

Information for Victims and Accused

Sexual Misconduct Rights, Resources, and Options

Accessibility Statement: This information may be requested in electronic format. We will convert this information to other accessible formats if for any reason it is not accessible for you. To request alternate formats: Email childrj@linnbenton.edu and request an electronic copy of the Information for Victims and Accused Title IX, or inquire at the Takena Hall Advising Center. We will also reprint this information for you in any font size or color that you request on the paper color you request (within reason). You can also contact the LBCC Accessibility Resources (if you are a student) or Human Resources (if you are an employee) to request disability accommodations.

LBCC Policy & Administrative Rule

The LBCC Administrative Rule on Nondiscrimination & Nonharassment, including prohibitions on dating violence, domestic violence, partner violence, stalking, sexual assault and related offenses may be found at

<https://www.linnbenton.edu/about-lbcc/administration/policies/board-policies-and-administrative-rules/1000-series-the-college/ar-1015-01.php>

We summarize your rights and information herein for ease of use.

LBCC Student Conduct Code

The LBCC Student Rights, Responsibilities, and Conduct Code also prohibits illegal discrimination and harassment. The LBCC policy on student conduct, behavior, rights, responsibilities and processes may be found in full at

<https://www.linnbenton.edu/about-lbcc/administration/policies/board-policies-and-administrative-rules/7000-series-student-services/ar-7030-01.php>.

Employee Standards of Conduct

The LBCC policy on employee conduct is found at Board Policy 1045 Standards of Conduct --

<https://www.linnbenton.edu/about-lbcc/administration/policies/board-policies-and-administrative-rules/1000-series-the-college/ar-1045-01.php>.

Brochure & Written Information Provided

LBCC provides a brochure with additional information on Sexual Assault, Dating Violence, Domestic Violence, and Stalking. It may be found in the Advising Center, Student Affairs Administration Office, Public Safety Office, or on our website on the [Student Right to Know Page](#).

VICTIMS' and ALL STUDENTS' RIGHTS –

Employees who are victims are entitled to rights under certain laws.

Students who are victims are entitled to additional rights under certain laws. We summarize key rights and services in this document.

Right to be Free From Sexual Assault, Harassment

LBCC students and employees have a right to be free from discrimination, sexual harassment, assault, stalking, bullying, and domestic and partner violence, per the laws and rules prohibiting illegal discrimination, harassment, and violence against women, as well as others.*

Right to Use an Advocate

A victim of violence under this policy is entitled to a confidential advocate. CARDV (Center Against Rape and Domestic Violence) is a community-based non-profit with trained advocates who can assist you to know and choose among your rights and options. You may also inquire about an LBCC advocate through the LBCC Advising Center, Office of Student Conduct, or Public Safety. CARDV may be contacted at 541-754-0110 or 1-900-543-8077. To connect with an LBCC advocate, contact Advising Center Reception at 541-917-4780 or onlineac@linnbenton.edu.

Confidentiality

If you speak with or work with an advocate (CARDV or LBCC-employed), the advocate is directed to keep all communications with you confidential, and will disclose no information you request to be kept private. The only exception is in the case of an LBCC confidential advocate, who is required to make reports of child abuse under the law; CARDV advocates do not have this same legal requirement. With this exception, advocate duties shall supersede all other roles.

All other LBCC parties have disclosure duties to protect public safety. LBCC counselors and advisors are generally not trained advocates. Counselors may offer you counseling, problem solving, and emotional support. You may keep an assailant's name confidential. A counselor or advisor does not need to know the name of any parties who were involved in any behavior you experienced. If you provide information to a counselor or advisor that would cause the college to have fear that there is a general public safety danger and likelihood of future violence (for example, reports of repeated violence at LBCC or a chronic offender), please know that a counselor, advisor, and all other employees who are public safety reporters do have a duty to report that information to the Manager, Student Conduct; Public Safety; and/or to the LBCC Threat Assessment Team. Otherwise, the counselor is directed to keep your information confidential.

LBCC does not create medical records, but does create student care reports to help us track that we adequately support students in distress. The Manager for Student Conduct and Retention and the LBCC Threat Assessment Team will keep your information reported confidential and private, except to the extent necessary to serve you or protect public safety. If a court subpoenas conduct or academic records, LBCC will produce those records. The Manager for Student Conduct and Retention and the Human Resources Director do have access to these records in the process of gathering complete information about a student. LBCC may use any record in its possession as part of the evidence-gathering process to make an informed decision.

How confidential an LBCC employee can keep what you tell them depends on their role in serving you:

A. ADVOCATE:

CARDV Confidential Advocates are fully confidential; per Oregon Law (if Federal Law allows), will not repeat to LBCC staff what you share (even if an LBCC employee/advocate) unless what you discuss includes the report of child or elder abuse or a threat to commit a future crime. You may ask the Advocate to go with and to support you in other meetings or services.

LBCC Confidential Advocates maintain the same confidentiality as CARDV Advocates, with the exception that they are mandatory reporters of child abuse under Oregon law.

B. COUNSELORS/ADVISORS:

1. Must report details you share of a crime on campus or "general public safety danger".
2. You are not required to give any details to them.

3. Must report child abuse, elder abuse, other crimes, or threat to commit suicide.
4. You may ask them to keep other things confidential. If your event is a single, isolated, off-campus event, you may ask them not to share.

C. ADVISORS AND OTHER EMPLOYEES WHO ARE NOT COUNSELORS:

1. Must report details you share of a crime on campus or “general public safety danger”.
2. You are not required to give details to them.
3. Must report child abuse, elder abuse, other crimes, or threat to commit suicide.
4. May or may not be required to answer questions by the college, law enforcement and/or the courts.
5. Most of LBCC’s employees are reporting security officers; they have a duty to discreetly report dangers, threats, abuse, violence, stalking, bullying, etc. to Public Safety, the Manager for Student Conduct and Retention, and perhaps law enforcement or DHS.

D. MANAGER, STUDENT CONDUCT AND RETENTION:

1. Must report details you share of a crime on campus or “general public safety danger”.
2. You are not required to give details to them.
3. Must report child abuse, elder abuse, other crimes, or threat to commit suicide.
4. May or may not be required to answer questions by the college, law enforcement and/or the courts.
5. Most of LBCC’s employees are reporting security officers; they have a duty to discreetly report dangers, threats, abuse, violence, stalking, bullying, etc. to Public Safety, the Manager for Student Conduct and Retention, and perhaps law enforcement or DHS.
6. Helps you decide what to tell LBCC or not to tell us to keep you in control of the process and our response to the greatest degree allowed by law.
7. May need to document your report, depending on facts, location of incident and your choices. Records are confidential and shared only when you consent or necessary to serve you and to provide for Public Safety and meet your educational goals.

LBCC does not create medical records.

Counselors at LBCC do not provide therapy, treatment, diagnosis or medical services. Counselors act as educational and career counselors and provide problem solving and offer limited personal counseling. Their notes are educational records, not medical records and may be accessed by an LBCC investigator in the information-gathering processes. LBCC does use academic records in investigations, where necessary. Access to such records is limited, but may be released by your consent, by a subpoena, or by court order.

Right to Be Heard and Freedom from Forms of Self Incrimination/Immunity

You have a right to be heard. You have a right to tell your story and to be certain the college hears you. You may choose who hears you. If LBCC opens a misconduct investigation, both the victim and accused assailant have a right to be heard and have their statements neutrally evaluated prior to any findings of wrongdoing or before any significant loss or privileges of the wrong-doer. If a victim committed a violation of a college conduct policy during an incidence of violence or assault (such as illegal drinking), the college will grant immunity for that incident when our knowledge comes from a violence or Title IX report. We want victims of violence to be able to report without fear that they will be charged with a related violation (illegal drinking, drug use, speeding, or other violations).

Right to Change Name or Request Directory Exclusion

You have the right to legally change your name and to bring evidence of a legal name change to Enrollment Services, Takena Hall, or Human Resources (if you are an employee) to have all records

under your new name. You may also ask to use a “preferred name” without a legal name change (Enrollment Services). You have the right to request “directory exclusion” from Enrollment Services (by written form) so LBCC will not disclose public information about you to those who inquire (name, phone, address, email, etc.).

Timelines

Generally, reports of violations of conduct code or misbehavior should be filed in a timely manner, either online or with the Manager for Student Conduct and Retention. Reports of sexual violence, domestic violence, partner violence, dating violence, or stalking must be filed within 180 days of the original incident with the college in most cases to pursue disciplinary action but not to receive other service or support. Decisions to report after 180 days will rarely be processed as conduct violations at LBCC; however, other victim supports and educational remedies may be available at LBCC. To file with police or courts, timelines are extended. However, immediate reporting always leads to the most thorough and effective investigations and outcomes for victims. Generally, exclusion orders or No Contact Directives by LBCC may be issued within 24-48 hours of an interview with the Manager for Student Conduct and Retention, as may other temporary remedies set in place during an investigation.

Support by LBCC Personnel

Instructors, classified employees and managers of LBCC will work with you to ensure you are provided supports and reasonable services if you are involved in one of these forms of violations. Employees in these locations are generally campus Public Safety Reporters; they report either to Public Safety or the Associate Dean of Student Affairs. We will ensure you are informed of your rights, provided a fair process for review, offered support creating a safety and wellness plan, assisted with academic or other accommodations caused by the incident, and assisted to achieve your other goals. The Offices of Public Safety, Student Conduct, and Advising Center are appropriate places to go to begin an official report to the college of an incident at LBCC or involving a student or employee of LBCC (or person under our authority or control at LBCC) or you can report to us online, even anonymously. (See “Report to LBCC”).

REPORTING Options/Resources – Student Has Right to Choose

You have a right to use any or all of the following reporting and services options.

Hospital, Nurse, Doctor – Rape Kit

Free rape kits and examinations are available through local hospitals and specially trained nurses. The hospital can also provide additional information on your rights. We encourage you to preserve evidence (do not shower or bathe after assault), visit the hospital, and preserve your rights. You do not have to decide before visiting the hospital whether you want to file a police report; you may delay that decision and ask for your examination to be preserved, giving you time to decide.

Police or Sheriff & Justice System

You may report to the police or appropriate law enforcement. While we cannot require you to report to the police, we encourage you to promptly report, using these professional safety and security resources. If you have questions about which law enforcement office to report to, LBCC Public Safety can assist you with reporting options.

- a. Your legal rights will be best explained by law enforcement, but may include criminal charges against the perpetrator (where the state presses charges and consequences may include imprisonment or jail or other actions); or
- b. Civil case against the perpetrator (where you sue for damages, usually financial in nature);

- c. A Restraining Order, available through the courts.
- d. We encourage you to consult a lawyer. The Oregon State Bar online can help you find a lawyer with the appropriate experience and expertise and can inform you of available legal aid services or law clinics in Oregon. If you are an OSU student, you may avail yourself of student legal services at OSU.
- e. You may request victims' assistance if your case is prosecuted through the District Attorney's victims' assistance program.
- f. ADVOCATE: You may request an advocate at any first contact. Go to the Takena Advising Center, Manager for Student Conduct and Retention, or directly to CARDV (Center Against Rape and Domestic Violence) to request an advocate.

Restraining Orders or Protective Orders or Temporary Restraining Orders (TROs)

You may request a restraining order through the local courts. A victim advocate can assist you with this process. Contact the courthouse in the county where the incident occurred.

You may file a complaint with other state or federal offices or agencies (see end of document) and BP 1015-01, including the Office of Civil Rights, the Bureau of Labor and Industries (BOLI), Community College and Workforce Development (CCWD) or the Higher Education Coordinating Commission (HECC).

Report to LBCC

If you choose to report to the college, which we encourage, you may report in person or online. You will be asked to give a written statement or detailed oral statement which may be documented. Online reporting may be anonymous; we merely caution that anonymous reports are more difficult to investigate. To report anonymously online, go to <https://linnbenton.edu/report-it> and select the "Report Sexual Misconduct" form. **Do not provide your name or LBCC email address in the requested information lines; you may use the word "anonymous."** To report in person, go to Public Safety, Willamette Hall, or call a Public Safety Officer 541-926-6855. You may also report directly to one of the Title IX Officers. If your assailant was an employee, report to the Executive Director of Human Resources, Calapooia Center. If your assailant was a student, report to the Manager for Student Conduct and Retention, Willamette Hall. Public Safety is required to track crime statistics and to create a public crime log. Their role is to help create a safer campus. They will ask you questions. You may decline to answer questions. Declines may limit our ability to investigate or pursue charges.

Public Safety, Safety Planning, Escorts

Besides taking your initial report, you may ask Public Safety to explain safety services and escorts on campus. [LBCC's confidential campus advocates](#) or a [confidential advocate through CARDV](#) can help you create a safety plan. Additionally, Public Safety is available to help with escorts.

Report for "Relief" or Immediate Intervention and/or Conduct Action

For the victim, LBCC understands that a victim of violence has difficult decisions to make and often must make them in a time of turmoil and confusion. We have designed our processes to empower a victim and to fairly treat both victim and accused student. We have the following services (and others):

- A Confidential Advocate ask at CARDV or the LBCC Advising Center
- Counseling and emotional support to help you negotiate processes and choices (Advising Center)
- Public Safety for safety planning and escorts on campus (Willamette Hall).

- Early interventions: Ability to change a schedule or remove a person from class with their offender or victim or accuser; campus escorts; ability to late-drop or withdraw from class; test or due date adjustments.
- Disability accommodations (Accessibility Resources, Red Cedar Hall)
- Workplace reassignment options
- Student conduct charging and investigation/'discipline processes for offenders (Manager, Student Conduct and Retention)

A victim will be invited to choose which services you want to request, unless your report makes us aware of a wide general public safety danger, in which case we have a duty to protect the public balanced with our duty to serve you. LBCC has a student conduct process and a staff behavioral code to help us teach and hold students and staff accountable for appropriate behaviors. The victim will be invited to make a decision whether s/he/they request the college to initiate conduct or behavioral investigation and action or whether they ask the college to refrain from these actions. Only if the situation presents an ongoing general danger to public safety will the college be required to make a decision to take action of a conduct nature against the wishes of the victim.

You will be asked if you want formal or informal conduct code action and/or investigations. You may always withhold the name of the person who assaulted you and other details if you want no police or conduct action. You may provide the name to a counselor or advocate and still request no conduct action. If you decline conduct action in the first 180 days, after 180 days after the incident, we may not be able to reverse that decision. We will provide all other services and reasonable supports that you request, whether or not you want a conduct action or disciplinary or educational intervention with the accused.

Why do I have this choice? Why would I want or not want a conduct process?

The victim has the choice because these situations tend to take power away from an individual. We strive to return that power consistent with guidance under VAWA (the Violence Against Women Act). Some people want help or counseling, but also want to highly guard their privacy. Some people fear that a conduct investigation could cause some information used in the investigation to lose its privacy. Some victims have told us that a conduct investigation might lead to worse violence. The college empowers victims to decide how you want to request us to work with you. You choose how you wish to be helped. We will do what is reasonable within our power and authority to serve you in ways you believe best meet your needs.

You will be asked to state whether "Yes" or "No," do you want the college to pursue a conduct or behavioral investigation and sanctions? We will not pursue conduct actions without either your consent/request or our identification of a generalized public safety danger.

Human Resources Processes – if the Accused is an Employee

Director Scott Rolen, in Human Resources conducts investigations if the accused person is an LBCC employee. Scott investigates as a neutral and ensures that due process occurs during taking of statements, inquiry, investigation, and through decision-making and appeals.

Right to Due Process

With the right to be heard, comes a right to due process. If you are accused of an assault or if you are the victim, you have the right to know whether an investigation will be conducted. You have the right to make a statement and tell your story, you have the right to present evidence.

You have the right to have a neutral, trained investigator assess the evidence and make a neutral, impartial determination of the facts. LBCC will use “more likely than not” as the standard of evidence to determine findings in these situations. You have the right for our processes to generally be concluded in 90 days. You have the right to a written decision. You have a right to appeal.

SUPPORTS & SERVICES

Counseling & Emotional Support & Assistance Separating Students

LBCC provides on-campus limited personal counseling to help restore your safety and ability to participate in school effectively. Counselors may also help to refer you to counseling or therapy in our community, through private providers and county mental health agencies. Counselors can help with other forms of problem solving of academic and other life impacts and decisions. A counselor may also be able to help you identify the support people in your life or family to help you at this difficult time. (If the assault happened on our property, they will have to alert Public Safety to the location of the assault.) You are not required to provide the name of the perpetrator or other details even if they are known to you when you speak with a counselor.

Accessibility Resources: Academic & Other Accommodations for School

Victims of assault and an accused student are likely to experience trauma. Life may be seriously disrupted. Schedules and emotions may be in turmoil. It may be difficult to continue in school without some accommodations. You may work with one of these resources to request accommodations in such situations: Accessibility Resources; Counseling; or the Manager, Student Conduct and Retention. Typical supports might include flexible attendance or extended due dates for work that might be late. Students may ask for help negotiating flexibility with instructors or may ask for support to drop or withdraw from classes and to work with financial aid. Students might ask to test outside of their class in a quieter space. They might ask to change classes or for the assailant to be removed from their class. A student might ask for a change in an on-campus job or work assignment if working for LBCC.

Rights of the Accused Student

This guide is written with all students in mind. If you are accused of an assault or violence, your rights are also spelled out in the Student Rights publication noted above. You will be informed of any complaint or charge filed against you for purposes of investigation or disciplinary action. You have a right to be heard and present any evidence within your knowledge or control. You have the right to advance written notice of your hearing date and time. You have a right to a fair and impartial decision-maker to review the evidence and determine outcomes and responsibility, plus possible consequences. You have a right to know the “worst consequence” that might be administered in your case (which is normally either suspension for up to one year or expulsion permanently). You have the right to know the outcome of a disciplinary or conduct process. If you attend your hearing, you have one right of appeal to the next level review if you do not agree with the outcomes. If you do not attend your hearing and do not provide proof of an emergency, your case will be decided against you and shall be final and non-appealable. Students are expected to cooperate and to be truthful in a conduct investigation. A student may choose silence if it is in the student’s best interest. Both victims and accused or alleged offenders are entitled to written notice of decisions and to appeal.

Final Reminder about Safety and Confidentiality:

LBCC will do all in its power to protect your privacy and confidentiality. Generally, the victim of an assault has a great deal of power or control how the college uses information provided to us by the victim. However, if the accused student is found to create a general danger to public safety, LBCC must investigate and/or pursue conduct or actions to make others safe. In such situations, we will use information necessary to keep the public safe.

Which LAWS drive my rights and these processes?

Some of the laws which drive these rights and processes include:

Oregon state laws, including Senate Bill 759

Federal laws, including: Title IX of the Education Amendments Act of 1972

The Jeanne Clery Act

VAWA (Violence Against Women Act) of 1994

Constitutional Due Process laws of the United State of America

Civil Rights laws of the United States (including Civil Rights Act of 1964)

Non-Discrimination laws of the United States

Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (as amended)

Uniformed Services Employment and Reemployment Right Act (USERRA)

Students and employees may file a complaint with the U.S. Department of Education, Office of Civil Rights and the Department of Community Colleges and Workforce Development or the Higher Education Coordinating Commission (which regulates LBCC). Employees may also file a complaint with the Equal Employment Opportunity Commission and/or the Oregon Bureau of Labor and Industries Civil Rights Division (BOLI). Links are available on our Board Policy page, BP 1015-01 for filing complaints. Staff will also provide you further guidance upon request.

Other Resources: Hotlines, Online Resources

Oregon Sexual Assault Task Force Hotline recommends Call 911

Center Against Rape and Domestic Violence (CARDV) 541-754-0110

Benton County Victim's Assistance Program 541-766-6815

Linn County Victim's Assistance 541-967-3805

Department of Human Services (DHS) 541-967-2060 (for protection of minors/children)

541-967-2077 (for Self-Sufficiency Unit) in Linn County; and

541-757-4121 & 541-757-4201 in Benton County.

Rape, Abuse and Incest National Network 1-800-656-4673 and 222.rainn.org

Safe Horizon 1-800-621-4673 or 1-866-689-4357 or safehorizon.org

National Domestic Violence Hotline 1-800-799-7233 or 1-800-787-3224

Additional Information on Tribal Resources, Resources for Persons with Disabilities

Is available at 222.justice.gov/owv/grant-programs