

Options and Resources for Victims of Sexual Misconduct and Violence

Lewis & Clark

Lewis & Clark is committed to supporting and empowering survivors of sexual and relationship violence.

Survivors* who would like help understanding their rights and options can find assistance on- or off-campus. Please see pages 23 through 26 of this handbook for resources and contact information.

Lewis & Clark is providing this information in compliance with federal and Oregon state laws and policies. Please see the Lewis & Clark website, go.lclark.edu/TitleIX, for more information on Title IX and to review Lewis & Clark's Sexual Misconduct Policy, which describes in detail prohibited conduct and Lewis & Clark's processes for resolving alleged violations.

Information and resources for persons accused of sexual misconduct, relationship abuse, and stalking are listed on the Lewis & Clark website, go.lclark.edu/TitleIX.

*We use the term "Survivor" to refer to a person who identifies as a victim of sexual misconduct or violence. Survivor is the preferred term but the use of this term is not intended to prejudge responsibility of any respondent.

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Summary of options

This is an important list of options for survivors to consider. Some actions (like a forensic examination) need to be done quickly after an incident. Others (such as reporting to Lewis & Clark) can be done long after an incident. A Sexual Assault Response Advocate (SARA) or counselor can give survivors information and support to help them consider their choices and make decisions that are right for the survivor. Survivors of sexual or gender-based harassment, sexual violence, stalking, or intimate partner violence have these options and resources regardless of whether the offense occurred on campus.

Safety: If there is current danger or if you are afraid someone (including you) might be harmed, call Campus Safety if you are on campus or 911 if you are off campus.

Advocacy: Contact a Sexual Assault Response Advocate (SARA) at go.lclark.edu/sara or counselor for emotional support and to discuss options and resources. Speaking with a SARA or speaking with a counselor in the Counseling Service does not constitute an official report to Lewis & Clark. Advocates and counselors are confidential.

Counseling: Free counseling for current students is available at the Counseling Service. Referrals for community resources can be made.

Medical care: If the survivor was injured, they may be treated at the Health Service, a community provider's office, or an emergency room.

Sexual Assault Forensic Exam (SAFE): Physical evidence may be collected from the body and clothes of a survivor within 120 hours (5 days) of an assault. A report to law enforcement is not necessary to receive a SAFE exam in Oregon; a SARA can explain the exam and help with this process. SAFE exams are free, and can be anonymous if a survivor chooses not to report to police. Survivors should always consider receiving a SAFE exam, even if they do not wish to report at the time. The evidence will be held and can be used at a later date, should a survivor wish to pursue a criminal complaint.

Preserving evidence: Survivors should consider saving any evidence (including evidence on the body, clothing, and any communication such as emails, text, social media, videos, pictures) until they decide if they want to report to Lewis & Clark, law enforcement, or both. Evidence may be useful in proving that a reported incident occurred and may be helpful in obtaining a protective order.

Reporting to Lewis & Clark: Reports can be made to Lewis & Clark’s Title IX Coordinator or designee. If students report to any Lewis & Clark employee who is not confidential, they will share the information with the Title IX Coordinator. Reports can also be made to the Assistant Dean of Student Rights and Responsibilities. Reports made to a confidential resource (see Advocacy and Counseling, above) cannot be shared with anyone without the express permission of the survivor.

Online reporting: Reports can also be made through an [online](https://go.lclark.edu/TitleIX) form at go.lclark.edu/TitleIX. In this form, survivors or witnesses can choose to remain anonymous by not including their name in the report. If the reporters choose to identify themselves, a Title IX Coordinator will reach out to them.

Reporting to law enforcement: Survivors can report to law enforcement in addition to or instead of Lewis & Clark. Upon request by a survivor, Campus Safety or a SARA can help the survivor make a report to law enforcement. The Portland Police Bureau is required by law to maintain the confidentiality of all survivors of sexual assault and rape.

Filing a formal complaint with Lewis & Clark: In addition to a report being filed with Lewis & Clark, a formal complaint may be filed with Student Rights and Responsibilities, which would prompt the initiation of a formal investigative process. If Lewis & Clark determines there is a threat to the community, Lewis & Clark may opt to pursue a disciplinary case without the survivor’s direct participation. If Lewis & Clark brings a complaint, the survivor may decline to directly participate in the process without penalty.

Remedies and Interim Remedies: "Remedies" refer to arrangements made to assist survivors with their continued access to educational opportunities at Lewis & Clark. "Interim Remedies" refers to arrangements which may be possible without a complaint, or which may be possible while a complaint is pending, through discussions with the Assistant Dean for Student Rights and Responsibilities. Reporting is necessary in order for survivors to be eligible for most remedies from Lewis & Clark. Depending on the circumstances, remedies may include emergency housing, academic support, class or work schedule changes, campus escorts, and no-contact orders. A report doesn’t need to be made to get advocacy or counseling. A SARA may accompany a survivor to meetings with the Assistant Dean of Student Rights and Responsibilities or Title IX Coordinator about remedies or interim remedies.

No-contact orders and protective orders: If both the survivor and accused are Lewis & Clark community members, Lewis & Clark may issue a no-contact order (NCO). NCOs are issued reciprocally and not intended to be punitive. Violations of NCOs may result in disciplinary action. Protective orders are issued by courts and require the respondent to avoid certain areas and types of contact. Protective orders may be obtained even in the absence of a report to Lewis & Clark or law enforcement.

Civil court remedies: Even if the incident was neither reported to law enforcement nor prosecuted in criminal court, survivors may choose to bring a civil case to recover damages for the harm done to them and to help pay for services that assist in healing. Survivors interested in this option should contact an attorney.

Crime victim compensation: Survivors who report to law enforcement may be eligible for state compensation for victims of crime to reimburse expenses such as medical and counseling expenses and loss of wages.

Legal assistance: Consultation with an attorney may be helpful to survivors. Lewis & Clark does not provide legal assistance, though resources are available off-campus. Free legal assistance in criminal and civil proceedings may be available to survivors of sexual assault from the Victim Rights Law Center and the Oregon Crime Victims Law Center.

Immigration assistance: Some noncitizen survivors of violent crimes (including sexual assault and relationship abuse) may qualify for U-Visas or other immigration relief. Lewis & Clark provides limited immigration assistance but is unable to help with U-Visas or immigration relief for survivors. For assistance, contact the National Immigration Legal Services Directory.

Survivors' rights

Under Title IX and federal and Oregon state law, survivors have the right to

- talk to anyone about the assault or abuse;
- refuse to talk to anyone, including police or Lewis & Clark officials, and survivors can change their mind at any time;
- report to law enforcement, Lewis & Clark, or both;
- have someone with them when they talk to law enforcement or Lewis & Clark personnel;
- receive a medical forensic examination at a hospital (within 120 hours of the assault) whether or not the survivor reports to law enforcement, which helps keep options open for reporting in the future;
- get a free wellness exam, including emergency contraception and sexually transmitted infection prophylaxis if indicated, within seven days of the assault from some off-campus medical providers (these services may also be available on-campus for low or no cost);
- file a complaint with Lewis & Clark, and, if Lewis & Clark brings a complaint, to join it or decline to participate in the process without penalty;
- request reasonable arrangements to minimize the impact of sexual and relationship violence on their education.

This list is not intended to be comprehensive. Survivors may have additional rights and may wish to contact a victim services attorney or an advocate.

Medical care and evidence collection

SEXUAL ASSAULT FORENSIC EXAMS (SAFE)

These exams are for survivors of sexual assault and must be conducted within 120 hours (5 days) of the incident. It is not necessary to report to law enforcement in order to receive an exam; the survivor can have the evidence collected and decide later whether to report.

To collect evidence that may be used in prosecution, a trained nurse examiner will take swabs and samples from the survivor's body and will collect clothes the survivor was wearing during or after the incident. The nurse will also document injuries and, if indicated, will offer emergency contraception and sexually transmitted disease prophylaxis (medications that can prevent some diseases from developing).

If a survivor is considering a forensic exam, it's best not to shower, change clothes, eat or drink, or go to the bathroom before the exam.

In Multnomah County, where Lewis & Clark is located, exams are conducted in hospital emergency rooms. The closest ER to Lewis & Clark is Oregon Health Science University. Lewis & Clark's Sexual Assault Response Advocates (SARAs) can explain the procedure and help arrange transportation, and there is no cost for the exam. A SARA, or community advocate, or a friend can accompany the survivor.

OTHER MEDICAL CARE

Survivors may have injuries from the assault, and may have concerns about unwanted pregnancy or sexually transmitted infections (STIs). Even if they do not have a forensic exam, the survivor may wish to have a wellness exam and obtain emergency contraception or prophylactic drugs that can prevent some STIs. The state of Oregon pays for a wellness exam at many medical offices within seven days of the incident; you can contact providers for more information.

The Lewis & Clark Health Service can provide a free wellness exam. Emergency contraception and sexually transmitted infection detection, prophylaxis, and treatment may be recommended and prescribed. Fees may be incurred, but these can be submitted to insurance. Please contact an advocate or the Health Service for more information.

OTHER EVIDENCE TO SAVE

Even if a survivor is not sure whether they want to report to Lewis & Clark or law enforcement, preserving evidence keeps those options open for the future. Evidence in cases of sexual or gender-based harassment, sexual violence, stalking, or intimate partner violence might include bedding, items that the perpetrator touched, and notes, texts, social media contact, or voicemails. In order to preserve evidence, survivors may want to consider photographing any injuries (including bruises, scratches, etc.).

Types of reporting

When a report is made, Lewis & Clark will investigate and determine what action it might take to promote the safety of community members. Lewis & Clark's response may be limited by the amount of information available.

ANONYMOUS REPORT

Anyone can make an anonymous report by using the report form found at go.lclark.edu/Report on the Lewis & Clark website. In order to make the report anonymous, the reporter should not list their name. SARAs can also help facilitate an anonymous report.

CONFIDENTIAL SUPPORT

Confidential resources on campus are the Health Service, Counseling Service staff, Sexual Assault Response Advocates (SARA), Ombudsperson, and clergy. These confidential resources will not share information that can identify the survivor or accused with anyone else without the survivor's permission. If they believe the survivor is at high risk in the near future of harming themselves or someone else, they may need to involve appropriate third parties in the care plan. If child abuse is reported, they may need to file a report about that (see "Child abuse mandatory reporting" below). Accessing a confidential resource does not constitute making an official report to Lewis & Clark.

TITLE IX

Any Lewis & Clark community member, parent or family member, or legitimate user of Lewis & Clark facilities or programs—not just the target(s) of the alleged Title IX violation—may make a report to the Title IX Coordinator. All Title IX reports will be assessed for safety risk and appropriate remedies, and may prompt a formal investigation, depending on the survivor's wishes and the assessed level of ongoing risk to the community. Not all investigations will result in disciplinary hearings.

OBLIGATED REPORTING

All responsible employees, including faculty and staff, must share information about sexual misconduct/assault that occurs with the Title IX Coordinator or a Deputy Coordinator. Incidents that must be reported include sexual or gender-based harassment, sexual violence, stalking, or intimate partner violence. See also "Confidential Support" above.

REPORTING TO LAW ENFORCEMENT

Survivors have the option of reporting to law enforcement instead of or in addition to Lewis & Clark. Campus Safety staff can facilitate the process and may coordinate with law enforcement to conduct the interview on campus.

Survivors don't have to talk to police and can change their minds at any time. They have the right to have an advocate or ally with them when talking to the police.

If the survivor does not contact the police, Campus Safety staff may do so if they feel that the campus community is in danger.

After investigation, law enforcement may refer the report to the District Attorney's office for prosecution. The District Attorney will decide whether to file charges. Survivor information is generally not publicly disclosed. Law enforcement and prosecutors represent the government's interests. A survivor may want to contact a victim rights attorney for information about the legal process.

CHILD ABUSE MANDATORY REPORTING

Oregon law requires most employees of Lewis & Clark, including student employees, to immediately report suspected sexual or physical abuse or neglect of any person under 18 years of age; some healthcare professionals have licenses that exempt them from this mandatory reporting requirement. Reports must be made immediately for all situations that the employee becomes aware of, even if they become aware while not at work. The mandatory reporting of abuse or neglect of children is a 24-hour obligation.

It is the employee's responsibility to report to the Oregon Department of Human Services or law enforcement. A report must also be made to Lewis & Clark when either the minor or the abuser is affiliated with Lewis & Clark.

If a survivor who is a minor wishes to talk about a personal experience of abuse or neglect with a professional on campus, but does not want a mandatory report to be made, the survivor may either 1) contact the Counseling Service and request to speak with a licensed psychologist, or 2) contact the Dean of Religious and Spiritual Life. Staff serving in these roles are not mandated to report disclosures of abuse.

Privacy and confidentiality

Lewis & Clark is committed to protecting the privacy of all individuals involved in a report of sexual misconduct/assault or other forms of prohibited conduct. All Lewis & Clark employees who are involved in Lewis & Clark's Title IX response, including the Title IX Coordinators, investigators, and hearing board members, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report.

Privacy and confidentiality have distinct meanings under this policy.

Privacy: Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those Lewis & Clark employees who “need to know” in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality: Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual.

An individual who seeks confidential assistance may do so by speaking with professionals who can offer legally-protected confidentiality. On campus, confidential resources available to students include clinical staff in the Counseling Service, medical professionals in the Health Service, ordained clergy in the Office of Religious & Spiritual Life, the Ombudsperson, and the Sexual Assault Response Advocates. Employees may access confidential assistance through the Employee Assistance Program. Information shared with these resources will remain confidential and will not be shared with Lewis & Clark or anyone else without express permission of the individual seeking services. Even for these staff, there are a few exceptions to confidentiality. But these exceptions arise infrequently, and staff review these exceptions with students at the outset of care.

When a report involves suspected abuse of a minor under the age of 18, all Lewis & Clark employees are required by state law to notify child protective services and/or local law enforcement, unless the employee is a psychiatrist, psychologist, member of the clergy, attorney or guardian ad litem.

Under federal law, Lewis & Clark must include all reported instances of sexual assault in annual security reports. The identities of involved parties are protected; no names or identifying details appear in these reports.

CONFIDENTIALITY AND THE SEXUAL MISCONDUCT DISCIPLINARY PROCESS

The following is taken from “Lewis & Clark’s Sexual Misconduct Policy” page.

All participants involved in a hearing are required to keep the information learned in preparation for the hearing and at the hearing private. No copies of documents provided are to be made or shared with any third parties. All copies provided must be returned to Lewis & Clark at the conclusion of the hearing and any appeals. Any breach of this duty is subject to disciplinary action by Lewis & Clark.

Where a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, Lewis & Clark will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all Lewis & Clark community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Respondent. In making this determination, Lewis & Clark may consider the seriousness of the conduct, the respective ages and roles of the Complainant and Respondent, whether there have been other complaints or reports of harassment or misconduct against the Respondent, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought.

Lewis & Clark will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. If Lewis & Clark is unable to act consistent with the request of the Complainant, the Title IX Coordinator or a member of the Title IX team will inform the Complainant about the chosen course of action, which may

include Lewis & Clark seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

Title IX assessments

Title IX is a federal law that protects the rights of all students, regardless of gender, to get an education and participate fully in campus activities. Each educational institution approves its own policy and procedures to implement Title IX. Please see [go.lclark.edu/Title IX](http://go.lclark.edu/TitleIX), the Lewis & Clark's Title IX webpage for complete information.

When Lewis & Clark receives a report of sexual misconduct, it must always initiate a Title IX assessment. A Title IX assessment is different from a disciplinary complaint. In every report of sexual misconduct or other forms of prohibited conduct, Lewis & Clark will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, the matter will either be referred for informal resolution or the investigation may be initiated depending on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

In most cases, when a student is the Respondent, the office of Student Rights and Responsibilities designates an investigator. The Associate Vice President for Human Resources will in most cases investigate reports when an employee is the Respondent. In cases that involve both students and employees, both Student Rights and Responsibilities and Human Resources will be involved.

Complaints of sexual misconduct and discrimination on the basis of gender may also be filed directly with the US Department of Education Office of Civil Rights by phone (800-421-3481) or email ocr@ed.gov.

SEXUAL MISCONDUCT COMPLAINT RESOLUTION



PREPARED BY THE OFFICE OF STUDENT RIGHTS AND RESPONSIBILITIES (SRR)
JANUARY 2017

SEXUAL MISCONDUCT COMPLAINT RESOLUTION

GLOSSARY



COMPLAINANT

The individual who makes a report or seeks assistance under the Sexual Misconduct Policy.

RESPONDENT

The individual accused of prohibited conduct.

TITLE IX COORDINATOR

Oversees the college's centralized review, investigation, and resolution of sexual misconduct reports.

INVESTIGATION

The college will designate an investigator(s) to interview Complainant, Respondent, and witnesses, gather evidence, and write the investigative report.

CONDUCT CONFERENCE

The Complainant and Respondent meet with the Assistant Dean of Student Rights and Responsibilities (ADSRR) separately. The ADSRR will determine responsibility and outcomes.

SMB HEARING

Complainant and Respondent provide opening and closing statements, ask questions of investigator(s), and answer the Sexual Misconduct Board (SMB)'s questions. The SMB is comprised of three specially trained staff and/or faculty, and chaired by the ADSRR.

APPEAL PERIOD

During this period, both parties have 5 business days to file an appeal on the decision.

Response to Appeal: The other party will have five business days to write a response to the appeal.

Appellate Review: If an appeal is filed, the Appellate Officer will have fifteen business days to review the appeal and render a final decision.

Final Decision: Both parties will receive written notice of final decision.

Disciplinary process

Anyone affiliated with Lewis & Clark can bring a complaint of violation of the Sexual Misconduct Policy at any time. If the Respondent is a student, cases are filed with Student Rights and Responsibilities. The Associate Vice President for Human Resources receives complaints against Lewis & Clark employees.

If Lewis & Clark feels that the Respondent is a danger to the community, Lewis & Clark may initiate a formal complaint, even if the survivor does not wish to do so. Decisions as to whether the policy was violated will be made using a “preponderance of evidence” standard (i.e., is it more likely than not that a policy was violated?).

The following is a summary of the Formal Resolution process; please see the Lewis & Clark website for more complete information.

When a report is received, the Title IX team will conduct an Initial Assessment. The Survivor will meet with the Title IX Coordinator or another Title IX team member. The purpose of this meeting is so the Title IX team can gain a basic understanding of the nature and circumstances of the report and the survivor can be provided with information about the procedure, as well as their rights, resources, preferences for resolution, and options for accommodation. The Title IX team member will explain Lewis & Clark’s policy against retaliation, refer the report to Student Rights and Responsibilities, and make available an advisor, advocate, or support person for the survivor. If a student chooses to file a formal complaint, this will initiate a formal investigation and adjudication proceedings. Henceforth in this section, the survivor is referred to as the Complainant.

Note: In some instances, a student may wish to resolve the case informally, such as through mediated conversation, restorative justice conference, shuttle diplomacy, or some other informal means. Student Rights and Responsibilities, as well as the Title IX team may assist with exploring these possibilities with the student.

Formal resolution of a complaint under the Sexual Misconduct Policy will occur through the use of either a Conduct Conference or a Sexual Misconduct Board.

A Conduct Conference is usually appropriate when the Respondent has admitted to the harassment or misconduct and there is no discernible dispute in the relevant facts of the investigation report. In some cases, a conference may occur when facts are disputed, in which case both parties can review the investigative

report and present additional information. Both the Complainant and the Respondent as well as the Assistant Dean of Student Rights and Responsibilities should agree that the conference is appropriate. In this case, both parties will meet with the Assistant Dean of Student Rights and Responsibilities who will review the evidence to determine responsibility and decide on sanctions. Both the Complainant and the Respondent have a right to an appeal. Both parties have the right to request a Sexual Misconduct Board hearing instead of a Conduct Conference.

The Sexual Misconduct Board typically consists of three members drawn from a pool of trained faculty and campus administrators. A hearing is intended to be educational and developmental, and provide a fair and ample opportunity for each side to present their account of the incident so the Sexual Misconduct Board can determine the facts of the case, make a determination as to whether Lewis & Clark policy was violated, and to recommend appropriate sanctions, if necessary.

In any hearing, both the Complainant and the Respondent may choose to be assisted by an advisor of their choosing. The Assistant Dean of Student Rights and Responsibilities maintains a list of campus community members who have undergone Title IX training and can guide a student through the pre-hearing and hearing process. An attorney may also act as an advisor. A support person from the Lewis & Clark community or the Complainant or Respondent's family may also be present at proceedings to provide emotional support, though this person may not act as a witness.

During the hearing, the Assistant Dean of Student Rights and Responsibilities will explain the hearing process and the Title IX investigator(s) will summarize the findings of the investigation. Then the Complainant will have the opportunity to make a statement, ask questions, suggest questions for the Respondent, and answer questions from the Board. The Complainant will then leave the room and the Respondent will enter and repeat the process. Witnesses may or may not be called; both Complainant and Respondent will have the opportunity to explain witness findings. The Complainant and Respondent will at no point be allowed to directly question or respond to one another.

The Board will then deliberate in private and deliver their findings in at most four business days. The findings of the Board will be summarized in writing and provided to the Complainant and the Respondent. This summary will detail the findings of fact and the basis/rationale for the decision of the Board, referring to the evidence that led to their decision. A student found in violation of this policy may receive sanctions.

POSSIBLE SANCTIONS FOR SEXUAL MISCONDUCT VIOLATIONS

Various sanctions may be applied when a disciplinary process finds that a policy has been violated. More than one of the sanctions listed below may be imposed for any single violation. Other sanctions may be imposed instead of, or in addition to, those specified here, such as service, education, or research projects.

- **Formal Warning:** Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- **Disciplinary Probation:** Exclusion from participation in privileged activities for a specified period of time (privileged activities may include, but are not limited to, elected or appointed ASOC offices, student research, athletics, some student employment, and study abroad). Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other Lewis & Clark policy violations may result in further disciplinary action.
- **Restitution:** Repayment to Lewis & Clark or to an affected party for damages resulting from a violation of this Code. To enforce this sanction, Lewis & Clark reserves the right to withhold its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.
- **Removal from Campus Housing:** Students may be removed from Lewis & Clark housing and/or barred from applying for campus housing due to disciplinary violations of this Code.
- **Suspension:** Exclusion from Lewis & Clark premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will remain in the student's conduct file. Conditions for readmission may be specified in the suspension notice.
- **Dismissal:** Permanent termination of student status and exclusion from Lewis & Clark premises, privileges, and activities. This action will be permanently recorded on the student's academic transcript.

- **Revocation of Admission and/or Degree:** Admission to, or a degree awarded by, Lewis & Clark may be revoked for fraud, misrepresentation in obtaining the degree or violation of Lewis & Clark policies, the Code of Conduct or for other serious violations committed by a student prior to enrollment or graduation.
- **Withholding Degree:** Lewis & Clark may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed, if any.

Interim remedies and protective measures

Lewis & Clark may help implement interim remedies and provide protective remedies if a survivor requests them and if they are reasonable under the circumstances. Changes to academic, living, transportation, and working situations may be possible. Lewis & Clark will make a reasonable effort to minimize the impact of any remedies on all parties, although remedies may be imposed on a party found responsible for violating policy. A report to law enforcement, or a formal complaint to Lewis & Clark, is not necessary to request interim remedies.

Limited disclosure of the survivor's and accused's names and the reason for requested remedies may be necessary in order to provide these measures, but Lewis & Clark will protect the confidentiality of all parties as much as is possible.

This is a non-exhaustive list of some remedies and protective measures available to survivors. Other remedies may be made on a case-by-case basis. A SARA can help survivors coordinate remedies and protective measures with any of these offices or individuals.

- Access to counseling services and assistance in setting up initial appointment, both on and off campus
- Imposition of campus No-Contact Letter
- Rescheduling of exams and assignments (in conjunction with appropriate faculty)
- Providing alternative course completion options (with the agreement of the appropriate faculty)
- Change in class schedule, including the ability to take an "incomplete," drop a course without penalty or transfer sections (with the agreement of the appropriate faculty)
- Change in work schedule or job assignment
- Change in on-campus housing
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies
- Assistance from Lewis & Clark support staff in completing housing relocation

- Limit an individual or organization's access to certain Lewis & Clark facilities or activities pending resolution of the matter

- Voluntary leave of absence
- Providing an escort to ensure safe movement between classes, activities, and employment responsibilities
- Providing student health services
- Providing academic support services, such as tutoring
- Interim suspension or Lewis & Clark-imposed leave
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy

Legal and immigration assistance

LEGAL ASSISTANCE

Survivors may wish to seek legal counsel to ensure that their rights are protected in administrative, civil, and criminal proceedings.

Lewis & Clark does not provide legal assistance. Survivors may consult a private attorney or an agency that offers free or low-cost services for survivors. The Victim Rights Law Center provides free legal assistance to survivors of sexual assault. The Oregon Crime Victims Law Center provides free legal assistance to survivors of sexual assault and other violent crimes.

Survivors may want to consult an attorney for representation or advice about

- obtaining protective orders for sexual assault, dating or domestic violence, or stalking;
- acting as an advisor during Lewis & Clark investigative or disciplinary proceedings;
- initiating civil proceedings for relief and compensation
- representation when breaking a rental contract under Oregon Revised Statute ORS §90.453;
- assessing eligibility and applying for state compensation for victims of crime for reimbursement of some expenses incurred by survivors, including medical and counseling expenses and loss of wages.
- More information on survivors' legal rights may be found on the Oregon Crime Victims Law Center website.

PROTECTIVE ORDERS

In Oregon, courts issue different protective orders for sexual assault, dating or domestic violence, and stalking. It is not necessary to file a police report to apply for a protective order, but violations of the order should be reported to law enforcement. Lewis & Clark honors all court-issued protective orders. Please be aware that if you notify a non-confidential "responsible employee" (e.g., a faculty or staff member, or Campus Safety staff) of a protective order, this will trigger a chain of communication, which will result in an outreach to you by the Title IX Coordinator. For more information about the rights of the survivor with a protective order, contact a SARA.

Assistance in applying for protective orders may be available from Multnomah County advocates in the county courthouse. There is no fee for filing for an order nor for a service of notice to the respondent.

The order is not valid until the respondent has been served and given an opportunity to reply to the court. An order might be contested by a respondent if, for example, they believe it is unnecessary or unfairly restrictive. If the protective order is contested, a hearing will be held.

Survivors interested in obtaining a protective order may want to consider contacting a victim service attorney to ensure that their rights are protected.

IMMIGRATION ASSISTANCE

Some immigration relief may be available to noncitizen survivors of violent crimes (including sexual assault and relationship abuse). Lewis & Clark provides limited immigration assistance, but is unable to help with immigration relief for survivors.

The U-Visa is a temporary visa that survivors of specific types of crime may qualify for under certain conditions. The crime must be reported to law enforcement, and the survivor must cooperate fully with the investigation and prosecution. It is not necessary that a conviction be obtained in order for the survivor to qualify. Other conditions apply, and survivors should contact a victim rights or immigration attorney for more information.

In addition to the Victim Rights Law Center and the Oregon Crime Victims Law Center, survivors can find information on nonprofit organizations that provide free or low-cost immigration legal services in the National Immigration Legal Services Directory.

Resources

REPORTING

ON CAMPUS

[Anonymous reporting](#)

Title IX Coordinator Mark Figueroa

Associate Vice President

Available on weekdays during regular office hours to coordinate a fair and equitable response to reports of sexual misconduct.

figueroa@lclark.edu, (503)768-7676

Title IX Case Manager Kayleigh McCauley

Associate Dean of Students, Director of Student Support Services and Title IX Case Manager

kmccauley@lclark.edu, (503)768-7143

Deputy Title IX Coordinator Libby Davis

Associate Dean for Student Affairs, Law School

eadavis@lclark.edu, (503) 768-6610

Deputy Title IX Coordinator Janet Bixby

Associate Dean, Graduate School

bixby@lclark.edu, (503) 768-6003

Deputy Title IX Coordinator Heyke Kirkendall-Baker

Associate Vice President and Director of Human Resources

hkirkendall-baker@lclark.edu, (503) 768-6239

Campus Safety

Available as a first option to report an incident of sexual violence or intimate partner violence. Also provides an escort service on campus to any student.

Available 24 hours a day, 7 days a week.

(503) 768-7777 (emergency line)

Student Rights and Responsibilities

Assistant Dean, Charlie Ahlquist

srr@lclark.edu, charlie@lclark.edu, (503) 768-8181

OFF CAMPUS

[United States Department of Education Office of Civil Rights](#)

(800) 421-3481 or OCR@ed.gov

Portland Police Bureau

Emergency: 911; non-emergency: (503) 823-3333

Oregon Child and Vulnerable Adult Abuse hotline

(855) 503-7233

ADVOCACY, COUNSELING, AND HEALTH

ON CAMPUS

[Sexual Assault Response Advocates \(SARA\)](#)

Melissa Osmond, SARA Coordinator at 503-768-7112 or mosmond@lclark.edu. SARAs are available during weekday, business hours.

[Case Management](#)

(503) 768-7173 Staff can provide support with referrals on- or off-campus.

[Counseling Service](#)

(503) 768-7160; after hours Crisis Counseling: (503) 265-7804

Crisis Counseling Service

(503) 265-7804; licensed mental health staff provide 24/7 support; Lewis & Clark Counseling Service staff receive a summary of each call, and hold that information confidential.

[Health Service](#)

(503) 768-7165; after hours Nurse helpline: (800) 607-5501, or

Nurse Consultation Helpline

(800) 607-5501; available 24/7 to all enrolled students. A registered nurse will ask questions and help you decide whether you need medical help. Health Service staff will receive a summary of the call and follow up with the student the next business day. Calls are confidential.

OFF CAMPUS

[Call to Safety](#), (serves all genders)

(503) 235-5333; Available 24/7

[RAINN](#)

(800) 656-HOPE. Available 24/7. Note: if calling from the Portland metro area, calls to RAINN are routed to Call to Safety (see above).

OTHER LEWIS & CLARK RESOURCES

[Sexual Misconduct Policy](#)

[Lewis & Clark Annual Security Report](#)

LEGAL ASSISTANCE AND IMMIGRATION

[Oregon Crime Victims Law Center](#)

(503) 208-8160

[Victim Rights Law Center](#)

(503) 274-5477

[Oregon Crime Victims' Compensation](#)

[Program](#) (503) 378-5348

[Oregon Sexual Assault Protective Order information](#)

[Multnomah County Stalking Protective Order information](#)

[Multnomah County Relationship Abuse Protective Order information](#)

[National Immigration Legal Services Directory](#)

OTHER LINKS

[Family Educational Rights and Privacy Act \(FERPA\)](#)

[Know Your Rights Office of Civil Rights, Department of Education](#)

Excerpts from the Sexual Misconduct Policy

The following definitions of sexual harassment, sexual assault, relationship abuse, dating violence, domestic violence, and stalking are taken from the Sexual Misconduct Policy. They are partially excerpted here for the reader's convenience and should not be used to definitively identify prohibited behaviors.

CONSENT

Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. The following are essential elements of effective consent:

- **Informed and reciprocal:** All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
- **Freely and actively given:** Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.
- **Mutually understandable:** Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.
- **Not indefinite:** Consent can be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed "no" or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain or is no longer a mutual participant. Once consent is withdrawn,

the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

- Not unlimited: Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.
- Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.
- In the state of Oregon, minors under the age of 18 cannot give consent.

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 Lewis & Clark's educational program and/or activities, and/or complete employment responsibilities, and
- may be based on power differentials (quid pro quo).

Sexual Harassment includes, but is not limited to:

attempting to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; cyber-bullying of a sexual nature; retaliation for a refusal to comply with a sexual based request; to condition a benefit on the submission to sexual advances; stalking; gender- or sex-based bullying; retaliation; or attempts to seek retribution against a Complainant, Respondent, or any individual or group of individuals involved in the complaint, investigation and/or resolution of an allegation of sexual misconduct.

SEXUAL ASSAULT

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- with any object or body part,
- by any person upon any person
- without consent.

All resources and contact information can be found on pages 23-26.

Sexual Contact includes, but is not limited to:

intentional contact with intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

Non-Consensual Sexual Penetration is:

- any sexual penetration,
- with any object or body part,
- by any person upon any person,
- that is without consent.

Sexual Penetration includes, but is not limited to:

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.

Sexual Exploitation is:

- taking non-consensual or abusive sexual advantage of another,
- for one's own advantage or benefit,
- or to benefit or advantage anyone other than the one being exploited.

Sexual Exploitation includes, but is not limited to:

invasion of sexual privacy; prostitution of another person; non-consensual video or audio-recording of sexual activity; sharing private sexual materials, such as video or pictures, without the consent of all involved parties; 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; or inducing incapacitation with the intent to make one vulnerable to non-consensual sexual activity.

INTIMATE PARTNER VIOLENCE

Intimate partner violence is often referred to as dating violence, domestic violence or relationship violence. Intimate partner violence is:

- any act of violence or threatened act of violence against a person who,
- is, or has been, involved in a sexual, dating, domestic, or other intimate relationship with the Respondent.

Intimate partner violence includes, but is not limited to: physical violence, sexual violence, emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation and does not discriminate by racial, social, or economic background.

STALKING

Stalking is governed by this policy when it is sex or gender-based. Stalking is:

- a course of physical or verbal conduct directed at another individual,
- that could be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party.

A course of conduct consists of at least two acts. The feared harm or injury may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of that individual. Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

PROHIBITED RELATIONSHIPS BY PERSONS IN AUTHORITY

Sexual or other intimate relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or intimate relationships between students and their employers, supervisors, professors, coaches, advisors or other College employees. Similarly, College employees who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or intimate relationship with an individual under their direct supervision.

Information for friends and allies of survivors

Many survivors say that what helped them most in their healing process was the unconditional support of a friend.

Some things that survivors have said were helpful to hear:

- “I’m so sorry you had that experience.”
- “You did nothing to deserve that.”
- “I believe you.”
- “If you’d like, I’ll help you find out what your options and resources are.”
- “I’ll support whatever decision you make about what to do next.”

There’s no one right way to respond to traumatic events. Survivors often feel that they are going “crazy.” Friends can help by normalizing their feelings. It’s common for survivors to not initially name what happened to them as rape or abuse, although they recognize something is wrong. Once they start to feel safer, they may begin trying to understand the experience by talking about it.

Friends and allies should be honest with the survivor about what support they can provide, especially if they also have a history of trauma. They may want to remind the survivor that advocates and counselors can offer support. Advocates and counselors are also available to support friends and allies.

Self-care for survivors

Self-care means caring for yourself as you would a good friend. It also means not doing things that harm you or make you more vulnerable.

It is okay to ask for what you need, and it is okay to say no if someone wants you to do something. You do not have to take care of anyone else's feelings. You do not have to protect other people by pretending everything's okay. You do not have to talk to anyone if you don't want to.

Reactions to and feelings about sexual or relationship violence change over time. There is no right way to feel about abuse or violence, and there is no correct way to practice self-care.

Planning how you will care for yourself can help if you start to feel overwhelmed. Below are some options for a self-care plan:

- Write in a journal
- Make art
- Take a walk
- Exercise
- Eat your favorite food
- Read something inspiring or something that makes you laugh
- Breathe in and out on a slow count of three
- Make a special playlist
- Wear your favorite clothes
- Give yourself permission to feel whatever you are feeling

Write down three phone numbers you can use if you need to talk. These may be friends, a counselor, or a crisis line.

