

Annual Safety Report

*This report provides 2023-2025
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, 2026.*

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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 2025. 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.

This report may be viewed on the College website at:
<https://oregoncoast.edu/community/facilities-safety/>

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 are provided this information as part of Student Resources in their learning management system portal and new employees are provided the report within their payroll and human resources system portal.

For questions regarding the information published in this report, to request a printed copy of this document or to arrange an inspection of the College's daily crime log, contact Joy Gutknecht, Director of Human Resources, 541-867-8515, or email 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 Public Safety (Facilities & Public Safety Dept.)			541-867-8549
College Administration Offices			541-867-8532
Joy Gutknecht	Deputy Title IX Coordinator (Staff)/Director of Human Resources	joy.gutknecht@oregoncoast.edu	541-867-8515
Chris Rogers	Director of Facilities & Public Safety	chris.rogers@oregoncoast.edu	541-867-8549
Kristina Holton	Title IX Coordinator/ VP of Academic & Student Affairs	kristina.holton@oregoncoast.edu	541-867-8511
Robin Gintner	Deputy Title IX Coordinator (Students)/VP of Administrative Services	robin.gintner@oregoncoast.edu	541-867-8516
TCB Security	(after 5 p.m.)	Central County Campus	541-574-2828

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

Department	Phone
Emergency Response	911
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

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>.

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.¹

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

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, a statement of current policies for reporting crimes or other emergencies in or on non-campus buildings or property. It also 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. Additionally, it requires schools to protect victim confidentiality when reporting criminal threats to the campus community and 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" that reviewed procedures dealing with sexual misconduct.

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 College². 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.³

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



² 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.

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

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) Locations Utilized in 2025 (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.



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

Units one and two

625 N. Bay Rd.

Toledo, OR 97391

Reporting will include units one, two and three, 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) and South County Center (Waldport identified in the table as "other" for the calendar years 2023, 2024, and 2025).

A single incident meeting the definition of more than one of the categories below is reported in each applicable category⁴.

⁴ Clery Handbook (3-2)

Crimes Statistics: 2023, 2024, and 2025

Central Campus, Newport									
	2023			2024			2025		
	Campus	Other	Public	Campus	Other	Public	Campus	Other	Public
Criminal Offenses									
Criminal Homicide	0	0	0	0	0	0	0	0	0
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sexual Assault									
Sexual Assault	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes (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	0
Sexual Assault	0	0	0	0	0	0	0	0	0
ORobbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0

Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0
<i>VAWA Offenses</i>									
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	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	0
Drug Laws	0	0	0	0	0	0	0	0	0
Liquor Laws	0	0	0	0	0	0	0	0	0
Hazing	--	--	--	--	--	--	0	0	0

*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.

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.

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 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).⁵

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.

⁵ Clery Handbook, (3-26)

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.

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.

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
- (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.

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;
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, 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 7:30 a.m. to 8:30 p.m., Monday through Thursday; and 7:30 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 in the event of an emergency.

Basic Protocols

These are the first few action steps to take for each of our basic emergency response protocols. Detailed procedures for staff are maintained in the College's Emergency Plan⁶.

⁶ Oregon Coast Community College Emergency Response Plan - May 2025.

Lockdown

1. Lock doors & windows. Leave blinds/shades open.
2. Turn off lights.
3. Block any entrances to your room.
4. Everyone on the floor & quiet.
5. Do not admit anyone.

Lock Out

1. Lock doors & windows. Leave blinds/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.

Shelter-in-place

1. Close all windows and doors.
2. If hazardous materials contamination, turn off HVAC systems.
3. Be alert to anyone exhibiting physical symptoms

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.

1. If 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 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, identify several potential escape routes and be ready to move yourself and others quickly away from any danger that presents itself.

Additional Action Steps:

- Do not leave the classroom or allow anyone to leave.
- If you have pertinent emergency information, contact Public Safety, ext. 149.
- 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 college emergency management plan.

Lock Out

A lock Out 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 blinds/shades open unless directed otherwise.
2. Continue instruction.
3. Admit students registered for your class who may be returning from the restroom, etc.

Additional Action Steps:

- Do not leave the classroom or allow anyone to leave.
- If you have pertinent emergency information, call Public Safety, ext. 149
- 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 college 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.

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1. When you hear the fire alarm or receive instructions to evacuate, leave the building immediately in a calm, orderly fashion.
 2. Faculty should leave the classrooms last, checking that everyone is out of the classroom.
 3. Close doors as you leave. Do not lock doors or turn off lights. Leave everything else as is.
 4. Be prepared to take alternative routes if smoke, fire or other dangers block your normal evacuation route.
 5. Everyone should evacuate, including visitors and those needing additional assistance such as people with disabilities or short-term mobility issues.
 6. Gather in the designated outdoor assembly area. If you are a faculty or staff with minor students in your classroom/care, instruct those students to stay with you. Once you reach the assembly areas, locate a member of the Essential Building Personnel (EBP) Team to take the minor students to their own designated assembly area.
 7. Be prepared to move to leave campus if instructed.
 8. Do not reenter the building until cleared by the appropriate authorities or the AIC.
 9. 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 evacuation may be found in the college emergency management plan.

Shelter-in-Place

Some emergency situations may make it necessary to implement a Shelter-in-Place protocol, such as if there is severe weather or contamination by hazardous materials.

1. When notified of a Shelter-in-Place, immediately close all windows and doors.
2. If hazardous materials exposure, 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.
3. 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.
4. 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 college emergency management plan.

Reverse Evacuation

A Reverse Evacuation is used to get students, employees and visitors back into the College when it is dangerous to remain outside the building. It can be used to protect against 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 if students and/or employees happen to be outside when an emergency occurs.

1. When notified of a Reverse Evacuation you should immediately return to the building.
2. Instruct individuals who are outside to move quickly, but safely. Assist anyone who cannot physically comply with this request.
3. Remain alert to possible threats while heading back into the building. If a threat is identified, make appropriate adjustments to your route.
4. When you get inside the building, continue to follow the instructions given by Public Safety or the EBP Team. 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 activities.
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 college 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.

- The Facilities & Public Safety Department is the primary department tasked with the emergency notification procedure. Secondary responsibility is assigned to the Public Information Officer (PIO).

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- Once the determination has been made that an emergency notification needs to be initiated, the Director of Facilities & Public Safety or their 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, phone system, and text messaging via Flash Alert and Paylocity. 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.
 - The College provides information to faculty, staff and students explaining the Flash Alert emergency notification system and the process for registering.
 - Public Safety is responsible for maintaining and updating the contents of the Oregon Coast Community College Emergency Plan. The Emergency Plan is then made available to all faculty, staff and students via the college website, the Paylocity pay system and the Canvas learning management system.
 - Public Safety conducts emergency drills throughout the academic year to test the emergency notification system in combination with emergency response scenarios as outlined in the Emergency Plan. If an actual 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 that a Timely Warning needs to be initiated and if time permits, the Director of Facilities & Public Safety, or their 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 website. The College will evaluate the specific emergency when making the determination on who receives the notification.

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- 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 provides information to all faculty, staff and students that explains the Timely Warning procedure.

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.⁷ 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 College's Vice President of Student & Academic affairs, 541-867-8511.

The Vice President of Academic & Student Affairs 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 Vice President of Academic & Student Affairs 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 Vice President of Academic & Student Affairs to complete enrollment procedures.

⁷ Oregon Revised Statutes, 181.592, Section 1. Retrieved Dec. 15, 2019.
https://www.oregonlegislature.gov/bills_laws/laws/statutes/2005orLaw0812ses.html

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, it should be reported directly to local law enforcement and then to OCCC Student Affairs who will then immediately contact Public Safety.

After contacting 911, Student Affairs 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.
- Public Safety can be reached 24/7 at 541-867-8549.

Crime reports and incident reports submitted to Public Safety 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 Director of Facilities & Public Safety. 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	Director of Facilities & Public Safety	Central Campus, Office of Facilities & Public Safety	541-867-8549
Joy Gutknecht	Director of Human Resources	Central Campus, Office of Human Resources, Room 219	541-867-8515
Kristina Holton	VP of Academic & Student Affairs	Central Campus, Room 220	541-867-8511

Drug Free Environment and Drug Prevention Program

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.

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:

<https://oregoncoast.edu/feedbackandcomplaints/>

Prohibition of Sexual Harassment under Title IX

Board Policy 3433

References:

Title IX of the Education Amendments Act of 1972.

34 Code of Federal Regulations Part 106

Notes:

1. Due to changes occurring at the federal level as a result of lawsuits and the change in administrations, Oregon Coast Community College reserves the right to update BP 3433 and any related policies and procedures at any time to comply with state and federal laws and regulations.

2. The College recognizes that federal and state laws differ in terms of procedural practices and protections based on gender identity. The Title IX Coordinator will determine whether a complaint is to be investigated as a potential violation of Title IX and/or Oregon sexual harassment law. Procedures required for Title IX will be followed for all complaints that could reasonably result in a Title IX violation. If the complaint does not meet the requirements of being a potential Title IX violation, the state procedures and definitions will be applied to the investigation.

All forms of sexual harassment are contrary to basic standards of conduct between individuals. State and federal law and this policy prohibit sexual harassment and Oregon Coast Community College will not tolerate sexual harassment. The College is committed to providing an academic and work environment that respects the dignity of individuals and groups. The College shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence.

Oregon Coast Community College seeks to foster an environment in which all employees, students, applicants for employment, and applicants for admission feel free to report incidents of sexual harassment in violation of this policy and Title IX, without fear of retaliation or reprisal. Therefore, the College also strictly prohibits retaliation against any individual for filing

a complaint of sexual harassment in violation of this policy and Title IX or for participating, or refusing to participate, in a sexual harassment investigation. The College will investigate allegations of Title IX retaliation swiftly and thoroughly. If Oregon Coast Community College determines that someone has retaliated, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in Title IX retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any employee, student, applicant for employment, or applicant for admission who believes that he/she/they have been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3434. The College requires supervisors to report all incidents of harassment and retaliation that come to their attention.

To this end the President shall ensure that the institution undertakes education and training activities to counter sexual harassment and to prevent, minimize, or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The President shall establish procedures that define sexual harassment on campus. The President shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding sexual harassment in violation of this policy, and procedures to resolve complaints of sexual harassment in violation of this policy. State and federal law and this policy prohibit retaliatory acts against all participants by the College, its employees, students, and agents.

The Oregon Coast Community College will publish and publicize this policy and related written procedures (including the procedure for making complaints) to administrators, faculty, staff, students, applicants for employment, and applicants for admission, particularly when they are new to the institution. The College will make this policy and related written procedures (including the procedures for making complaints) available on the College's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Volunteers or unpaid interns who violate this policy and related procedures may be subject to disciplinary measure up to and including termination from the volunteer assignment, internship, or other unpaid work experience program.

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 mature 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 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

AP 3434 - Responding to Harassment Based on Sex under Title IX

References:

20 U.S. Code Sections 1681 et seq.; 34 Code of Federal Regulations Parts 106.1 et seq.

Oregon Coast Community College (OCCC) encourages members of the COCCC community to report sexual harassment. This procedure only applies to conduct defined sexual harassment under Title IX and applicable federal regulations and that meet Title IX jurisdictional requirements. The College will respond to sexual harassment and sexual misconduct that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using State law and applicable student conduct policies and procedures. In implementing these procedures discussed below, the College will also provide supportive measures, training, and resources in compliance with State law, unless they are preempted by the Title IX regulations.

Title IX Coordinator & Title IX Deputy Coordinators

Questions concerning Title IX may be referred to the OCCC Title IX Coordinator or Deputy Coordinators whose contact information is below:

Kristina Holton
Title IX Coordinator
Vice President of Academic & Student Affairs
Oregon Coast Community College
400 SE College Way
Newport, OR 97366
(541) 867-8511
kristina.holton@oregoncoast.edu

Robin Gintner
Deputy IX Coordinator
Vice President of Administrative Services
Oregon Coast Community College
400 SE College Way
Newport, OR 97366
541-867-8516
robin.gintner@oregoncoast.edu

Joy Gutknecht
Deputy IX Coordinator
Director of Human Resources
Oregon Coast Community College
400 SE College Way
Newport, OR 97366
541-867-8515
joy.gutknecht@oregoncoast.edu

The Title IX Coordinator is required to respond to reports of sexual harassment or misconduct. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with State and federal legal requirements, or share information to implement supportive measures.

A report of sexual harassment to the Title IX Coordinator does not necessarily lead to a full investigation. However, the Title IX Coordinator will make an assessment to determine if there is a safety risk to the campus. If the Title IX Coordinator finds there is a continued risk, the Title IX Coordinator will file the formal complaint without the Complainant's consent or cooperation.

Title IX Harassment Complaints, Investigations, and Hearings

These Title IX sexual harassment procedures, and the related policy protects students, employees, applicants for employment, and applicants for admission.

Jurisdictional Requirements – Application of Procedures

These procedures apply if the conduct meets the following three jurisdictional requirements:

- The conduct took place in the United States;
- The conduct took place in a OCCC "education program or activity." This includes locations, events, or circumstances over which the College exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off-campus property and buildings the College owns or controls or student organizations officially recognized by the College's own or control.
- The conduct meets the definition of Title IX "sexual harassment."

Definitions

- **Advisor:** Throughout the grievance process, both the Complainant and Respondent have a right to an Advisor of their choice. If a Party does not have an Advisor at the time of the hearing, the College must provide the Party an Advisor of its choice, free of charge. The College may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties.
- **Complainant:** A Complainant is an individual who alleges he/she/they is the victim of conduct that could constitute sexual harassment.
- **Consent:** A freely and affirmatively communicated willingness to participate in a sexual activity, expressed by clear, unambiguous words or actions. It is the responsibility of the initiator of the sexual activity to ensure that he or she has the other person's consent to engage in sexual activity. Consent must be present throughout the sexual activity by all parties involved. At any time, a participant can communicate that he or she no longer consents to continuing the activity. Consent may never be obtained through the use of force, coercion, or intimidation or if the victim is mentally or physically disabled or unable to consent, including through the use of drugs or alcohol.
- **Decision-Maker:** The person who will oversee the live hearing and make a determination of responsibility. The Decision-Maker cannot be the Title IX Coordinator or the investigator.
- **Formal Complaint:** A written complaint signed by the Complainant or Title IX Coordinator, alleging sexual harassment and requesting an investigation. If the Title IX Coordinator signs the formal complaint, he/she/they will not become a Party to the complaint.
- **Parties:** As used in this procedure, this means the Complainant and Respondent.
- **Respondent:** A Respondent is an individual reported to be the perpetrator of conduct that could constitute sexual harassment.
- **Sexual Harassment under Title IX:** Conduct that satisfies one or more of the following:
 - A College employee conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity;

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- Sexual assault, including the following:
 - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape** (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything the offender uses other than the offender’s genitalia, e.g., a finger, bottle, handgun, stick.
 - **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/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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- **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
 - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
 - **Domestic Violence.** Violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of Oregon; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of Oregon.
 - **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

Reporting Options

Any individual may report sexual harassment to the College's Title IX Coordinator. The College strongly encourages prompt reporting of sexual harassment. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A delay may limit the College's ability to effectively investigate and respond.

Individuals have the opportunity to decide whether they want to pursue a formal Title IX complaint. Reporting sexual harassment to the Title IX Coordinator does not automatically initiate an investigation under these procedures. A report allows the College to provide a wide variety of support and resources to impacted individuals and to prevent the reoccurrence of the

conduct. A Complainant or the Title IX Coordinator filing a formal complaint will initiate an investigation.

If there are parallel criminal and Title IX investigations, the College will cooperate with the external law enforcement agency and will coordinate to ensure that the Title IX process does not hinder legal process or proceedings.

The College will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, the College does not document personal information; the College reports the type of conduct, and the time, date, and location.

OCCC Employees and Officials with Authority

OCCC Officials with Authority are not confidential resources and are required to report allegations of sexual harassment to the Title IX Coordinator promptly. All other employees are encouraged to report allegations to the Title IX Coordinator but are not required to do so.

The College has designated the following employees as Officials with Authority:

Title IX Staff

Vice President of Academic & Student Affairs

Vice President of Administrative Services

Director of Human Resources

Officials with Authority are required to report all relevant information they know about sexual harassment including the name of the Respondent, the Complainant, any other witnesses, and the date, time, and location of the alleged incident.

Intake and Processing of Report

Receipt of Report

After receiving a report of sexual harassment, the Title IX Officer will contact the Complainant and reporting party to explain rights under this policy and procedure and invite the Complainant to an in-person (virtual meetings are acceptable as well) meeting. The Title IX Officer will discuss supportive measures with the Parties.

Timeframe for Reporting

To promote timely and effective review, the College strongly encourages individuals to report sexual harassment as soon possible because a delay in reporting may affect the ability to collect relevant evidence and may affect remedies the College can offer.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a formal complaint has been filed. The College will provide the Complainant and Respondent with supportive measures as appropriate and as reasonably available to restore or preserve equal access to the College's education program or activities. These measures are designed to protect the safety of all Parties, protect the College's educational environment, or deter sexual harassment. The College will provide supportive measures on a confidential basis and will only make disclosures to those with a need to know to enable the College to provide the service. Supportive measures may include counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Removal of Respondent Pending Final Determination

Upon receiving a report regarding sexual harassment, the Title IX Coordinator will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. The College has the right to order emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

Emergency Removal

The College may remove a non-employee Respondent from the College's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

The College may not use emergency removal to address a Respondent's threat of obstructing the sexual harassment investigation or destroying relevant evidence. Emergency removal is only available to address health or safety risks against individuals arising out of sexual harassment allegations, not to address other forms of misconduct that a Respondent might commit pending the processing of a complaint.

The Title IX Coordinator or designee will conduct the individualized safety and risk analysis.

If the Title IX Coordinator or designee determines emergency removal is appropriate, he/she/they or designee will provide the person the College is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The Title IX Coordinator or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

Administrative Leave

The College may place a non-student employee Respondent on administrative leave during the pendency of a grievance process described in the formal complaint process below. The College will follow any relevant policies, procedures, collective bargaining agreements, or State law in placing an employee on administrative leave.

Formal Complaint Grievance Process

Notice to Parties

Upon receipt of a formal complaint, the Title IX Coordinator will provide the following notice in writing, to the Parties:

- Notice of OCCC's Title IX grievance process;
- Notice of the allegations of alleged sexual harassment with sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion
- Notice that the Parties may have Advisor of their choice, who may be, but is not required to be, an attorney;
- Notice that the Parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source; and
- Inform the Parties of any provision in the College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the College decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided above, the Title IX Coordinator will provide notice in writing of the additional allegations to the Parties.

Dismissal of Formal Complaint

The College must investigate the allegations in a formal complaint. However, the College must dismiss the formal complaint and will not process the complaint under these procedures if any of the following three circumstances exist:

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- If the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in this procedure;
 - If the conduct alleged did not occur in the College's education program or activity;
 - If the conduct alleged did not occur against a person in the United States.

The College has discretion to dismiss a formal complaint or any allegation under the following circumstances:

- If at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- If the Respondent is no longer enrolled or employed by the College; or
- If there are specific circumstances that prevent the College from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations.

If the College dismissed the formal complaint or any allegations, the Title IX Coordinator shall simultaneously provide the Parties with written notice of the dismissal and reason. The College will also notify the Parties of their right to appeal.

The College may commence proceedings under other policies and procedures after dismissing a formal complaint.

Consolidation of Formal Complaints

The College may, but is not required to, consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Equitable Treatment of the Parties

The College's determination of responsibility is a neutral, fact-finding process. The College will treat Complainants and Respondents equitably. The procedures will apply equally to both Parties. The College will not discipline a Respondent unless it determines the Respondent was responsible for sexual harassment at the conclusion of the grievance process.

Statement of Presumption of Non-Responsibility

The investigation is a neutral, fact-finding process. The College presumes all reports are in good faith. Further, the College presumes the Respondent is not responsible for the alleged conduct.

The College makes its determination regarding responsibility at the conclusion of the grievance process.

Bias or Conflict of Interest

The College's Title IX Coordinator, investigator, Decision-Maker, or any person designated by the College to facilitate an informal resolution process, will not have potential actual bias or conflict of interest in the investigatory, hearing, sanctioning, or appeal process or bias for or against Complainants or Respondents generally. Actual bias is an articulated prejudice in favor of or against one Party or position; it is not generalized concern about the personal or professional backgrounds, positions, beliefs, or interests of the Decision-Maker in the process. The College will ensure that the Title IX Coordinator, investigator, Decision-Maker, and facilitator receive training on:

- The definition of sexual harassment in this procedure;
- The scope of the College's education program or activity;
- How to conduct an investigation;
- The grievance process including conducting hearings, appeals, and informal resolution processes; and
- How to serve impartially, including avoiding: prejudgment of the facts at issue; conflicts of interest; and bias.

Timeline for Completion

The College will undertake its grievance process promptly and as swiftly as possible. The College will complete the investigation and its determination regarding responsibility or the informal resolution process within 180 calendar days.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the 180-calendar day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for holiday breaks or vacations, or due to the complexity of the investigation. The College will provide notice of this extension to the Complainant and Respondent in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

Role of Advisor

The role of the Advisor is to provide support and assistance in understanding and navigating the investigation process.

The Advisor may not testify in or obstruct an interview or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

A Party does not have a right to self-representation at the hearing; an Advisor must conduct any cross-examination. The College must provide an Advisor of its choice, free of charge to any Party without an Advisor in order to conduct cross-examination. If an Advisor fails to appear at the hearing, the College will provide an Advisor to appear on behalf of the non-appearing Advisor. To limit the number of individuals with confidential information about the issues, each Party may identify one Advisor.

Confidentiality Agreements

To protect the privacy of those involved, the Parties and Advisors are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in the College's grievance process. The confidentiality agreement restricts dissemination of any of the evidence subject to inspection and review or use of this evidence for any purpose unrelated to the Title IX grievance process. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

Use of Privileged Information

The College's formal complaint procedure does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally-recognized privilege (e.g., attorney-client privilege, doctor-patient privilege, spousal privilege, etc.), unless the person holding the privilege provides voluntary, written consent to waive the privilege.

Investigations

The Title IX Coordinator is responsible to oversee investigations to ensure timely resolution and compliance with Title IX and this procedure.

Both Parties have the right to have an Advisor present at every meeting described in this section.

Trained investigators

The College will investigate Title IX formal complaints fairly and objectively. Individuals serving as investigators under this procedure will have adequate training on what constitutes sexual harassment and how the College's grievance procedures operate. The College will also ensure

that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence and complies with this procedure.

Gathering Evidence and Burden of Proof

The College, not the Parties, has the responsibility to gather information and interview witnesses. When the investigator evaluates the evidence, he/she/they will do so using the preponderance of the evidence standard. After considering all the evidence gathered, the investigator will decide whether it is more likely than not that reported conduct occurred.

Notice of Investigative Interview

The College will provide written notice of the date, time, location, participants, and purpose of all investigative interviews to a Party whose participation is invited or expected, with sufficient time for the Party to prepare to participate.

Evidence Review

Both Parties have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source.

Prior to the investigator preparing an investigative report, the College will send to each Party and the Party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The Parties will have at least ten days to submit a written response. The investigator must consider this written response prior to completing the investigative report.

Investigative Report

The results of the investigation of a formal complaint will be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the formal complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony of each witness the investigator interviewed;
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents;
- A specific finding as to whether the allegations occurred using a preponderance of the evidence standard;
- A table of contents if the report exceeds ten pages; and

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- Any other information deemed appropriate by the College.

The investigator will not make a determination regarding responsibility.

The investigator may redact information not directly related to the allegations or privileged information. However, the investigator will keep a log of information he/she/they do not produce to the Parties. The investigator will provide this log only to the Title IX Coordinator. The Title IX Coordinator will not disclose the log to the Parties but will maintain the log in the Title IX Coordinator's file, in the event it later becomes relevant.

At least ten days prior to a hearing or other time of determination regarding responsibility, the College will send the investigative report to each Party and their Advisors, if any, the investigative report in an electronic format or a hard copy, for review and written response.

The Parties will have at least ten days to submit a written response.

Hearing

After completing an investigation and prior to completing a determination regarding responsibility, the College will hold a live hearing to provide the Complainant and Respondent an opportunity to respond to the evidence gathered before a Decision-Maker. Neither Party may choose to waive the right to a live hearing, but the Parties can choose whether to participate in the hearing or answer some or all cross-examination questions.

Notice

If the decision is made to proceed to a hearing, the College will provide all Parties written notice of the date, time, location, participants, and purpose of the hearing with sufficient time for the Party to prepare to participate.

Hearing Format

The College may provide a live hearing with all Parties physically present in the same geographic location or, at the College's discretion if either Party requests, the College may provide any or all Parties, witnesses, and other participants the ability to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other in real time.

The College will make the information reviewed during the Evidence Review available at the hearing for reference and consultation. The College will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

The College will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

Decision-Maker

The Decision-Maker will be free from conflict of interest or bias, including bias for or against Complainants or Respondents.

The Decision-Maker may ask the Parties and the witnesses questions during the hearing. The Decision-Maker must objectively evaluate all relevant evidence both inculpatory and exculpatory and must independently reach a determination regarding responsibility without giving deference to the investigative report. The Decision-Maker must receive training on issues of relevance, how to apply the rape-shield protections for Complainants, and any technology to be used at the hearing.

Presenting Witnesses

The College will provide the Complainant and Respondent an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Witnesses, like Parties, are not required to participate in the live hearing process.

Only relevant evidence will be admissible during the hearing. Relevant evidence means evidence, including evidence relevant to the credibility of a Party or witness, having any tendency in reason to prove or disprove any disputed fact material to the allegations under investigation.

Cross-Examination

The College will permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those questions challenging credibility. The Party's Advisor must conduct cross-examination directly, orally, and in real time. A Party may never personally conduct cross-examination.

Advisors may only ask relevant cross-examination and other questions of a Party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker need not provide a lengthy or complicated explanation in support of a relevance determination. If a Party or witness disagrees with a relevance determination, that individual has the choice of either (1) abiding by the Decision-Maker's determination and answering the question or (2) refusing to answer the question.

If a Party or witness does not submit to cross-examination at the live hearing, the Decision-Maker will not rely on any statement of that Party or witness in reaching a determination regarding responsibility. A Party or witness may also decline to answer a question, and the Decision-Maker cannot rely on any statement on which that Party or witness has declined to answer cross-examination questions. A Decision-Maker cannot draw an inference about the

determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Determinations of Responsibility

When the Decision-Maker makes a determination of responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than 30 days after the date that the hearing ends.

When making a determination regarding responsibility, a Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Maker will use the preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the College will decide whether it is more likely than not that sexual harassment occurred.

The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;
- Findings of fact supporting the determination. In making these findings, the Decision-Maker will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility;
- Conclusions regarding the application of the College's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any disciplinary sanctions the College imposes on the Respondent;

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- A statement of whether the College will provide the Complainant with remedies designed to restore or preserve equal access to the College's education program or activity;
 - The College need not disclose to the Respondent remedies that do not affect him/her/them as part of the written determination.
 - The College can inform the Respondent that it will provide remedies to the Complainant. However, the College will inform the Complainant of the sanctions against the Respondent;
 - The College's procedures and permissible bases for the Complainant and Respondent to appeal.

The College will provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the College provides the Parties with the written determination of the result of the appeal, if the Parties file an appeal, or if the Parties do not file an appeal, the date on which an appeal would no longer be timely.

Disciplinary Sanctions and Remedies

The College must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before the imposing of disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual harassment, the College will take disciplinary action against the Respondent and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense.

Remedies for the Complainant might include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and

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- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

Appeal of Dismissal of a Formal Complaint or of the Determination of Responsibility

A Complainant or Respondent may appeal the College's determination regarding responsibility or the dismissal of a formal complaint or any allegations. A Complainant or Respondent must submit a written appeal within 10 business days from the date of the notice of determination regarding responsibility or from the date of the College's notice of dismissal of a formal complaint or any allegations.

Grounds for Appeal

The College President will serve as the Decision-Maker on Appeal. In filing an appeal of the College's determination regarding responsibility or the College's dismissal of a formal complaint, the Party must state the grounds for appeal and a statement of facts supporting those grounds.

The grounds for appeal are as follows:

- A procedural irregularity affected the outcome;
- New evidence was not reasonably available at the time the College's determination regarding responsibility or dismissal was made, and this new evidence could affect the outcome; or
- The College's Title IX Coordinator, investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.

Appeal Procedure

If the Complainant or Respondent submits an appeal to the College, the College will:

- Notify the other Party in writing within five business days of receiving a Party's appeal;
- Allow the non-appealing Parties at least ten business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome;

The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 business days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response. The College will provide the written decision simultaneously to both Parties.

The Decision-Maker on appeal may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the appeal Decision-Maker explaining the need for the extension and the proposed length of the extension. The Decision-Maker will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

Informal Resolution

If the College determines that a formal complaint is appropriate for informal resolution, it may provide the Parties with the opportunity to participate in an informal resolution process, including mediation, at any time prior to reaching a determination regarding responsibility.

The College will provide the Complainant and Respondent written disclosure of the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The College must obtain the Parties' voluntary, written consent to the informal resolution process. If the Parties reach an agreement, the College does not have to complete a full investigation and adjudication of a report of sexual harassment. At any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

Retaliation Prohibited

The College prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Individuals who experience retaliation may file a complaint using the formal complaint process described above.

Dissemination of Policy and Procedures

The College will provide its policy and procedures related to Title IX on its website and in each handbook or catalog provided to applicants for admission and employment.

Training

The College will provide training to Title IX Coordinators, investigators, Decision-Makers, and any individual who facilitates an informal resolution process, on the definition of sexual harassment, the scope of the College's education program or activities, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Any materials used to train the College's Title IX Coordinator, investigators, Decision-Makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

File Retention

The College will retain on file for a period of at least seven years after closing the case, copies of:

- The original report or complaint;
- Any actions taken in response to the complaint, including supportive measures;
- The investigative report including all evidence gathered and any responses from the Parties;
- The College's determination regarding responsibility;
- Audio or audiovisual recording or transcript from a hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal and the result;
- Any informal resolution and the result; and
- All materials used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process. The College will make these training materials publicly available on its website.

The College will make these documents available to the U.S. Department of Education Office for Civil Rights upon request.

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)

The Daily Crime Log is considered a public record.

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.

Daily Crime Log Calendar Year 2025							
Nature (Classification)	Case # YYMM- entry	Date/ Time Reported	Date/Time Occurred	General Location	Disposition	Entered by	Pending

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

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 Statutes⁸.

"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](#)

^{8 8} 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.

Appendix C: Applicable Oregon Coast Community College Policies

BP 3430: Prohibition of Harassment (Adopted 1/15/2020)

BP 3433: Prohibition of Sexual Harassment under Title IX (Adopted 9/16/2015)

BP 3501: Campus Security and Access (Adopted 9/16/2015)

BP 3510: Workplace Violence (Adopted 5/15/2024)

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)

AP 3430: Prohibition of Harassment (Original Date 4/1/2024)

AP 3432: Workplace Harassment (Original Date 4/1/2024)

AP 3433: Prohibition of Sexual Harassment under Title IX (Original Date 4/1/2024)

AP 3434: Responding to Harassment Based on Sex under Title IX (Original Date 3/25/2021)

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:

Kristina Holton, Vice President of Academic & Student Affairs, 541-867-8511
kristina.holton@oregoncoast.edu

Joy Gutknecht, Director of Human Resources, 541-867-8515
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 Vice President of Academic & Student Affairs and Section 504 Compliance Officer (400 SE College Way, Newport, OR 97366) at 541-867-8511 or at kristina.holton@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 Vice President of Academic & Student Affairs and Section 504 Compliance Officer (400 SE College Way, Newport, OR 97366) at 541-867-8511 or kristina.holton@oregoncoast.edu.