

# Annual Safety Report

*This report provides 2018-2020 crime statistics, along with current information on campus safety, policies, procedures, student assistance, and community resources.*



OREGON COAST  
COMMUNITY COLLEGE

*Produced by OCCC  
for submission and distribution by Oct. 1, 2021.*

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## Introduction

Oregon Coast Community College is committed to providing a secure and safe environment for our students, staff, faculty, and visitors. To demonstrate how we work to achieve this security, we are pleased to present our Annual Security Report (ASR) for the calendar year 2020. This report is prepared to ensure the College meets all compliance aspects of [the Clery Act](#).

This report is designed to provide you with information about safety and security at all College locations. Included is information about federal regulations which mandate this report; geography from which the crime data is gathered; an overview of campus safety; emergency procedures, descriptions of campus safety awareness and crime prevention programs (to help with risk reduction), College policies about alcohol and drugs; preventing and responding to personal violence and sexual assault, and crime data.

Compilation of data, practices, procedures, and policies for this ASR was completed in coordination with Student Affairs, Human Resources, the Department of Academics and Workforce, and local law enforcement agencies with jurisdiction over the Oregon Coast Community College campus, College centers, and related educational facilities.

An email notification providing a link to the report and how to review a printed copy of the report is distributed by Oct. 1 to all students and employees. After Oct. 1 of each year, new students and employees are provided this information by the College as part of the application and enrollment process.

This report may be viewed on the College website at <http://www.oregoncoast.edu/facilities-and-safety/> or in person the College.

For questions regarding the information published in this report, to request a copy of this document or to arrange an inspection of the College's daily crime log, contact Joy Gutknecht, Human Resources Director, 541-867-8515, or email [joy.gutknecht@oregoncoast.edu](mailto:joy.gutknecht@oregoncoast.edu). In person, visit room 219 of Central County Campus' main building, 400 SE College Way, Newport, Oregon.

## College Contacts

Name	Title/Dept.	Email	Phone
Emergency Response			911 College phones require dialing a 9 first.
College Public Safety (Facilities & Public Safety Dept.)			541-867-8549
College Administration Offices			541-867-8532
Joy Gutknecht	Deputy Title IX Coordinator (Staff)/Human Resources Director	<a href="mailto:joy.gutknecht@oregoncoast.edu">joy.gutknecht@oregoncoast.edu</a>	541-867-8515
Chris Rogers	Facilities & Public Safety Director	<a href="mailto:chris.rogers@oregoncoast.edu">chris.rogers@oregoncoast.edu</a>	541-867-8549
Andres Oroz	Title IX Coordinator/ VP Student Affairs	<a href="mailto:DeanOfStudents@oregoncoast.edu">DeanOfStudents@oregoncoast.edu</a>	541-867-8511
Robin Gitner	Deputy Title IX Coordinator (Students)/VP Administrative Services	<a href="mailto:robin.gitner@oregoncoast.edu">robin.gitner@oregoncoast.edu</a>	541-867-8516
TCB Security	(after 5 p.m.)	Central County Campus	541-574-2828

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## Community Resources (For Title IX Reporting: May not be confidential)

Department	Phone
Emergency Response	911 College phones require dialing a 9 first.
Lincoln City Police Department	541-994-3636
Lincoln County District Attorney's Victim's Assistance Line	541-265-3462
Lincoln County Sheriff's Office	541-265-4277
LINCOM Dispatch Public Works After-Hours Dispatch	541-265-4231
Newport Police Department	541-574-3348
Oregon State Police (Newport Dispatch)	541-265-5353
Oregon State Police (General Headquarters)	800-452-7888
Toledo Police Department	541-336-5555
Health and Social Service Information	211 or text your zip code to 898211
Lincoln County District Attorney's Victim's Assistance Line	541-265-3462



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## Federal Legislation Governing the Annual Safety Report

### The Clery Act

In 1990, the Federal Government enacted the Student Right to Know and Campus Security Act. The Act was renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or the Clery Act in 1998. The Clery Act requires that colleges and universities receiving federal funding disclose reported instances of criminal activity on campus. In addition to the disclosure of campus crime statistics, the act requires the College to provide various policies, procedures and educational programs that are utilized by the College in the area of safety, security and prevention education. For more information, please visit the Clery website at <https://clerycenter.org/> or [the US Department of Education 2016 Clery Handbook which can be found here](#).

### Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Act

Enacted as a part of the Omnibus Crime Bill of 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act established guidelines for states to track sex offenders. It required states to track sex offenders by confirming their place of residence annually for ten years after their release into the community or quarterly for the rest of their lives if the sex offender was convicted of a violent sex crime.

### Drug Free Schools and Community Act

The Drug-Free Schools and Communities Act (DFSCA) of 1989 - also known as the Drug-Free Schools and Campuses Act - requires institutions of higher education to establish policies that address unlawful possession, use, or distribution of alcohol and illicit drugs. The DFSCA also requires the establishment of a drug and alcohol prevention program.

### Violence Against Women Reauthorization Act (VAWA)

VAWA amended section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions of higher education to comply with certain campus safety- and security-related requirements as a condition of their participation in the Title IV, HEA programs. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports.

VAWA has not been reauthorized as of June 8, 2020; however, additions incorporated into Clery Act requirements remain in effect for compliance purposes.<sup>1</sup>

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<sup>1</sup> "[Senate talks on crafting bipartisan Violence Against Women Act break down](#)". RollCall. November 7, 2019. (retrieved 1/1/20)

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### Campus Sexual Violence Elimination Act

Campus Sexual Violence Elimination Act or Campus SaVE Act - Amends Title IV (Student Assistance) of the Higher Education Act of 1965 to require each institution of higher education (IHE) participating in a Title IV program to include in its annual security report on campus security policy and crime statistics a statement of current policies for reporting crimes or other emergencies in or on non-campus buildings or property. Requires such report to include statistics concerning the occurrence of domestic violence, dating violence, and stalking incidents reported to campus security authorities or local police. Requires schools to protect victim confidentiality when reporting criminal threats to the campus community. Directs IHEs to include in their annual security report a statement of policy regarding their programs to prevent domestic violence, dating violence, sexual assault, and stalking and the procedures they follow when such an offense is reported.

### Campus Sex Crimes Prevention Act

The CSCPA supplemented the Wetterling Act's general standards for sex offender registration and community notification programs by enacting provisions which are more specifically designed to ensure that the members of campus communities have information available concerning the presence of registered sex offenders. In part, this included an amendment to the Wetterling Act, which requires states to obtain information concerning registered sex offenders' enrollment or employment at institutions of higher education, and to make this information available promptly to a campus police department or other appropriate law enforcement agency having jurisdiction where the institution is located.

### Title IX

Title IX, enacted in 1972 as part of a larger educational package by the federal government, requires that no person, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. In 2011 the Department of Education (DOE) advised all colleges and universities that the requirements of Title IX cover sexual violence and clarified a school's responsibility to take immediate and effective steps to respond. Additional guidance was provided in a 2017 "Dear Colleague Letter" reviewing procedures dealing sexual misconduct.

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## Clery Geography: Categories for Oregon Coast Community College

Clery regulations define the types of property or geography from which crime data is gathered and reported for the College<sup>2</sup>. Crime data stated in this report is for the previous three years concerning reported crimes that occurred within the designated Clery Geography for the College.

As defined below, Oregon Coast Community College reports all crimes related to three geography definitions.<sup>3</sup>

### On Campus Definition

This designation includes any public building or property owned or controlled by Oregon Coast Community College within the same reasonably contiguous geographic area of the College and used by the College in direct support of, or in a manner related to educational purposes and property within the same reasonably contiguous geographic area of the institution that is owned by Oregon Coast Community College, but controlled by another person, which is used by students, and supports institutional purposes.

For the purposes of the Clery Act reporting, only the Central Campus in Newport is considered to be a campus. All associated crime data is reported in the “On Campus” column of Table 1.

- Central County Campus 400 SE College Way, Newport, OR 97366



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<sup>2</sup> U.S. Department of Education. (2016). *The Handbook for Campus Safety and Security Reporting, 2016 Edition*,. Washington, D.C.: Office of Postsecondary Education., 2-3.

<sup>3</sup> Since the College has no residence halls, the College is exempted from a fourth reporting category required of schools with on-campus student housing.

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### Public Property Definition

This designation includes any public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from campus.

For the purposes of the Clery Act, two areas on SE College Way are defined as public. Any crime occurring on these public properties will be reported in the “Public” column on Table 1.

- SE College Way from the entrance of the Central County Campus west to stop sign before entering SE Harborton Street. Reporting extends to include walking areas/sidewalks on SE College Way.



- Ellis Street including walking areas/sidewalks north of the Central County Campus entrance for a distance of 80 feet (surveyed as Oregon State Parks property). As of 2020, the remainder of Ellis Street was recorded as private property in the Lincoln County Assessor's Office and excluded from reporting.





### Non-Campus (Other)

For the purposes of the Clery Act, several buildings used for educational purposes are categorized as non-campus locations. Any crime occurring on these properties will be reported in the Other column on Table 1.

This designation includes any building or property owned or controlled by a student organization that is officially recognized by Oregon Coast Community College; or any building or property owned or controlled by Oregon Coast Community College that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of Oregon Coast Community College (Central County Campus). Any crimes occurring on these properties will be reported in the "Other" column on Table 1.

For this category, only crimes on facility properties are reported. For shared buildings, areas of the building and property not used for Oregon Coast Community College educational purposes are excluded in accordance with Clery reporting guidelines.

The College's North County Center (including parking lot), and the South County Center are reported under the Non-Campus (Other) category. For Clery reporting, these are considered non-campus buildings and properties. This is because the locations are not offering for-credit certificate or degree programs. Additional locations are included when the College as a written agreement for the use of space giving the institution control of that space for educational purposes during a specific time period. Adjacent public property is not reported for this category.

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## Non-Campus (Other) Locations Utilized in 2020 (Calendar Year)

- *North County Center*  
3788 SE High School Drive,  
Lincoln City, OR 97367  
Reporting excludes public property sidewalks.



- *South County Center*  
3120 Crestline Drive,  
Waldport, OR 97394

Reporting excludes public property sidewalks and all Waldport High School property.



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- *Port of Toledo-Industrial Center (beginning in 2020)*

Units one and two

625 N. Bay Rd.

Toledo, OR 97391

Reporting for 2020 will include units one and two, restrooms, and student-accessible areas.

#### Locations exempt from reporting

Select locations used by the College for educational purposes are exempt from reporting.

- *High Schools Offering College Credit*

Excluded unless the College rents instructional space for specific days and times in order to offer classes.

- *Hatfield Marine Science Center*

2030 SE Marine Science Drive

Newport, OR 97365

This location is exempt as Oregon State University is defined as owning and controlling the property. Any crimes occurring at this location would be reported in OSU's ASR.

- *GED Offered at Lincoln County Jail*

- *Program Agreement Locations*

Any off-campus site used for internships, externships, of clinical training. As an example, this would exclude medical facilities used by nursing students as part of a program agreement.

### Crime Statistics: Overview

The following are crime statistics for the Oregon Coast Community College Central Campus (Newport), the public sidewalks and streets immediately adjacent to the locations (Public Property), and other locations including the North County Center (Lincoln City), South County Center (Waldport identified in the table as "other" for the calendar years 2018, 2019 and 2020.

A single incident meeting the definition of more than one of the categories below is reported in each applicable category<sup>4</sup>.

### Crimes Statistics: 2018, 2019 and 2020

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<sup>4</sup> Clery Handbook (3-2)

## Central Campus, Newport

	2018			2019			2020		
	Campus	Other	Public	Campus	Other	Public	Campus	Other	Public
<b>Criminal Offenses</b>									
Criminal Homicide	0	0	0	0	0	0	0	0	*
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	*
Negligent manslaughter	0	0	0	0	0	0	0	0	*
<b>Sexual Assault</b>									
Sexual Assault	0	0	0	0	0	0	0	0	*
Rape	0	0	0	0	0	0	0	0	*
Fondling	0	0	0	0	0	0	0	0	*
Incest	0	0	0	0	0	0	0	0	*
Statutory Rape	0	0	0	0	0	0	0	0	*
Robbery	0	0	0	0	0	0	0	0	*
Aggravated Assault	0	0	0	0	0	0	0	0	*
Burglary	0	1	0	0	0	0	0	0	*
Motor Vehicle Theft	0	0	0	0	0	0	0	0	*
Arson	0	0	0	0	0	0	0	0	*
<b>Hate Crimes</b> (Categories of bias, race, religion, sexual orientation, gender, gender identify, ethnic, national origin, or disability)									
Murder and Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	*
Sexual Assault	0	0	0	0	0	0	0	0	*
Robbery	0	0	0	0	0	0	0	0	*
Aggravated Assault	0	0	0	0	0	0	0	0	*
Burglary	0	0	0	0	0	0	0	0	*
Motor Vehicle Theft	0	0	0	0	0	0	0	0	*
Arson	0	0	0	0	0	0	0	0	*



Larceny-Theft	0	0	0	0	0	0	0	0	*
Simple Assault	0	0	0	0	0	0	0	0	*
Intimidation	0	0	0	0	0	0	0	0	*
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	*
<i>VAWA Offenses</i>									
Dating Violence	0	0	0	0	0	0	0	0	*
Domestic Violence	0	0	0	0	0	0	0	0	*
Stalking	0	0	0	0	0	0	0	0	*
<i>Arrests/Referrals for Disciplinary Action</i>									
Illegal Weapon Possession	0	0	0	0	0	0	0	0	*
Drug Laws	0	0	0	0	0	0	0	0	*
Liquor Laws	0	0	0	0	0	0	0	0	*

\*2020 public categories to be published as provided by local law enforcement.

## Crime Definitions under the Clery Act

Under the Clery Act, for the purposes of counting and disclosing Criminal Offense, Hate Crime, arrest and disciplinary referral statistics you must do so based on definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. The definitions for Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations are from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program.

The definitions of Fondling, Incest and Statutory Rape are from the FBI's National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR. Hate Crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual. Note that, although the law states that institutions must use the UCR Program definitions, Clery Act crime reporting does not have to meet all of the other UCR Program standards.

For the categories of Domestic Violence, Dating Violence and Stalking, the Clery Act specifies that you must use the definitions provided by the Violence Against Women Act of 1994 and repeated in the Department's Clery Act regulations.

## Criminal Offenses as Defined by the Clery Act

**Murder and Non-Negligent Manslaughter**

The willful (non-negligent) killing of one human being by another.

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### Manslaughter by Negligence

The killing of another person through gross negligence.

### Sexual Assault

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

### Rape

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females

### Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

### Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

### Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

### Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

### Burglary

The unlawful entry of a structure to commit a felony or a theft.

### Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

### Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

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## Hate Crimes as Defined by the Clery Act

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

While there are many possible categories of bias, the Clery Act requires reporting eight categories as listed below.

### 1. Race

A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

### 2. Religion

A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, Atheists.

### 3. Sexual Orientation

A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

### 4. Gender

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

### 5. Gender Identity

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

### 6. Ethnicity

A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

### 7. National Origin

A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated

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with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

#### 8. Disability

A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

#### Hate Crimes Motivated by Bias

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by the eight types of bias listed above (race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability).<sup>5</sup>

#### Manslaughter by Negligence

The killing of another person through gross negligence.

#### Sexual Assault

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

#### Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

#### Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

#### Burglary

The unlawful entry of a structure to commit a felony or a theft.

#### Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

#### Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

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<sup>5</sup> Clery Handbook, (3-26)

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### Larceny-Theft

The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

### Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

### Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

### Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## Crime Definitions and Categories under the Violence Against Women's Act (VAWA)

The Violence Against Women's Act (VAWA) is a federal law enacted to improve the criminal justice and community-based responses to domestic violence, dating violence, sexual assault, and stalking and has imposed additional reporting requirements including the following categories and definitions.

### Domestic Violence

Asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

### Dating Violence

Violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction between the persons involved in the relationship.

### Stalking

Intentional and repeated harassment or following of another person which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.

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## Arrests and Referrals for Disciplinary Action

Arrests and Referrals for Disciplinary Action for Weapons—Carrying, Possessing, etc., Law Violations, Drug Abuse Violations and Liquor Law Violations.

### Weapons Law Violations

Carrying, Possessing, etc., is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

### Drug Law Violations

Defined as the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

### Liquor Law Violations

Defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

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## Crime Definitions and Penalties under Oregon State Law

### Rape in the First Degree

A person who has sexual intercourse with another person commits the crime of rape in the first degree if:

- (a) The victim is subjected to forcible compulsion by the person;
- (b) The victim is under 12 years of age;
- (c) The victim is under 16 years of age and is the person's sibling, of the whole or half blood, the person's child or the person's spouse's child; or
- (d) The victim is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.

Rape in the first degree is a Class A felony.

### Rape in the Second Degree

A person who has sexual intercourse with another person commits the crime of rape in the second degree if the other person is under 14 years of age.

Rape in the second degree is a Class B felony.

### Rape in the Third Degree

A person commits the crime of rape in the third degree if the person has sexual intercourse with another person under 16 years of age.

Rape in the third degree is a Class C felony.

### Incest

A person commits the crime of incest if the person marries or engages in sexual intercourse or deviate sexual intercourse with a person whom the person knows to be related to the person, either legitimately or illegitimately, as an ancestor, descendent or brother or sister of either the whole or half blood.

Incest is a Class C felony.

### Sodomy in the First Degree

A person who engages in deviate sexual intercourse with another person or causes another to engage in deviate sexual intercourse commits the crime of sodomy in the first degree if:

- (a) The victim is subjected to forcible compulsion by the actor;
- (b) The victim is under 12 years of age;
- (c) The victim is under 16 years of age and is the actor's brother or sister, of the whole or half blood, the son or daughter of the actor or the son or daughter of the actor's spouse; or

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(d) The victim is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.

Sodomy in the first degree is a Class A felony.

#### Sodomy in the Second Degree

A person who engages in deviate sexual intercourse with another person or causes another to engage in deviate sexual intercourse commits the crime of sodomy in the second degree if the victim is under 14 years of age.

Sodomy in the second degree is a Class B felony.

#### Sodomy in the Third Degree

A person commits the crime of sodomy in the third degree if the person engages in deviate sexual intercourse with another person under 16 years of age or causes that person to engage in deviate sexual intercourse.

Sodomy in the third degree is a Class C felony.

#### Unlawful Sexual Penetration in the First Degree

Except as permitted under ORS 163.412, a person commits the crime of unlawful sexual penetration in the first degree if the person penetrates the vagina, anus or penis of another with any object other than the penis or mouth of the actor and:

- (a) The victim is subjected to forcible compulsion;
- (b) The victim is under 12 years of age; or
- (c) The victim is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.

Unlawful sexual penetration in the first degree is a Class A felony.

#### Unlawful Sexual Penetration in the Second Degree

Except as permitted under ORS 163.412, a person commits the crime of unlawful sexual penetration in the second degree if the person penetrates the vagina, anus or penis of another with any object other than the penis or mouth of the actor and the victim is under 14 years of age.

Unlawful sexual penetration in the second degree is a Class B felony.



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### Sexual Intercourse

Sexual intercourse has its ordinary meaning and occurs upon any penetration, however slight; emission is not required.

### Sexual Contact

Sexual contact means any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.

### Incapacity to Consent

As defined by Oregon Revised Statutes (163.315), a person is considered incapable of consenting to a sexual act if the person is:

- (1) Under 18 years of age;
- (2) Mentally defective;
- (3) Mentally incapacitated; or
- (4) Physically helpless.

A lack of verbal or physical resistance does not, by itself, constitute consent but may be considered by the trier of fact along with all other relevant evidence.

### Domestic Violence

Abuse between family or household members. Family or household members: Spouses or former spouses; adults related by blood, marriage or adoption, persons cohabitating or who have cohabitated; persons in a past or present sexually intimate relationship; unmarried parents of a child.

Abuse in this context refers to the occurrence of one or more of the following acts within a domestic relationship:

1. Attempting to cause or intentionally, knowingly or recklessly causing bodily injury.
2. Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury.
3. Causing another to engage in involuntary sexual relations by force or threat of force

### Dating Violence

Oregon does not have a definition or statute addressing dating violence.

### Stalking

A person commits the crime of stalking if:

1. the person knowingly alarms or coerces another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person;

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2. it is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and
  3. the repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.

## Security and Property

Oregon Coast Community College is a public institution of higher education with facilities that are open to students, faculty, administration, staff, and the general public. OCCC facilities in Lincoln County include the North County Center, which contains the Small Business Development Center, Central County Campus, and the South County Center.

During business hours, the College will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all College facilities is by key, if issued, or by admittance via Facilities & Public Safety Department. In the case of periods of extended closing, the College will admit only those with prior written approval to all facilities. The College is closed for holidays and closure days, and operates on a limited schedule during the summer.

- The North County Center is located at 3788 S.E. High School Drive in Lincoln City. Center facilities are open 8 a.m. to 7:30 p.m., Monday through Thursday; and 8 a.m. to 5 p.m. Friday.
- The Central County Campus is located at 400 SE College Way in Newport. Campus facilities are open 8 a.m. to 7:30 p.m., Monday through Thursday; and 8 a.m. to 5 p.m. Friday.
- The South County Center is located at 3120 Crestline Drive in Waldport. Center facilities are open only when classes are in session.

## Emergency Response and Evacuation Procedures

The College has developed an emergency management plan including emergency responses and evacuation procedures that would be used in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The emergency response and evacuation plans are intended to ensure the College has sufficiently prepared for an emergency situation on campus, has tested these procedures to identify and improve any weaknesses, and has considered how to inform the campus community and other individuals, such as parents and guardians, in the event of an emergency.

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## Basic Protocols

These are the first few actions steps to take for each of our basic emergency response protocols. Detailed procedures for staff are maintained in the College Emergency Response & Continuity of Operations Plan<sup>6</sup>.

### Lockdown/Lockout

1. Lock doors & windows. Leave shades open.
2. Turn off lights.
3. Block any entrance to your room & stay quiet.
4. Do not admit anyone.
5. Evacuate if possible.

### Lockout

1. Lock doors & windows. Leave shades open.
2. Continue instruction.
3. Admit students registered for your class.

### Evacuation

1. Evacuate the building.
2. Be prepared to take alternative routes.
3. Gather in designated assembly areas.
4. Account for all students & staff.

### Shelter-in-place

1. Close all windows and doors.
2. Seal gaps with wet towels.
3. Turn off HVAC systems.
4. Cover all openings to outdoors with plastic sheeting & tape.

### Reverse Evacuation

1. Return to the building.
2. Move quickly, but safely.
3. Adjust your route as needed.
4. Once inside, follow other emergency instructions provided.

## Lockdown

A lockdown is used to shut down a college campus when there is an imminent threat of danger such as a dangerous person, a shooting or stabbing, a hostage situation, or a fatality on campus.

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<sup>6</sup> Oregon Coast Community College Emergency Response & Continuity of Operations. May, 2019.

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1. If it is safe to do so, evacuate immediately. If it is not clear that it is safe or there is a nearby threat, enter or stay in your current room and lock the door. Use anything not bolted down to block the door from opening.
  2. Turn off lights. Make the room look and sound like it is unoccupied.
  3. Everyone must get on the floor in a crouching position away from windows and doors and be quiet. Have everyone wear their backpacks over the front of their body.
  4. Once your door is locked, do not admit anyone!
  5. If outside, gather students together behind a natural barrier and if possible, call on your two-way radio for instructions. Identify several potential escape routes and be ready to move your students quickly away from any danger that presents itself.

**Additional Action Steps:**

- Do not leave the classroom or allow anyone to leave.
- Do not make phone calls unless you have pertinent emergency information.
- Continue lockdown procedures until an “all clear” is announced or other instructions are given.
- In life-threatening situations, staff are empowered to deviate from written plans and take independent actions to implement lifesaving procedures when doing so is likely to reduce the risk of serious injury or death.

Administrator guidelines and action steps for lockdown may be found in the campus emergency management plan.

### Lockout

A lockout is used to limit movement on a college campus while a potential emergency is being assessed and managed such as medical emergencies, a weather-related emergency, a situation involving a person of concern like a mentally ill or intoxicated person who wanders into the College, etc.

1. Lock doors and windows. Leave shades/curtains open unless directed otherwise.
2. Continue instruction.
3. Admit students registered for your class who may be returning from the restroom, etc.
4. If outside, gather students together and if possible, call the Admin office on your mobile phone or, if available, two-way radio to determine if you should modify your activities, come into the building or go elsewhere.

**Additional Action Steps:**

- Do not leave the classroom or allow anyone to leave.

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- Do not make phone calls unless you have pertinent emergency information. In this case, call Facilities, 149 or Student Services, 101.
  - Continue lockdown procedures until an “all clear” is announced or other instructions are given.
  - In life-threatening situations, staff are empowered to deviate from written plans and take independent actions to implement lifesaving procedures when doing so is likely to reduce the risk of serious injury or death.

Administrator guidelines and action steps for lockout may be found in the campus emergency management plan.

### Evacuation

There are a number of situations in which it may be necessary to evacuate the College: fire, earthquake, hazardous materials, bomb threat, etc. The fire alarm should signal the evacuation, except in cases of a bomb threat or hazardous materials emergency. In other cases, you may receive specific evacuation instructions over the intercom or through another mechanism before the sounding of the fire alarm or the initiation of the evacuation.

1. When you hear the fire alarm or receive instructions to evacuate, leave the building immediately in a calm, orderly fashion.
2. The instructor leaves the classroom last, checking that all students are out of the classroom and adjoining restrooms.
3. Take your class record book and/or attendance sheet and any other agreed-upon paperwork. If you have a go-kit or two-way radio, take that also if possible.
4. Close doors as you leave. Do not lock doors or turn off lights. Leave everything else as is.
5. Be prepared to take alternative routes if smoke, fire or other dangers block your normal evacuation route.
6. Everyone should evacuate, including staff, visitors, and those needing additional assistance such as people with disabilities or short-term mobility issues.
7. Gather with and account for your students at the assembly area. Let an EBP member know if you are missing any students.
8. Keep your students together, reassuring them by giving instructions in a firm, calming voice.
9. Be prepared to move to an off-campus evacuation site if instructed.
10. Do not reenter the building until cleared by the appropriate authorities or the AIC.
11. In life-threatening situations, College staff are empowered to deviate from written plans and take independent actions to implement life-saving procedures whenever doing so is likely to reduce the risk of serious injury or death.

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Administrator guidelines and action steps for evacuation may be found in the campus emergency management plan.

### Shelter-in-Place

When hazardous materials contaminate the environment, whether on campus or in the surrounding community, it may be necessary to implement a Shelter-in-Place protocol.

1. When notified of a Shelter-in-Place, immediately close all windows and doors.
2. Use wet towels to seal gaps and openings around windows and under doors.
3. Shut off all HVAC systems – heating, ventilation, air conditioning systems, and classroom fans.
4. Cover and seal all openings to the outdoors using plastic sheeting and tape. Don't forget vents, air conditioning, and any other opening that would allow air from outside the building to get inside. For windows, only cover the part of the window that can open. For doors, cover both interior and exterior doors.
5. Account for your students, reassure them, and then continue instructional activities.
6. Be alert for anyone exhibiting physical symptoms like shortness of breath, dizziness or fainting, unexplained coughing or headache, etc., and request immediate medical attention if any of these symptoms are identified.
7. Continue Shelter-in-Place procedures until an "all clear" is announced or other instructions are given. Be prepared to quickly move to evacuation procedures and review them with students. It would not be unusual to have to move from a Shelter-in-Place to a campus evacuation in situations involving hazardous materials.
8. In life-threatening situations, College staff are empowered to deviate from written plans and take independent actions to implement life-saving procedures when doing so is likely to reduce the risk of serious injury or death.

Administrator guidelines and action steps for Shelter-in-Place may be found in the campus emergency management plan.

### Reverse Evacuation

A Reverse Evacuation is used to help get students and staff back into the College when it is dangerous to remain outside the facility. It can be used to protect students and staff from a wide range of outdoor threats including severe weather, a dangerous person, an aggressive animal or a hazardous materials incident. A reverse evacuation can be combined with lockdown, shelter-in-place and severe weather procedures since it is common for at least some students and/or staff to be outside the building when an emergency occurs.

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1. When notified of a Reverse Evacuation you should immediately return to the building with the students under your supervision.
  2. Instruct students to move quickly, but in a safe and orderly fashion. In dire situations, you may need to direct students to run or trot as appropriate. Assist students who cannot physically comply with this request.
  3. Remain alert to possible threats while heading back into the building. If a threat is identified, appropriate adjustments should be made to your route.
  4. When you get inside the building, continue to follow the instructions given by the administrator. In some cases, this will mean finding the closest available lockdown area or going into shelter-in-place mode as quickly as possible. In other cases, it might mean returning to your classroom and continuing normal instruction.
  5. In life-threatening situations, College staff are empowered to deviate from written plans and take independent actions to implement life-saving procedures whenever doing so is likely to reduce the risk of serious injury or death.

Administrator guidelines and action steps for reverse evacuations may be found in the campus emergency management plan.

## Emergency Notifications

The College utilizes the following procedures to provide emergency notifications regarding events or incidents on or in the vicinity of the campus to include: active shooters, campus lockdowns, campus evacuations, viral outbreaks, natural or man-made disasters or any incident that may threaten the safety and security of the College community.

- Campus Facilities & Public Safety is the primary department tasked with the emergency notification procedure. Secondary responsibility is assigned to the Public Information Officer (PIO).
- Once the determination has been made by the Facilities & Public Safety Manager or designee that an emergency notification needs to be initiated and if time permits, the Facilities & Public Safety Manager or designee will review the content of the message with the College President or the Admin in Charge (AIC).
- The notification will be sent out to the College community through the College's emergency notification system which may include, based on the individual incident, the email system, via phone call and/or text message to everyone who has enrolled in the system, via College owned phones and via intercoms/loud speakers. The same message may be posted on the College's website and social media accounts. All emergency notifications will be initiated without delay unless the notification will, in the professional judgement of responsible officials, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

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- The College Facilities & Public Safety Department is responsible for sending out an email reminder within the first five days of each term to all current faculty, staff and students explaining the emergency notification system and the process for registering.
  - The College Facilities & Public Safety Department is responsible for communicating the location and contents of the College Emergency Operations Plan (EOP) to all faculty, staff and students and for conducting at least one drill quarterly that tests the emergency notification system in combination with an emergency drill/exercise that is outlined in the College EOP. In the event that an emergency notification is initiated, Oregon Coast Community College will notify the local community through the following steps:
    - The College website and social media accounts will be updated.
    - The College Public Information Officer will communicate with a pre-determined list of community news organizations who will then release that information via their media outlets.

## Timely Warnings

The College utilizes the following procedures to provide Timely Warning notifications in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

- Facilities & Public Safety is the primary department tasked with the timely warning notification procedure. Secondary responsibility is assigned to the Public Information Officer (PIO).
- Once the determination has been made by the Facilities & Public Safety Manager or designee that a Timely Warning needs to be initiated and if time permits, the Facilities & Public Safety Manager or designee will review the content of the message with the College President or Admin in Charge (AIC).
- Timely warnings will be initiated for all crimes within the College's geographical area that represent a serious or continued threat to the College community.
- The notification will be sent out to the College community through the College's email system. The same message will be posted on the College's Facilities & Public Safety website. Oregon Coast Community College has the ability to notify specific College campuses through the email system and will evaluate the specific emergency when making the determination on who receives the notification.
- All Timely Warnings will be initiated without delay unless the notification will, in the professional judgement of responsible officials, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.
- Victim personally identifiable information is never included in a Timely Warning.

The College Facilities & Public Safety Department is responsible for sending out an email reminder within the first five days of each term to all current faculty, staff and students explaining the Timely Warning procedure.



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## Obtaining Registered Sex Offender Information

Information regarding registered sex offenders may be obtained from the Oregon State Police through its sex offender registration information line at 503-378-3720, extension 4429. Additionally, Oregon law mandates posting information on predatory sex offenders and sexually violent dangerous offenders to a public Internet site.<sup>7</sup> The Oregon State Police Sex Offender Registry Section posts this information at <https://sexoffenders.oregon.gov/>.

Sex offenders are required to register in person with the Oregon State Police or the police in the jurisdiction in which they reside, where they were released, or where placed on probation if they are students or if they work at institutions of higher education as employees, contractors, or volunteers within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education.

Sex offenders who may be required to register should contact local law enforcement agencies or the Oregon State Police, Sex Offender Unit, 503-378-3720

It is the intention of the College to be proactive in its efforts to be better informed about sex offenders attending classes. Information should be communicated with the VP of Student Affairs, 541-867-8511.

The VPSA will serve as primary contact for:

- Parole officers seeking to provide identification information to the College.
- Sex offenders and/or students who self-identify.
- College personnel to whom students self-identify.

The VPSA will work with the local probation officer to determine conditions of probation. Based on this information, the enrollment eligibility of the sex offender will be determined. If conditions of probation are currently being met and can be upheld on campus, the sex offender will meet with the VPSA to complete enrollment procedures.

## Campus Crime Reporting Options

In an emergency, dial 911.

Oregon Coast Community College utilizes the following procedures related to the reporting of criminal activity and other emergency situations on campus. In the event that there is an imminent threat to the safety and security of an individual or the College as a whole, any

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<sup>7</sup> Oregon Revised Statutes, 181.592, Section 1. Retrieved Dec. 15, 2019.  
[https://www.oregonlegislature.gov/bills\\_laws/lawsstatutes/2005orLaw0812ses.html](https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2005orLaw0812ses.html)

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incident should be reported directly to local law enforcement and then to OCCC Student Services who will then immediately contact the Facilities & Public Safety Officer.

After contacting 911, Student Services serves as the primary reporting location for all criminal activity and emergency situations on campus. Reporting can be accomplished in-person and by the following means:

- During Business hours, Student Affairs can be reached at 541-867-8501.
- Facilities & Public Safety can be reached 24/7 at 541-574-2828.

Crime reports and incident reports submitted to the Facilities & Public Safety Department are covered under Oregon state law and subject to public record requirements.

Reporting can also be accomplished by contacting a Campus Security Authority (CSAs). These individuals have been identified by the College to serve as CSAs because of specific duties or responsibilities associated with their position.

These individuals can assist you in reporting. A CSA will forward all reports (in their role as a CSA) to the College Facilities & Public Safety Department. Confidentiality may be maintained in some circumstances, but not all and may limit any further action by Oregon Coast Community College.

Campus Security Authorities			
Name	Title	Location	Phone
Chris Rogers	Facilities & Public Safety Director	Central County Campus, Facilities & Public Safety Bldg.	541-867-8549
Joy Gutknecht	Human Resources Director	Central County Campus, Office of Human Resources, Room 219	541-867-8515
Andres Oroz	VP Student Affairs	Central County Campus, Student Services	541-867-8511
Chris Rogers	Facilities & Public Safety Director	South County Center	541-867-8549

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## Prohibition of Drug and Alcohol Abuse

### Board Policy 3550

#### References:

34 Code of Federal Regulations Parts 86.1 et seq.;

Drug Free Schools and Communities Act, 20 U.S. Code Section 1145g;

Drug Free Workplace Act of 1988, 41 U.S. Code Section 702

The College shall be free from all drugs. Students and employees may not possess, use, or distribute illicit drugs and alcohol. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in all facilities under the control and use of the Oregon Coast Community College.

Any student or employee who violates this policy will be subject to disciplinary action (consistent with local, state, or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion, or dismissal.

The President shall assure that the College distributes annually to each student and employee the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

There are numerous health risks associated with the use of illicit drugs and the abuse of alcohol, including but not limited to

- Impairment of brain activity, digestion, and blood circulation; impairment of physiological processes and mental functioning; and, physical and psychological dependence. Such use during pregnancy may cause miscarriage, various birth defects or fetal alcohol syndrome. Additionally, the illicit use of drugs increases the risk of contracting hepatitis, AIDS and other infections. If used excessively, the use of alcohol or drugs singularly or in certain combinations may cause death.
- Alcohol is a central nervous system depressant that can impair coordination, inhibitions, self-control, memory, judgment, and reflexes. Large quantities may produce staggering, slurred speech, mood changes, unconsciousness and possibly death. Prolonged use can damage many organs of the body including the heart, liver, stomach, and pancreas.
- Marijuana can increase heart rate, interfere with sexual development, may cause a reduction in male fertility and disrupt the female menstrual cycle. It can increase the risk of disease/damage to the body's respiratory system, impair eye-hand coordination and other essential functions needed to operate a motor vehicle safely. It can also impair the body's immune system.
- Cocaine can cause feelings of depression, inability, impatience and pessimism. It can also cause severe weight loss, anxiety, hallucinations, increased heart rate and blood pressure. Cocaine has caused death by convulsion, failure of the respiratory system, and by heart attack.
- Certain over-the-counter and prescription drugs can also cause drug tolerance, dependence, and addiction.
- Interaction between various drugs, legal and illegal, may have serious consequences to the user. Various combinations of drugs may work at cross purposes within the body, and the combined effects of two or more drugs may be more potent than the effect of a single drug.
- Club drugs such as MDMA (Ecstasy), GHB, LSD, Rohypnol, Ketamine and Methamphetamine can cause serious health problems and possibly death. Many of these drugs are tasteless and

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odorless. The chemicals, drug sources and pharmacological agents used to manufacture these drugs often vary, making it difficult to determine all of the effects, symptoms and health risks associated with club drugs. Confusion, depression, impaired motor function, amnesia, psychotic behavior, cardiac failure and permanent neurological and organ damage are some known effects associated with the use of these drugs.

- Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects described.
- Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

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## Sexual and Other Assaults on Campus

### Board Policy 3540

#### References:

20 U.S. Code Section 1092(f);

34 Code of Federal Regulations Part 668.46(b) (11);

ORS 350.255

Any sexual assault or physical abuse, including, but not limited to rape as defined by state law, whether committed by an employee, student, or member of the public, that occurs on Oregon Coast Community College property, is a violation of Oregon Coast Community College policies and procedures, and is subject to all applicable punishment, including criminal procedures, and employee or student discipline procedures. Students, employees, and campus visitors who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The President shall establish administrative procedures that ensure that students, employees, and campus visitors who are victims of sexual and other assaults receive appropriate information and treatment. The Oregon Coast Community College will make educational information about preventing sexual violence is widely available on campus.

The procedures shall meet the criteria contained in 34 Code of Federal Regulations Part 668.46 and ORS 350.255. See also:

Administrative Policy 3434 – [Responding to Harassment Based on Sex under Title IX](#)

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## Title IX, Gender-Based and Sexual Misconduct

### Board Policy 212

#### References:

Federal Title IX;  
the Violence Against Women Act; and  
Clery Act

This OCCC Title IX policy creates and maintains a work and learning environment free from all forms of discrimination based on sex, gender, gender expression and actual or perceived gender identity or sexual orientation, gender identity and sex-based discrimination. This policy defines community expectations and establishes a mechanism for determining when those expectations have been violated. The College strives to create an environment that is safe for all. In consideration of our Intergovernmental Agreement and accrediting relationship with Portland Community College, the OCCC Board approves the adoption of the Portland Community College Gender-Based and Sexual Misconduct Policy [pdf] in order to comply with Federal Title IX, the Violence Against Women Act and Clery Act requirements and further directs the President or delegate(s) to develop a customized version of the policy specific to Oregon Coast Community College and ensure wide dissemination and education regarding the policy.

Note: [A customized version of the policy has been developed and posted on the College website.](#)

## Sexual Assault, Domestic Violence, Dating Violence, and Stalking

### Policies and Programs

Oregon Coast Community College is committed to creating and maintaining a community where all persons who participate in College programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. To foster this environment, the College prohibits sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking, and that such behaviors are prohibited both by law and College policy.

Students are expected to make themselves aware of, and comply with the law, and with College policies and regulations. Students are considered to be maturing adults, capable of making their own decisions, as well as accepting the consequences for those decisions. College policies, Standards of Student Conduct, and the student conduct process have been established to

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respond promptly and effectively to incidents involving allegations of inappropriate behavior within our community.

Sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking are violations of College policy. A number of federal laws and regulations, including Title IX, the Violence Against Women Act (VAWA), and the Clery Act mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of Oregon law as referenced in this publication.

Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. The College policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the policy, the College will impose serious sanctions, as noted in the following sections. All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. The College has jurisdiction over student conduct that occurs on College property, or in connection with official College functions whether on or off College property. The College may, at its sole discretion, exercise jurisdiction over student behavior that occurs off campus and that would violate student conduct policies or regulations when the alleged misconduct indicates the student poses a threat to the safety or security of any member(s) of the College community.

## Gender-Based and Sexual Misconduct Policy

Implemented as directed by Board Policy 215

Oregon Coast Community College (OCCC) students and employees, as well as guests and visitors, have the right to be free from all forms of discrimination based on sex, gender, gender expression, and actual or perceived gender identity or sexual orientation, gender identity and sex-based discrimination, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the College community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The College does not tolerate gender-based or sexual misconduct. When an allegation of gender-based or sexual misconduct is brought to an appropriate OCCC official's attention and a Respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and establish a mechanism for determining when those expectations have been violated.

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### Definitions – What Does This Policy Apply to?

The policy applies to all OCCC community members, including students, faculty, administrators, staff, volunteers, vendors, independent contractors, visitors and any individuals regularly or temporarily employed, studying, visiting, conducting business or having any official capacity with the College or on College property. This policy is intended to protect and guide individuals who have been affected by sexual harassment, sexual violence, stalking or intimate partner violence, or discrimination based on actual or perceived sexual orientation, gender identity or expression, whether as a Complainant or a Respondent, and to provide fair and equitable procedures for investigation and resolution of reports.

All OCCC community members are required to follow College policies and local, state, and federal law. This policy applies to conduct occurring on OCCC property or at College-sanctioned events or programs that take place off campus, including study abroad and internship programs. In situations in which both the Complainant and Respondent are members of the OCCC community, this policy will apply, regardless of the location of the incident. In particular, off-campus conduct that is likely to have a substantial adverse effect on, or poses a threat of danger to any member of the OCCC community, is covered under this policy.

A Complainant is encouraged to report misconduct regardless of where the incident occurred or who committed it. Even if the College does not have jurisdiction over the Respondent, the College will still take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

When used in this policy, the term “Complainant” refers to the individual who identifies themselves as being a victim or survivor of sexual harassment, sexual violence, stalking or intimate partner violence, or discrimination based on actual or perceived sexual orientation, gender identity or expression. The term “Respondent” refers to the individual who has been accused of prohibited conduct under this policy.

When used in this policy, “consent” must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threat, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard or being asleep or unconscious.

When used in this policy, the phrase “gender-based or sexual misconduct” includes, but is not limited to:



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## 1. Sexual Harassment

Conduct that is sexual in nature, is unwelcome, and that either (1) denies or limits an individual's ability to participate in or benefit from the College's educational programs; (2) creates a hostile, intimidating, or offensive working environment; or (3) submission to or rejection of such conduct is used as a basis for employment, salary, or other benefit changes affecting an employee or academic decisions affecting a student. 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 sexually-based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

### **Examples of Harassment:**

- a. A professor insists that a student have sex with them in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- b. An individual repeatedly sends sexually oriented jokes around on an email list they created, even when asked to stop, causing one recipient to avoid the sender on campus and in a student activity in which the student participates.
- c. Explicit sexual pictures are displayed in a professor's office.
- d. Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- e. A professor engages students in discussions in class about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. They probe for explicit details and demands that students answer, though they are clearly uncomfortable and hesitant.
- f. An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- g. Male students take to calling a particular brunette student "Monica" because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her and she is the target of relentless remarks about cigars, the president, "sexual relations," and Weight Watchers.
- h. A student grabs another student by the hair, then grabs her breast and put his mouth on it.
- i. A transgender student is using the men's locker room when another male student exclaims, "I'm gonna prove you're really a girl!" and tries to remove his towel so as to expose his genitals.

These offenses are referenced and incorporated within sexual harassment, but also broken-out as stand-alone offenses, below.

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The use of force is not “worse” than the subjective experience of violation of someone who has sex without consent. However, the use of physical force constitutes a stand-alone non-sexual offense, as well, as it is our expectation that those who use physical force (restrict, battery, etc.) would face not just the sexual misconduct charge, but charges under the code for the additional assaultive behavior.

2. Retaliation

Any adverse treatment (beyond a slight or annoyance) that is taken because a person engaged in protected activity (e.g., opposing discriminatory practices, filing a discrimination or discriminatory harassment complaint, or participating in an investigation, conduct process, or an attempt at resolution, etc.) or for the purpose of interfering with right or privilege granted under anti-discrimination laws.

3. Non-Consensual Sexual Contact

Any intentional sexual touching; however slight; with any object; by a person of any gender upon a person of any gender; that is without consent and/or by force.

4. Sexual Contact

Includes intentional contact with the breasts, buttocks, 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 of a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

5. Non-Consensual Sexual Intercourse

Includes any sexual intercourse; however slight; with any object; by a person of any gender upon a person of any gender; that is without consent and/or by force.

6. 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.

7. Sexual Exploitation

Occurs when an individual takes non-consensual or abusive sexual advantage of another for their 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 other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- a. Invasion of sexual privacy;
- b. Prostituting another individual;

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- c. Non-consensual video or audio-taping of sexual activity;
  - d. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
  - e. Engaging in voyeurism;
  - f. Knowingly transmitting an STI or HIV to another individual;
  - g. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
  - h. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

#### 8. Domestic Violence

Includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

#### 9. Dating Violence

Includes violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

#### 10. Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for their or another's safety, or to suffer substantial emotional distress.

#### 11. Intimidation

Words or conduct that place the victim in reasonable fear of bodily harm. Intimidation can be defined as an implied threat

#### 12. Incapacitation

Refers to an individual who lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:

- a. Decision-making ability;

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- b. Awareness of consequences;
  - c. Ability to make informed judgments; or
  - d. Capacity to appreciate nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a Respondent should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position.

### 13. Sexual assault

Actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

- a. intentional touching of another person's intimate parts without that person's consent;
- b. other intentional sexual contacts with another person without that person's consent;
- c. coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent;
- d. rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

### 14. Intimate Partner Violence (IPV)

Occurs when a current or former intimate partner uses or threatens physical or sexual violence. IPV also may take the form of a pattern of behavior that seeks to establish power and control by causing fear of physical or sexual violence. Stalking may also constitute IPV.

### Title IX Coordinator

Oregon Coast Community College's (OCCC) Title IX coordinator is the VP Student Affairs. The OCCC Title IX Coordinator ensures that OCCC faculty, staff, and students are aware of their legal rights under Title IX. The coordinator also works to ensure that OCCC complies with Title IX. The Title IX Coordinator will be informed of all complaints or reports of violations of this policy, and oversees the College's centralized response to ensure compliance with Title IX. The Title IX Coordinator's activities include, but are not limited to:

- Communicating with all members of the College community regarding Title IX and providing information about how individuals may access their rights;
- Reviewing applicable College policies to ensure institutional compliance with Title IX and The Violence Against Women Act (VAWA);
- Monitoring the College's administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements;

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- Conducting training regarding Title IX and prohibited conduct defined in this policy; and
  - Responding to any complaint or report regarding conduct that violates this policy. In this capacity, the Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any remedial measures, and monitors the administration of any related appeal.

The Title IX Coordinator may delegate responsibilities under this policy to designated administrators, who will be appropriately trained.

The College Title IX Coordinator's contact information is as follows:

Andres Oroz, VP Student Affairs

400 SE College Way

Newport, OR 9366

DeanofStudents@oregoncoast.edu

(541) 867-8511

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## Assistance Following an Incident of Gender-Based Sexual Misconduct

Any OCCC student, faculty, or staff member who has experienced sexual assault is strongly encouraged to seek immediate medical assistance by calling 911 and notifying OCCC's VP of Administrative Services or their designee at (541) 867-8516. The VPSA has oversight of the College's Facilities & Public Safety Department.

In the event of a sexual assault or a sexual misconduct incident requiring medical attention, visiting a hospital emergency room will ensure treatment is provided for possible injuries, pregnancy, or sexually transmitted disease. Additionally, a Sexual Assault Nurse Examiner (SANE) can obtain forensic evidence of an assault up to five days after the incident. This can be important if legal options are pursued later. Sexual Assault Nurse Examiners (SANE) are available at Samaritan Pacific Communities Hospital (541- 265-2244) in Newport and at Samaritan North Lincoln Hospital (541-994-3661) in Lincoln City.

My Sister's Place (541-994-5959) has trained crisis counselors who can accompany a victim to the hospital 24 hours a day. Additional community resources [can be found on the College's Lincoln County Resource Directory page](#). You are also encouraged to report the incident to OCCC by following the reporting procedures outlined in the Campus Crime Reporting Options section of this document.

The College encourages all members of our community to participate in the process of creating a safe, welcoming and respectful environment on campus. In particular, the College expects that all OCCC community members will take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who chose to exercise this positive moral obligation will be supported by the College and protected from retaliation.

### For Ongoing Assistance

The following resources are available for ongoing assistance, regardless of whether the victim chooses to make an official report or participate in an investigation or criminal process. This policy indicates the level of confidentiality offered by each of the listed on-campus resources. OCCC resources are not confidential—As State Mandated Reporters, OCCC employees are required to notify College officials, the Facilities and Public Safety Department, and/or law enforcement. The below resources are *not* confidential.

- Emergencies – Call 911
- VP Student Affairs/Title IX Coordinator – 541-867-8511
- VP Administrative Services—Deputy Coordinator, Students – 541-867-8516
- Human Resources Director—Deputy Coordinator, Staff – 541-867-8515
- TCB Security – 541-574-2828

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## Reporting – How to report/What to do

OCCC encourages anyone (Complainant) who feels they have been subjected to gender-based or sexual misconduct, including any form of it described above, or discrimination based on gender, actual or perceived sexual orientation, gender identity or expression to seek the support they need and so that the College can respond appropriately.

Different people at the College have different reporting responsibilities and different roles concerning the maintenance of confidentiality, depending upon their roles. Most employees of the College, however, are considered “responsible employees” and are required by law to report all details of an incident, including the identities of the Complainant and Respondent to the Title IX Coordinator.

### Confidential Reporting

Off campus counselors, advocates, and health care providers will generally maintain confidentiality and not share information with the College unless the Complainant requests the disclosure and signs a consent or waiver form.

### Confidential Community Resources (Title IX Assistance/Resources)

Off campus counselors, advocates, and health care providers will generally maintain confidentiality and not share information with the College unless the Complainant requests the disclosure and signs a consent or waiver form.

Department	Phone
My Sister’s Place Crisis Line	541-994-9424 1-800-222-3884
National Domestic Violence Hotline	1-800-799-7233
Domestic Violence and Sexual Assault Shelter/Services (24-hour crisis line)	877-770-5735
Domestic Violence Crisis Line	503-325-5735 1-800-799-7233

SafeNet	814-454-8161
Free confidential services for victims of domestic violence	
Oregon Department of Human Services	503-325-2021 800-643-4606
Lincoln County Department of Public Health	541-265-4112  36 SW Nye, Newport
Planned Parenthood	888-576-7526

### Limitations and Exceptions to Confidentiality

Individuals who speak to a counselor or advocate (on or off campus) must understand that, if they want to maintain confidentiality, the College will be unable to conduct an investigation or pursue disciplinary action against the alleged perpetrator.

### Reporting an Incident to OCCC

Complainants are encouraged to make formal reports of incidents. When formally reported, Complainants have the right and can expect to have incidents of sexual misconduct taken seriously by the College. The incidents will be investigated and properly resolved through administrative procedures. OCCC will seek to maintain privacy at all times during the process consistent with our responsibility to ensure both individual and community safety, as well as our commitment to providing an environment free from discrimination. This means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, interpreters/translators, Complainants, and Respondents.

Reports of incidents of gender-based or sexual misconduct, including any form of it, as described above, or discrimination may be made to any of the following College officials, who are designated and trained as Title IX “Deputies” and are charged with ensuring that any misconduct is eliminated, its recurrence is prevented, and addressing the effects. These individuals will also provide information regarding grievance procedures, interim measures during any investigation or policy process, and ongoing emotional support:



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## Title IX Representatives

Any individual who believes they may be the victim of any violation of Title IX to include sexual harassment and or sexual assault may report the incident to a Title IX Coordinator.

Name	Title	Location	Phone
Robin Gintner	Student Reports	Central County Campus, Office of Finance and Operations, Room 222	541-867-8516
	Deputy Title IX Coordinator		
	VP Administration Services		
Joy Gutknecht	Staff Reports	Central County Campus, Office of Human Resources, Room 219	541-867-8515
	Deputy Title IX Coordinator		
	Human Resources & Director		
Andres Oroz	Title IX Coordinator	Central County Campus, Student Services, Room	541-867-8511
	VP Student Affairs		

### Other “Responsible Employees”

For the purposes of this policy, and to most effectively respond to sexual misconduct that may impact the College community, all employees of the College that are not identified in the Confidential Reporting section of this policy are considered “responsible employees” and are required by law to report all details of an incident, including identities of the Complainant and Respondent, to the Title IX Coordinator or designated deputies.

In consideration of Office of Civil Rights (OCR) guidance, “responsible employees” includes any employee who has the authority to take action to redress the harassment, who has the duty to report sexual harassment to appropriate school officials, or an individual whom a student could reasonably believe has this authority or responsibility.

When an individual tells a “responsible employee” about an incident of sexual misconduct, the College is officially “on notice” and the incident must be reported to the Title IX Coordinator or a designated Title IX Deputy. The employee must report all relevant details about the alleged

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sexual misconduct shared by the Complainant and/or assure that the Complainant files a formal report with the College.

Before any information is revealed to a “responsible employee,” the employee should ensure that the Complainant understands the employee’s reporting obligations. If the Complainant wants to tell the “responsible employee” what happened, but also maintain confidentiality, understand that the Title IX Coordinator will consider the request, but cannot guarantee that the College will be able to honor it.

Responsible employees will not pressure a Complainant to either request confidentiality or make a full report, but rather will honor and support the individual’s wishes to the full extent possible.

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## College Reporting and Timely Warning Obligations

OCCC is required by the Higher Education Opportunity Act and Clery Act to annually publish statistical information related to reported incidents of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. The information shared includes the date, location of the incident, and Clery crime category. All personally identifiable information is kept confidential. The VP Administrative Services or their designee is responsible for collecting the data from a variety of College sources and publishing the report.

The College is also obligated by the federal directive to issue immediate “timely warnings” for incidents reported that are considered, in the judgment of the OCCC Department of Public Safety, to pose a substantial threat to the College community. The College will make every effort to ensure that victims’ names and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Public Safety (Facilities & Public Safety)			
Name	Title	Email	Phone
Chris Rogers	Facilities & Public Safety Director	<a href="mailto:chris.rogers@oregoncoast.edu">chris.rogers@oregoncoast.edu</a>	541-867-8549
TCB security	After 5 p.m.		541-574-2828

## Anonymous Reporting

The College will accept and investigate, to the extent possible, anonymous reports of sexual misconduct. Reporting parties must understand that 1) anonymous reports may trigger a formal Title IX investigation and 2) anonymous reports often limit the College’s ability to conduct an investigation or pursue disciplinary action.

## Public Awareness Events and Disclosure

Public awareness events such as “Take Back the Night,” the Clothesline Project, and other forums in which individuals disclose incidents of sexual violence are not considered a notice to the College of sexual violence for the purposes of triggering a Title IX investigation. Such events may inform the need for campus-wide prevention and education efforts, however, and efforts will be made to provide information about Title IX rights at such events.

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### Protection Against Retaliation

This policy and Title IX prohibit retaliation against a Complainant or witnesses for filing or participating in the investigation of a sexual misconduct complaint. Retaliation is any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against individuals for exercising their rights (or supporting others for exercising their rights) under this policy. OCCC will investigate any reports of retaliation and take appropriate disciplinary action.

### Interim Measures, Accommodations, and Sanctions

Where appropriate, OCCC will implement interim measures on its own initiative or in response to a request from a Complainant (the alleged victim of sexual misconduct) or Respondent (the alleged perpetrator of sexual misconduct).

Interim measures for students may include, but are not limited to:

- Advocacy to access community resources for ongoing assistance to include, but not limited to: individualized safety plan, counseling, case management/advocacy, support group/s, legal advocacy, emergency shelter/housing, etc.;
- No-contact directives;
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Changing class schedules, including the ability to transfer course sections or withdraw from a course without penalty;
- Changing work schedules, job assignments, or job locations for college employment;
- Providing an escort to ensure safe movement between classes and activities;
- Providing academic support services, such as tutoring;
- Limiting or barring an individual's or organization's access to certain OCCC-owned facilities or activities;
- Interim suspension of the Respondent;
- Student-requested leaves of absence.

Interim measures for faculty and staff may include, but are not limited to:

- Assistance in setting up an initial appointment for counseling;
- Changing work schedules, job assignments, or job locations;
- Limiting or barring an individual's or organization's access to certain OCCC-owned facilities or activities;
- Providing an escort to ensure safe movement on campus;
- Administrative leave;
- OCCC-imposed leave or physical separation from individuals or locations.
- Referral to My Sister's Place.

The provision of appropriate interim measures will depend upon the particular facts of the situation. Factors that will be considered include the Complainant's expressed need, the age of

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the parties involved, the severity or pervasiveness of the allegations, any continuing effects on the Complainant, whether the Complainant and the alleged perpetrator share a classes or other educational program, extracurricular activities, transportation, or work location, as well as whether protective orders or similar judicial measures have been taken to protect the Complainant. Interim measures will not place a disproportionate burden on the Complainant, nor create a presumption that the Respondent has violated College policy.

### Investigation Procedures

OCCC's Title IX Coordinator or deputies will ensure that a complaint of gender-based or sexual misconduct is promptly investigated as follows:

#### Student complaints

Complaints that allege misconduct by another student or external party (someone other than a student or OCCC employee) will be investigated.

#### Staff complaints

If the accused is an employee or staff member, the complaint will be investigated by a designee assigned by the Title IX Coordinator or deputy, a Title IX trained faculty representative or a Human Resource representative. (This is not an exhaustive listing.)

#### Timing of Investigations

OCCC will seek to complete the investigation within sixty (60) College business days after receipt of the complaint or report. There may be circumstances that warrant an extension of the sixty (60) day deadline. The timeframe may be extended depending upon the complexity of the circumstances of each case. The Complainant and the Respondent will be notified in writing of the reason for the extension and the projected completion date. OCCC will notify a Complainant of the right to file a criminal complaint with law enforcement. OCCC will cooperate with an ongoing investigation of the complaint by outside law enforcement. This may require that OCCC temporarily delay its investigation while law enforcement gathers evidence. However, OCCC will not wait for the conclusion of a criminal proceeding to initiate its own investigation. In the event OCCC's investigation is delayed, steps will be taken to provide the Complainant with appropriate interim measures. The parties will also be updated on the status of the investigation and advised when it is resumed. OCCC will promptly resume its investigation once notified that law enforcement has completed gathering evidence in the investigation.

#### Preservation of Evidence

OCCC's Facilities & Public Safety Department or their designee should be notified as soon as possible of any incident of sexual misconduct. The Facilities & Public Safety Department or their designee will offer guidance to assist in evidence preservation and will also notify the proper law enforcement agency to respond. The Facilities & Public Safety Department or their

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designee will also consult and coordinate as needed with law enforcement agencies or forensic experts on the interpretation of any forensic evidence included in the investigation.

#### Information Sharing

OCCC is in the process of creating MOUs addressing protocols for information sharing with surrounding county and city police agencies.

#### Investigation Result and Sanctions

The investigator will conduct an adequate, reliable, and impartial investigation into the allegations and will provide an opportunity for both the Complainant and Respondent to present witnesses and other evidence. After reviewing all evidence and supporting documentation, the investigator will prepare a written report of the investigation findings and recommendations to the Title IX Coordinator (discussed in more detail below) to review and determine whether or what sanction or disciplinary action (if any) should be taken. The Title IX Coordinator will review the investigator's report and findings and work with the appropriate OCCC Officials to determine the appropriate remedy (if any), including sanctions or disciplinary actions. Once a determination has been made on the appropriate remedy (if any), the Title IX Coordinator will issue a written notice of the outcome to the Complainant and Respondent. All findings in the proceedings will be by a preponderance of the evidence, which means that the Title IX Coordinator will determine whether the sum of all the evidence shows that it is more likely than not that the Respondent violated College policy. This standard will be used in any Title IX fact-finding and related proceedings, including any hearings. The College will also maintain a written record of disciplinary and other action taken by the College, if any, in response to the findings; response and action taken by administrators, including interim and permanent action to address the allegations and findings; and all other written action taken to prevent recurrence of any sexual misconduct incident.

#### Investigation & Confidentiality

In the event that a Complainant's request for confidentiality limits OCCC's ability to investigate, OCCC will take reasonable steps to limit the effects of the alleged acts and prevent their recurrence. Reasonable steps may include increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing the school's policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.

#### Employee and Student Sanctions

Possible sanctions for employees (list is not exhaustive):

- Verbal warning
- Last chance agreement
- Written warning
- Dismissal

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- Suspension without pay
  - Disciplinary probation
  - Training
  - Transfer
  - Demotion

Possible sanctions for students (list is not exhaustive):

- Verbal Warning
- Disciplinary Probation
- Limitation of privileges (i.e., restrictions of campus access, courses, etc.)
- Reassignment of classes
- Restitution
- Community Service
- Disciplinary Suspension
- Trespass
- Expulsion
- Other sanctions deemed appropriate

### Procedures for Employees

Sexual Misconduct complaints against OCCC employees will be handled in accordance with the procedures outlined in the College's Nondiscrimination and Non-harassment Policy and the process outlined above. These processes should be read to be consistent with one another and in the event of a direct conflict between the two, the Gender-Based and Sexual Misconduct policy shall govern. The process for resolving gender-based or sexual misconduct complaints may include some or all of the following actions: informal inquiry and discussion, disciplinary action, or other appropriate action.

The College will not compel a Complainant to engage in mediation, to directly confront the Respondent. Mediation, even if voluntary, may not be used in cases involving sexual misconduct.

A Complainant or Respondent may appeal the decision on the basis of an alleged failure to follow this Policy. A Complainant or Respondent may also submit an appeal disputing the severity of the sanction issued. A Complainant or Respondent may do so by submitting a written appeal to the College President or designee within 14 calendar days after the notice of outcome is delivered to the address on record for the Complainant. The College President or designee shall render a decision on the appeal within 14 calendar days of its submission. Certain employees (classified staff, management and confidential employees, and faculty) who are subject to discipline may have other processes available pursuant to the handbook, statute, or collective bargaining agreement that are not covered by this Policy.

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A Complainant's prior sexual history is not relevant and will not be considered in a grievance process. Where there is a current or ongoing relationship between the Complainant and the Respondent and the Respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not permitted.

### Procedures for Students

Gender-based or sexual misconduct complaints against OCCC students will be handled in accordance with the OCCC Policy on Student Conduct and the process outlined in this policy (as described below).

These processes should be read to be consistent with one another and in the event of a direct conflict between the two, Gender-Based Sexual Misconduct Policy shall govern. The process for resolving gender-based or sexual misconduct complaints may include some or all of the following actions: informal inquiry and discussion, disciplinary action, or other appropriate action

The College will not compel a Complainant to engage in mediation, to directly confront the Respondent. Mediation, even if voluntary, may not be used in cases involving sexual misconduct. A Complainant's prior sexual history is not relevant and will not be considered in a conduct process. Where there is a current or ongoing relationship between the Complainant and the Respondent and the Respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not permitted.

A Complainant or Respondent may appeal the decision on the basis of an alleged failure to follow this Policy. A Complainant or Respondent may also submit an appeal disputing the severity of the sanction issued. A Complainant or Respondent may do so by submitting a written appeal to the College President or designee within 14 calendar days after the notice of outcome, as described above, is delivered to the address on record for the Complainant. The College President or designee shall render a decision on the appeal within 14 calendar days of its submission.

### Advisors

In an investigation, appeal, Grievance (employees), or Conduct Process (students), the Complainant and Respondent may choose to be assisted by an advisor. The advisor may accompany the individual to any College investigative, administrative, or adjudicative meeting, including any disciplinary inquiry. The advisor may not speak during the meeting or hearing,



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address the official(s) conducting the inquiry, or question witnesses. A Complainant and Respondent may also choose to be assisted by an advocate/emotional support person of their choice. To serve as a support person, the individual will be required to meet with the official(s) conducting the inquiry or the Title IX Coordinator in advance of any participation in the proceedings. The Survivor Advocate may serve as a support person for a Complainant. The advocate/support person cannot be a witness in the proceedings. The advocate/support person is a silent and non-participating presence who is there solely to observe and provide moral support during the meeting itself. This person is not to address the official(s) conducting the inquiry except to ask for a short recess if one of the parties requires some time to compose themselves or collect their thoughts. The official(s) conducting the inquiry has the right at all times to determine what constitutes appropriate behavior on the part of a support person and whether the person may remain at the proceedings. While the support person may be present to hear testimony, no written materials are to be shared with support people.

Absent extenuating circumstances, witnesses and others involved in an investigation, inquiry, or hearing are not entitled to have a support person present. A Complainant or Respondent may choose to seek the advice and assistance of an attorney at their own expense. The College will not recognize or enforce agreements between the parties outside of OCCC disciplinary procedures.

### Prevention and Education

The College is committed to a comprehensive educational and training program to promote awareness of and prevent sex discrimination, including sexual misconduct.

1. Mandatory initial and refresher Sexual Harassment Prevention Training (SHPT) for College employees will be scheduled by the Office of the VP Student Affairs. New employees should complete this training within their first six months of employment with refreshers every two years.
2. SHPT includes information on Title IX obligations and the nature and consequences of sexual harassment, including sexual misconduct, and discusses reporting options, resources, and procedures for handling complaints.
3. Supervisors are responsible for ensuring that their employees complete the mandatory SHPT initial and refresher trainings.
4. The Offices of Student Affairs and Academic Affairs, Human Resources, and other campus offices promote awareness of and provide additional communication about and training in the prevention of sex discrimination, including sexual misconduct.
5. Workshops are offered to College employees and students, both online and in person, to provide sexual harassment prevention education every two years.
6. College employees who are new or are within 90 days of the two-year anniversary of the completion of last completed training will receive an email informing them of their requirement with training requirements.

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### Staff and Faculty Training

From the Office of Civil Rights in the US Department of Education's April 29, 2014 bulletin, Questions and Answers on Title IX and Sexual Violence, "a school should ensure that staff are capable of providing culturally competent counseling to all Complainants. Thus, a school should ensure that its counselors and other staff who are responsible for receiving and responding to complaints of sexual violence, including investigators and College officials involved in reviewing or processing a complaint under this Policy, receive appropriate training about working with LGBT and gender- nonconforming students and same-sex sexual violence."

- **In-person Training**

Additionally there will be training scheduled by the Title IX Coordinator/Title IX Training Coordinator.

- **Web-based Training**

Staff and faculty will be required to go through a web-based training tool that informs them of their responsibilities around Title IX and OCCC Policies regarding sexual misconduct.

- **Venues and Topics for Training**

Venues

- In-service
- New Faculty Orientation
- New Student Orientation

Topics

- Students: Know Your IX
- Staff and Faculty: Know Your IX
- Staff and Faculty: Where OCCC Stands Now with Title IX
- Staff and Faculty: SA Prevention 101
- Staff and Faculty: SA Victim Advocacy 101

### Bystander Intervention

College offers bystander intervention information to all students in an effort to ensure that each member of the campus community is invested in creating a safe campus environment for themselves and others and safe options for preventing harm and intervening when a risk of sexual misconduct exists.

### Tips and Strategies (from the NSVRC TIP SHEET)

The #MeToo movement has brought forth thousands of powerful stories illustrating the serious and widespread impact of sexual harassment and abuse. The wave of stories and research has made clear that sexual violence is not limited to just a few abusers, industries, or populations of victims. Now that the scope of the problem is clearer than ever; it is time for a national

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conversation on how everyone – not just survivors – can use their voices to change the culture and take action to prevent sexual violence.

#### Why Bystander Intervention Matters

Preventing sexual harassment is everybody's responsibility. An engaged bystander is someone who lives up to that responsibility by intervening before, during, or after a situation when they see or hear behaviors that threaten, harass, or otherwise encourage sexual violence. The behaviors that make up sexual violence exist on a spectrum. While some behaviors – such as sexist jokes, inappropriate sexual comments, innuendos, catcalling, or vulgar gestures – aren't illegal, this does not make them any less threatening or harmful to the person experiencing them. These situations also take place across a range of locations and settings – often in public spaces, workplaces, schools, communities, and online. All of us must embrace our voices to demonstrate that these behaviors will not be tolerated.

#### How to Be a Good Bystander

It may not be safe or effective to directly confront the harasser in every case, but there is a range of ways bystanders can be involved before, during, or after a situation when they see or hear behaviors that promote sexual violence.

#### **Below are some intervention tips and strategies:**

- *Disrupt the Situation*  
Every situation is different, and there is no one way to respond. When you witness a person being harassed, threatened, or followed by someone, you can try to distract the harasser or insert yourself into their interaction to help the targeted person get out of the situation. For example, if you see someone on the street being verbally harassed, you can interrupt the harasser and ask them for directions. You can also intervene by pretending to know the person being harassed and starting a conversation with them as an opportunity to come between them and the harasser.
- *Don't Act Alone*  
Get support from people around you by calling on others to help. The more people who come together to interrupt a situation, the more you reinforce the idea that the behavior is not acceptable in your community. This can be as simple as saying, "Let's say something to them so they stop." If you do not feel safe, you may consider contacting the police.
- *Confront the Harasser*  
Whether or not you know the harasser, you can intervene by telling them in a respectful, direct, and honest way that their words or actions are not okay. For

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example, when you hear someone make comments that blame victims for being assaulted or make light of sexual violence, you can tell them:

- You need to stop.
- That's so inappropriate.
- What you just said made me feel uncomfortable. Here's why...
- Do you realize how problematic that is?
- We need to talk about what you just said.
- Why would you say that?

- *Set the Expectation to Speak Up and Step In*

Talking openly and responding directly to inappropriate behaviors will have a snowball effect and encourage others to respond. It shows you recognize the comment or behavior is unacceptable and shows others it will not be tolerated. For example, if you are in a group setting and you hear someone make inappropriate comments, you can say:

- Are you hearing what I am hearing?
- I can't be the only one who thinks this is not OK.
- I don't see how XYZ is relevant or appropriate to this discussion. [?]
- I know you're a better person than that.

- *Understand How Your Privilege Positions You to Speak Up*

Your age, race, gender, etc. may make it safer for you to speak up and be vocal about harassment – especially when you are not the target or representative of the target group.

- Focus on the needs and experience of the target and ensure they receive the support they need.
- Let them know that what has happened to them isn't their fault.
- Affirm that they didn't do anything wrong.
- Express your support for the individual.
  - I saw what they just did. Are you OK?
  - I heard what that person said to you. I am so sorry.

- *Take Action Online*

Everyone can help address an online culture that tolerates rape and sexual violence. Online comments that blame victims contribute to a broader climate in which sexual violence is tolerated and not taken seriously.

- Believe and support survivors. For example, thank survivors for sharing their stories in the comments of news articles and blog posts.
- Respond to victim-blaming, rape jokes, or other problematic comments on social media:

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- Post a response like, “Sexual assault is never the survivor’s fault.”
    - Refocus accountability on the individual(s) who committed sexual abuse.
  - Link to an educational resource about sexual violence prevention, like those that can be found at [nsvrc.org/publications](https://www.nsvrc.org/publications).
  - *Be Proactive*

Practice with friends and family what you would say and how you would say it if you’re ever put in the situation where you need to confront a harasser. Think of how you would like others to take action on your behalf, or reflect on a situation where you wish you had acted differently.

*Publication Type: Tip sheet*

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*Copyright date: 2018*

*Source: <https://www.nsvrc.org/bystander-intervention-tips-and-strategies>*

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## Appendix A: Daily Crime Log

As required by the Clery Act, the College maintains a log of all criminal activity.

An entry, an addition to an entry or a change in the disposition of a complaint must be recorded within two business days (5-6)

Clery allows information to be temporarily excluded “if there is clear and convincing evidence that the release of information would jeopardize an ongoing investigation; jeopardize the safety of an individual; cause a suspect to flee or evade detection; or result in the destruction of evidence.” (5-6)

**Accessibility:** The crime log for the most recent 60-day period must be open to public inspection, free of charge, upon request, during normal business hours. You cannot require a written request. Anyone may have access to the log, whether or not they are associated with your institution. This includes the media. Make any portion of the log that is older than 60 days available within two business days of a request for public inspection.

\*Nature/Classification definitions may be found in the College's Annual Safety Report

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## Appendix B: Record Retention

This document and all supporting records used for compilation must be retained for three years from the latest publication of the report to which records apply (9-11). This requires a minimum record retention for a seven-year period from the date of a reportable incident.

Record retention is further addressed in Board Policy 3310 and applicable Oregon Revised Statutes<sup>8</sup>.

*“Records to be kept include, but are not limited to, the following: copies of crime reports; the daily crime logs; records for arrests and referrals for disciplinary action; timely warning and emergency notification reports; documentation, such as letters to and from local police having to do with Clery Act compliance; letters to and from campus security authorities; correspondence with us regarding Clery Act compliance; and copies of notices to students and employees about the availability of the annual security report. Make sure to date all documentation, and ensure it is easily retrievable. If you scan paper documents for archival purposes, be sure to scan the complete document. We suggest that you have more than one person at your school who knows where the documentation is kept.”*

### **References:**

Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, and 45;  
NWCCU Standards 2.A.20 and 2.D.7  
ORS 192.005 to 192.170  
ORS 357.805 to 357.845  
[OAR Chapter 166, Division 450](#)

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<sup>8 8</sup> U.S. Department of Education. (2016). *The Handbook for Campus Safety and Security Reporting, 2016 Edition*,. Washington, D.C.: Office of Postsecondary Education., 9-11.



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## Appendix C: Applicable Oregon Coast Community College Policies

BP 301 (Adopted: 02/28/2018)

BP 3430: Prohibition of Harassment (Adopted January 15, 2020)

AP 3501: Campus Security and Access

BP 3515: Reporting of Crimes (Adopted: 9/18/2019)

BP 3520: Local Law Enforcement (Adopted: 9/18/2019)

BP 3540: Sexual and Other Assaults on Campus (Adopted: 9/18/2019)

BP 3550: Drug-Free Environment and Drug Prevention Program (Adopted: 9/18/2019)

BP 3560: Alcohol Beverages (Adopted: 9/18/2019)

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## Non-Discrimination Declaration

The College prohibits unlawful discrimination based on race, color, religion, national origin, sex, marital status, disability, veteran status, age, sexual orientation, or any other status protected by federal, state, or local law in any area, activity or operation of the College. The College also prohibits retaliation against an individual for engaging in activity protected under this policy, and interfering with rights or privileges granted under anti-discrimination laws.

In addition, the College complies with applicable provisions of the Civil Rights Act of 1964 (as amended), related Executive Orders 11246 and 11375, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 (as amended), Uniformed Services Employment and Reemployment Rights Act ("USERRA"), and all local and state civil rights laws. Under this policy, equal opportunity for employment, admission, and participation in the College's programs, services, and activities will be extended to all persons, and the College will promote equal opportunity and treatment through application of this policy and other College efforts designed for that purpose.

Persons having questions about equal opportunity and nondiscrimination should contact either:

Andres Oroz, VP Student Affairs 541-867-8511  
[DeanOfStudents@oregoncoast.edu](mailto:DeanOfStudents@oregoncoast.edu)

Joy Gutknecht, Human Resources & Process Improvement Director, 541-867-8515  
[joy.gutknecht@oregoncoast.edu](mailto:joy.gutknecht@oregoncoast.edu)

Questions can also be mailed to their attention at:  
400 SE College Way, Newport, OR 97366

## Accommodations

In compliance with the American with Disabilities Act (ADA), Oregon Coast Community College provides reasonable accommodation to students with disabilities. If you desire reasonable accommodation, please contact the VP Student Affairs and Section 504 Compliance Officer (400 SE College Way, Newport, OR 97366) at 541-867-8511 or at [DeanOfStudents@oregoncoast.edu](mailto:DeanOfStudents@oregoncoast.edu)

Individuals with mobility impairments will have access to all the College's programs and activities. If you have any questions or comments regarding the accessibility of any facilities utilized by OCCC, please contact the VP Student Affairs and Section 504 Compliance Officer

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(400 SE College Way, Newport , OR 97366) at 541-867-8511 or  
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