated in the *College Catalog* and this document.

### **ACADEMIC GOOD STANDING**

To be eligible to participate in varsity athletics, maintain an elected student government position, or to formally represent the College in some forms of intercollegiate competition, a student must be in academic good standing—that is, not on academic probation. For further information see the *College Catalog*.

### **ACCESS TO HIGHER EDUCATION**

Any person may apply for admission to Lewis & Clark. No applicant shall be barred from admission to Lewis & Clark on the basis of race, color, age, religion, sex, sexual orientation, national origin, disability, or marital status. Any student in good standing may be granted a leave of absence from the College, according to current and published policies. For further information see the *College Catalog*.

### **ACADEMIC INTEGRITY**

#### **Principles Of Conduct**

The community of scholars at Lewis & Clark College is dedicated to personal and academic excellence. Joining this community obligates each member to observe the principles of mutual respect, academic integrity, civil discourse, and responsible decision making.

#### **Academic Integrity Policy**

Academic integrity finds its genesis in the fundamental values of honesty, tolerance, respect, rigor, fairness, and the pursuit of truth. Scholarship is at the heart of this academic community, and trust between faculty and a student is essential to the achievement of quality scholarship. At times scholarship is collaborative, at times independent. All sources, written, oral, or otherwise, should be properly cited. Acts of academic dishonesty are contrary to the mission of the College and constitute a serious breach of trust among community members.

### **Academic Integrity In Practice**

Lewis & Clark College believes that each member of the community is responsible for the integrity of their individual academic performance. In addition, because each act of dishonesty harms the entire community, all individuals—students, faculty, and staff members alike—are responsible for encouraging the integrity of others. Community members are expected to do this by their own example, and—when faced with the dishonest act of another community member--by either confronting that individual directly, or by discussing the event with a faculty member or academic dean, who will respect the confidentiality of such discussions. When any individual violates this community's standards, we are committed as a community to take appropriate steps to maintain standards of academic integrity.

Acts of academic dishonesty involve the use or attempted use of any method or technique enabling a student to misrepresent the quality or integrity of their academic work.

Academic dishonesty with respect to examinations includes but is not limited to copying from the work of another, allowing another student to copy from one's own work, arranging for another person to substitute in taking an examination, or giving or receiving unauthorized information (including using unauthorized notes) prior to or during the examination.

Academic dishonesty with respect to written or other types of assignments includes but is not limited to: failure to acknowledge the ideas or words of another that have consciously been taken from a source, published or unpublished; placing one's name on papers, reports, or other documents that are the work of another individual, whether published or unpublished; flagrant misuse of the assistance provided by another in the process of completing academic work; submission of the same paper or project for separate courses without prior authorization by faculty members; fabrication or alteration of data; or knowingly facilitating the academic dishonesty of another.

Academic dishonesty with respect to intellectual property includes—but is not limited to—theft, alteration, or destruction of the academic work of other members of the community, or of the educational resources materials, or official documents of the College.

### **ALCOHOL POLICY**

- The College prohibits the unlawful use, abuse, sale, purchase, transfer, possession, manufacture, distribution, or dispensing of alcohol by students and employees on College property or as part of any College activity.
- In accordance with Oregon law, providing alcohol to any person who is under the age of 21 or who is visibly intoxicated is prohibited.  
Any person under 21 years of age is likewise prohibited from possessing or consuming alcohol.
- Public visible intoxication at any age is a violation of this policy; intoxication to the point of incapacitation at any age is a violation of this policy, regardless of location.
- Common source containers of alcohol, such as kegs, are prohibited on campus except with prior written permission as outlined in this policy (see "Alcohol at Sponsored Events").
- The College expects that those employed by the College in any capacity will carry out their duties free from the influence of alcohol.
- Alcohol may not be consumed in the course of any class, laboratory, or other activity at which attendance is required as part of a student's course or degree requirements.
- The College has established an alcohol awareness program to inform members of the College community about: the dangers of alcohol abuse; the College policy on alcohol use; available alcohol counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed for violations of this policy.

- The College encourages students and employees who abuse alcohol to seek appropriate assistance.
- Alcohol in Private Spaces
  1. A “private space” is defined as a student’s room in a residence hall.
  2. Participants in a gathering that takes place in a private space, and that space’s occupants, are responsible for abiding by federal, state, and local laws and College policies. Providing alcohol to a person under 21 years of age, the consumption of alcohol by a person under 21 years of age, the possession of alcohol by a person under 21 years of age, or hosting an event where such activities occur is prohibited in private spaces. Persons under 21 years of age are not permitted to host events involving alcohol in private spaces.
  3. Common source alcohol containers (e.g. kegs, vats, etc.) and the devices commonly known as beer bongs are prohibited in private spaces.
- Alcohol in Public Spaces
  1. A “public space” is defined as any location on campus other than student residential rooms. Public places include but are not limited to hallways, kitchens, lounges, bathrooms, and study rooms in residential facilities, campus grounds, athletic fields, student organization offices and facilities, and all other College buildings, grounds, and vehicles.
  2. Alcohol may only be served or consumed in public spaces at a registered event, with prior approval from the authorized official for the College of Arts of Sciences (Dean of Students), the Graduate School of Education and Counseling (Dean), or Northwestern School of Law (Associate Dean) and in accordance with applicable policies and procedures (see "Alcohol at Registered Events").
  3. Lewis & Clark College prohibits any person from carrying open containers of alcohol in public spaces, outside of specifically approved areas at registered events.
- Confiscation of Alcoholic Beverages

College officials may confiscate alcohol from

  - a) any person under 21 years of age
  - b) any person distributing alcohol to any person under 21 years of age
  - c) an individual who cannot provide proof of legal age,
  - d) any person who is distributing alcohol to any person who cannot provide proof of legal age
  - e) any person who is visibly intoxicated
  - f) any person who is distributing alcohol to any visibly intoxicated person
  - g) any person violating College alcohol policy or federal, state, or local law
  - h) any room or event where alcohol is present in contravention of College policy or federal, state, or local law.
- Alcohol at Registered Events
  1. All members of the Lewis & Clark community and guests, and the hosts of any on-campus or College-affiliated activity or social event at which alcoholic beverages are served, must abide by all applicable laws, policies, and procedures.

2. Alcoholic beverages at registered events may be served or consumed under certain circumstances in *designated public spaces only*, with prior approval from the authorized official for the College of Arts of Sciences (Dean of Students), the Graduate School of Education and Counseling (Dean), or Northwestern School of Law (Associate Dean), who will confer with the appropriate building manager or other person administratively responsible for the building in which the event will be held.
3. Only currently registered students at least 21 years of age may register a student-affiliated event that includes alcohol. Proof of age may be required.
4. If facilities are rented to groups not formally affiliated with the College, group representatives are required to follow the policies and procedures as outlined in this document.
5. Registered events can only occur between regular hours of operation, unless other provisions are approved in writing.
6. No one may sell or distribute alcoholic beverages without a license from the Oregon Liquor Control Commission. Sale in this context is broadly defined to include any charge or fee for service, membership, admission, cups, club dues, donations, beverages, etc.
7. If money is to change hands in any way, even indirectly, event planners must consult with the Dean of Students, Dean of the Graduate School of Education and Counseling or the Associate Dean of the Law School in advance of the planned event.
8. Student fees at the College of Arts and Sciences may not be used to purchase alcoholic beverages.
9. Scheduling, licensing with OLCC, and other considerations determine how much time is necessary for planning. No proposal will be considered that is submitted less than two weeks prior to the planned event, as the licensing process with the State of Oregon and the City of Portland requires 10 days notice.
10. Special dispenser's permits for the service of beer and/or wine cost \$10 (each type of beverage) and require 10 working days lead time for OLCC to process the application.
11. If registration is denied, the reasons for the denial will be provided in writing upon request.
12. Alcohol may not be the sole focus of the event.
13. Advertised events involving the distribution of alcoholic beverages must be approved before publicity is distributed.
14. Non-alcoholic drinks (excluding mixers) must be made available in quantity, prominence, and accessibility at least equal to that of the alcoholic beverages to be served.
15. Food in sufficient quantity must be available for the number of guests anticipated whenever alcoholic beverages are to be served. Event planners must consult with the Dean of Students/designate, the Dean of the Graduate School of Education and Counseling, or the Associate Dean of the Law School to determine whether the quantities of food under consideration will be sufficient.
16. Consumption of alcohol will be confined to the designated public place that has been reserved and approved for the function. The area where alcohol is to be consumed must be clearly marked and controlled, with monitored entrances/exits. Any change in location requires filing an amended registration form. Lewis & Clark College prohibits persons from carrying open containers outside of approved areas.
17. An event's host must not consume alcohol during the event and must remain sober for the duration of the event. At the discretion of the Campus Events Office, an event of sufficient size may be required to have multiple individuals fulfilling this and other host responsibilities.

18. An OLCC certified server must be present to dispense drinks. The server is responsible for checking proof of legal age for anyone who wishes to drink alcoholic beverages. *When in doubt, do not serve.*
19. All members of the Lewis & Clark community and their guests possessing alcoholic beverages must be prepared to show legal proof of age on request from event hosts, OLCC servers, and College officials.
20. A copy of the approved registration form (and, if applicable, the OLCC special events permit) must be posted in a readily visible place (i.e., in close proximity to the place where alcohol is likely to be present) at all registered events for the duration of the event.
21. The organizers/hosts of any on-campus gathering where alcohol is to be distributed are responsible for assuring compliance with this policy. Campus Safety will render assistance if necessary.
22. If alcohol is in the possession of event attendees who cannot provide proof of legal age, or is being distributed to those under legal age, representatives of the hosting organization must take appropriate action, which must include confiscation of alcoholic beverages or discontinuance of service.
23. Campus Safety officers or other authorized College staff members may terminate the event if they determine that the event does not adhere to these regulations.
24. The area used for an activity at which alcohol is served or consumed must be cleaned by users immediately following the activity unless an alternative written arrangement has been made. This includes removal of all alcohol from public areas. The hosting organization is responsible for damages and cleaning expenses.

**Note:** For further information on this policy and the procedures described, please consult with the Dean of Students at the College of Arts and Sciences, the Dean of the Graduate School, or the Dean of Northwestern College of Law.

### **ANIMAL CONTROL POLICY AND PETS ON CAMPUS**

Inhumane or cruel treatment of animals on College property is prohibited. With the exception of service animals or animals granted special permission from the Dean of Students, the only animals permitted in residence halls or Templeton Student Center are creatures that are unable to breathe outside of water; in addition, these animals must dwell in an approved aquarium. Pets may visit Lewis & Clark provided they are under the direct control of their owners at all times. Pets may not be tethered and unattended. Pets may not be brought into any of the buildings of Lewis & Clark College without prior written permission. Pets may not be left in closed vehicles on campus.

### **ANIMALS, LABORATORY USE OF**

When animals are used for research or instructional purposes, their acquisition, care, use, and disposal must comply with current federal, state, and local laws and regulations. A student must work with a faculty member, trained in research methods and experienced in the care of laboratory animals, who should supervise all procedures involving animals to ensure consideration of their comfort, health, and humane treatment.

Lewis & Clark policy conforms to the principles set forth in the Ethical Principles for Psychologists of the American Psychological Association and to those included in the Guide for the Care and Use of Laboratory Animals of the U.S. Department of Health and Human Services. Copies of these documents are available in the Departments of Biology and Psychology of the College of Arts and Sciences, and in the Office of the Dean of the College.

## **BUSINESS OPERATIONS**

Establishing or conducting a private business utilizing College owned facilities or resources, including computing resources, is prohibited. Also see "Responsible Use of Technology Resources" policy.

## **CLASSROOM DISRUPTION**

Disruptive class behavior is unacceptable. Disruptive class behavior is behavior which, in the judgment of the instructor, impedes other students' opportunity to learn and which directly and significantly interferes with class objectives. Should such behavior occur, the instructor will request that the student leave class and will refer the matter to the director of Academic Advising and the Office of Student Conduct. Permission to return to class will be granted only after the student meets with the director of Academic Advising and signs a contract agreeing to appropriate ameliorative action. If the disruptive behavior continues, the instructor may direct the Registrar to drop the student from the course. Students wishing to appeal an administrative drop for class disruption may do so by petition to the Petitions Committee. In such cases, students will continue to be barred from class until the committee renders its decision. Instructors are encouraged to refer to this policy in syllabi and to establish clear classroom behavior expectations. This policy may not be used to inhibit legitimate classroom dissent or discussion with the course instructor or other students.

## **CLOSURE, INSTITUTIONAL**

Lewis & Clark College will remain open unless conditions are so severe as to require closure. This policy applies to day, evening, weekday and Saturday classes of the College of Arts and Sciences, the Law School and the Graduate School of Education and Counseling. Individuals are advised to take all necessary precautions and to avoid dangerous conditions traveling to, from, and around the campus.

### **School Closure**

All classes are canceled and all support services, other than those essential for residential students are closed. Closure is the result of extended and/or potentially dangerous power outages or extremely hazardous on-campus and/or road conditions caused by heavy icing, downed trees and power lines, etc., or natural or human-caused disasters.

### **Late Opening**

Lewis & Clark will open late if road or weather conditions are expected to improve in time for normal student and campus activities.

### **Afternoon**

When conditions worsen during the course of a regular school day, the Provost or designee will notify Campus Safety of the action to be taken. Campus Safety will then respond by contacting those people listed below.

When conditions improve considerably during the course of the day in which the College was closed at 6 A.M., scheduled events may take place in the evening. Decisions about evening shifts, classes and public events will be made no later than 4 P.M. by the Provost or the designee in conjunction with the Director of Campus Safety, Dean of the Law School, Dean of the Graduate School of Education and Counseling, Director of Watzek Library and the Housekeeping Supervisor.

### **Authorization**

The Provost or designee makes all decisions about school closure for Lewis & Clark College.

### **Announcement Policy**

To avoid confusion and inconsistent and unauthorized messages, the senior communications officer for public relations or backup, whether in early morning hours or during the day, will distribute all closure, cancellation, or late opening announcements.

Closure or late opening information announcements will be distributed to the SNOW-line, (503) 768-SNOW, voice mail, the College's Web page, radio, television stations, and other media. Don't rely exclusively on electronic media because it is susceptible, in rare cases, to fraud. View the full policy at [www.lclark.edu/dept/hrpolicy/closure.html](http://www.lclark.edu/dept/hrpolicy/closure.html).

### **Internet**

Oregon Live: [www.OregonLive.com](http://www.OregonLive.com)

### **Newspapers**

The *Oregonian*: Inside line (503) 225-5555

The *Columbian*: Information line (360) 699-6000

### **Radio Stations**

All local news radio stations including:

KEX 1190 AM, KOPB 91.5 FM, KPAM 860 AM, and KXL 750 AM

### **Television Stations**

Television Station KATU—Channel 2

Television Station KOIN —Channel 6

Television Station KGW—Channel 8

Television Station KPTV —Channel 12

The announcement will say "Lewis & Clark College" only and will apply uniformly to the law school, the graduate school and the College of Arts and Sciences.

In the event of delayed opening, the College as appropriate will announce "opening delayed until 9:30 A.M." or "morning classes canceled until 11:30 A.M."

or "evening classes will be held/canceled until 5 P.M." Regularly scheduled classes that begin at or after these times will meet.

### **CONFIDENTIALITY OF RECORDS**

Students should expect the College to maintain and protect the confidential status of all personal and academic records except as directed by appropriate legal authority. Certain information is shared within the College for academic and administrative purposes. Such information remains confidential and is shared only as necessary. The full policy is available at <http://www.lclark.edu/college/offices/registrar/ferpa/index.php?highlight=ferpa>.

### **The Family Education Rights and Privacy Act of 1974 (FERPA or the Buckley Amendment)**

This legislation details students' rights to access to educational records and restricts Lewis & Clark in the release and disclosure of those records to third parties.

Those individuals defined as students have a right to access their educational records. The Family Education Rights and Privacy Act covers two groups of Lewis & Clark students: those currently enrolled at Lewis & Clark College on either a full-time or part-time basis, and former Lewis & Clark students. Educational records include files, documents, records, and other materials regularly maintained by the College (or a party acting for the College), which contain information directly related to a student.

Some information is not considered part of an "educational record" and is, thus, not open for review by the student. Confidential records in the Student Health Center, the Counseling Center, and the Chaplain's Office are examples of this category. Other information which is not considered educational records (and thus is not open to student review) includes, but is not limited to, the following:

- Records that are maintained personally by faculty or administrators and kept in their sole possession.
- Records containing parental financial information (unless released by prior written approval of the parents).
- Records maintained by College legal counsel.

The College should not permit access to, or release of, educational records or any personally identifiable information in them to third parties without the prior written consent of the student, except under specific conditions that include, but are not limited to, the following:

1. Information may be released to officials of the College who have a legitimate educational interest in obtaining access to the records. Such access should be granted to persons in the College who are determined by the records custodian to have purposes directly related to the educational program of the College or the student.
2. Records may also be released to officials of another institution where the individual seeks or intends to enroll.
3. Access may be granted to persons who require it in connection with the student's application for, or receipt of, financial aid.
4. Legal authorities may be allowed access to educational records in order to comply with a judicial order (an attempt to notify the student is required by law before the College can honor such an order or subpoena) pursuant to any lawfully issued subpoena.
5. Access may be granted to appropriate persons in connection with an emergency, if knowledge of such information is necessary to protect the health or safety of the student or other persons.
7. Authorized representatives of the following may be allowed access to educational records for audit and evaluation of programs supported by federal or state governments:
  - a) Comptroller General of the United States.
  - b) The Secretary of the United States Department of Education.
  - c) The United States Commissioner of Education, Director of National Institute of Education, or Assistant Secretary of Education.
  - d) State educational authorities.
8. The law states that, if a student is a dependent, the College may release **educational records information (not privileged information)** to parents. The College will evaluate individual circumstances before doing so, and will require a copy of the first page of the parent's federal income tax return to establish the student's status as a dependent. If educational information is properly released to a custodial parent of whom the student is a dependent, a duplicate of the released information may also be released to a natural, non-custodial parent of whom the student is not a dependent.

With the written consent of the student, the College may release information from educational records to third parties. If such a transfer of information is made, it should be a condition of release by the College that those to whom the information is released will not permit additional access to the records without written consent of the student.

### Directory Information

This information may be released for any purpose at the discretion of the College. Students may withhold the disclosure of directory information by notifying the Office of the Registrar of their wish to do so. Forms requesting the withholding of directory information are available in the Office of the Registrar.

Directory information includes: name, address, telephone number, email address, photograph, dates of attendance, class, previous college(s) attended, major field of study, awards, honors, degree(s) conferred, past and present participation in officially recognized sports and activities, height and weight of members of athletic teams, and date and place of birth.

You may obtain access to most of your own educational records by making a request to the Office of the Registrar. For detailed information regarding FERPA, see the Office of the Registrar.

### CONTRACTING

Entering into a formal contract on behalf of the College without proper authorization by the College is prohibited.

## **COPYRIGHTED MATERIAL, USE OF**

Violation of copyright is prohibited.

Copyright laws prevent unauthorized copying, modification, distribution, display, and performance of copyrighted materials. Copyrighted materials include computer programs, video and audio recordings, printed materials, and other intellectual property.

Penalties have been established for infringement of a copyright owner's rights, including impounding of illegal copies, awards or actual damages, statutory damages up to \$100,000, awards of costs and attorney's fees, and criminal penalties for willful infringement. Violation of these laws is a serious matter.

Certain intellectual property products may carry less restrictive copyrights (e.g. Creative Commons licenses, Open Source software licenses, etc.). It is the responsibility of individual community members to be aware of their copyright obligations.

## **Audio and Video Recordings**

Under copyright law, any legally obtained audio or video recording may be used for instructional purposes in the classroom of a nonprofit institution such as Lewis & Clark as part of face to face instruction. In order to qualify for this exemption the following requirements must be met:

1. The showing must be from a legitimate, legal copy. (Video recordings marked for **home use only** are entitled to exemption from educators if all the rest of the requirements are met.)
2. Attendance must be limited to the faculty member and regular, enrolled students.
3. The showing must be part of a systematic course of instruction (e.g. teaching activities) and **not** for entertainment, recreation, or cultural value.
4. The showing must take place in a classroom or place devoted to instruction.

## **DEATH OF A FAMILY MEMBER**

The death of a student's family member or close friend should be reported to the Dean of Students or Dean of the Chapel. The Dean of the Chapel is available at 504.768.7082, the Dean of Students is available at 503.768.7110 to assist and support the student and to help with any special arrangements that need to be made.

## **DIRECTIVES**

Failure to comply with requests or directions of College officials, or law enforcement officers acting in performance of their duties is prohibited. This includes failure to identify oneself properly to these persons when requested to do so and reasonable requests for students to meet appointments in administrative or faculty offices and at disciplinary investigations and hearings.

## **DISABILITY POLICY, STUDENTS**

To promote maximum access to the educational experience at Lewis & Clark, community members are asked to be sensitive to the needs of students with physical, psychological or learning disabilities in the scheduling of rooms, the conduct of examinations and course evaluations, etc. The College provides accommodation to students with disabilities under Public Law 9312, known as the Rehabilitation Act of 1973 (Section 504), and ORS 659.150. Assistance and advice about any problems should be sought from the Office of Student Support Services.

### **I. POLICY**

Lewis & Clark College is committed to serving the needs of students with disabilities. The College provides a full-time Coordinator of Student Support Services who is available to ensure that students with documented disabilities receive appropriate accommodations and services and a formal Student Disability Grievance Procedure which provides prompt and equitable resolution of any complaints arising out of the College's responsibilities under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and other pertinent federal, state and local disability antidiscrimination laws.

Lewis & Clark recognizes disabilities that include mobility, sensory, health, psychological, and learning disabilities, and provides reasonable accommodations once the disability is adequately documented. While Lewis & Clark's legal obligations only extend to disabilities of a substantial and long term nature, it is also the College's practice to honor reasonable requests for accommodations for temporary disabilities such as a physical injury, illness or pregnancy.

It is the responsibility any student to make their disability and needs known in a timely fashion and to provide appropriate documentation and evaluations to support the accommodations they request. A student with a disability who requires accommodations must notify the Director of Student Support Services (in the case of undergraduate and graduate students) or the Associate Dean for Academic Affairs (in the case of Law School students) of their desire for accommodations as soon after admission as possible. Students must not assume that this information is known to either of these offices because the student's application indicated the presence of a disability. Once the College has been notified and specific accommodations are requested and appropriately documented, the College works with the student to obtain the appropriate accommodations to ensure the student has the best possible opportunity to succeed.

The procedures for obtaining accommodations differ among the Law School, the College of Arts and Sciences and the Graduate School of Education and Counseling. However, the services offered are similar and the procedures are all intended to effectively provide for the appropriate needs of the disabled student within the structure and policies of each school.

### **Undergraduate Students and Graduate Students**

Requests for accommodations should be routed through the Student Support Services office, located in the Albany Quadrangle building on the undergraduate campus.

### **Law Students**

All arrangements for accommodations for law students must be routed through the Associate Dean of Academic Affairs for the Law School. In some cases, the adjustments will be made in consultation with faculty but individual faculty members will not make accommodations directly with students. In a like manner, all exam modification requests from law students are also to be directed to the Associate Dean for Academic Affairs of the Law School. Because of the time required to make arrangements to accommodate these requests, Law School students with long term or permanent disabilities must make such requests no later than one month before the last day of classes. Exam accommodation requests must be renewed each semester.

### **Documentation of Disabilities**

Lewis & Clark will honor requests for reasonable accommodations only for adequately documented disabilities except as provided below. The assessment documentation must provide data that supports the requests for any academic adjustments and must be submitted to the Director of Student Support Services. In the event that a student requests an academic adjustment or accommodation that is not supported by the assessment documentation, or if the initial diagnosis is incomplete or inadequate to determine the extent of the disability, Lewis & Clark will provide accommodations on an interim basis for a reasonable amount of time while more detailed or timely documentation is being sought. For learning disability or ADHD testing, Student Support Services can make arrangements with independent test specialists to come to campus for testing; Lewis & Clark's health insurance provider will cover most of the cost of the testing if the student has purchased such coverage. Otherwise, the cost of obtaining professional assessment and documentation is borne by the student. Proper documentation includes the following:

#### **A. Physical Disabilities**

The documentation must reflect the student's present level of functioning in regard to their disability and its impact on the need for accommodations.

#### **B. Learning Disabilities**

The student is responsible for providing professional testing and evaluation results which reflect the individual's present level of processing information and present achievement level. Documentation verifying the learning disability must:

1. be prepared by a professional qualified to diagnose a learning disability, including but not limited to a licensed physician, learning disability specialist, or psychologist;
2. include the testing procedures followed, the instruments used to assess the disability, the test results, and a written interpretation of the test results by the professional;
3. reflect the individual's present level of functioning in the achievement areas of: reading comprehension, reading rate, written expression, writing mechanics and vocabulary, writing, grammar, mathematical/nonverbal reasoning and spelling;
4. reflect the individual's present level of functioning in the areas of intelligence and processing skills.

#### **C. Psychological Disabilities**

If a student has a psychological disability which affects academic performance or takes medication which causes a similar effect, documentation from a psychologist or medical doctor is required which details the effects of the disability and/or the medication on the student's academic performance.

### **Reasonable Accommodations\***

Reasonable accommodations may include but are not limited to course load modifications, exam accommodations, readers, interpreters, note takers, taped textbooks, and additional time to complete assignments. Students may request specific accommodations and professional health care providers who verify the disability may recommend specific accommodations. However, Lewis & Clark will have the responsibility for making the final decision on accommodations. This decision will be made on the basis of the documentation provided and the requirements of the particular academic program. Accommodations will not be considered reasonable if they fundamentally alter the purpose or goals of the program.

\* Accommodations are also sometimes referred to as "auxiliary aids."

### **Arranging for Approved Accommodations**

The Director of Student Support Services must approve accommodations for a disability. Each semester, at the student's request, an official Notice of Disability form or letter explaining the disability and appropriate accommodations will be sent to the specified instructors. Professors are not permitted to grant accommodations that have not been approved in advance in writing by the Director of Student Support Services. The Student Support Services office will implement accommodations as soon as possible. However, students are strongly encouraged to make accommodation requests as early in the semester as possible to allow the instructor the opportunity to plan for their needs when notified. In particular, exam modification requests should be made, if possible, to the Student Support Services office at least one week in advance (two weeks in the case of final exams) to allow time to work out appropriate arrangements. If a faculty or staff member is hesitant to comply with the requested accommodations because of concerns regarding alteration of the academic program or standards, the Director of Student Support Services will work out arrangements which will best meet the needs of the instructor, the student and the College. If agreement between the Director and the faculty member cannot be reached, the matter will be appealed by the Director of Student Support Services to the appropriate department chair or dean.

## **II. DISABILITY GRIEVANCE PROCEDURE**

### **Complaints Against Faculty, Staff or Other Employees of Lewis & Clark College**

In the event a student believes that the above procedures have not been followed properly or feels that any action has been directed against him or her because of a disability or perception of a disability by a College faculty or staff member, the student may attempt to resolve the matter informally or immediately file a formal grievance.

To resolve the matter informally, the student should first meet with the Director of Student Support Services or the Associate Dean of Academic Affairs for the Law School, as appropriate, to see if the matter can be resolved. If the student has concerns about meeting with either of these people, they can meet with the appropriate department head or dean. If the student chooses to file a formal grievance, the following steps should be taken:

1. The student shall file a formal grievance within 180 calendar days after the complainant becomes aware of the alleged violation. The student shall file the complaint in writing to the Dean of the Graduate School of Education and Counseling, the Dean of the College of Arts and Sciences, or to the Dean of the Law School, as appropriate. The complaint shall contain the name and address of the person filing it and a brief description of the alleged violation of the American with Disabilities Act or of Section 504 of the Rehabilitation Act of 1973 or other appropriate law.
2. The official to whom the complaint is submitted shall convene a committee within two weeks of receiving the complaint unless prohibited by unusual circumstances. The committee shall be made up of two faculty members who have not had the student in class, the appropriate Dean and the Chief Psychologist or Associate Director of Medical Services, or another uninvolved professional familiar with the type of disability involved.
3. The committee shall hear testimony or receive written testimony from the student, the Director of Student Support Services, or Associate Dean of Academic Affairs for the Law School, as appropriate, the relevant faculty or staff member(s), and other knowledgeable people. The student has the right to ask for testimony from any faculty, staff, students or others whom they deems relevant to the case.
4. After hearing testimony and/or reviewing pertinent documents, the committee shall report its conclusions in writing to the complainant and all other relevant parties within five working days. The committee's decision is final.

### **Complaints Against Students**

If a student feels that they are a victim of discrimination or harassment by another student because of a disability, they may initiate a grievance procedure by contacting one of the following College representatives as appropriate: the Director of Student Support Services, the Dean of Students, the Dean of the Graduate School of Education and Counseling, or the Associate Dean of Academic Affairs in the Law School.

## **DISCRIMINATION AND HARASSMENT**

### **Policy Statement**

Lewis & Clark College is committed to providing a learning environment free from all forms of harassment and discrimination. The College opposes all conduct which has the purpose or effect of creating an intimidating, hostile or offensive working, campus living, or academic experience including conduct that is based upon actual or perceived race, color, sex, religion, age, marital status, national origin, the presence of any physical or sensory disability, veteran status, sexual orientation, gender identity, gender expression or any other basis protected by applicable local, state or federal law.

Retaliation against any employee or student for making a complaint is prohibited. The College maintains a separate Sexual Harassment Policy.

## **DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**

### **COMPLAINTS AGAINST FACULTY OR STAFF**

#### **Preliminary Counseling and Guidance**

Lewis & Clark College is determined to provide an environment free of discrimination and harassment. The term “harassment” here includes all forms of harassment, including sexual harassment. This process is to be used for complaints against faculty or staff to resolve charges of discrimination and harassment based on race, color, sex, religion, age, marital status, national origin, physical or mental disability, veteran status, sexual orientation or any other basis protected by applicable local, state or federal law.

Any member of the College community who feels that they have been subject to discrimination or harassment is encouraged but not required to notify the offender firmly and promptly that his or her behavior is unwelcome and inappropriate. It is recognized that power and status disparities may make such a discussion difficult.

Any faculty or staff member who believes they are a victim of discrimination or harassment is encouraged to contact EASE, our employee assistance program (800 654 9778) for confidential counseling regarding the matter. Any student who believes they are a victim of discrimination or harassment is encouraged to contact the Counseling Service [http://www.lclark.edu/offices/counseling\\_service/](http://www.lclark.edu/offices/counseling_service/) for counseling regarding the matter.

The complaint procedure set forth below should be used if a victim is interested in the matter being investigated as a violation of College policy. Once reported to the Assistant Vice President for Human Resources the College may be required as a matter of law to investigate. While the College will attempt to maintain confidentiality to protect the parties during the investigation, complete confidentiality is often impossible to achieve. Also, it is important to understand that the College’s interest in maintaining confidentiality is for the protection of the parties involved, not out of any interest in silencing the victims of inappropriate conduct. Victims of harassment or discrimination are free to discuss the matter with others, but are encouraged to seek professional counseling help and exercise due care for the rights of others.

As a less formal alternative to reporting a matter to the Assistant Vice President for Human Resources any person who feels s/he has been discriminated against or harassed by a faculty or staff member may consider conferring with an Ombudsperson from the Office of Ombudsperson (Campus Phone 7336). Discussions with an Ombudsperson are confidential. An Ombudsperson is not authorized to conduct investigations of complaints they receive.

Both the Assistant Vice President for Human Resources and the College Ombudsperson are conversant with the Discrimination and Harassment Policy, the Sexual Harassment Policy and these complaint procedures. The Ombudsperson will provide relevant information to any member of the Lewis & Clark College community. The Ombudsperson can also offer guidance on the various options and resources available to address the situation.

If a complainant prefers that an investigation be conducted the Associate Vice President & Director of Human Resources will act as the intake person. If for some reason a complainant does not want to confer with the Assistant Vice President for Human Resources but wants to file a complaint, they should confer with the appropriate Dean or Vice President for his or her area.

## **Complaint Procedure**

The College is obligated to investigate allegations of a violation of the Discrimination and Harassment Policy and the Sexual Harassment Policy. For this reason, the College may be obligated to move forward with an investigation, even when a person with a complaint simply wants to be heard, but does not want a formal investigation. If a complainant is not sure whether to file a complaint with the Assistant Vice President for Human Resources they may consult with an Ombudsperson.

The allegations may have to be pursued to protect the well being of the parties or others in the community and fulfill compliance obligations. Every effort will be made to keep the parties apprised of the progress of the process.

The College may investigate suspected instances of discrimination and harassment even when individual complaints are not made. If a supervisor or other managerial employee has reason to believe that an environment of harassment exists, or that any other provision of this policy is being violated, appropriate action may be taken.

## **Mediated Resolution**

In many cases, the parties concerned may desire an informal resolution of allegations of discrimination, harassment or sexual harassment. An informal resolution is one in which a satisfactory solution to the issue is agreed upon, generally with no formal investigation, findings or unilateral disciplinary action. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it.

The person receiving the complaint may explore whether the parties wish to seek an informal resolution or whether they wish to proceed directly to the investigation and subsequent finding as to the complaint.

An informal resolution typically includes the appropriate Dean or Vice President or his/her designee meeting separately with the complainant and the accused, discussing the problem, possible violation(s) of policy and possible solutions, mediating to establish satisfactory conditions for further College-related interactions, and coordinating on-going steps to assure a successful resolution.

An attempt at a mediated resolution is recommended but not required prior to an investigation of the complaint.

After a complaint is received an investigator may be appointed. The investigator will ordinarily notify the accused that they has been named in a complaint and describe the nature of the complaint.

## **Confidentiality**

Discrimination and harassment are particularly sensitive issues. The investigator has the discretion to make inquiries of people other than the complainant and the accused to obtain a full understanding of the facts.

These confidentiality provisions are not intended to silence victims, but rather to protect parties and the integrity of investigations into alleged discrimination and harassment. The College is very sensitive to the need for victims to discuss incidents of discrimination or harassment with counselors, trusted advisors and friends as part of the recovery process. However, complainants are encouraged to allow the College to investigate and take appropriate corrective action rather than using negative publicity to expose or punish parties involved.

All other individuals who are involved in the complaint reporting, mediation and/or investigation process are expected to maintain strict confidentiality. They are also expected to be cooperative, honest and forthcoming if interviewed as part of a complaint investigation. A breach of these expectations by students may result in a disciplinary action. A breach of these expectations by faculty or staff may result in disciplinary action up to and including termination. Possible disciplinary actions for faculty members will be considered with reference to the College's policy on termination and non renewal of faculty appointments.

Efforts will be made to ensure the confidentiality of information received as part of the College's complaint procedure. It may be possible in some situations to attempt a confidential mediation or resolution of the complaint, to address the situation in some other manner, or take corrective action as appropriate for the situation without revealing the complainant's identity. If, due to circumstances of the alleged discrimination, harassment or sexual harassment, it is not possible to conduct a review or resolve the complaint and yet maintain confidentiality, the investigator will ordinarily discuss this issue with the complainant. Details of the investigation will be limited to those determined to have a need to know.

### **Investigation**

The purpose of an investigation is to establish whether there is sufficient evidence to conclude that the alleged policy violation has indeed occurred. In conducting the investigation, the investigator may interview and/or obtain written statements from the complainant, the accused, and other persons believed to have pertinent factual knowledge. The investigation must afford the accused the opportunity to respond to the allegations.

Not all inappropriate conduct constitutes discrimination or harassment. When investigations identify inappropriate behaviors or actions that may not violate the Discrimination and Harassment Policy or the Sexual Harassment Policy, but violate other College policies or expectations of faculty, staff and students, these behaviors and actions may result in disciplinary action. A separate investigation may be conducted if possible College policy violations outside the scope of a discrimination or harassment complaint investigation are uncovered.

Upon the timely completion of the investigation, the investigator shall make a written recommendation to the appropriate Executive Officer.

Possible outcomes of the investigation are (a) a determination that the allegations are not warranted or cannot be substantiated; (b) a negotiated resolution of the complaint; (c) a determination that a violation of the policy has not occurred but inappropriate actions/behaviors have occurred which may merit a disciplinary action; or (d) a determination that a violation of the policy occurred

When a violation of this policy is established, the action to be taken shall be immediate and appropriate to prevent any recurrence, and shall be reasonably related to the gravity and/or frequency of the violation or violations. The College shall take whatever disciplinary action it considers appropriate under the circumstances, including but not limited to counseling, reprimand, suspension, transfer, expulsion or termination.

Possible disciplinary actions for faculty members will be considered with reference to the College's policy on termination and nonrenewal of faculty appointments.

The appropriate Executive Officer will make the ultimate determination of the action to be taken in response to any finding of a violation of this policy. The resolution of an alleged violation of this policy shall be made as expeditiously as possible, consistent with the facts and the process. A final determination will be communicated in writing to the person alleged to have violated this policy and to the complainant. The Office of Human Resources will retain in a secure place a record of any investigation and determination as to an alleged violation of this policy.

### **Appeals**

If either party does not agree with the determination, that party may file a grievance. Different grievance procedures apply depending on the employment status of the individual at Lewis & Clark College.

Staff members, and faculty members not otherwise covered by the Faculty Grievance Procedure listed in the *Faculty Handbook*, may proceed directly to step 3 of the Grievance Procedure listed in the *Staff Handbook*. This procedure may also be used by students who make the complaint when the student does not agree with the determination.

Faculty who are covered by the *Faculty Handbook* may use the Faculty Grievance Procedure in the *Faculty Handbook*.

## **COMPLAINTS AGAINST STUDENTS**

### **College of Arts and Sciences**

Complaints of discrimination and harassment made against an undergraduate student should be reported to the Dean of Students or designee.

### **Law School**

Complaints of discrimination and harassment made against a Law School student should be reported to the Law School Dean or designee.

### **Graduate School**

Complaints of discrimination and harassment made against a Graduate School student should be reported to the Assistant Dean of the Graduate School

### **Time Period for Filing a Complaint**

Prompt reporting of a complaint is strongly encouraged, as it allows for rapid response to and resolution of objectionable behavior. In the interest of early resolution and in the interests of fairness to the parties involved, any complaint must be made within two years of the last instance of the conduct alleged to have violated this policy.

## **DISORDERLY CONDUCT**

Loud, aggressive, or other behavior which disrupts or obstructs the orderly functioning of the College or disturbs the peace and/or comfort of person(s) on campus, on College owned or controlled property, or at College sponsored or supervised functions is prohibited.

## **DRUGS**

Use, possession, cultivation, manufacture, promotion, sale, and/or distribution of narcotics or other controlled substances, including sharing with friends, except as expressly permitted by law, is prohibited. Distribution of controlled substances includes any method of providing another with the controlled substance, regardless of whether or not money changes hands (e.g. selling, sharing, gifting, etc.). Paraphernalia related to illegal drugs or any other items containing illegal residue are prohibited on campus and will be confiscated and destroyed. Use, sale, distribution, and/or possession of prescription drugs prescribed to another is also a violation of this policy.

The College expects that those employed by the College in any capacity will carry out their duties free from the influence of drugs.

Drugs may not be consumed in the course of any class, laboratory, or other activity at which attendance is required as part of a student's course or degree requirements.

The College has established a drug awareness program to inform members of the College community about: the dangers of drug abuse; the College policy on drugs use; available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed for violations of this policy.

The College encourages students and employees who use illegal drugs or who abuse alcohol to seek appropriate assistance.

The *Drug-Free Workplace Act of 1988* requires that any employee of the College community who has been convicted of a violation of the statute involving illegal drugs shall notify the director of human resources within five days of the criminal conviction if the conduct giving rise to the conviction occurred on campus or while the member was in activities sponsored by or connected to the College. The College should then make any reports to government agencies that may be required by law.

## **ELECTION TAMPERING**

Tampering with the election of any College-recognized student organization is prohibited.

## **EMERGENCY EQUIPMENT AND PROCEDURES**

Tampering with, damaging, or misusing emergency devices or blocking of fire exits or other means of impeding traffic is prohibited. Use of fire escapes, ground level fire doors, fire hoses and extinguishers, and alarm equipment in non-emergency situations is prohibited. Failure to comply with fire drill procedures or emergency building evacuation is prohibited.

## **FALSE INFORMATION**

Furnishing false information to any College official, faculty member, administrative office, or conduct body is prohibited.

## **FALSE REPORTS**

Initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency on College premises or at College sponsored activities is prohibited.

## **FIRE & OPEN FLAME**

Ignition of fire in an unauthorized location or an unauthorized manner is prohibited.

Acts which result in the ignition or potential ignition of a fire which causes property damage, or which could be reasonably expected to cause damage are prohibited.

Aiding another in such acts is prohibited.

Open flame or embers of any kind (e.g. candles, lanterns, incense sticks, lit coals, etc.) are prohibited in College buildings, unless specifically approved by College officials.

For details on College policies regarding smoke, see "Smoking Policy".

## **FIREWORKS**

Possession or use of fireworks is prohibited on campus.

## **FORGERY**

Forgery, alteration, falsification, or misuse of any instrument of identification, document, record, or is prohibited. This includes--but is not limited to--records pertaining to admission, registration, financial aid, student discipline, academic, health records, parking tickets, student employment, and state or federal ID.

## **FRAUD**

Any act to defraud the College or member of the College community is prohibited.

## **FREEDOM OF EXPRESSION**

### **Expression of Individuals and Student Organizations**

Members of the College community are free to examine and discuss all questions of interest to them and to express opinions publicly and privately. Members of the College community should make clear that in their public expressions or demonstrations, they speak for themselves, and not necessarily for the College.

Members of the College community should recognize that there is a critical distinction between freedom of expression and freedom from responsibility. The College is committed to maintaining an environment where intellectual exploration, critical thinking, freedom of inquiry, and creative expression are valued; the College is also committed to the maintenance of an environment in which civility, mutual respect, effective communication, and accountability are integral.

Expression that in its method or content violates College policy or federal, state, or local law is prohibited.

Unreasonable interference with expression on College premises or at College events is prohibited.

### **Public Postings**

Community members are permitted to exercise speech through postings in public spaces. Such postings are regulated by existing College policies (e.g. Forgery Policy, Reasonable Apprehension of Harm, etc.), as

well as College procedures that govern on what surfaces and with what substances physical postings can be made.

Postings made in spaces attached to a specific person or group (i.e. residence hall room or office doors, personal blogs, and the like) may be removed at the discretion of the individual or group in question and must comply with any regulations imposed by the person or group. Postings made in spaces attached to specific people or groups must still comply with existing College policies and posting procedures. These policies apply both to postings made in a physical context (on walls, doors, etc.) and electronic mediums (posts on blogs, twitter feeds, Facebook, etc.).

Postings made in spaces that are not attached to a specific person or group (i.e. Residence Hall common spaces, academic buildings, and the like) are only permitted on approved surfaces (e.g. bulletin boards, which are labeled according to their purpose).

All postings in common spaces of this sort must be display either

- the date of the event being advertised
- or
- the date two weeks from time of posting
- or
- the posting's expiration date

Individuals responsible for postings must remove them after the latest of those dates has passed.

All postings will be removed at the end of each semester.

Postings in common spaces of this sort must comply with all posting procedures relevant to the space in question (i.e. permitted size of postings, method of affixing posting, posting approval, etc.) -- for information on posting in specific places, please consult:

- Templeton Campus Center -- Office of Student Activities
- Dining Areas -- Bon Appétit
- Residence Halls -- Office of Campus Living
- Other Buildings -- Office of Student Activities

Postings rendered using sidewalk chalk are only permitted on outdoor cement or asphalt sidewalks or roadways.

### **Issues of Anonymous Expression**

Choosing to speak anonymously does not absolve one of responsibility for the content of that speech: anonymous postings, and the people responsible for them, are still obligated to adhere to existing College policies and posting procedures. Anonymous expressions of speech may be removed at any time by any person.

### **Hosting Public Events**

Public performances and presentations must be hosted by recognized campus groups. These groups must follow College procedures for the scheduling of speakers and other programs and assume the responsibility that the event and its conduct are appropriate to the academic community. Hosting an event does not imply approval or endorsement of the views expressed by the hosting group or the College.

### **Student Demonstrations**

Individual expression must always take place in an orderly fashion, without force or the threat of force, and in a manner which does not deliberately obstruct the orderly processes of the College. Freedom to dissent is exercised in the context of the law and of responsibility for your actions.

### **Student Media**

Student communications media shall be free of censorship and advance approval of copy. They shall have sufficient editorial freedom and financial autonomy to maintain their integrity of purpose as vehicles for free inquiry and expression. This freedom entails adherence to the Canons of Responsible Journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the avoidance of the techniques of harassment and innuendo.

Acceptance and publication of anonymous submissions by recognized campus media are at the discretion of the editor/director of each respective medium following the dictates of internal editorial policies and the Canons of Responsible Journalism.

Student communications media shall explicitly state that they do not speak officially for the College and that opinions expressed do not necessarily represent those of the College or the student body.

Editors and managers of student publications are protected from arbitrary removal because of disapproval of editorial policy or content. The Student Media Board is responsible for the appointment, evaluation, and removal of media heads in accordance with Student Media Board bylaws. This Board, consisting of media heads, advisors, and a chair, serves as a representative governing body for campus communications media.

### **GOVERNANCE, PARTICIPATION IN**

Students, faculty, staff, and administrators of the College play an essential role in campus governance. It is recognized that the legal authority of the College resides in the Board of Trustees. Participation by the community in institutional governance may include the following:

- The freedom of all constituents in the College community to express their views on institutional policy.
- Fair and direct participation, through appropriate committees, in interests affecting the community.

### **GRAFFITI**

Defacing public and/or private property is prohibited and is defined as a crime (criminal mischief) under Oregon statute. The College will minimize damage to buildings and grounds by adhering to a procedure which provides for the timely removal of graffiti on interior and exterior surfaces by Facilities Services personnel. LC community members are encouraged to immediately report locations of observed graffiti to College officials.

### **HATE AND BIAS MOTIVATED INCIDENTS**

The intentional humiliation or intimidation of others motivated by hate or bias based on age, ancestry, citizenship status, color, domestic partner status, ethnicity, gender identity and expression (transgender status), HIV status, marital status, medical condition, national origin, physical or mental disability, race, religious belief or practice, sex, sexual orientation, socio-economic, or veteran status is prohibited. Conduct which may violate this policy includes physical violence or threats of physical violence, vandalism or destruction of property, as well as hate- or bias-motivated speech, slurs, or expressions.

### **HAZING**

Any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization is prohibited.

### **HIV/AIDS POLICY**

HIV (Human Immunodeficiency Virus) infection is potentially lethal, but to a greater extent preventable. In order to protect and inform individuals and the community as a whole, Lewis & Clark's primary response and goal is to provide HIV/AIDS-related education to all community members. Support for the HIV/AIDS-related education process comes from the staffs of the Student Health Service, the Counseling Service, Health Promotion and Wellness, academic advisors, and residence hall staff, all of whom are available to discuss concerns about HIV and AIDS (Acquired Immunodeficiency Syndrome).

Lewis & Clark's HIV/AIDS policy is based on six fundamental points:

1. Even though they may not have symptoms, persons with HIV infection can transmit the virus to others through intimate sexual contact, exposure to blood, or birth.
2. Among people who choose to be sexually active, the consistent and conscientious use of condoms greatly reduces the chance of transmission of HIV through sexual intercourse.
3. The sharing of needles used in the injection of drugs—illicit or otherwise—is an efficient way to transmit HIV.
4. Persons with documented HIV infection, and those with behavioral risk factors for HIV infection, should not donate blood, plasma, sperm, or other body organs or tissues.
5. People with HIV infection pose no risk of transmitting the virus to others through ordinary interpersonal contact.

6. It is possible that certain interventions and therapies may help limit the consequences of HIV infection among people already infected. People who know they have been infected may thus benefit from regular medical follow-up and immunologic evaluation.

Lewis & Clark will not consider the existence of any form of HIV infection when making decisions related to student admission or to hiring, advancement, promotion, or tenure, except as it affects the individual's ability to perform his or her role.

Individuals with any form of HIV infection, whether symptomatic or not, are allowed regular access to campus dining facilities, theaters, snack bars, gymnasiums, swimming pools, saunas, recreational facilities, and other common areas. Individuals are allowed classroom attendance in an unrestricted manner as long as they are physically and mentally able to attend class.

People with AIDS (and possibly those with other manifestations of the HIV infection) are considered to have handicapping conditions. Lewis & Clark respects all legal rights of handicapped persons.

Lewis & Clark will not routinely ask employees to respond to questions about the existence of HIV infection. It is appropriate, however, for employees with HIV infection to inform Health Services to enable the institution to provide proper medical care, support, counsel, and education. Lewis & Clark does provide HIV testing services and pre-test and post-test counseling. Results are discussed only with the person requesting the test, and are strictly confidential.

All information a person provides to Health Services is strictly confidential. No specific or detailed information concerning complaints or diagnosis will be provided to any outside party without the express written consent of the employee. The number of people at the College who are aware of the existence and /or identity of community members with HIV infection will be kept to an absolute minimum.

Lewis & Clark follows the safety guidelines proposed by the United States Public Health Service for the handling of blood and body fluids of all persons, not just those previously known to have HIV infection.

### **HOSPITALIZATION**

Hospitalization of a student will be reported to the Dean of Students, who is available to assist and support the student and to help with any special arrangements that need to be made.

### **HUMAN RESEARCH SUBJECTS**

The Lewis & Clark College Human Subjects Research Committee (Institutional Review Board for federal purposes) must review and approve all research projects involving human participants, including those conducted by students, whether or not the projects are subject to federal regulation or FDA approval. No such research may be undertaken at Lewis & Clark until the Human Subjects Research Committee has granted written approval. Contact the Human Subjects Research Committee through the Dean of the College.

Three kinds of research involving human subjects are specifically regulated by federal or state law:

1. Research which involves human subjects and is funded by the Department of Health and Human Services, including by indirect means such as fellowships.
2. Research supporting an application for FDA approval of products it regulates.
3. Research involving administration of any experimental drug (which may include established drugs used for new purposes) to a human subject.

### **IDENTIFICATION CARDS**

All members of the Lewis & Clark Community must possess a Lewis & Clark Identification Card on their person while they are on Lewis & Clark campus. This policy applies equally to staff, faculty and students. An identification card with current validation entitles the student to free or reduced admission to certain campus events, use of Pamplin Sports Center facilities, and use of the libraries.

Photos are taken in the Office of Campus Safety. Contact Campus Safety at x7855 for photo-taking hours.

All members of the Lewis & Clark Community must present their ID upon request to College officials. When ID Cards are lost or stolen, they must be reported to the Campus Safety Office. A \$5 fee is charged to replace a lost card.

### **INTERFERENCE WITH COLLEGE INVESTIGATIONS OR CONDUCT PROCESS**

Interfering with administrative procedures, or disciplinary proceedings, such as those conducted by the Office of Campus Safety, Office of Campus Living (including Area Directors or Resident Advisors) and the Associate Dean of Students or designate is prohibited. Verbal or physical threats and/or intimidation of a member of a conduct body and/or a witness in a disciplinary proceeding prior to, during, and/or after a conduct proceeding is prohibited. Influencing or attempting to influence another person to commit an abuse of conduct processes is prohibited. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of, the conduct proceeding is prohibited. Failure to comply with the sanction(s) imposed under the Code is prohibited.

### **KEYS**

Unauthorized possession, duplication, or use of keys to any College premises is prohibited.

### **LITTERING**

Throwing, discarding, placing, or depositing litter in College buildings or on College grounds, except in receptacles provided for such purposes, is prohibited.

### **MEDICAL AMNESTY POLICY**

Lewis & Clark College considers the health and safety of community members to be a core priority. In an effort to ensure that students take appropriate responsibility for the health and safety of themselves and others—even in circumstances that may involve violations of alcohol or drug policies—the College has adopted the following protocol.

- All community members are encouraged to seek assistance on behalf of those who seem to be in need.
- Any student who has been involved in an alcohol or drug related emergency will have the option to discuss that incident with staff from the Office of Health Promotion and Wellness, rather than have a conduct hearing for potential violations of the alcohol or drug policies that may have occurred during that incident.
- In order to make use of this option, the student must
  - Remain present at the scene of the incident after they have sought assistance, until given permission to depart by a College official.
  - Agree to comply with any recommendations resulting from their conversation with staff from the Office of Health Promotion and Wellness.
- This option is meant to apply to isolated incidents, and may not be available in cases of repeated or flagrant violations of College alcohol or drug policies.

### **NOISE**

Activities inconsistent with posted quiet hours in residence halls and academic buildings or which violate City of Portland noise ordinances is prohibited.

### **OBSTRUCTION**

Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or supervised functions is prohibited.

### **PARENTAL & GUARDIAN NOTIFICATION**

A fundamental goal of the College is to support students' independence and maturity, in part by encouraging them to assume responsibility for their own educational and personal matters. The College also encourages students and parents or guardians to communicate directly, regularly, and openly with each other about issues of mutual concern.

Under laws and policies that govern the privacy rights of students, Lewis & Clark College has the authority and reserves the right to contact parents or guardians of dependent students about a variety of serious matters and the parents or guardians of all students in emergencies regarding serious injury or life or death situations.

The Dean of Students or designee uses professional judgment when determining whether notifying parents or guardians is essential and benefits student welfare. Whenever possible, College staff will talk with the student before contacting a parent or guardian, in order to discuss the possible benefits and challenges of notification.

### **PROPERTY DAMAGE/DESTRUCTION**

Destroying or damaging or attempting to destroy or damage the property of others on College premises or at College sponsored activities is prohibited. This includes the projection or dropping of any object or material which could cause injury or damage to persons or property.

### **PUBLIC LAWS**

Violation of federal, state, or local law on College premises or at College sponsored or supervised activities is prohibited.

### **RELIGIOUS HOLIDAY OBSERVANCE AND STUDENT ABSENCE**

Lewis & Clark students of all faiths are encouraged to observe important religious holidays within their own tradition. However, the college recognizes that on some occasions schedule conflicts can arise which may result in a student missing classes, exams, registration or other required academic activities.

The following guidelines are provided to all students who wish to miss a required academic activity in order to observe a religious holiday:

- A. Class or exam absences are primarily a matter between the individual instructor and student. While LC faculty members are encouraged to show flexibility when dealing with students who are committed to observing religious holidays, it is entirely up to the student to communicate this need to the instructor and to make appropriate arrangements.

The student is responsible for notifying the instructor ahead of time that she/he will be absent because of the religious holiday. At that time the instructor may suggest any make-up work the student may need to do as a result of the absence.

- B. When scheduling conflicts arise between registration and a religious holiday, the student should notify the registrar directly of her/his inability to attend the arena registration and the registrar will make alternative arrangements with the student. It is the student's responsibility to give the registrar adequate notification (no less than one week) in order to make alternative arrangements.
- C. The Dean of the Chapel will make available to faculty, staff and students a list of significant religious holidays at the beginning of each year. Students are encouraged to contact the Dean of the Chapel if they have any questions about religious holiday observance and these guidelines.

### **RESIDENCE HALL CONTRACT AND PROCEDURES**

The residence hall contract each resident student signs is a legal document. Students should read it carefully so that they enter into the agreement in good faith and full understanding. Students signing the residence halls contract agree to abide by it and the policies incorporated in it by its reference to policies now existing or properly established during its term.

Violation of the terms of a signed residence hall contract is also a violation of the Code of Conduct.

### **Deposit**

New students are required to make a \$200 non-refundable deposit, which reserves a place in a residence hall.

Continuing students are required to make a \$100 room reservation fee with a completed, signed contract. A continuing student's \$100 deposit may be refunded only if written notice of contract termination is given to the Office of Campus Living on or before July 1 for a contract beginning fall term, or 60 days prior to the term specified as the first term of occupancy.

### **Food Service**

Students may eat meals in Fields Dining Room or the Trail Room, which are managed by Bon Appétit, a contracted food service. Fields Dining Room offers cafeteria style dining to meal plan students. Efforts are made to meet the needs of all students, and vegetarian and vegan selections are available. Please visit <http://www.cafebonappetit.com/lewisandclark/> for up to date hours and info.

All resident students are required to select a meal plan. Very few exemptions are granted. Students with special, medically prescribed dietary needs should contact the food service manager. If the student's needs can be met, no exemption will be granted. Resident students whose needs cannot be met with an on-campus meal plan must submit a physician's explanation to be excused from the plan. Forms are available in the Office of Campus Living.

There are five meal plans: the 19-meal plan (breakfast, lunch, and dinner Monday through Friday, plus brunch and dinner on Saturday and Sunday) and the 14-meal plan (a choice of any 14 meals per week). Three "flex" plans, a 14-meal flex, a 10-meal flex, and a 7-meal flex allow students to use "cash" points in two dining areas and two retail locations. Students pay for meal plans each term in advance and refunds are prorated, minus a service fee, in the case of withdrawal from the College. Students who wish to change meal plans at the beginning of a new semester must notify the Office of Campus Living during the first week of the term.

### **Residency**

The College considers the residential experience educationally important and requires it for all first and second year students (4 consecutive semesters) who do not live at home with parents, legal guardian, or spouse. Residence hall living enables students to develop interpersonal skills and intercultural understanding in an atmosphere of mutual support for curricular and co-curricular activities.

The contractual obligation with the College will only be waived in cases of exceptional need, hardship, or extenuating circumstances. Students who wish to petition for release from contract must do so in writing. A committee will determine whether to grant a release, and what, if any, penalties should be imposed. For additional details, contact the Office of Campus Living.

### **Room Assignments**

Returning students have the first opportunity to indicate a preference of residence hall. First-year and transfer students will be placed in halls with roommates, and special requests will be granted whenever possible. (Special requests must be indicated in the Room Placement Questionnaire.) The College cannot guarantee accommodation of all preferences. Assignment of students to halls is based on a class ratio formula determined by students and the housing needs of the student body.

### **Room Rent**

Room rent charges are payable in advance for each term of occupancy. Priority is given to those students who indicate they will live on campus for the entire academic year (both semesters). If a student does not indicate one semester on the residence hall contract, the College will assume the student will live in the residence halls for the full academic year and will hold the student to that contract.

A student may not sell or transfer any of the residence hall contract rights to anyone else, including another student.

Refunds are given on a pro rated basis if a student withdraws from Lewis & Clark. See the Office of Campus Living for information on obtaining a room rent refund.

### **Room Entry**

College staff may enter a residence hall room, after knocking, in the performance of their administrative duties. If there is no response to the knock, if admission is denied, or if entry is not granted within a reasonable time, the staff member may use whatever means are deemed necessary to gain entry. Such entries include--but are not limited to--those made to perform an occupancy check, verify residency, inspect for damages, clear a room for fire alarm, search when reasonable suspicion of a College Code of Conduct or policy violation exists, respond to a reasonable health or safety concern, or to perform routine maintenance. In the event of routine entry for repairs, etc., the college employee will leave a note indicating the entry purpose.

## **Room Search**

In the event that College personnel have reason to believe that College policies/procedures or public laws are being violated, the staff may enter the student room. Reasonable belief include evidence of violation of public law or of College policies and procedures, behavior observed in plain and open view, reports from a community member of a violation occurring, relevant odor or noises emanating from a room, or other signs of policy violation.

If a College staff member enters a room and has reason to believe that contraband items have been concealed therein, the staff member will contact Campus Safety. In addition, the staff member may remain in the room until the officer who will conduct the search arrives, and to take whatever steps are deemed necessary to prevent the destruction or removal of contraband from the room.

Upon arrival, the Campus Safety officer will knock, announce themselves, allow a reasonable time period for response, and then enter the room accompanied by another college staff member, such as a RA or AD. A search may include opening and examining drawers, closets, personal containers (such as backpacks and purses), desks, beds, and refrigerators. Items searched will be handled with respect and minimal disruption whenever possible.

Any contraband items (i.e. items in a residence hall room which constitute a violation of College policy/procedure) will be confiscated, and may be used as evidence in a disciplinary proceeding. A descriptive receipt will be provided by the Campus Safety officer. Arrangements will be made for contraband (except alcohol) to be returned in cases where possession of these items is not a violation of public law. Confiscated property, the possession of which is a violation of public law, will be submitted to the appropriate civil authorities.

If unauthorized persons are present in a residence hall room (i.e. persons not assigned to that room and whose immediate presence constitutes a violation of a College policy or procedure) they will be asked to leave. Any information as to such presence or violation may be used as evidence in a disciplinary hearing.

Other residence hall policies and procedures are found in the residence hall contract and in the residence hall handbook, Settling In, which is available on the Lewis & Clark website at [http://www.lclark.edu/college/student\\_life/campus\\_living/handbook/](http://www.lclark.edu/college/student_life/campus_living/handbook/).

## **SEARCH AND SEIZURE POLICY**

If Campus Safety officers have reason to believe that campus policies/procedures or public laws are being violated by a campus community member on campus, and that evidence of those violations is on the person, inside personal containers (including, but not limited to, backpacks and purses) or vehicle/s, Campus Safety officers have the right to search the individuals and may require the possessor to display the contents of those containers or vehicle/s. Campus Safety officers may take whatever reasonable steps are deemed necessary to prevent the destruction or removal of such evidence from the area.

## **SEXUAL MISCONDUCT POLICY**

### **INTRODUCTION**

Lewis & Clark College does not tolerate sexual misconduct in any form. Sexually abusive behavior within the College community is harmful to both the learning environment and the sense of community the College seeks to foster among students, faculty, staff, and administrators. All members of the College community have an obligation to act responsibly in the realm of sexuality. This includes accepting personal responsibility for choices made about alcohol and drug consumption that might lead to behavior that violates another person. Additionally, all members of the College community have the responsibility to recognize and challenge any sexual misconduct.

### **I. POLICY**

#### **Overview**

In order for individuals to engage in sexual activity of any type with each other, each must have the other's consent. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is less clear than talking about what you do and do not want. Silence does not demonstrate consent. Someone who--due to age, mental status, intoxication, or any other reason--cannot understand the who, what, when, where, why, and how of the sexual situation at hand is unable to give consent. There is a difference between seduction and

coercion. Coercing someone into sexual activity violates this policy just as much as physically forcing someone into sex. Coercion happens when someone unreasonably pressures someone else to engage in a sexual activity.

### Violations & Definitions

At Lewis & Clark College, **sexual misconduct** is any sexual act that takes place without consent. Sexual Misconduct is prohibited. Sexual Misconduct may also constitute Sexual Harassment. At Lewis & Clark College, **consent** is an informed, knowing, and voluntary mutually understandable willingness to do the same thing, at the same time, at the same place, in the same way, with each other. Consent is not present in cases where age, intoxication, mental status, incapacitation, etc. prevent a person from knowing the fact, nature, and extent of the sexual situation, or where a person has been compelled through coercion, threats, intimidation, fraud, or force. For more information, see "Consent", below.

SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:

1. Sexual Harassment
2. Non-Consensual Sexual Contact (or attempts to commit same)
3. Non-Consensual Sexual Intercourse (or attempts to commit same)
4. Sexual Exploitation

#### 1. SEXUAL HARASSMENT:

Sexual Harassment is

- unwelcome, gender- or sex-based verbal or physical conduct that is,
- sufficiently severe, persistent or pervasive that it,
- unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational program and/or activities, and may be
- based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

#### 2. NON-CONSENSUAL SEXUAL CONTACT:

Non-Consensual Sexual Contact is

- any intentional sexual touching,
- however slight,
- with any object,
- by any person upon any person,
- that is without consent and/or by force.

Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

#### 3. NON-CONSENSUAL SEXUAL INTERCOURSE:

Non-Consensual Sexual Intercourse is

- any sexual intercourse
- however slight,
- with any object,
- by any person upon any person,
- that is without consent and/or by force.

Intercourse includes:

- vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

#### 4. SEXUAL EXPLOITATION

Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy;
- prostituting another person;
- non-consensual video or audio-recording of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STI or HIV to another person;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation
- Inducing incapacitation with the intent to sexually assault someone, *regardless of whether sexual activity actually takes place*

#### Consent

At Lewis & Clark College, **Consent** is an informed, knowing, and voluntary mutually understandable willingness to do the same thing, at the same time, at the same place, in the same way, with each other.

- In order to give consent, one must be of legal age.
- In order to give consent, one must be able to understand the who, what, when, where, why, and how of the sexual situation at hand.
- Persons whose mental status (intoxication, cognitive disability, etc.) prevents them from understanding the fact, nature, and extent of the sexual situation at hand are not able to provide consent. The mental status of the party must be known or reasonably knowable to their sexual partner(s), in order to hold them responsible for violating the Sexual Misconduct policy.
- Persons who are physically incapacitated (unconscious, unaware, etc.) are not able to provide consent.
- Consent is active, not passive. Silence, without actions demonstrating permission, does not constitute consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent given in the past does not imply consent to future sexual activity.

Consent can never be obtained through the use of force, threats, intimidation, coercion, or fraud:

- *Force* exists, for example, when someone acts upon you physically, such as hitting, kicking, restraining, or otherwise exerting their physical control over you through violence.
- *Threats* exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual activity they would not otherwise have given, absent the threat. For example, threats to kill you, themselves, or to harm someone you care for are sufficient to constitute threats.
- *Intimidation* exists where someone uses their physical presence to menace you, though no physical contact occurs, or where your knowledge of prior violent behavior by an assailant, coupled with menacing behavior, places you in fear.
- *Coercion* exists when a sexual initiator engages in sexually pressuring behavior that violates norms of respect in the community, causing the object of that behavior to engage in unwanted sexual behavior. Coercion may be differentiated from seduction by the unreasonable repetition of the coercive activity, the degree of pressure applied, and the initiator's knowledge that the pressure is unwanted.
- *Fraud* exists where someone misrepresents themselves or a situation in order to gain permission for sexual activity that would not otherwise have been given.

**Engaging in sexual activity with someone who you should reasonably know to be incapable of providing consent, whether due to intoxication, incapacitation, or any other reason, is prohibited.**

Lewis & Clark strongly encourages its students who choose to engage in sexual behavior to talk about their actions and to communicate as clearly and verbally as possible with each other. In the absence of mutually understandable words or actions (a meeting of the minds on what is to be done, where, with whom, and in what way), it is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity to make sure that they have consent from their partner(s). The initiator must obtain mutually understandable consent at every stage of sexual interaction.

Mutually understandable consent is almost always an objective standard. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a mutually understandable agreement between them to do the same thing, in the same way, at the same time, with one another. The only context in which mutually understandable consent may be considered in a subjective sense is in the context of long-term relationships where couples have mutually established patterns of communicating consent that alter the definition elaborated here.

A person who is the object of sexual aggression is not required to physically or otherwise resist a sexual aggressor if resisting would be unreasonable under the circumstances, but telling an aggressor "No" clearly and loudly is recommended. Silence, previous sexual relationships, attire, giving or receiving of gifts, going on a date, and/or current relationships do not, in themselves, imply consent. Intentional use of alcohol/drugs is not an excuse for violation of the sexual misconduct policy.

Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.

## **II. REDUCING RISK**

It can be difficult to discuss sexual expectations with someone—especially when it is early on in a relationship. However, everyone must take responsibility to prevent sexual misconduct. These suggestions may help you avoid potentially damaging situations.

### **Responsibilities for All Individuals Involved**

1. Get to know your partner(s); discuss sexual expectations before you find yourself in an intimate situation.
2. Clearly communicate your desires and limits.
3. Be responsible for your use of alcohol and other drugs, and realize that alcohol and other drugs lower your sexual inhibitions and may make you vulnerable to someone who might seek to take advantage of an intoxicated person.
4. Be assertive. Tell a sexual aggressor "NO" clearly and loudly.
5. Realize that being told "no" is not a rejection of you as a person.
6. Pay attention to the non-verbal actions of yourself and your partner(s).
7. Accept the decision made by your partner(s).
8. Understand and accept that you are responsible for your behavior and choices.
9. Trust your instincts. If you think something is wrong, you are probably right. Get out of the situation immediately.

### **Responsibilities for Initiators of Sexual Activity**

If you find yourself in the position of being the initiator of sexual activity, you owe sexual respect to your potential partner(s); these suggestions may help you do this.

1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
2. Mixed messages from your partner(s) should be an indication that better communication is necessary before activities progress. You need to respect the timeline with which your partner(s) are comfortable.
3. Do not take advantage of someone's intoxicated state, regardless of how they became intoxicated.
4. Understand that consent to some forms of sexual activity does not necessarily imply consent to other forms of sexual activity.
5. Silence and passivity cannot be interpreted as indications of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication.

### **Intoxication**

If you choose to drink, the likelihood that you will remember to consider the above responsibilities is greatly reduced; thus, you run the risk of impaired thinking and communication.

Being intoxicated is never an excuse for sexual misconduct.

Alcohol is not the only drug that can facilitate unwanted sex. There are drugs, increasingly found at parties, that have come to be known as “date rape drugs” because of their ability to incapacitate. These drugs are often added to drinks without the survivor’s knowledge. These drugs include:

- MDMA (also known as Ecstasy, X, E, Rolls). It can cause visions and other distortions of reality, teeth grinding and spasms, death from heat stroke-like event. Long term, it can cause dental-related issues and brain damage. It may be a powder, but mostly pressed pills with a wide range of logos.
- GHB (also known as “G,” Liquid Ecstasy, Blue Verve, Grievous Bodily Harm, or Georgia Home Boy). It can cause nausea, vomiting, delusions, amnesia, seizures, and loss of muscle control. It can leave you conscious but unable to move, unconscious, in a coma, or it can kill you. It usually has a bluish color, is odorless, and tasteless.
- Ketamine (also known as Special K, Ket, Bump). It can cause an out of body experience, loss of muscle control, and flashbacks. It is a type of animal tranquilizer and is often stolen from veterinary clinics.
- Rohypnol (also known as Roofies, Roche, or Forget-me Pill). It can cause drowsiness, dizziness, confusion, and amnesia. It can contain dangerous impurities.

Be careful. Do not accept a drink if you are not completely sure of its contents. Do not leave drinks unattended. Keep an eye on yourself and your friends for any suspicious activity and for signs of the symptoms listed above.

### Risks of Alcohol

- At least 70% of all sexual assaults involve alcohol.
- The use of alcohol can be a factor for the survivor, the aggressor, or both.
- Alcohol lowers inhibitions and impairs judgment, which can lead to dangerous situations.

### III. PROCEDURES FOR SURVIVORS OF SEXUAL MISCONDUCT

Sexual misconduct is *never* the survivor’s fault.

Sexual misconduct can happen to *anyone*. There is no typical survivor. Statistics indicate that anywhere from 85–

90% of all sexual misconducts occur between people who know each other.

If you have been subjected to sexual misconduct, you have control of the choices you can make. Depending upon the circumstances, the College may have an obligation to investigate in order to protect you or others. The following are recommendations to assist you as a survivor:

1. Do not blame yourself. Sexual misconduct is *never* the survivor’s fault.
2. Go to a safe location.
3. If you are injured, seek medical attention immediately.
4. Do *not* shower, bathe, or douche. The only way medical evidence can be collected is if it is left intact.
5. Contact one or more of the resources in the Sexual Assault Response Network.

If the survivor is one of your friends:

1. Listen and be supportive.
2. Let your friend make her or his own choices.
3. Encourage your friend to immediately contact the Sexual Assault Response Advocate, (503) 202-3119, or one of the other Sexual Assault Response Network listed below.
4. Stay with your friend during interviews and examinations, if they want you to do so.
5. Take care of yourself. You may need to talk with someone about how this has affected you. The resources listed in this section are for you as well.

### IV. SEXUAL ASSAULT RESPONSE NETWORK

Sexual Assault Response Advocate Pager .....	(503) 202-3119
Campus Safety Office .....	(503) 768-7777
Counseling Service .....	(503) 768-7160
Dean of Students .....	(503) 768-7110
Associate Dean of Students .....	(503) 768-7186
Associate Dean for Academic Affairs, Law School .....	(503) 768-6634
Associate Dean of the Graduate School .....	(503) 768-6003
Health Promotion & Wellness .....	(503) 768-7112
Office of Campus Living .....	(503) 768-7123
Student Health Service .....	(503) 768-7165

Student Support Services .....(503) 768-7156

Your Resident Advisor or Area Director

**Sexual Assault Response Advocate ..... Pager: (503) 202-3119**

(Enter your phone number after the prompt, and then press #) The Sexual Assault Response Advocate (SARA), henceforth referred to as the "Advocate" responding to your page is on call 24 hours a day, 7 days a week.

The Advocate will offer overall assistance and follow-up to the survivor. (See below for detailed information about anonymity and confidentiality.)

The Advocate will explain the network of contact points available in terms of boundaries of confidentiality, services offered by each contact point, and options and choices available to the survivor. Each of the contact points in the network is trained to assist survivors.

Contact points included in this Sexual Assault Response Network include:

- Campus Living staff (ADs and RAs);
- Counseling Center staff;
- Student Health staff;
- Campus Safety officers;
- and the Associate Dean of Students & Deputy Title IX Coordinator or designee.

These contact points provide counseling assistance, medical treatment, aid in seeking legal advice, family crisis management, help with rearranging class or exam schedules, transferring residence halls, and other service or facilitation as necessary.

The survivor's use of the Advocate, network contact points and any and all services provided by associated departments is **completely voluntary**.

Once involved with a survivor, the Advocate will notify the ADOS, or designee, that the Sexual Assault Network protocol is "active." With the exceptions noted below, the advocate will not disclose confidential information to the ADOS, or designee, without prior consent of the survivor.

The Sexual Assault Response Advocate will monitor each contact point to ensure consistent implementation of protocol. Every effort will be made to coordinate support among the different contact points so that the survivor is not recounting their experience for each new contact.

Advocacy services are also available for the accused, including counseling and medical resources.

**TITLE IX COORDINATOR**

The College's Title IX Coordinator is the Vice President and Provost. The Title IX Coordinator has responsibility for overseeing all Title IX compliance, including complaints of Sexual Misconduct. All instances of Sexual Misconduct should be reported to the Title IX Coordinator or a Deputy Coordinator.

**Title IX Coordinator:**

Vice President and Provost (503) 768-7204

**Deputy Title IX Coordinators:**

- Associate Dean of Students, College of Arts and Sciences: (503) 768-7186
- Associate Dean for Academic Affairs, Law School: (503) 768-6634
- Associate Dean of the Graduate School: (503) 768-6003
- Associate Vice President, Human Resources: (503) 768-6239

Complaints involving students should be reported to the Deputy Title IX Coordinator for the school where the survivor attends. Complaints involving faculty or staff should be reported to the Associate Vice President for Human Resources.

**Anonymity and Confidentiality**

A survivor can call the Advocate, receive support and information, and never give their name. This ensures anonymity while providing necessary assistance. The survivor may choose to use services outlined by the Advocate, or the survivor may choose to do nothing at this time.

If the survivor chooses to give their name to the Advocate, the survivor's name will be maintained in confidence to the extent possible.

There are exceptions to this rule of confidentiality, but these exceptions arise very infrequently. They include:

- In cases where an accused poses a significant risk to the general safety of the campus community, the Advocate will contact the ADOS, or designee. The name of the survivor will only be disclosed to the ADOS, or designee, if that disclosure is absolutely necessary to protect the campus community from harm.
- In cases where the survivor is not of legal age, the Advocate is required to report the incident to Oregon DHS.
- If the Advocate believes the survivor is at significant risk of suicide or harming others, the Advocate will take action to protect the survivor or others from harm. This could involve a limited disclosure of information to health care providers, Campus Safety, or a similar entity.
- When legally compelled to disclose the survivor's name.
- Advocates may consult with other Advocates in an effort to improve the quality of services. All such consultations are strictly confidential.

Student Health employees, Counseling staff, and the ADOS, or designee, are not obligated to disclose the name of the survivor publicly, but must file an anonymous *Sexual Assault Incident Report* form. This form simply indicates that a sexual assault occurred; it does not need to contain any identifying information. Resident Advisors, Area Directors, Campus Safety personnel, and other administrative staff are required to inform their immediate supervisor if they learn of alleged sexual misconduct, and they are expected to file a *Sexual Assault Incident Report* form. Beyond this notification of supervisor, these individuals will keep information in confidence, except as described above.

No campus agency will release the names of survivors to the media or public. Some campus agencies may need to be notified about the incident regarding safety concerns for others, but names will not be released.

### **Sexual Assault Incident Report Form**

The Sexual Assault Response Advocate, as well as all network contact points, will file an anonymous Sexual Misconduct Incident Report Form to be kept on file with the Sexual Assault Response Coordinator. This report does not carry the survivor's name or other specific identifying information, unless specifically authorized by the survivor. Forms will be available from Campus Safety, Campus Living, Counseling, Student Health, Health Promotion and Wellness, and the Associate Dean of Students. The form may be submitted to the Advocate by survivors at MSC 182.

The report is kept on file by the Sexual Assault Response Coordinator. Under federal law the incident will be reported to the Campus Safety Office and published as a statistic in the annual Crime Awareness, Security and Fire Safety Report. These federal statistical reporting obligations do not involve disclosing the name of the survivor or any other person or their personally identifiable information.

### **Survivors/Witnesses and Policy Violations**

Sometimes survivors/witnesses are hesitant to report Sexual Misconduct, out of concern that they themselves might be accused of lesser policy violations (such as violations of the alcohol policy) that took place surrounding the incident. It is in the best interest of the community for survivors/witnesses to feel as comfortable reporting as possible. As a result, the College pursues a policy of offering survivors/witnesses of Sexual Misconduct limited immunity from being charged with policy violations related to the Sexual Misconduct incident.

## **V. MEDICAL ATTENTION**

Survivors are strongly encouraged to seek immediate medical assistance. Physical evidence of a sexual penetration dissipates after 84 hours, at a maximum, and it is best to have a SAFE (Sexual Assault Forensics Exam) administered by a medical clinician within 48 hours of the assault. This procedure is available at most hospitals in the Portland area. For a complete list of hospitals, contact the SARA at 503-202-3119, or Portland Women's Crisis Line at 503-235-5333.

Preserving physical evidence is *essential* to any later criminal prosecution, and it is extremely helpful in campus conduct cases. Convictions without physical evidence are all but impossible. SAFE results are sealed by the doctor and safeguarded by the police. By Oregon law, survivors may choose to have a SAFE kit collected without filing a formal report with the police. In this instance, the SAFE kit will be administered at the medical facility, and later collected by the police for storage for up to 6 months, should the survivor wish to pursue criminal prosecution at a later date. The survivor remains anonymous unless she/he decides to press charges. SAFE kit evidence collected in this manner is destroyed after 6 months. Although the Student Health Service cannot perform a SAFE procedure, emergency contraception and testing for STIs and pregnancy are available. In Oregon the administration of the SAFE is covered by the Sexual Assault Victims' Emergency Medical Response Fund (SAFE funds). However, it may be of concern to the survivor that hospitals will charge for pregnancy and STI tests if a SAFE kit is not collected. If pregnancy is a serious concern, the survivor should be aware that in the

state of Oregon, emergency contraception (the “morning after pill”) is available over-the-counter at pharmacies. It is also available in the Student Health Service.

Unless it is still being worn, clothing worn at the time of the assault should be placed in clean, unused paper bags and taken to the hospital (or other medical facility). Receiving medical attention is also important if it is possible that the survivor has suffered internal injuries, or fears pregnancy or sexually transmitted infections. The Sexual Assault Forensic Exam Checklist used by hospital emergency units is available from the Sexual Assault Response Advocate.

### **Rape Trauma Syndrome (RTS)**

An acute stress reaction resulting from either a completed or attempted sexual assault, Rape Trauma Syndrome is a form of Post Traumatic Stress Disorder (PTSD). Not all the reactions encompassed by RTS are experienced by each survivor; rather, RTS represents a range of possible reactions. RTS reactions vary from person to person.

RTS has two major phases: the immediate or acute phase, in which the survivor’s lifestyle is completely disrupted, and the long-term phase, in which the survivor must reorganize this disrupted lifestyle. Characteristics of the first phase include shock, disbelief, sleeping and eating pattern disturbances, difficulty in concentrating, fear, shame, guilt, mood swings, lack of self-esteem, and flashbacks to the incident. The reintegration phase will be aided by support from friends, relatives, and others in the survivor’s environment.

### **VI. FILING A REPORT WITH THE PORTLAND POLICE BUREAU**

Campus Safety officers are on duty 24 hours a day, 7 days a week and will initiate an investigation, *if the survivor wishes*.

*At the discretion of the survivor*, Campus Safety can assist in filing a report with the Portland Police Bureau. Campus Safety officers are trained in working with survivors of sexual assault and rape by members of the Portland Police Bureau’s Sexual Crimes Unit. The Portland Police Bureau is required by law to maintain the confidentiality of all survivors of sexual assault and rape.

The survivor may request that the Portland Police Bureau investigate the crime and gather evidence at the time of the incident. The longer the survivor waits, the smaller the amount of evidence the police will be able to obtain. However, it is important that there at least be a fresh incident report on file and/or an anonymous SAFE kit collected within 84 hours of the incident if the survivor decides later that they would like to take further action. The survivor may request that the Police Bureau not investigate the crime itself but rather maintain the information of the crime and its particulars in its regular reservoir of crime data.

### **VII. FILING A REPORT WITH THE OFFICE OF CIVIL RIGHTS**

The Office of Civil Rights enforces Title IX for the Department of Education. While reports are not required to be filed with the OCR, reports may be filed at the following office:

OFFICE OF CIVIL RIGHTS  
U.S. Department of Education  
Phone (206)607-1600

<http://www.ed.gov/ocr/complaintintro.html>

### **VIII. ACADEMIC OR RESIDENCE HALL CHANGES**

Initiation of any academic or housing changes is fully confidential and voluntary on the survivor’s part, as is seeking disciplinary action by the College.

### **IX. SIGNIFICANT THREAT TO COMMUNITY**

In cases where an accused poses a significant risk to the general safety of the campus community, the Advocate will contact the ADOS, or designee. The name of the survivor will only be disclosed to the ADOS, or designee, if that disclosure is absolutely necessary to protect the campus community from harm. If the ADOS, or designee, concludes that a significant threat exists, the ADOS, or designee, will take necessary action to protect the community while preserving the reporting survivor’s anonymity.

### **X. PERTINENT FEDERAL LEGISLATION**

The *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act* requires colleges to report accurate statistics regarding sexual misconduct, but such reports do not include names of survivors or others or personal information from which they could be identified.

Additionally, if the sexual misconduct is reported, the survivor can choose to pursue disciplinary action on campus without needing to file charges with the police. The campus disciplinary procedures, outlined below, are designed to support the survivor by expediting a hearing and appropriate outcomes.

## **XI. DISCIPLINARY PROCESS**

These procedures will be followed for Sexual Misconduct hearings involving students from any school at the College.

The College's disciplinary procedures should be viewed as a resource to the survivor of sexual misconduct. Sexual misconduct is a violation of College policy, and, depending on the behavior that constitutes a particular episode of misconduct, may also be subject to criminal and/or civil penalty. Regardless of whether a criminal or civil case is filed against a respondent, **a student charged with any type of Sexual Misconduct will be subject to the College Disciplinary process.** If the College's Sexual Misconduct Review Board finds that the alleged misconduct occurred, the following range of outcomes could apply:

### **OUTCOME STATEMENT**

- Any student found responsible for violating the policy on Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive an outcome ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.\*
- Any student found responsible for violating the policy on Non-Consensual Sexual Intercourse will likely face a recommended outcome of suspension or expulsion.\*
- Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended outcome ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.\*

\*The conduct body reserves the right to broaden or lessen any range of recommended outcomes in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended outcomes unless compelling justification exists to do so.

### **Initial Steps**

As described in this policy's section three, "Procedures for Survivors of Sexual Misconduct," it is possible for a survivor to make a first report to a number of different contact points throughout the College community (the Sexual Assault Response Network). If, after meeting with any of these contact points, the survivor determines that they would like to pursue a College disciplinary hearing, the contact point will direct the student to meet with the ADOS, or designee.

Once a meeting is arranged, the ADOS, or designee, will meet with the survivor and outline how a formal conduct hearing would work, as well as possible outcomes of the survivor's options. If the survivor decides to make a formal charge, the ADOS or designee will take a written (or audio-recorded) statement of the survivor's account of the incident (if the survivor has already made such a statement directly to Campus Safety, it may be used). The accused student will also be given the opportunity to provide the ADOS, or designee, with a written statement after the charge has been made by the complainant (if the accused student has already made a statement to Campus Safety, it may be used). The ADOS, or designee, will then present the accused student with a charge letter indicating in writing what policies they are alleged to have violated.

### **Formal and Informal Complaint Procedure for Student Complaints of Sexual Misconduct**

This procedure is intended to apply to student complaints against other students. Complaints about matters other than sexual misconduct will be addressed through the student conduct procedures located elsewhere in this *Code*. Human Resources will address complaints by a member of the community against an employee or other non-student.

The College community benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns that students may have about the implementation of policies and procedures that govern the institution.

### **Formal Complaint Process:**

The Associate Dean of Students & Deputy Title IX Coordinator (ADOS) or designee is designated to formally investigate student sexual misconduct complaints, address inquiries and coordinate the College's

compliance efforts regarding student complaints regarding sexual misconduct. Notice of a formal complaint can be made in person or orally to the ADOS, or designee.

The complaint should clearly and concisely describe the alleged incident(s), when and where it occurred. The complaint should be signed by the complainant or, in the case of an email submission, sent as an email attachment, in letter format and should contain the name and all contact information for the complainant. Any supporting documentation and evidence should be referenced within the body of the formal complaint. Additionally, the complainant of a formal complaint should submit any supporting materials in writing as quickly as is practicable.

Upon receipt of a complaint the ADOS, or designee, will open a formal case file and assign an Investigator who will direct the investigation and confer with the Title IX Coordinator on interim action, accommodations for the complainant, or other necessary remedial short-term actions.

The Investigator will then take the following steps:

- In coordination with the campus Title IX Coordinator, initiate any necessary remedial actions;
- Determine the identity and contact information of the complainant;
- Identify the correct policies allegedly violated;
- Conduct an immediate initial investigation to determine if there is reasonable cause to charge the respondent, and what policy violations should be alleged as part of the complaint;
  - If there is insufficient evidence to support reasonable cause, the complaint will be closed with no further action;
  - The complainant will be notified in person as to the reasons for closing the case
- Meet with the complainant to finalize the complaint;
- Prepare the notice of charges on the basis of the initial investigation;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the respondent, who may be given notice prior to or at the time of the interview;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not to have occurred);
- Present the findings and recommended outcome(s) to the respondent and complainant, each who may accept the findings, accept the findings in part and reject them in part, or may reject all findings;
- Share the findings and update the complainant on the status of the investigation and the outcome.

If the respondent is found not responsible for the alleged violation(s), the investigation should be closed, unless the complainant requests a hearing. If a hearing is requested, the ADOS, or designee, will convene a Sexual Misconduct Review Board to resolve the contested aspects of the complaint. If the respondent and the complainant accept the finding that respondent violated College policy, the ADOS, or designee, will impose appropriate outcomes for the violation, after consultation with the Title IX Coordinator. The College will act to end the discrimination, prevent its recurrence, and remedy its effects on the complainant and the College community.

In the event that the respondent or complainant rejects the findings in part or entirely, the ADOS, or designee, will convene a Sexual Misconduct Review Board to resolve the contested aspects of the complaint. The Investigator will present their findings to the board and the Hearing Board will interview the Investigator.

The complainant will present their case second, and will be able to interview the Investigator. There are some situations in which the complainant cannot or will not present their own case. In these situations, the ADOS may appoint an administrator to present the case for the complainant in the complainant's stead. If the complainant elects to let the College present the case, the complainant still may be present throughout the entire proceeding. The complainant may call no witnesses and presentation of the complainant's case will consist of interviewing the Investigator, unless the Hearing Board agrees that a witness other than the Investigator should be called. Next, the respondent may present their case and interview the Investigator. The respondent may call no witnesses and presentation of the respondent's case will consist of interviewing the Investigator, unless the Hearing Board agrees that a witness other than the Investigator should be called.

The Hearing Board may call any witnesses interviewed by the Investigator at any point to clarify or challenge statements made during the hearing.

At any hearing, the findings of the investigation will be admitted, but are not binding on the decider(s) of fact. The Investigator may give evidence. The hearing will determine whether it is more likely than not that the respondent violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the rights of all participants.

The ADOS, or designee, has final decision-making authority with regard to formal complaints, subject to appeal. Where a respondent is found in violation, the ADOS, or designee, will impose appropriate outcomes for the violation, after consultation with the Title IX Coordinator. The College will act to end the discrimination, prevent its recurrence, and remedy its effects on the complainant and the College community. Appeal proceedings as described in this *Policy* will apply to all parties to the complaint.

### **Elaboration on Student Participation in the Complaint Process**

The Investigator will contact or request a meeting with the initiator of the formal complaint, and the survivor (if different people). The Investigator also may contact or request a meeting with relevant College staff, students, or others as part of the investigation. The complainant may request to meet and discuss the allegations of the complaint with the Investigator and may offer any documentation, witnesses, or other materials in support of the complaint. All parties to a complaint shall be advised that they have the option to have an advisor assist them during the case. Such an advisor should be a member of the College community: student, faculty member, academic advisor, or staff member.

A party must advise the Investigator of the identity of an advisor or witness at least two (2) business days before the date of the meeting with the Investigator. During a meeting with the Investigator, an attorney acting as a lawyer may not serve as the student's advocate or formally represent the student. These procedures are entirely administrative in nature and are not considered legal proceedings. No audio or video recording of any kind other than as required by institutional procedure is permitted, nor is formal legal representation allowed. The Investigator may remove anyone disrupting the meeting from the discussion. All these same opportunities and privileges extend to all parties to the complaint.

### **Time Frame and Grounds for Filing an Appeal Request**

In the event that a respondent accepts the findings of the investigation, those findings cannot be appealed. Outcomes imposed by the ADOS, or designee, post-investigation can be appealed by any party according to the grounds below. Post-hearing, any party may appeal the findings and/or outcomes only under the grounds described below.

All outcomes imposed will be in effect during the appeal. A request may be made to the ADOS, or designee, for special consideration in exigent circumstances, but the presumptive stance of the institution is that the outcomes will stand. Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

The decision of the ADOS, or designee, may be appealed by petitioning the ADOS. Respondents or complainants must petition within 5 business days of receiving the written decision for a review of the decision or the outcomes imposed. Any party who files an appeal must do so in writing to the ADOS. The ADOS, or designee, will share the appeal with the other party (e.g., if the respondent appeals, the appeal is shared with the complainant, who may also wish to file a response), and then the ADOS will draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to the Dean of Students, or designee, for initial review to determine if the appeal meets the limited grounds and is timely. The original finding and outcome will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded for consideration. The party requesting appeal must show error as the original finding and outcome are presumed to have been decided reasonably and appropriately. The ONLY grounds for appeal are as follows:

1. A procedural error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or outcome. A summary of this new evidence and its potential impact must be included;
3. The outcomes imposed are substantially disproportionate to the severity of the violation.

If the appeals officer or committee determines that new evidence should be considered, it will return the

complaint to the original hearing body to reconsider in light of the new evidence, only.

If the appeals officer or committee determines that a material procedural error occurred, it may return the complaint to the original hearing body with instructions to reconvene to cure the error. In rare cases, where the procedural error cannot be cured by the original hearing officers (as in cases of bias), the appeals officers or committee may order a new hearing on the complaint with a new Sexual Misconduct Review Board. The results of a new hearing can be appealed once, on the three applicable grounds for appeals.

If the appeals officer or committee determines that the outcomes imposed are disproportionate to the severity of the violation, the appeals officer or committee will return the complaint to the ADOS, or designee, who imposed the outcome, which may then increase, decrease or otherwise modify the outcomes. This decision is final.

The procedures governing the hearing of appeals include the following:

- All parties should be informed in a timely way of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
- This is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or outcomes. Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the outcome only if there is a compelling justification to do so;
- Outcomes imposed are implemented immediately unless the ADOS, or designee, stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The appeals committee or officer will render a written decision on the appeal to all parties within seven (7) business days from hearing of the appeal. The committee's decision to deny appeal requests is final.

### Special Complaint Process Provisions

#### a. *Attempted Violations*

In most circumstances, the College will treat attempts to commit any of the violations listed in the *Student Code of Conduct* as if those attempts had been completed.

#### b. *College as Complainant*

As necessary, the College reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the survivor of misconduct.

#### c. *False Reports*

The College will not tolerate intentional false reporting of incidents. It is a violation of the *Student Code of Conduct* to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

#### d. *Immunity for Survivors and Witnesses*

The College community encourages the reporting of Conduct Code violations, especially sexual misconduct. Sometimes, survivors or witnesses are hesitant to report to College officials or participate in complaint processes because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many survivors as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, the College pursues a policy of offering survivors of sexual misconduct and witnesses limited immunity from being charged for policy violations related to the sexual misconduct incident. While violations cannot be completely overlooked, the College will provide educational rather than punitive responses, in such cases.

#### e. *Bystander Engagement*

The welfare of students in our community is of paramount importance. At times, students on and off-campus may need assistance. The College encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves

in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct survivor to Campus Safety). The College pursues a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.

*f. Parental Notification*

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is not-dependent, the College will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.

*g. Notification of Outcomes*

The outcome of a campus hearing is part of the educational record of the respondent, and is protected from release under a federal law, FERPA. However, the College observes the legal exceptions as follows:

- Complainants in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and relationship violence incidents have an absolute right to be informed of the essential findings, and outcomes of the hearing, in writing, without condition or limitation.
- The College may release publicly the name, nature of the violation and the outcome for any student who is found in violation of a College policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The College will release this information to the complainant in any of these offenses regardless of the outcome.

*h. Alternative Testimony Options*

For sexual misconduct complaints, and other complaints of a sensitive nature, whether the survivor is serving as the complainant or as a witness, alternative testimony options will be given, such as placing a privacy screen in the hearing room, or allowing the survivor to testify outside the physical presence of the respondent, such as by Skype. While these options are intended to help make the survivor more comfortable, they are not intended to work to the disadvantage of the respondent.

*i. Past Sexual History/Character*

The past sexual history or sexual character of a party will not be admissible by the other party in the investigation or hearing unless such information is determined to be highly relevant by the ADOS, or Designee. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the hearing by the ADOS, or Designee. While previous conduct violations by the respondent are not generally admissible as information about the present alleged violation, the ADOS may supply previous complaint information to the investigators, the conduct board, or may consider it him/herself if s/he is hearing the complaint, only if:

- The respondent was previously found to be responsible;
- The previous incident was substantially similar to the present allegation;
- Or information indicates a pattern of behavior and substantial conformity with that pattern by the respondent.

## **XII. PORTLAND AREA RESOURCES**

### **Crisis Services/Counseling/Advocacy**

[http://college.lclark.edu/offices/health\\_promotion\\_and\\_wellness/sexual\\_violence\\_prevention\\_and\\_response/resources/](http://college.lclark.edu/offices/health_promotion_and_wellness/sexual_violence_prevention_and_response/resources/)

### **XIII. LEGAL OPTIONS FOR SURVIVORS OF SEXUAL ASSAULT**

#### **Portland Area Legal Assistance**

[https://college.lclark.edu/offices/health\\_promotion\\_and\\_wellness/sexual\\_violence\\_prevention\\_and\\_response/resources/](https://college.lclark.edu/offices/health_promotion_and_wellness/sexual_violence_prevention_and_response/resources/)

#### **Legal Process for Sexual Assault/Rape Survivor**

[https://college.lclark.edu/offices/health\\_promotion\\_and\\_wellness/sexual\\_violence\\_prevention\\_and\\_response/crimina.php](https://college.lclark.edu/offices/health_promotion_and_wellness/sexual_violence_prevention_and_response/crimina.php)

Note: Copies of pertinent Oregon Statutes are found in ORS 163.305–163.525 and may be obtained from the Campus Safety Office.

### **SKATEBOARDING AND OTHER RECREATIONAL ACTIVITIES**

Certain recreational activities, including skateboarding, long-boarding, cycling, and slack-lining are permitted on the Lewis & Clark campus in specific locations by Lewis & Clark students only, with the understanding that these activities may be restricted to hours which do not conflict with the normal class schedule.

Students using skateboards for the purpose of performing tricks or other artistic expression will primarily use the cement area in front of Pamplin Sports Center and will limit skateboarding activities to late afternoon hours (after 4 p.m.) and on weekends. Skateboarders will not use this area during scheduled athletic events. Skateboarding is not permitted in/on locations that could cause damage to college property.

Those using long-boards and skateboards as transportation are not restricted as to time and place. They are, however, cautioned against boarding at high rates of speed in areas frequented by pedestrians and motor vehicles. Boarding on city streets, particularly while also engaged in activities like listening to iPods, etc., is a violation of the Oregon Vehicle Code and could result in a citation.

Cycling is restricted to designated streets/sidewalks and maintained pathways on campus, and riders shall yield to pedestrians. Cycling is not permitted on stairways.

Slack-lining is allowed on campus. However, the line may not be elevated to a height more than three feet, and only Douglas Fir trees with a diameter greater than one foot may be used to support the line.

No parkour type activities utilizing college buildings, structures, equipment, or vehicles are allowed.

High-lining and rappelling are not permitted on campus.

Students involved in listed recreational activities will be responsive to requests from College officials to cease their activities should their recreation become problematic in a particular area. They will also assist Campus Safety officers in communicating to non-students that such activities on the College campus are restricted to current Lewis & Clark students. Campus Safety will enforce this policy and continue to work with LC students to insure that these activities remain safe, not only for participants, but also for pedestrians who may be in the area.

The College strongly recommends that students involved in these recreational activities use appropriate safety equipment including helmets, kneepads and elbow pads as necessary. The College supports these recreational activities by members of the Lewis & Clark community when these activities can be done safely and when those involved respect the multiple use of designated areas.

Lewis & Clark students involved in recreational activities are also encouraged to utilize other designated recreational areas within the Portland community and through club-organized and ASLC-sponsored activities, both on their own and in concert with other organized club sports.

These recreational activities all have inherent risks, mostly associated with falling with the potential result of bruises or scrapes, and in more serious falls, broken bones and dislocated joints, and in the most serious cases permanent injury and possibly even death. The College's position regarding participation in such activities is that the participant does so at her or his own risk. Participants are responsible for conducting these activities in a safe manner and will be responsible for any injuries to bystanders or damage to property caused by their activities.

**Failure to conduct these activities in a safe manner shall be considered a violation of this policy.**

## **SMOKING**

### **RATIONALE**

Lewis & Clark College takes seriously its obligation to provide a safe, healthy environment for all community members and guests. The institution acknowledges and supports the findings of the Surgeon General that tobacco use in any form, active and/or passive, is a significant health hazard. The institution further accepts that environmental tobacco smoke has been classified as a Class-A carcinogen, and that there is no safe level of exposure to environmental tobacco smoke.

### **POLICY**

The Oregon Smokefree Workplace Law informs the institution in its response to the public health threat of tobacco smoke. With this in mind, and to support the health of our community, Lewis & Clark restricts smoking to only those designated smoking areas located throughout campus. Individuals (including guests) are not permitted to smoke in any other area of campus, including in college buildings, in private vehicles on College property, on sidewalks, in parking lots, in recreational areas, and in other outdoor areas. This policy applies to all events on Lewis & Clark property. Smoking is also prohibited in college vehicles.

1. Smoking includes the inhaling, exhaling, and burning of any product, including, but not limited to, tobacco cigarettes, clove cigarettes, herbal cigarettes, cigars, pipe tobacco, and hookah shisha. Smoking of illegal drugs is governed by the Alcohol and Drugs policy.
2. Individuals using designated smoking areas must extinguish smoking materials before exiting the area. Smoking materials must be disposed of properly. Improper disposal includes littering and any behavior which creates a fire hazard.
3. Individuals may request an exemption from this policy related to cultural or religious ceremonies or events. All such exemptions must be approved in writing in advance by the Associate Dean of Students/Director of Multicultural Affairs, however appropriate school-specific contacts will have the opportunity to provide counsel in this process. Application forms for such exemptions may be obtained from this office.

### **COMPLIANCE**

1. All community members are encouraged to support the community by assisting in the enforcement of this policy. Assistance can include providing education and verbal warnings.
2. When individuals have made it readily apparent, through repeated violations and/or repeated failure to heed requests, that they are not open to complying with this policy, community members may contact Campus Safety for assistance. In situations where Campus Safety has been involved, officers will have discretion as to how to enforce the policy, and should consider the totality of the circumstance in which a violation occurs. Officers may issue citations to violators.
3. Compliance with Lewis & Clark policies and regulations is considered a standard part of job performance for all employees. Repeated failure by employees of the College to abide by these policies and procedures should be addressed through discussion between the employee and his or her immediate supervisor (e.g., clarifying this policy, outlining available resources and helping the employee to develop a strategy for compliance) and, if necessary, disciplinary action.
4. If a violation of these rules is committed by a Lewis & Clark student or employee, a citation may be issued. Citations will be associated with a \$25 fine. Fines will be posted to the offender's student or employee account in Student and Departmental Account Services. A fine that is dismissed through the appeals process will be reversed from the individual's account.

## **APPEALS**

Persons cited for violating this policy may submit a written appeal to the Smoking Fine Appeals Team within one week of the citation. After a brief adjudicative procedure, the appeals team (consisting of the Director of Campus Safety, one other employee, and a student) may sustain, dismiss, suspend, or reduce the fine. Appeal forms are available online and in the Campus Safety Office.

## **SOLICITATION**

Solicitation of resources (e.g. money, donations in kind, etc.) or distribution of literature for external organizations is not permitted on campus except as authorized by College officials.

All door-to-door solicitation is prohibited.

## **STUDENT ORGANIZATIONS**

Student organizations at Lewis & Clark must be registered with the Office of Student Activities and recognized by the Associated Students of Lewis & Clark College (ASLC). Registration and recognition allows student organizations to utilize on-campus resources (i.e. an annual allocation from ASLC, an on-campus finance account, an L&C e-mail address, an L&C website, the ability to reserve and use on-campus facilities, poster making supplies, etc.).

Student Activities provides information about Lewis & Clark's student organizations to students interested in learning about different involvement opportunities. The ASLC Student Organizations Committee's mission is to acknowledge and support all organizations and their contributions to social and academic interests of the Lewis & Clark community. The Committee hosts workshops for student organization leaders on how they can improve their organization throughout the academic year and the Committee also facilitates the annual organization report and fund allocation process for the next academic year. Student organizations can have their registration and recognition revoked for not following student organization policies and procedures established by the College and ASLC. Please refer to the ASLC governing documents and/or contact the ASLC Student Organizations Coordinator for specific information about mandatory meetings, workshops and deadlines for the annual organization evaluation and fund allocation process.

Note: Student organizations must consult with the Director of Student Activities for information regarding the College's policies regarding fundraising and soliciting donations before any action is taken.

## **TECHNOLOGY RESOURCES, RESPONSIBLE USE OF**

### **Policy Statement**

The College provides the campus community with technology resources for the purposes of teaching, learning, scholarly research and administrative tasks. Available resources include, but are not limited to, software, hardware (including telephones, computers, and media equipment) either owned or leased by the College, network bandwidth, and the expertise of staff in Information Technology and other institutional offices. The following policy applies both to users of College equipment and to owners of personal equipment that is connected to the data or telecommunications infrastructure of the College.

The use of technology resources is provided by the College for the primary purpose of teaching, learning, scholarly research, and the institution's administrative functions; access to technology resources may be terminated if it interferes in any way with those primary endeavors.

All College policies apply to actions taken while using College technology resources; actions prohibited by College policy are likewise prohibited while using College technology resources, as are actions that are in violation of federal, state, or local laws.

Many of the College's technology resources are shared with the entire campus community. Individuals using those resources should be considerate of the needs of others and do nothing to impede others' use of the same. Creating an unreasonable impediment to the use of technology resources is prohibited.

Examples of such impediments include, but are not limited to:

- Activities that obstruct usage or deny access to others
- Attempting to 'hack' into any computer either at the College or elsewhere
- Destruction or alteration of data or information belonging to others
- Unauthorized use of computer accounts
- Impersonating other individuals
- Falsifying or obfuscating an email's source, the date an email was sent, or other information contained in an email header.
- Creating, using or distributing virus programs or programs that attempt to explore or exploit network security and/or other vulnerabilities
- Attempts to capture or crack passwords or break encryption protocols
- Allowing anyone else to use one's account(s)

The Information Technology Staff is dedicated to the implementation of new technologies and enhancement of existing ones in support of the College's mission. It is not a monitoring agency. Nevertheless, files, e-mail messages and other information that use or are stored on College-owned technology resources should not be considered private or secure. Such information may be subject to legal subpoenas, search warrants, or audits. In the course of maintenance, systems administrators are expected to treat information they encounter as confidential. If, however, they encounter information or files that suggest illegal activity, they are required to report such discoveries to the appropriate authorities. When electronic files are accessed or viewed by systems administrators, the owner will be notified except when a violation of law is suspected.

Engaging in any activity that violates this policy can result in an immediate loss of access privileges. If such activities also violate other College policies, including the academic honor code, or local, state or federal laws, they may be reported to the appropriate campus office for resolution. Such cases may result in consequences as serious as suspension or dismissal from the College as well as prosecution by outside authorities.

With the evolving nature of resources and load, specific changes or additions to these policies may occur from time to time. These changes will be made available via the Responsible Use of Information Technology section of the Information Technology web site. It is the responsibility of each individual who uses the technology resources of the College to be familiar with and abide by all current operational policies.

The use of any technology resource of the College implies acceptance of ALL current operational policies.

### **Procedure**

If you suspect any violations of this policy, please contact the Chief Technology Officer at 768-7020.

### **TELEPHONES, AUTHORIZED AND UNAUTHORIZED USE**

The College switchboard is attended by an operator during normal business hours. The Law School has a separate switchboard, which may be reached from the upper campus by dialing "6" and then "0." The Law School switchboard is open from 8:30 A.M. to 5 P.M. weekdays.

Each residence hall room has a telephone extension which can receive local or long-distance calls and place local calls at no charge; students wishing to make long-distance calls from their room telephone will need to purchase an appropriate telephone service (i.e. a long distance calling card) at their own expense.

Accepting collect telephone calls constitutes unauthorized use of the telephone system at Lewis & Clark and is prohibited. Any infraction of this policy will result in:

1. The cost of the call, plus a \$25 fee for each infraction, being posted against the resident's account.
2. Grades and transcripts being withheld until charges are paid.

Students who repeatedly accept collect calls in their rooms may lose their telephone privileges for the remainder of the academic year.

Students who have problems with the telephones in the residence halls should contact their Area Director.

## THEFT

Unauthorized use or possession of property belonging to another is prohibited.

## TRANSCRIPTS

To secure an official transcript from Lewis & Clark College the student must file a written request bearing his or her signature. The Registrar's Office will process this request and produce an official transcript of the entire academic record of the student. The Registrar's Office cannot produce a transcript reporting only specific terms. Students may view and print unofficial transcripts from WebbAdvisor.

The cost for the processing of an official transcript is \$5.00 per copy. If multiple copies are requested at once, the cost is \$5.00 for each of the first two copies and \$2.00 per copy thereafter for the copies ordered in multiple quantities. The College may withhold transcripts from students with unpaid financial obligations to the College.

The College does not issue copies of transcripts from other institutions. If students are interested in securing copies of transcripts from other schools, they must write to those institutions directly.

## TRANSPORTATION AND PARKING REGULATIONS

The following is an excerpt of the Transportation and Parking Regulations. For complete policies and regulations, please go to <http://www.lclark.edu/dept/parking/parkingregs.html>.

### OVERVIEW

Lewis & Clark College has established these Parking and Transportation regulations to:

- Provide for the protection and safety of the Lewis & Clark community by ensuring emergency access to the campus and its buildings.
- Mitigate and minimize the impact of parking and traffic congestion on the College's pursuit of its academic mission and on the life of the surrounding community.
- Comply with traffic reduction requirements mandated by the city of Portland and the Oregon Department of Environmental Quality.
- Organize vehicle traffic and parking on the Lewis & Clark campus in an efficient, safe manner in accordance with the city of Portland's conditional use requirements.

Permission to park or operate a motor vehicle on Lewis & Clark College property is governed by these regulations, is a privilege granted by the College, and does not ensure the availability of a parking space.

### Parking Fees

Lewis & Clark's Board of Trustees approves a schedule of parking fees each year as part of the budget process.

**Semester Parking Permits:** Upon registration of vehicles, employees and students may purchase semester permits at the Cashier's Office located in the lower level of Templeton Student Center. A permit for both the fall and spring semesters may be purchased

**Payment Methods:** Employees may purchase semester parking permits by authorizing monthly payroll deductions. Students must pay for their semester permits in full upon issuance.

**Daily Parking Passes:** Students, Faculty, and Staff may purchase daily parking passes from the Campus Safety Office or the Cashier and Credit Office.

**Refunds:** Students who have purchased a semester parking permit may return it for a refund for the unused portion of the semester.

## **PARKING OF VEHICLES**

Parking permits are required to park on campus during the fall and spring semesters, Monday through Friday from 7 A.M. to 7 P.M. During the summer sessions, parking permits are not required on the Fir Acres Campus, but “no parking” zones, loading zones, service courts, and reserved parking spaces are enforced throughout the year. There is no charge for parking after 7 P.M. weekdays or on weekends. Parking permits are required on the South Campus and in the Law School staff parking area during summer sessions.

When a vehicle is found to be in violation of Lewis & Clark’s parking regulations, the permit holder or (in the absence of a valid permit) the vehicle’s registered owner is responsible for payment of associated parking violation fines.

### **Vehicle Registration**

Vehicles owned and/or operated by students, faculty, or staff that will be parked at anytime on the campus or in adjacent neighborhoods must be registered with the College. Unregistered vehicles parked on the campus are subject to fines, immobilization (booting), and/or towing at the owner’s expense. Students, faculty, and staff must register their vehicles online at [www.lclark.edu/dept/parking/vehiclereg.html](http://www.lclark.edu/dept/parking/vehiclereg.html).

## **STUDENT PARKING**

### **Freshmen Prohibition**

Freshmen students in the undergraduate college are prohibited from having vehicles on campus. An application for waiver may be submitted to the Director of Transportation and Parking and must be accompanied by documentation as required. The Director of Transportation and Parking may, at his or her discretion, grant waivers on the basis of valid medical reasons or for off-campus employment. Freshmen who bring cars to campus under any circumstance without a waiver from the Director of Transportation and Parking are in violation and subject to parking fines and sanctions by the Dean of Students. Students who register vehicles brought to campus by freshman are subject to parking fines and sanctions by the Dean of Students.

### **Graduate and Undergraduate Student Parking**

Undergraduate and Graduate students may park in any unreserved parking space on the campus if a valid parking permit is displayed in the vehicle.

### **Resident Parking Permits**

Vehicles that display a resident parking permit may park in unreserved and unrestricted parking areas 24 hours per day, seven days a week, during the academic year. Resident parking permits are not authorized for parking areas designated by signs or markings for staff and faculty or other restricted designations.

## **ENFORCEMENT**

### **Parking Violation Notices**

When there is cause to believe that a violation of these regulations has occurred, the Transportation and Parking Office will issue a parking violation notice that lists the date, approximate time, location, nature of the violation, and fine amount. The parking violation notice may be served by affixing a copy to the subject vehicle or by delivering or mailing a copy to the campus mailing address of the person responsible for the vehicle.

### **Responsibility for Illegal Parking**

The permit holder, or in the absence of a valid permit, the vehicle’s registered owner of the vehicle, is responsible for any parking violations of that vehicle and for all offenses other than moving violations under these regulations. If another person was using the vehicle at the time of the violation, either the permit holder or the registered owner will be held responsible for the violation.

### **Penalty Payment and Appeal Procedure**

Parking fines will automatically be charged by the Cashier and Credit Office to the college accounts of students, faculty, and staff.

- A parking violation notice may be appealed online within 10 days of receiving the citation on the Transportation and Parking website.

- If the alleged violator does not appeal the notice of violation within 10 days, the fine will remain as a charge to the college account of the violator and the right to appeal will be waived.
- If the parking citation is appealed and the violation is upheld, the fine will remain as a charge to the individual's college account. If the appeal is upheld, the fine will be reversed.

### **Appeals Hearing Officer**

The Office of Transportation and Parking uses an outside arbitration service to adjudicate parking appeals. The hearings officer is authorized to uphold the appeal, deny the appeal, suspend the fine, or reduce the fine.

### **UNAUTHORIZED ENTRY**

Unauthorized entry into, or use of, College premises or equipment, including unauthorized access to roofs or the Tennis Bubble, is prohibited.

### **VIOLENT, ABUSIVE, OR THREATENING CONDUCT**

Violent, abusive, or threatening behavior is prohibited.

Violence and abusive behavior include any attempted, threatened, or actual conduct that endangers or is likely to endanger a person's health or safety, or that would reasonably cause a person to feel that their health or safety would be at risk. Accidents do not constitute violent, abusive, or threatening conduct. Also, reasonable discipline and counseling are not included under this policy even though an employee or student may take offense.

Examples of violence and abusive behavior violating this policy include but are not limited to the following:

- Slapping, punching or otherwise physically attacking a person.
- A direct or implied threat of harm or hostile behavior that creates a reasonable fear of injury to another person or unreasonably subjects another individual to emotional distress.
- Brandishing a weapon or an object, which appears to be a weapon, in a threatening manner
- Intimidating, threatening, or directing abusive language toward another person.
- Stalking, which is a pattern of repeated harassment, unwanted attention, and/or contact, including-- but not limited to:
  - Following or laying in wait for a person
  - Repeated unwanted, intrusive, or frightening communications from the perpetrator by phone, mail, and/or e-mail
  - Damaging a person's property
  - Making direct or indirect threats to harm the a person, their family members, their friends, or their pets
  - Repeatedly sending the a person unwanted gifts

Confidentiality will be maintained to the extent possible but it is not guaranteed. Retaliation or harassment against a person making a report in good faith will not be tolerated and may result in disciplinary action.

### **VISITING PRIVILEGES**

Students assume responsibility for conduct of their visitors. If a visitor is asked to leave a specific area of campus, it is the responsibility of the student host to cooperate with the College official making the request.

The College may exclude all visitors from campus in times of impending or actual crises or emergencies, and may exclude any visitors from any area of the campus for any reason the College deems appropriate.

A person who has been suspended or dismissed from the College for disciplinary reasons, or whose record prohibits admission without special clearance, does not have visiting privileges on the College campus. Violators of this policy may jeopardize their readmission status and/or may be subject to legal or disciplinary action.

College residence halls are not public facilities. Only Lewis & Clark College students, College faculty and staff, authorized personnel, and authorized guests of students are permitted in the residence halls.

Campus Safety Officers may issue visitors a written Trespass Warning if presented with reasonable cause, including but not limited to:

- illegal activity (including minors in possession of alcohol, illegal drug use, etc.)
- failure to comply with Staff Directives
- other violations of College Policy

Visitors who have been issued a Trespass Warning will be escorted off of campus and instructed not to return; with the explanation that returning will result in arrest for Criminal Trespass.

Trespass Warnings may only be rescinded by the Director of Campus Safety or the Provost; appeals must be submitted in writing from the trespassed Individual to the Director of Campus Safety or the Provost.

### **WEAPONS ON CAMPUS**

The presence of weapons on campus poses an unacceptable risk to the health and safety of all members and guests of the Lewis & Clark Community. It is the policy of the College to prohibit illegal or unauthorized possession of weapons, explosives, or dangerous chemicals on College premises. For the purposes of this policy, the definition of a **weapon** is:

- Any item or instrument described as a weapon in Oregon, Multnomah County, and/or the City of Portland statutes and ordinances;
- Any instrument, article, or substance which is specifically designed for and presently capable of causing death, incapacitation, or serious physical injury;
- Any item used to harass, threaten, intimidate, assault, or batter; and
- Any item the College deems dangerous.

This includes but is not limited to firearms, ammunition, paintball guns, airsoft guns, explosive devices (both incendiary and chemical), knives having a blade that swings into position by force of a spring or centrifugal force (commonly known as switchblades, any knives with blades longer than three and one half inches (excepting those specifically designed and used for food preparation), metal knuckles, straight razors, blackjacks, saps, sap gloves, koshes, bludgeons, martial arts stars, and weapons of the type commonly known as nunchukas. Anyone who observes someone on the Lewis & Clark campus violating this policy should immediately report the incident to the Campus Safety Office by dialing (503) 768-7777. The complainant should be prepared to provide the Campus Safety Office with any relevant information that caused them to observe the violation.

### **WITHDRAWAL OF STUDENT, INVOLUNTARY ADMINISTRATIVE**

A student may be subject to involuntary administrative withdrawal from the College, or from College housing, if the student poses a danger of causing psychological or physical harm to self or others. A student may also be withdrawn for threatening or causing property damage or impeding lawful activities of others.

A student who is being administratively withdrawn will have an informal hearing before the Dean of Students or designate. A student may be asked to be evaluated by a psychologist or psychiatrist and the results of such an evaluation will be used as a basis for decision-making during the hearing. The student may be assisted by a family member, faculty member, mental health professional, or counsel. Whenever possible, relevant faculty members, students, College mental health professionals, and other College staff persons should attend the hearing. A hearing may be held without the student being present if they refuse or are unable to attend. The Dean of Students or designate shall prepare a written decision and forward it to the student within five days of the hearing. The decision of the Dean of Students or designate will be binding, final, and not subject to appeal.

*Revised 12.02.11*