



ANNUAL SECURITY AND FIRE SAFETY REPORT



2023

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PREPARATION OF THE ANNUAL DISCLOSURE OF CRIME STATISTICS

Bushnell University is committed to the safety and welfare of all campus members and visitors. Bushnell contracts campus security with Premier Security. The Vice President for Student Development and the Director of Residence Life & Student Services work closely with Premier to provide a comprehensive campus security program for our campus.

Campus Security tracks and records crimes that occur on or near campus. A written request is sent to the Eugene Police Department and Springfield Police Department for police reports from Bushnell's Clery geography. The Vice President for Student Development (or his/her designee) combines those records with reports from Campus Security, the Title IX Coordinator, and conduct records to produce the Clery crime statistics for the previous three calendar years (2020, 2021, and 2022). These statistics are located on page 42.

CAMPUS SAFETY RESPONSE

For Emergency help, dial 911.

Campus Safety and Security, 24 hours/day, 7 days/week: call [541-517-5197](tel:541-517-5197).

Campus Security is provided by Premier Security. Premier provides a number of services to students, staff, and faculty. Included are checking buildings to ensure they are locked after hours, responding to trespassers on University property, providing escort to or from various places on campus after dark, and assisting with any safety-related incident on campus. Premier officers are equipped with a cellular phone so they can be reached in an emergency, as well as call 911 for emergency assistance. Campus security procedures and practices are reviewed annually at hall meetings and can be found in the Bushnell Student Handbook.

Residence Life at [541-517-1379](tel:541-517-1379).

Additionally, the Residence Life staff has a Resident Assistant (RA) on call every evening and on weekends. RAs can be reached by cell phone at 541-517-1379.

Local Police, 24 hours/day emergency services.

Because of our proximity to the University of Oregon, police patrols of the campus neighborhoods are frequent and on a 24-hour-a-day basis. Our local police substation may be called during the daytime from 9:00 a.m. to 5:00 p.m. at 541-682-8350. Lane County operates a 911 emergency phone service for police, fire and medical assistance.

EMERGENCY RESPONSE

Bushnell University utilizes the Informacast Emergency Messaging System for text message alerts, along with emails, website alerts, and postings to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.

The VP for Student Development (or his/her designee) will confirm there is a significant emergency or dangerous situation in collaboration with and assessment from police officers, fire officials, local law enforcement, or Campus Security. The VP for Student Development will use this information to determine the content of the notification and initiate the emergency notification. The university uses the Informacast Emergency Messaging System to notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. The VP for Student Development will determine the appropriate segment(s) of the campus community to notify in consultation with Campus Security or the Executive Campus Incident Response Team (CIRT). The VP for Student Development and Campus Security also work closely with the University of Oregon and PeaceHealth officials in order to prepare and protect the Bushnell campus in the event that an emergency is happening on either of their campuses.

In the event that a situation arises that constitutes an ongoing continuing threat, the VP for Student Development (or his/her designee) will compose and issue a campus-wide “timely warning.” The warning will be issued through the University Emergency Messaging System, an email to students, faculty, staff, and/or through postings in prominent locations throughout campus buildings.

A timely warning typically includes a summary of the incident, a physical description, resources, safety and prevention tips, and who to contact to report additional information. Names and personally identifying information of crime survivors are kept confidential and will not be released in a timely warning. The purpose of a timely warning is to provide the community with important information and equip members to protect themselves and aid in the prevention of similar crimes.

Anyone with information warranting a timely warning should report the circumstances to the Student Life Office at 541-684-7345 or Campus Security at 541-517-5197.

REPORTING CRIMES

Reporting crimes on a voluntary, confidential basis

If you are the victim of a crime and do not want to pursue action within the University judicial system or the criminal justice system, you may still want to consider making a confidential report. With your permission, Campus Security or the VP for Student Development (or his/her designee) can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors," when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

SECURITY AND ACCESS TO CAMPUS FACILITIES

During business hours, the University (excluding certain residence halls) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all University facilities is by key, if issued.

Residence halls are monitored 24 hours a day. Campus Security and Residence Life Staff patrol and respond to security, safety, and livability issues. The Facilities Department maintains buildings and grounds with a concern for safety. University will test emergency response and evacuation across campus through unannounced annual drills. Emergency response and evacuation procedures are outlined in the Bushnell Emergency Response Plan.

Over extended breaks, the doors of all halls will be secured 24/7. Some facilities may have individual hours, which may vary at different times of the year. In these cases, facilities will

be secured according to schedules developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules.

Security Considerations for the Maintenance of Campus Facilities

Bushnell University's Maintenance and Groundskeeping team maintain university buildings and grounds to promote the safety and wellbeing of the campus community. Campus Security consistently tracks any unsafe conditions around campus, including repairs or replacements for lights, locks, and injury hazards. These reports are regularly submitted to the Maintenance team by the Director of Residence Life.

FEDERAL CAMPUS CRIME AWARENESS AND CAMPUS SECURITY ACT

This brochure and summary of policies have been provided in an effort to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1990; last amended 1998) and the Drug-Free School and Communities Act Amendments of 1989 (PL 101-226). Information is reviewed and updated annually. If you have information you want included or have questions, comments or remarks, please contact the VP for Student Development at (541) 684-7345.

POLICE AUTHORITY

The Eugene Police Department has law enforcement jurisdiction over all parts of the Bushnell campus. Students and staff must cooperate with officers investigating an accident or crime.

Bushnell Campus Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Bushnell. Officers do not possess arrest power. Criminal incidents are referred to the local police who have jurisdiction on the campus. Officers maintain a professional working relationship with the Eugene Police Department.

Students and staff are urged to promptly contact Campus Security (541-517-5197) and/or the Director of Residence Life & Student Services (541-684-7345) regarding a crime on campus. Failure to do so will compromise the security and safety of the campus community and perhaps the community at large.

ALCOHOL AND/OR CONTROLLED SUBSTANCES EDUCATIONAL PROGRAMMING & ASSISTANCE

Bushnell's Student Life Office offers educational programming regarding alcohol/illegal drugs in the form of informational programs and bulletin boards. Bushnell's Counseling Clinic offers assessment and counseling for faculty, staff, or students who seek help with substance abuse or addiction. Students found in violation of the Bushnell Student Handbook policies related to drugs or alcohol may be asked to complete a substance abuse assessment in the Counseling Clinic.

ALCOHOL AND CONTROLLED SUBSTANCES

Bushnell requires students to conduct themselves as role models in faith and practice in the church and world. As a result, promotion, distribution, sale, possession, underage use of alcohol, use of controlled substances, or misuse of prescription medications is prohibited. Intoxication on campus or at University-sponsored events is prohibited.

- Campus standards do not allow alcoholic beverages, including empty alcohol containers, on campus. Any incident in which a student is found to be in possession of alcohol will be documented as a policy violation. All alcohol and items containing alcohol will be disposed and/or confiscated by University officials (e.g. Resident Assistants and Security).
- Purchasing alcohol for minors is prohibited by university policy and is a Class A Misdemeanor in Oregon and could result in a criminal citation.
- Use or possession of alcohol by students off campus is subject to local laws and University disciplinary policies.
- Undesirable behavior resulting from on or off -campus use of alcohol is subject to University disciplinary action.
- No alcohol, drug-related, or similarly offensive posters, stickers, caps, lights, etc. may be displayed in campus housing windows or on the outside of doors. Bottle caps are not allowed on ceilings or walls.
- Visitors to campus are expected to comply with all university standards.
- Due to the risks involved to the health and safety of Bushnell students, competitive drinking events are prohibited both on and off campus. Planning or participating in such events will result in University disciplinary action for organizers and all participants.
- Controlled substances include all recreational/street drugs, including marijuana, plus the NCAA banned drug list (adopted by the NAIA). The use, possession, or trafficking of non-prescription amphetamines and barbiturates, narcotics, LSD,

and/or other hallucinogenic agents is a violation of state and/or federal laws. The possession, usage and/or trafficking of any of the above agents is in violation Bushnell policies and can result in suspension, dismissal, or expulsion from the University. All drugs will be confiscated and/or destroyed.

- Possession of drug-related paraphernalia is considered a violation of this policy and will be confiscated and destroyed. Other sanctions may also be imposed at Bushnell's discretion.
- Being under the influence of illicit drugs is considered a violation of this policy.
- Intoxication, regardless of age or being on or off campus, is considered a violation of Bushnell University's alcohol policy.

Hosting Gatherings Involving Drugs/Alcohol

Persons who host or in any way assist or promote a gathering (on or off campus) that includes alcohol given to underage persons, underage consumption of alcohol, illegal drug usage, or any drunkenness will be subject to disciplinary action. Those living at the location where the party is held may be held responsible as host regardless of who provides the alcohol.

Marijuana

Marijuana use or smoking of any kind, including edibles and all vapor products is prohibited according to federal law.

Tobacco

Tobacco use or smoking of any kind, including smokeless tobacco and all vapor products is prohibited on campus.

ALCOHOL/SUBSTANCE DRUG TESTING POLICY

The intent of this policy is to prevent substance use and abuse by students through education, testing, and professional guidance. The University recognizes its responsibility to provide educational programming that will support a positive decision-making process. Bushnell University and the Athletic Department believe that drug testing based on reasonable suspicion is appropriate to ensure the health, safety, and welfare of students; to promote fair competition in intercollegiate athletics; to affirm compliance with applicable rules and regulations on drug and alcohol abuse; to identify students who are improperly using drugs or alcohol; and to assist them before they harm themselves or others. Professional counseling is an essential element of an effective program of treatment and rehabilitation.

- **Education** – providing students and athletic staff with accurate information about problems associated with substance use in general and in sport, promoting health and safety.
- **Testing** – analyzing biological specimens to detect prohibited substances students may introduce to their bodies and punitive consequences resulting from use.
- **Professional Referral** – facilitating appropriate treatment and rehabilitation of students.

Dietary Supplements

The University or Athletic Department personnel shall not encourage or advise any student to take performance-enhancing or non-therapeutic drugs. Furthermore, they shall not issue or assist students in obtaining any performance-enhancing or non-therapeutic drugs. Many dietary supplements or ergogenic aids contain banned substances and could result in a positive drug test. Often times the labeling of dietary supplements is not accurate and is misleading. Student athletes currently taking dietary supplements or intending to take any should review the product with the team physicians and/or athletic training staff prior to use. Additional information about dietary supplements may be found at www.drugfreesport.com/.

POLICIES & PROCEDURES REGARDING SEXUAL ASSAULT & TITLE IX

What is Title IX?

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” (20 U.S.C. Sec. 1691)

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination on the basis of sex in federally funded education programs and activities, including but not limited to athletic programs that receive federal funding. Under Title IX, discrimination on the basis of sex can include sexual harassment, sexual assault and sexual violence.

Institutional Compliance with Title IX

It is Bushnell University’s policy to provide an educational environment free of all forms of sex discrimination, including but not limited to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communications constituting sexual harassment, as defined in this policy and as otherwise prohibited by state and federal

statutes. Sexual harassment, including acts of sexual assault and sexual violence, is a form of sex discrimination and is prohibited at Bushnell. This prohibition against discrimination on the basis of sex applies to all students, faculty and staff, to other members of the Bushnell community, and to contractors, consultants, and vendors doing business or providing services to the school.

In accordance with Title IX, the president of Bushnell University has designated the following Title IX Coordinator as the primary contacts responsible for implementing and monitoring Bushnell's compliance with Title IX:

Jocelyn Hubbs, Vice President for Student Development
541-684-7291
jhubbs@bushnell.edu
Womack 128

The Title IX Coordinator is responsible for the coordination of training, education, communications, and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of Title IX. Bushnell's Student Life Office in partnership with the Title IX Coordinator offers educational programming to prevent dating violence, domestic violence, sexual assault, and stalking. These programs also include training on survivor support, bystander intervention, and bulletin board interactive displays. All Student Life Student Leaders are trained every August in bystander intervention techniques, campus and local resources, and how to respond and report a Title IX violation.

One of Bushnell's ongoing prevention and awareness campaigns for students and employees utilizes the 3 D's of Bystander Intervention and risk reduction to encourage safe, but practical, intervention strategies for students/employees. Bystander intervention strategies are covered in student/employee trainings and displayed through educational posters in prominent on campus locations.

- Direct – If you see, know, or hear something – say something, speak up, address inappropriate behaviors head on, be firm
- Distract – disrupt the situation, connect with the targeted individual, be creative
- Delegate – Alert others, ask for help, report the event to Campus Security/Student Life, call 911

Every April, Bushnell's Student Life Office and the Title IX Coordinator coordinate various activities in conjunction with Sexual Assault Awareness Month. Students, faculty, and staff are invited to participate in the Take Back the Night walk in partnership with the

University of Oregon. The Student Life Counselor and Wellness Coordinator hosts an annual Survivors Vigil and Support Group.

The following section identifies procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking has occurred.

When Should I Contact a Title IX Coordinator?

Any student, faculty or staff member who has concerns about sex discrimination, including but not limited to acts of sexual harassment, sexual assault, or sexual violence, is encouraged to seek the assistance of the Title IX Coordinator identified above.

Contact a Title IX Coordinator if you:

- Wish to understand your options if you think that you may have encountered sex discrimination, sexual harassment, sexual assault, or sexual violence.
- Learn of a situation that you feel may warrant an institutional investigation.
- Need help on how to handle a situation in which you are indirectly affected.
- Want information about possible informal remedies or administrative measures to de-escalate or alleviate a difficult situation.
- Have questions about Bushnell's policies and procedures.
- Have experienced the crime of dating violence, domestic violence, sexual assault, or stalking.

Abusive sexual behavior is harmful to both the learning environment and the sense of community the University seeks to foster among students, faculty, staff and administration. All members of the University community have an obligation to act responsibly in the realm of sexuality. Any student who, either individually or in concert with others, participates in any of the following misconduct is subject to University discipline including suspension, dismissal, and/or expulsion.

Confidentiality

Conversations with all University employees that are related to Title IX are kept as confidential as possible, but information about incidents of suspected violations of Title IX are legally mandated to be shared to the extent necessary to conduct an investigation and take any corrective action deemed appropriate by the University. The only two categories exempt from reporting a suspected violation of Title IX are counseling sessions that take place within the Counseling Center and pastoral counseling sessions with the Campus Pastor in the Office of Student Life.

Confidential On-Campus Support

- Counseling Center
- Pastoral or Counseling Support via Office of Student Life

Off-Campus Support

- Sexual Assault Support Services (SASS) 24/7 Hotline (541-343-7277, 1-800-788-4727)
- Lane County Victim's Assistance Programs (541-682-4523)
- Department of Human Services (541-686-7555)
- Eugene City Victim's Assistance Program (541-682-8432)

Reporting Options

- Title IX Coordinator:
Jocelyn Hubbs, Vice President for Student Development (541-684-7219)
- Office of Student Life (541-684-7345)
- Security (541-517-5197)
- Non-Emergency Eugene Police (541-682-5111)

Filing a Report

To initiate an investigation regarding a Title IX violation or sexual assault, please contact one of the reporting options above or submit an online report via the website or on MyBushnell. For more information on Bushnell's Title IX procedures, please visit www.bushnell.edu/knowmore.

Consent

Consent means informed, freely and actively given, mutually understandable words or communications by a person capable of giving consent that indicate a willingness to participate in mutually agreed upon sexual activity. Consent obtained through use of force (actual or implied, immediate or future), whether that force consists of physical force, threats, intimidation, or coercion, is invalid. Consent may not be demonstrated by lack of resistance, silence, a previous relationship, or a current relationship. Intoxication may invalidate consent and does not negate the need to obtain consent. A person who is not of legal age, who is incapacitated by physical or mental illness, who is mentally or physically incapacitated, or who is unconscious or unaware, is incapable of giving consent.

Remember: Sexual assault is NEVER the survivor's fault.

Sexual assault can happen to anyone. There is no typical survivor. Statistics indicate that anywhere from 85-90% of all sexual assaults occur between people who know each other.

If a friend has been assaulted or raped:

- Listen and be supportive.
- Encourage your friend to immediately contact the appropriate resources.
- Stay with your friend during interviews and examinations if she or he wants you to do so.
- Take care of yourself. You may need to talk with someone about how this has affected you. The resources listed in this section are for you as well.

If you have been assaulted or raped, you have control of the choices you can make.**Following are recommendations to assist you in dealing with this crime:**

- Do not blame yourself. Sexual assault is NEVER the survivor's fault.
- Go to a safe location.
- Seek medical attention immediately.

Reporting Sexual Misconduct to Law Enforcement

If you have experienced sexual misconduct, know that Bushell is here to help. You have choices in who you report the incident to, if you report the incident, and the steps you choose to take.

Students are encouraged to report any prohibited conduct that may constitute a crime to local law enforcement immediately. Police have unique legal authority to seek and execute search warrants, to collect forensic evidence and to make an arrest when supported by probable cause to believe a crime has been committed. Police can also assist when seeking a Personal Protection Order (PPO).

A Protective Order is a legal order issued by a court which requires one person to stop harming another. PPOs can be requested through the Lane County District Attorney. Forms are available at the Lane County Courthouse information booth located on the second floor of the Lane County Courthouse (125 E. 8th Ave, Eugene). Trained advocates in Victim Services (located on the fourth floor of the Courthouse) are available to provide assistance with the forms and refer you to available community resources. If you are unsure as to what type of protective order you qualify for, please ask. Protective Orders are FREE in Oregon.

For questions about PPOs and the process, please contact the Lane County District Attorney Victim Services Program at (541) 682-4523.

Forensic Sexual Assault Examinations

Forensic and other evidence may be collected even if you chose not to make a report to law enforcement. Having evidence collected before it is lost is very important because it reserves your right to have evidence available until you are ready to make a decision.

If you are interested in a forensic sexual assault examination, please visit PeaceHealth Sacred Heart Medical Center.

Things to Know Before Your Forensic Exam

If the sexual assault occurred within the past 72 hours, it is important that you do **NOT**:

- Bathe
- Douche
- Smoke
- Discard or wash clothing (store in a paper bag)
- Clean the bed/linen/area where you were assaulted (if applicable)

Refraining from the above will preserve evidence which could strengthen your case if you decide to obtain a personal protection order or in proving that the alleged criminal offense occurred or is occurring.

Support Measures and Accommodations

The Director of Residence Life and VP for Student Development will work with all parties involved to make academic or housing accommodations to provide for the wellbeing of each student during and after an investigation. Upon receipt of a report or formal complaint of a violation of the sexual misconduct or Title IX harassment policies, the University, through the Title IX Coordinator, will promptly contact the complainant to discuss the availability of supportive measures and will provide a printed copy of Bushnell's Title IX Rights and Resources for Survivors brochure which includes resource contact information on and off campus, the outline of the grievance process, and options for, available assistance in, and how to request changes to academic/living/transportation/working situations or protective measures. The University will maintain the privacy of any support measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment.

Supportive measures may include:

- Counseling
- Extensions of deadlines or 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

The University must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

SEXUAL HARASSMENT

Any sexual advances, requests or demands for sexual favors and/or other physical, verbal or visual conduct of a sexual nature constitute sexual harassment when:

1. Such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance, creating an intimidating, hostile or offensive work, learning, living, or campus environment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual.
3. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic program.

The University prohibits the following behaviors:

Verbal Sexual Harassment:

- Conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments, obscene phone calls or voice mail or e-mail messages.
- Threats or demands to submit to sexual requests as a condition of continued employment or academic advancement, or to avoid some other loss.
- Offers of preferential treatment in return for sexual favors and/or retaliation for having reported or threatened to report harassment.

Non-verbal/Visual Sexual Harassment:

- Display of or references to derogatory and/or sexuality-oriented posters, photographs, cartoons, drawings or gestures.
- Exposure (i.e. “mooning”, “streaking”), or other lewd behaviors.

Physical Sexual Harassment:

- Conduct such as unwanted touching, blocking normal movement or interfering with work or study.

Pertinent Federal Legislation

The Student Right-to-Know and Campus Security Act of 1990 and the Campus Sexual Assault Victim’s Bill of Rights Amendment of the 1992 Higher Education Reauthorization Act (copies of which can be found in the Residence Life Office) require Universities to report accurate statistics regarding sexual assaults and rapes.

SEXUAL MISCONDUCT (Title IX) POLICY & PROCEDURES

This policy is written to comply with the federal regulations on sexual harassment found in 34 CFR Part 106, including those regulations which became effective on August 14, 2020, and covers only conduct subject to those regulations. Conduct, which is not subject to the regulations effective August 14, 2020, is addressed in the Bushnell University Sexual Misconduct Policy and other policies for students and in various policies and procedures for employees and other individuals.

It is Bushnell University’s policy to provide an educational environment free of all forms of sex discrimination, including but not limited to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communications constituting sexual harassment. Sexual harassment, including acts of sexual assault, is a form of sex discrimination and is prohibited by Bushnell.

The University’s goal is to foster an open and safe community where these behaviors are deemed unacceptable, where those who are affected are provided support, and where a fair and impartial grievance process is provided to all parties.

The University is firmly committed to complying with all applicable laws and governmental regulations. This commitment applies to all educational programs and activities, including admissions, financial aid, athletics, and other University programs and activities.

The University has two policies that address sexual misconduct: (1) the University Sexual Misconduct policy (available online at www.bushnell.edu/knowmore and (2) this policy. These policies are inter-related and must be read together. If allegations that are the basis of a formal complaint would constitute prohibited conduct under both the University Sexual Misconduct policy and this Title IX Sexual Harassment policy, the grievance process set forth in the Title IX Sexual Harassment policy will be applied in the investigation and adjudication of all of the allegations.

This Title IX Sexual Harassment policy applies only to certain conduct defined under this policy. Conduct not falling under the scope of this policy may be addressed under other University policies. Specifically, this policy applies to forms of sexual misconduct that do not fall under the scope of the University Sexual Misconduct Policy. The University Sexual Misconduct Policy applies to complaints alleging certain conduct that would otherwise be prohibited under this policy (e.g., Quid Pro Quo Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking), but which must be dismissed under this policy because they do not meet that policy's and the federal government's jurisdictional requirements.

1. Designation of Title IX Coordinator

Federal regulations require the University to designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX and 34 CFR Part 106, which employee must be referred to as the "Title IX Coordinator." The University must notify applicants for admission and employment, students, and employees of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator pursuant to this policy. For Bushnell University, those individuals are:

- Jocelyn Hubbs, Vice-President for Student Development, Title IX Coordinator
 - jhubbs@bushnell.edu,
 - 541-684-7291,
 - Office is located in Womack Hall 1st Floor
- Jen Little, Director of Residence Life & Student Services, Deputy Coordinator
 - jlittle@bushnell.edu,
 - 541-684-7252,
 - Office is located in Womack Hall 1st Floor
- Chad Meadors, Assistant Athletics Director & Women's Basketball Coach, Deputy Coordinator

- cmeadors@bushnell.edu,
- 541-684-7201,
- Office is located in Morse Center Gym 1st Floor

The mailing address for each of these persons is 828 E. 11th Ave., Eugene, Oregon 97401. The University's Title IX Coordinator must be informed of all reports or formal complaints of violations of this policy.

2. Prohibited Conduct and Reporting

a. *Prohibited Conduct.* This policy addresses Title IX Sexual Harassment, which encompasses all of the prohibited conduct described in this policy that occurs on the basis of sex and meets all of the following requirements:

- Occurs within the United States; and
- Occurs within the University's education program or activity, meaning (a) locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the Title IX Sexual Harassment occurs, and (b) any building owned or controlled by a student organization that is officially recognized by the University; and
- At the time of filing a formal complaint, a complainant is participating in or attempting to participate in the education program or activity of the University.

Allegations of sexual misconduct that do not fall under this policy because they do not constitute prohibited conduct as defined in this policy may constitute violations of the other University policies.

In determining whether alleged conduct violates this policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships. The prohibited behaviors listed below are serious offenses and will result in University discipline. Prohibited conduct involving force, duress, or inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another individual's state of incapacitation, will be deemed especially egregious and may result in expulsion or termination of employment. The respondent's consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation under this policy.

Prohibited conduct includes all forms of sexual harassment as defined in section 5 of this policy. Retaliation as described in section 14 of this policy is also prohibited.

b. *Reporting.* Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, by completing the online reporting form or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the online reporting form, pertinent telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

A complainant may always report sexual misconduct such as sexual assault or other potentially criminal activity to law enforcement by calling 911. The University supports any complainant who wishes to file a police report and will assist the complainant with reporting if needed. Complainants are encouraged to contact local police in the jurisdiction where the incident occurred, but it is their choice whether or not to report to law enforcement. If an individual reports an alleged incident to law enforcement, the University will cooperate with any investigation to the extent permitted under applicable law.

In emergency situations, if there is a suspected crime in progress or imminent or serious threats to the safety of anyone, employees must, and students are encouraged to, immediately contact the Eugene Police Department by dialing 911.

In non-emergency situations, employees (other than those formally designated as Confidential Resources, must promptly report suspected violations of this policy or the Title IX Sexual Harassment policy to the Title IX Coordinator. Some students with special responsibilities, including Resident Assistants (RAs), must report suspected violations of this policy or the Title IX Sexual Harassment policy to the Title IX Coordinator.

c. *Timeliness of Reporting.* Complainants and other reporting individuals are encouraged to report any violation of this policy or the Title IX Sexual Harassment policy as soon as possible in order to maximize the University's ability to respond promptly and effectively. Reports and formal complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the respondent is no longer a student or employee at the time of the report or formal complaint, the University may not be in a position to gather evidence sufficient to reach a determination as to the formal complaint or the University may not be able to take disciplinary action against the respondent. However, the University will still seek to provide support for the complainant and seek to take steps to end the prohibited behavior, prevent its recurrence, and address its effects.

d. *Amnesty.* To encourage and support the reporting of University Sexual Misconduct and Title IX Sexual Harassment, students who participate as witnesses or complainants in investigations under this policy will not be subject to student conduct charges for conduct like under-age drinking or use of illegal drugs that may have occurred at the time of or as a result of the sexual misconduct in question.

3. Inquiries about this Policy

The University hereby notifies persons entitled to a notification under section 1 of this policy that it does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX and 34 CFR Part 106 not to discriminate in such a manner. The University's obligation not to discriminate in the University's education program or activity extends to admission and employment and other education programs and activities, and inquiries about the application of Title IX and 34 CFR Part 106 to the University will be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights (or designee) of the Department of Education, or both. Reports to the Assistant Secretary for Civil Rights may be made to the following location: Office for Civil Rights, Seattle Office, 915 Second Avenue, Room 3310, Seattle, WA 98174-1099, (206) 607-1600, ocr.seattle@ed.gov.

4. Adoption of Grievance Procedures

As set forth in this policy, the University has adopted and published grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by 34 CFR Part 106 and a grievance process that complies with 34 CFR 106.45 for formal complaints as defined in 34 CFR 106.30. The University will provide to persons entitled to a notification under section 1 of this policy notice of its grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the University will respond.

5. Terminology Used in this Policy

a. *Actual knowledge* means notice of sexual harassment or allegations of sexual harassment

to the University's Title IX Coordinator, the Dean of Students, any Vice President, and the President.

Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the University with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to

institute corrective measures on behalf of the University. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

b. *Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

c. *Consent* means informed, freely and actively given, mutually understandable words or communications by a person capable of giving consent that indicate a willingness to participate in mutually agreed upon sexual activity. Consent obtained through use of force (actual or implied, immediate or future), whether that force consists of physical force, threats, intimidation, or coercion, is invalid. Consent may not be demonstrated by lack of resistance, silence, a previous relationship, or a current relationship. Intoxication may invalidate consent and does not negate the need to obtain consent. A person who is not of legal age, who is incapacitated by physical or mental illness, who is mentally or physically incapacitated, or who is unconscious or unaware, is incapable of giving consent.

d. *Employee* means a person employed by the University.

e. *Formal complaint* means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the University. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed in this policy, and by any additional method designated by the University. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this policy and must comply with the requirements of this policy.

f. *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

g. *Sexual harassment* means conduct on the basis of sex that satisfies one or more of the following:

(1) An employee of the University conditioning the provision of an aid, benefit, or service

of the University on an individual's participation in unwelcome sexual conduct;

(2) 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 University's education program or activity; or

(3) Sexual assault, which means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. 20 U.S.C. 1092(f)(6)(A)(v).

The following are forcible sex offences: Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

Forcible Rape—(Except Statutory Rape) The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

Forcible Sodomy—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her 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, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Forcible Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

The following are nonforcible sex offenses: Unlawful, nonforcible sexual intercourse:

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

(4) Dating violence, which means violence committed by a person--(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship is to be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship. See 34 U.S.C. 12291(a)(10).

(5) Domestic violence, which includes felony or misdemeanor crimes of 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 who is protected from that person's acts under the domestic or family violence laws of Oregon. See 34 U.S.C. 12291(a)(8).

(6) Stalking, which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to--(A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. See 34 U.S.C. 12291(a)(30).

Sexual harassment is also referred to as “sexual misconduct” in this policy.

h. *Student* means a person enrolled in the University. Except as provided in this policy, a person who is not officially enrolled but who has a continuing academic relationship with the University is considered to be enrolled for purposes of this policy. A former student still living in University housing is also considered to be an enrolled student for purposes of this policy, unless this policy provides otherwise. Finally, a person who has been accepted for admission with the University but has not yet begun coursework is considered to be an enrolled student for purposes of this policy.

i. *Supportive measures* are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter sexual harassment.

Supportive measures may include:

- counseling,
- extensions of deadlines or 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.

The University must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

6. General Response to Sexual Harassment

a. *Prompt Response.* When the University has actual knowledge of sexual harassment in an education program or activity against a person in the United States, the University will respond promptly through the Title IX Coordinator or designee. For purposes of this policy, “education program or activity” includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University. The University’s response will treat complainants and respondents equitably by offering supportive measures to a complainant and by following the grievance process set forth in this policy before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

There is no time limit in which a report must be made. In fact, the University recognizes the sensitive nature of sexual misconduct and acknowledges that many reports are delayed. However, a delay in reporting may effectively prevent the University from taking action. As a result, the University encourages the prompt reporting of misconduct.

b. *Prompt Contact with Complainant.* The Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

c. *Anonymity.* Sometimes complainants request anonymity or that an investigation not be conducted. If a complainant makes such a request, the University will balance the

request with its obligation to protect the complainant and provide a safe and non-discriminatory environment. However, complainants should understand that complete anonymity cannot be guaranteed. Granting a request for anonymity may hamper the University's ability to conduct an investigation.

d. *Formal Complaint.* Once a formal complaint has been filed, the Title IX Coordinator will promptly contact the respondent to discuss the availability of supportive measures, consider the respondent's wishes with respect to supportive measures, and inform the respondent of the availability of supportive measures.

The University will maintain a list of supportive measures and privileged and confidential resources and provide it to the complainant and the respondent.

Supportive measures may include:

- counseling,
- extensions of deadlines or 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.

Several campus professionals are designated confidential resources, to whom confidentiality attaches. Confidential resources are not obligated to report information that is provided to them. This allows individuals to explore their options in a non-pressured environment while they make informed decisions. There may be exceptions in cases involving child abuse, imminent risk of serious harm, emergent hospitalization, or a court order. In addition, non-identifying information about violations of this policy may be provided to other University officials for purposes of anonymous statistical reporting under the Clery Act.

The following are on-campus confidential resources when working in the following roles:

- Counseling Center 541-349-7471 located on the first floor of the Siefke Hall.
- Troy Dean, Campus Pastor, Pastoral Support via Office of Student Life 541-684-7345 located on the first floor of Womack Hall.
- Sarah Halstead, Counselor & Coordinator for Wellness via Office of Student Life 541-684-7201 located on the first floor of Womack Hall.

An individual who is not prepared to make a report or formal complaint, or who may be unsure how to label what happened, but still seeks information and support, is strongly encouraged to contact a confidential resource.

While complainants, respondents, and witnesses involved in the grievance process under this policy are strongly encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation, complainants and respondents are not restricted from discussing the allegations under investigation.

e. *Clery Act.* Under certain circumstances, the University may be obligated to issue a timely warning notice under the Clery Act about an incident of sexual misconduct. Nothing in this policy prevents the University from complying with this obligation and its other obligations under the Clery Act.

f. *Preservation of Evidence.* Complainants, respondents, and witnesses should consider whether there is information and evidence to collect that might be helpful to an investigator and should preserve relevant information and evidence. Such information and evidence might include receipts, text messages, pictures, videos, emails, Facebook posts or messages, Snapchats, and other social media posts.

g. *Medical Exams.* Forensic exams (commonly referred to as rape kits) are conducted at all hospital locations in the Eugene-Springfield area. More information can be gathered from these exams the sooner the exam is performed following the alleged incident. Individuals are encouraged to not bathe, shower, douche, or brush their teeth before the exam. Additionally, individuals are encouraged to maintain any physical objects such as clothing worn during an alleged incident or other relevant materials. If clothing is changed, each garment should be placed in a separate paper (not plastic) bag.

h. *Restraining Orders.* Should a student or employee obtain a restraining order against another individual, the student or employee is encouraged to share that information with the Title IX Coordinator so that the University can be prepared to assist law enforcement with the enforcement of the restraining order.

7. Emergency Removal (Students)

The University may remove a respondent from the University's education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, 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, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This section of the policy will not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

8. Administrative Leave (Employees)

The University may place a non-student employee respondent on administrative leave during the pendency of its process under this policy. This section of the policy will not be

construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

9. Grievance Process—In General

a. *Equitable Treatment.* The University’s grievance process will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following this grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies will be designed to restore or preserve equal access to the University’s education program or activity. Such remedies may include the same individualized services described as “supportive measures;” however, remedies may be disciplinary or punitive in nature and need not avoid burdening the respondent. The University generally does not compel students to participate in a grievance process under this policy. However, failure to participate may affect the outcome.

b. *Objective Evaluation of Evidence.* The University’s grievance process will require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person’s status as a complainant, respondent, or witness.

c. *Conflict of Interest.* The University’s grievance process requires that any individual designated by the University as a Title IX Coordinator, investigator, decision-maker, or any person designated by the University to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Parties will be notified at the appropriate junctures of the identities of the individuals serving as investigators, decision maker(s), and appellate officers. A party who has concerns that one or more of the individuals performing one of the aforementioned roles has a conflict of interest or is biased must report those concerns to the Title IX Coordinator within 48 hours of being notified of their identities and include a brief explanation of the basis for the conflict or bias concern. The Title IX Coordinator will assess the allegations of conflict or bias to determine whether the identified individual(s) can fulfill their duties in an impartial way. If the Title IX Coordinator concludes that the facts and circumstances support the claim of conflict or bias, the pertinent individual(s) will not participate in the case.

d. *Training.* The University is obligated to ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the University’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The University will ensure that decision-makers receive training on

any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The University will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

e. *Presumption of Non-responsibility.* The University's grievance process includes a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

f. *Prompt Time Frames.* The University's grievance process includes reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the University offers informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

g. *Range of Sanctions.* Following any determination of responsibility, the University may implement remedies or sanctions ranging from an educational paper to expulsion.

h. *Standard of Evidence.* The standard of evidence used is the preponderance of the evidence standard, and the same standard of evidence will be used for formal complaints against students as for formal complaints against employees, including faculty.

i. *Privileged Information.* The University 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, unless the person holding such privilege has waived the privilege.

j. *Procedures where One Party is a Member of the University Community and the Other party is Not.* When a third party, (i.e., a non-member of the University community, which could include, for example, alumni) is a party under this policy, the University will use procedures that are generally consistent with the procedures described in this policy, appropriately modified based on the particular circumstances of the case and taking into account privacy requirements and similar considerations. In no case will a member of the University community (i.e., current student, faculty member, or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the University community.

10. Grievance Procedure—Investigation

a. Notice of Allegations.

(1) In order to protect the safety of the campus community, the Title IX Coordinator may review reports of violations of this policy even absent the filing of a formal complaint, or under certain circumstances, even if a formal complaint has been withdrawn. The Title IX Coordinator may need to themselves file a formal complaint and proceed with an investigation even if a complainant specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take into account the complainant's articulated concerns, the best interests of the University community, fair treatment of all individuals involved, and the University's obligations under Title IX.

Upon receipt of a formal complaint, the University will provide the following written notice to the parties who are known: (A) A copy of this policy. (B) Notice of the allegations potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must also include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must inform the parties of any provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

(2) If, in the course of an investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the notice, the University will provide notice of the additional allegations to the parties whose identities are known.

b. Dismissal of a Formal Complaint.

(1) Within 14 days of receipt of a formal complaint, the University will appoint one or more persons to investigate the allegations contained in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in the University's education program or activity, or did not occur against a person in the United States, then the University will dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under this policy. However, such a dismissal does not preclude action under another provision of the Sexual Misconduct Policy or other University policy.

(2) The University may dismiss the formal complaint or any allegations therein, 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 therein; the respondent is no longer enrolled or employed by the University; or

specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

(3) Upon a required or permitted dismissal, the University will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

c. *Consolidation of Formal Complaints.* The University may 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. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

d. *Investigation of a Formal Complaint.* When investigating a formal complaint and throughout the grievance process, the University will—

(1) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties; provided, that the University cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party’s voluntary, written consent to do so.

(2) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

(3) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

(4) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, except as set forth elsewhere in this policy, the advisor may not participate in the proceedings.

(5) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

(6) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

(7) Prior to completion of the investigative report, the University will send to each party and the party's advisor, if any, the draft report and the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have 10 days to submit a written response, which the investigator will consider prior to final completion of the investigative report. The University must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

(8) Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

11. Grievance Procedure—Hearing

a. Live Hearing.

(1) Preferably within 60 days (excepting holidays, including but not limited to, at the University's discretion, winter break, spring break, and summer break) after the appointment of an investigator, the University will provide for a live hearing and designate one or more persons as the decision-maker(s). If there is one decision maker, that decision maker will preside at the hearing. If there is more than one decision maker, the decision makers shall determine which decision maker will preside at the hearing. The decision-maker(s) may not be the same person(s) as the Title IX Coordinator or the investigator(s). The University may also appoint a hearing facilitator to manage the administrative functions of the live hearing. The presiding decision maker will have absolute discretion with respect to administering the hearing. The presiding decision maker will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted. The presiding decision maker will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or adviser.

Prior to the hearing, the decision maker(s) will be provided with and shall review the investigative report, the evidence, and any responses to the investigative report and evidence. At least five (5) business days prior to the hearing, the parties and their advisers will be notified of the hearing date, time, and location (or relevant electronic information, if the hearing will be conducted remotely). In advance of the hearing, parties will be required to identify witnesses to be called at the hearing, as well as to provide a brief written explanation of the information each witness would be asked to provide, such that the presiding decision maker can determine their relevance. The presiding decision maker has

the discretion to exclude from the hearing evidence, witnesses, and questions deemed irrelevant. At the presiding decision maker's discretion, pre-hearing meetings may be scheduled with each of the parties and their advisers to explain the hearing protocol.

(2) At the live hearing, the decision-maker(s) appointed by the University must 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. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding section 10.d.(4) of this policy.

(3) At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

(4) Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the presiding decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

(5) If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

(6) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

(7) If a party or witness does not participate or submit to cross-examination at the live hearing, the decision-maker(s) will not hold that decision against the party or draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross-examination or other questions.

(8) Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

(9) The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Any other record of the hearing or any other recording is prohibited.

b. *Determination regarding Responsibility.*

(1) Within 21 days after the conclusion of the hearing, the decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

(2) The written determination must include—(A) Identification of the allegations potentially constituting sexual harassment; (B) A description of the procedural steps taken from the receipt of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (C) Findings of fact supporting the determination; (D) Conclusions regarding the application of this policy to the facts; (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the imposed on the respondent, and whether remedies designed to restore or preserve equal access to the University’s education program or activity will be provided by the University to the complainant; and (F) The University’s procedures and permissible bases for the complainant and respondent to appeal.

(3) The Title IX Coordinator will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

(4) The Title IX Coordinator or designee is responsible for effective implementation of any remedies.

If a student is found responsible for violating this policy, the case record (consisting of the investigative file and responses, investigative report and responses, hearing recording, and written determination relating to the finding of responsibility) will be provided to the dean of students or designee, who will determine sanctions and remedies in consultation with appropriate officials. Any sanctions and remedies will be included in the presiding decision maker’s written determination, and sanctions will be subject to appeal to the extent set forth elsewhere in this policy.

If an employee is found responsible for violating this policy, the case record (consisting of the investigative file and responses, investigative report and responses, hearing recording, and written determination relating to the finding of responsibility) will be provided to the appropriate vice president or designee, who will determine sanctions and remedies in consultation with appropriate officials. Any sanctions and remedies will be included in the presiding decision maker’s written determination, and sanctions will be subject to appeal to the extent set forth elsewhere in this policy.

12. Grievance Procedure—Appeals

a. Either or both parties may appeal from a written determination regarding responsibility and from the University’s dismissal of a formal complaint or any allegations therein, within seven calendar days from the date of the pertinent University action.

Appeals are on only the following bases: (1) Procedural irregularity that affected the outcome of the matter; (2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; (3) The Title IX Coordinator, investigator(s), decision-maker(s), or person determining the sanction and remedies had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and (4) the sanction is grossly unreasonable.

b. Appeals are decided on the basis of written materials submitted by the parties and, in the discretion of the person considering the appeal, the case file and the record at previous stages of the matter. As to any appeal, the University will: (1) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties; (2) Ensure that the appellate officer is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), the Title IX Coordinator, or the person determining the sanctions and remedies; (3) Ensure that the decision-maker(s) for the appeal complies with the standards set forth in section 9.a. of this policy; (4) Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; (5) Issue a written decision within 30 days of receipt of an appeal describing the result of the appeal and the rationale for the result; and (6) Provide the written decision simultaneously to both parties.

c. An appeal in a matter in which a student is the respondent shall be filed with the Vice President for Student Development. An appeal in a matter in which an employee is the respondent shall be filed with the Vice President for Administration and Finance. If the respondent is both a student and employee, the appeal may be filed with either Vice President. In any case, a copy of the appeal shall be provided to the Title IX Coordinator. Appeals should be filed by email.

d. The Vice President receiving the appeal shall designate a person to consider the appeal, who is called the “appellate officer.” The appellate officer may not be the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), the Title IX Coordinator, or the person determining the sanctions and remedies.

13. Informal Resolution

a. The University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this policy. Similarly, the University will not require the parties to participate in an informal resolution process under this section and will not offer an informal resolution process unless a formal complaint is filed.

- b. At any time prior to reaching a determination regarding responsibility the University may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the University –
- (1) Provides to the parties a written notice disclosing: 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, provided, however, that 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, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
 - (2) Obtains the parties' voluntary, written consent to the informal resolution process; and
 - (3) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

14. Retaliation

a. *Retaliation Prohibited.*

- (1) Neither the University nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 CFR Part 106, or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, 34 CFR Part 106, or this policy, constitutes retaliation.
- (2) The University will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106 or this policy, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the grievance procedures set forth in this policy.
- (3) At the University's discretion, a complaint of retaliation as set forth above may be addressed under this policy or another pertinent University policy.

b. *Specific Circumstances.*

(1) The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under paragraph (a) of this section.

(2) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation prohibited under paragraph (a) of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

15. Recordkeeping

a. The University will maintain for a period of seven years records of:

(1) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the University's education program or activity;

(2) Any appeal and the result therefrom;

(3) Any informal resolution and the result therefrom; and

(4) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The University will make these training materials publicly available on its website.

b. For each response to a report of sexual harassment, the University will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity. If the University does not provide a complainant with supportive measures, then the University must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

16. Miscellaneous Provisions

a. The obligation to comply with this policy is not obviated or alleviated by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99.

b. Nothing in this policy may be read in derogation of any individual's rights under title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq. or any regulations promulgated thereunder.

SEX OFFENDER REGISTRATION

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the *Jeanne Clery Act* and the Family Educational Rights and Privacy Act of 1974, Bushnell is providing a link to the Oregon State Police Sex Offender Information website. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable by law. The Oregon State Police is responsible for maintaining this registry. Follow the link below to access the Oregon State Police website.

<http://egov.oregon.gov/OSP/SOR/faqs.shtml>

CRIME PREVENTION

Both residential and commuter students are given information about campus security each year after arriving on campus. Additionally, campus security is outlined in the student handbook, which is available online. Campus security is discussed in staff meetings and faculty meetings as needs arise. Annual All-Hall Meetings, which include all residential students, review safety considerations and campus policies, contact information for campus resources and campus security, emergency alert information, and resources for survivors.

Crime prevention programs, alcohol or drug abuse educational programs, and sexual assault prevention programs are offered through the Student Life Office. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. When time is of the essence, information is released to the University community through security alerts posted prominently throughout campus and through emails.

ESCORT PROGRAM: Campus Safety will provide escorts to students, faculty, and staff to and from their vehicles or campus buildings.

MISSING STUDENT GUIDELINES

If a person has reason to believe that an on-campus student is missing, efforts will be made to locate the student through the collaboration of the Student Life Office, Campus Security, and the Eugene Police Department.

Individuals may report that a student is missing by calling Campus Security at 541-517-5197, the VP for Student Development, or the Director of Residence Life by calling 541-684-7345. Residence Life staff and Campus Security will attempt to reach the student via all contact information, contact the student's roommate or friends, review security footage, and may contact other campus connections (coaches, employers, professors) to determine the time of last contact on campus. Should the University determine that the student is missing, Bushnell will notify the Eugene Police Department immediately, unless the local law enforcement agency was the entity that made the determination that the student is missing. Bushnell University will contact the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, Bushnell University will notify the student's parent or legal guardian no later than 24 hours after the student is determined to be missing, in addition to notifying any additional contact person designated by the student. On-campus residential students have the option to register a confidential contact person to be notified in the case that the student is determined to be missing through their annual housing paperwork or by contacting the VP for Student Development at 541-684-7345. Only authorized campus officials and law enforcement officers may have access to the confidential contact information provided by the residential student.

The local police department with assistance and cooperation of the University will retain status as the primary investigative unit in missing student cases. If located, verification of the student's state of health and intention of returning to campus will be determined. When appropriate, a referral may be made to the Counseling Center.

CAMPUS FIRE SAFETY ANNUAL REPORT

OVERVIEW

The Higher Education Opportunity Act became law in August 2008. Among other things, it requires higher education institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics. The following public disclosure report details all information required by this law as it relates to Bushnell University.

STATISTICAL REPORT

BUILDING		ACADEMIC BUILDINGS			RESIDENTIAL BUILDINGS			OTHER BUILDINGS		
YEAR		2020	2021	2022	2020	2021	2022	2020	2021	2022
TOTAL ALARMS/YEAR		0	4	1	0	4	17	1	1	0
FIRES	INJURIES	0	0	0	0	0	0	0	0	0
	DEATHS	0	0	0	0	0	0	0	0	0
	PROPERTY DAMAGE	0	0	0	0	0	1	2	0	0
TOTAL FIRES		0	0	0	0	0	1	2	0	0
FALSE ALARMS	INJURIES	0	0	0	0	0	0	0	0	0
	DEATHS	0	0	0	0	0	0	0	0	0
	PROPERTY DAMAGE	0	0	0	0	0	0	0	0	0
TOTAL FALSE ALARMS		0	4	1	0	4	16	0	1	0

Below are the fire statistics as reported to Campus Security and the Student Life Office.

2022 ON-CAMPUS STUDENT HOUSING FACILITIES FIRE STATISTICS						
RESIDENTIAL FACILITY	TOTAL FIRES IN EACH BUILDING	DATE OF FIRE	CAUSE OF FIRE	NUMBER OF INJURIES REQUIRING TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO FIRE	ESTIMATED VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
BURKE-GRIFFETH RESIDENCE HALL	1	9/30/22	SMALL FLAME ON PLUG AND ELECTRICAL SOCKET FOR FLOOR BUFFER	0	0	\$10
WOMACK HALL	0	N/A	N/A	N/A	N/A	N/A
MOM RICHART APARTMENTS	0	N/A	N/A	N/A	N/A	N/A
WORKS VILLAGE APARTMENTS	0	N/A	N/A	N/A	N/A	N/A

2021 ON-CAMPUS STUDENT HOUSING FACILITIES FIRE STATISTICS

RESIDENTIAL FACILITY	TOTAL FIRES IN EACH BUILDING	DATE OF FIRE	CAUSE OF FIRE	NUMBER OF INJURIES REQUIRING TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO FIRE	ESTIMATED VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
BURKE-GRIFFETH HALL	0	N/A	N/A	N/A	N/A	N/A
WOMACK HALL	0	N/A	N/A	N/A	N/A	N/A
MOM RICHART APARTMENTS	0	N/A	N/A	N/A	N/A	N/A
WORKS VILLAGE APARTMENTS	0	N/A	N/A	N/A	N/A	N/A

2020 ON-CAMPUS STUDENT HOUSING FACILITIES FIRE STATISTICS

RESIDENTIAL FACILITY	TOTAL FIRES IN EACH BUILDING	DATE OF FIRE	CAUSE OF FIRE	NUMBER OF INJURIES REQUIRING TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO FIRE	ESTIMATED VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
BURKE-GRIFFETH HALL	0	N/A	N/A	N/A	N/A	N/A
WOMACK HALL	0	N/A	N/A	N/A	N/A	N/A
MOM RICHART APARTMENTS	0	N/A	N/A	N/A	N/A	N/A
WORKS VILLAGE APARTMENTS	0	N/A	N/A	N/A	N/A	N/A

On Campus Housing Facilities Fire Safety Systems

Residential Facility	Fire Alarm Monitored	Sprinkler System	Smoke Detector	Fire Extinguishers	Evacuation Plans	Evacuation Drills per Year
Burke-Griffeth Residence Hall	Yes	No	Yes	Yes	Yes	2 2/11/22 and 10/28/22
Mom Richart Apartments	No	No	Yes	Yes	Yes	2 2/11/22 and 10/28/22

Works Village Apartments	No	No	Yes	Yes	Yes	2 2/11/22 and 10/28/22
Womack Hall	Yes	Yes	Yes	Yes	Yes	2 2/11/22 and 10/28/22

FIRE PREVENTION POLICIES

It is the goal of Bushnell to provide a safe and healthy environment for all students, employees, and visitors. This includes fire safety. Specific fire related policies and evacuation locations are displayed throughout campus buildings/classrooms/common areas in the Emergency Response Plan flipchart or in the Student Handbook that is made available for all students online or a paper copy is available by request in the Office of Student Life (541-684-7345). Every year, Bushnell Residence Life staff inspects each residence to identify and resolve safety or fire hazards. The Bushnell Safety Committee (composed of various faculty and staff) meets quarterly for training and fills out Building Checklists to ensure safety and fire hazards are noticed and addressed.

Fire Safety Procedures

The procedures that Bushnell students and employees should follow in the case of a fire are as follows:

All individuals should evacuate the building and proceed to that building's evacuation location.

Individuals should first call 911, and then call Campus Security.

Campus Security includes all reported fires and false alarms in their security tracking and statistics.

Bushnell University Student Handbook policies regarding electrical appliances

For energy and safety reasons, it may not be possible for students to have all the electrical appliances they are accustomed to having at home. Residents of Burke-Griffeth and Womack Hall may not have hot plates, electric skillets/griddles, portable electric heaters, window unit air conditioners, or toaster ovens. Toasters and toaster ovens are permitted in residence hall kitchens.

Apartment residents may not have portable electric heaters. Other kitchen appliances must be used with caution and be in good working order.

Coffee pots, hot pots and microwave ovens are permitted.

All cords and connections must be in good working condition. Students may only expand electrical outlets with surge protected power strips. Items such as extension cords and six-way wall plugs (unless they are surge protected) are not allowed and will be confiscated.

Satellite dishes or other alterations are prohibited.

For fire prevention and safety reasons, halogen lamps (including lava lamps) and butane canisters are not permitted in any residential living area.

Bushnell University Student Handbook policies regarding fire safety

Fire drills will be held at various times throughout the year. The procedures for student housing evacuation in the event of a fire or emergency are provided in student rooms and on hall bulletin boards. Setting off fire alarms or misusing fire extinguishers is not permitted and will result in disciplinary action, up to and including a \$500 fine and dismissal from the University.

All residents must evacuate their residential building if a fire alarm is activated, whether for the purpose of a drill or in the case of an actual fire. Disciplinary action may be taken if a student does not evacuate.

Fire extinguishers and alarms are installed for resident protection. Residents are urged to read directions on fire extinguishers to be sure they understand the type of fire for which the extinguisher is effective and how to operate it in case of need.

Smoke detectors are present in individual rooms and in common areas in campus housing. Smoke detectors are potential life saving devices. To ensure that the smoke detectors are used appropriately and serve their designed function, students may not dismantle or otherwise alter them. Students found responsible for misusing smoke detectors (hanging things from, tampering with, pulling from the ceiling, taking batteries out of, etc.) will be charged for repair and/or replacement, and may face disciplinary action. Residence Life staff should be notified immediately when a smoke detector needs a new battery.

Smoking, the use of candles or incense, or any open flame is strictly prohibited in campus housing. Flammable materials (gasoline, kerosene, propane, etc.) are not permitted inside buildings.

Due to fire regulations, fire doors are not to be propped open or blocked. Exits, hallways or stairwells may not be blocked.

Residential evacuation locations are as follows:

Burke-Griffeth Hall: Evacuate to the north section of the quad.

Mom Richart and Works Village Apartments: Evacuate to the Womack Hall parking lot.

Womack Hall: Evacuate to the Mom Richart parking lot.

Additional information about student housing expectations and standards can be found in Bushnell's Student Handbook: <https://www.bushnell.edu/life-at-bushnell/student-handbook/>

Plans for Future Improvement in Fire Safety

Bushnell is in the process of renovating our largest classroom building (Goodrich Hall) to include modern fire & life safety systems.

CAMPUS CRIME STATISTICS

The following categories are listed as required by federal law. The figures are compiled from the Campus Security and Residence Life incident reports and Eugene Police Department crime statistics. Additional information and offense definitions can be reviewed online at the Department of Education Campus Safety and Security website by searching for Bushnell University at the following: <http://ope.ed.gov/security/Index.aspx>

Bushnell Campus Crime Statistics									
Offense Category	On Campus			Residential Facilities			Adjacent Areas/ Non-campus property*		
January 1 – December 31, Year	20	21	22	20	21	22	20	21	22
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	1	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	1	0	0	0	0	0
Aggravated Assault	0	1	0	0	0	0	0	0	0
Burglary	0	5	1	0	0	0	0	0	0
Motor Vehicle Theft	0	1	2	0	0	0	0	0	0
Arson	1	0	0	0	0	0	1	0	0
Dating Violence	0	0	1	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
Liquor Law Arrests	0	1	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Disciplinary Referrals									
Liquor Law Violations Referred for Disciplinary Action	0	1	2	0	1	2	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	6	1	0	6	1	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

*Adjacent areas statistics were taken from the Eugene Police Department reports.

Unfounded Crime Reports: There were no unfounded crimes in 2020, 2021, or 2022.

Hate Crimes:

2022: No reported hate crimes.

2021: No reported hate crimes.

2020: No reported hate crimes.

DEFINITIONS OF VAWA OFFENSES

Bushnell University prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking.

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim
 - The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - For the purposes of this definition –
 - Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.
 - For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- **Domestic Violence:** A Felony or misdemeanor crime of 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 cohabiting with, or has cohabited 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 the jurisdiction in which the crime of violence occurred; or
 - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the 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.
- Fondling: The touching of the private 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.
- **Stalking**:
 - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
 - Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress.
 - For the purposes of this definition –
 - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by an action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
 - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

DEFINITIONS OF SEX CRIMES

Sexual Assault Federal Definition

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the 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.
- Fondling: The touching of the private 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.

Sexual Assault State Definition

ORS 163.355 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. Class C Felony.

ORS 163.365 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. Class B Felony.

ORS 163.375 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; or (b) The victim is under 12 years of age; or (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. Class A Felony.

ORS 163.385 Sodomy in the third degree

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

ORS 163.395 Sodomy in the second degree

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

ORS 163.405 Sodomy in the first degree

A person who engages in oral or anal sexual intercourse with another person or causes another to engage in oral or anal sexual intercourse commits the crime of sodomy in the first degree if: (a) The victim is subjected to forcible compulsion by the actor; or (b) The victim is under 12 years of age; or (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.

ORS 163.408 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. Class B Felony.

ORS 163.411 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; or (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. Class A Felony.

ORS 163.415 Sexual abuse in the third degree

A person commits the crime of sexual abuse in the third degree if: (a) The person subjects another person to sexual contact and: (A) The victim does not consent to the sexual contact; or (B) The victim is incapable of consent by reason of being under 18 years of age; or (b) For the purpose of arousing or gratifying the sexual desire of the person or another person, the person intentionally propels any dangerous substance at a victim without the consent of the victim. Class A Misdemeanor. As used in this section, "dangerous substance" means blood, urine, semen, or feces.

ORS 163.425 Sexual abuse in the second degree

A person commits the crime of sexual abuse in the second degree when: (a) The person subjects another person to sexual intercourse, oral or anal sexual intercourse or, except as provided in ORS 163.412, penetration of the vagina, anus or penis with any object other than the penis or mouth of the actor and the victim does not consent thereto; or (b)(A) The person violates ORS 163.415 (1)(a)(B); (B) the person is 21 years of age or older; and (C) at any time before the commission of the offense, the person was the victim's coach as defined in ORS 163.426. Class C Felony.

ORS 163.427 Sexual abuse in the first degree

A person commits the crime of sexual abuse in the first degree when that person: (a) Subjects another person to sexual contact and: (A) The victim is less than 14 years of age; or (B) The victim is subjected to forcible compulsion by the actor; or (C) The victim is incapable of consent by reason of being mentally defective, mental

incapacitation, or physical helplessness; or (b) Intentionally causes a person under 18 years of age to touch or contact the mouth, anus or sex organs of an animal for the purpose of arousing or gratifying the sexual desire of a person. Class B Felony.

ORS 163.525 Incest

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

Statutory Rape

See ORS 163.355, ORS 163.365, ORS 163.375, ORS 163.415 (listed above).

Dating Violence Federal Definition

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim

- The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition –
 - Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.
 - For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating Violence State Definition

The state of Oregon does not have a statute addressing dating violence but includes the definition of Teen Dating Violence in ORS 147.450.

Teen Dating Violence: (a)A pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or (b)Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age. ORS 147.450 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 147 or any series therein by legislative action.

Domestic Violence Federal Definition

A Felony or misdemeanor crime of 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 cohabiting with, or has cohabited 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 the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Domestic Violence State Definition

ORS 135.230 Abuse between family or household members.

Abuse: Attempting to cause or intentionally, knowingly or recklessly causing physical injury; (b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury; or (c) Committing sexual abuse in any degree as defined in ORS 163.415 (Sexual abuse in the third degree), 163.425 (Sexual abuse in the second degree) and 163.427 (Sexual abuse in the first degree).

Family or household members: (a) Spouses, (b) Former spouses, (c) Adult persons related by blood or marriage, (d) Persons cohabiting with each other, (e) Persons who have cohabited with each other or who have been involved in a sexually intimate relationship, (f) Unmarried parents of a minor child.

Stalking Federal Definition

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
 - Fear for the person's safety or the safety of others; or
 - Suffer substantial emotional distress.
- For the purposes of this definition –
 - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by an action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking State Definition

ORS 163.732

A person commits the crime of stalking if:

(a)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; (b)It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and (c)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.

Consent

ORS 163.315 Incapacity to Consent

A person is considered incapable of consenting to a sexual act if the person is:

(a)Under 18 years of age; (b)Mentally defective; (c)Mentally incapacitated; or (d)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.

Bushnell University Student Handbook Definition of Consent

When determining sexual misconduct in violation of Bushnell University's Student Handbook, the university utilizes this definition of consent: "Consent means informed, freely and actively given, mutually understandable words or communications by a person capable of giving consent that indicate a willingness to participate in mutually agreed upon sexual activity. Consent obtained through use of force (actual or implied, immediate or future), whether that force consists of physical force, threats, intimidation, or coercion, is invalid. Consent may not be demonstrated by lack of resistance, silence, a previous relationship, or a current relationship. Intoxication may invalidate consent and does not negate the need to obtain consent. A person who is not of legal age, who is incapacitated by physical or mental illness, who is mentally or physically incapacitated, or who is unconscious or unaware, is incapable of giving consent."