

# Options and Resources in Matters of Sexual Misconduct and Relationship Violence

**Linfield College**

Adapted with permission from Lewis  
& Clark College, Portland, OR.  
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# Linfield College is committed to supporting and empowering survivors of sexual and relationship violence.

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

Linfield College is providing this information in compliance with federal and Oregon state laws and policies. Please see the Linfield College website, [Sexual Misconduct and Relationship Violence and Prevention](#), for more information on Title IX and to review Linfield College's Sexual Misconduct Resources and Support Policy, which describes in detail prohibited conduct and Linfield College's processes for resolving alleged violations.

Information and resources for persons accused of sexual misconduct, relationship abuse, and stalking are listed on the Linfield College website, <http://www.linfield.edu/sexual-misconduct.html>.

\*We use the term "Survivor" to refer to a person who identifies as a victim of sexual misconduct or violence. In this document, "Survivor" and/or "Reporting Party" may be used interchangeably. "Survivor" is the preferred term but the use of this term is not intended to prejudge responsibility of any Responding Party.

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# Summary of options

This is an important list of options for survivors to consider. Some actions (like a forensic examination) need to be done quickly after an incident.

Others (such as reporting to Linfield College) can be done long after an incident. An on-campus advisor or counselor can give survivors information and support to help them consider their choices and make decisions that are right for the survivor. Survivors of sexual or gender-based harassment, sexual violence, stalking, or intimate partner violence have these options and resources regardless of whether the offense occurred on campus.

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

**Advocacy:** Contact an on-campus advisor at [linfield.edu/sexual-misconduct/reporting-options.html](http://linfield.edu/sexual-misconduct/reporting-options.html) or a counselor for emotional support and to discuss options and resources. Speaking with an advisor or speaking with a counselor in the Student Health, Wellness and Counseling Center does not constitute an official report to Linfield College. On-campus advisors are Responsible Employees, while medical and counseling staff are confidential.

**Counseling:** Free counseling for current students is available at the Student Health, Wellness and Counseling Center. Referrals for community resources can be made.

**Medical care:** If the survivor was injured, they may be treated at the Student Health, Wellness and Counseling Center, a community provider's office, or an emergency room.

**Sexual Assault Forensic Exam (SAFE):** Physical evidence may be collected from the body and clothes of a survivor within 120 hours of an assault. A report to law enforcement is not necessary to receive a SAFE exam in Oregon; a medical staff member can explain the exam and help with this process. SAFE exams are free, and can be anonymous if a survivor chooses not to report to police. SAFE exams are available at Willamette Valley Medical Center.

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

**Reporting to Linfield College:** Reports can be made to Linfield College's Title IX Coordinator or designee. If students report to any Linfield College employee who is not confidential, they will share the information with the Title IX Coordinator. Reports can also be made to the Dean of Students Office without the express permission of the survivor.

**Online reporting:** Reports can also be made through an [online](http://www.linfield.edu/sexual-misconduct/reporting-options.html) form at <http://www.linfield.edu/sexual-misconduct/reporting-options.html>. In this form, survivors or witnesses can choose to remain anonymous by not including their name in the report. If the reporters choose to identify themselves, a Title IX Coordinator will reach out to them.

**Reporting to law enforcement:** Survivors can report to law enforcement in addition to or instead of Linfield College. Upon request by a survivor, College Public Safety or an advisor can help the survivor make a report to law enforcement. The McMinnville Police Department is required by law to maintain the confidentiality of all survivors of sexual assault and rape.

**Filing a formal complaint with Linfield College:** In addition to a report being filed with Linfield College, a formal complaint may be filed with the Dean of Students Office, which would prompt the initiation of a formal investigative process. If Linfield College determines there is a threat to the community, Linfield College may opt to pursue a disciplinary case without the survivor's direct participation. If Linfield College brings a complaint, the survivor may decline to directly participate in the process without penalty.

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

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

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

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

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

**Immigration assistance:** Some noncitizen survivors of violent crimes (including sexual assault and relationship abuse) may qualify for U-Visas or other immigration relief. Linfield College

provides limited immigration assistance but is unable to help with U-Visas or immigration relief for survivors. For assistance, contact the National Immigration Legal Services Directory.

# Survivors' rights

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

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

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

# Medical care and evidence collection

## **SEXUAL ASSAULT FORENSIC EXAMS (SAFE)**

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

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

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

In Yamhill County, where Linfield College is located, exams are conducted in hospital emergency rooms. The closest ER to Linfield College is Willamette Valley Medical Center. Linfield College's on-campus advisors can explain the procedure and help arrange transportation, and there is no cost for the exam. An advisor, or community advocate, or a friend can accompany the survivor.

## **OTHER MEDICAL CARE**

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

The Student Health, Wellness and Counseling Center can also provide a wellness exam and may offer emergency contraception and sexually transmitted infections prophylaxis. These services are free or low cost to students. Please contact an advisor or the Student Health, Wellness and Counseling Center for more information.

## **OTHER EVIDENCE TO SAVE**

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

# Types of reporting

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

## **ANONYMOUS REPORT**

Anyone can make an anonymous report by using the report form found at <http://www.linfield.edu/sexual-misconduct/reporting-options.html> on the Linfield College website. In order to make the report anonymous, the reporter should not list their name.

## **CONFIDENTIAL SUPPORT**

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

## **TITLE IX**

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

## **OBLIGATED REPORTING**

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

## **REPORTING TO LAW ENFORCEMENT**

Survivors have the option of reporting to law enforcement instead of or in addition to Linfield College. College Public Safety staff can facilitate the process and may coordinate with law enforcement to conduct the interview on campus.

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

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

After investigation, law enforcement may refer the report to the District Attorney's office for prosecution. The District Attorney will decide whether to file charges. Law enforcement and prosecutors represent the government's interests. A survivor may want to contact a victim rights attorney for information about the legal process.

## **CHILD ABUSE MANDATORY REPORTING**

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

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

If a survivor who is a minor wishes to talk about a personal experience of abuse or neglect with a professional on campus, the survivor may either 1) contact the Student Health, Wellness and Counseling Center and request to speak with a counselor, or 2) contact the Chaplain. However, please note ALL Linfield employees regardless of professional title are mandatory reporters in cases of child or elder abuse or abuse of an individual with diminished mental capacity.

# Privacy and confidentiality

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

Privacy and confidentiality have distinct meanings under this policy.

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

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

An individual who seeks confidential assistance may do so by speaking with professionals who can offer legally-protected confidentiality. On campus, Confidential Resources available to students include Staff Counselors in the Counseling Center, Medical Professionals in the Student Health Center, and ordained clergy in the Office of Student Affairs. Employees may access confidential assistance through the Employee Assistance Program. Information shared with these resources will remain confidential and will not be shared with Linfield College or anyone else without express permission of the individual seeking services. Even for these staff, there are a few exceptions to confidentiality. But these exceptions arise infrequently, and staff review these exceptions with students at the outset of care.

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

**Under federal law, Linfield College will report instances of sexual assault in annual security reports following Clery Act guidelines. The identities of involved parties are protected; no names or identifying details appear in these reports.**

## **CONFIDENTIALITY AND THE SEXUAL MISCONDUCT DISCIPLINARY PROCESS**

The following is taken from “Linfield College’s Sexual Misconduct and Relationship Violence Resources” pages.

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

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

Linfield College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Reporting Party. If Linfield College is unable to take action consistent with the request of the Reporting Party, the Title IX Coordinator or a member of the Title IX team will inform the Reporting Party about the chosen course of action, which may include Linfield College seeking disciplinary action against a Responding Party. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Responding Party or revealing the identity of the Reporting Party.

# Title IX Investigation

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

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

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

In most cases, when a student is the Responding Party, the Office of Student Affairs designates an investigator. The Director of Human Resources will in most cases investigate reports when an employee is the Responding Party. In cases that involve both students and employees, both Student Affairs and Human Resources will be involved.

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

# Disciplinary process

Anyone affiliated with Linfield College may report any violation of the Sexual Misconduct Policy at any time. If the Reporting Party is a student, cases are filed with the Student Affairs Office. The Human Resources office receives complaints against Linfield College employees.

If Linfield College feels that the Responding Party is a danger to the community, Linfield College may initiate a formal investigation and take interim measures, even if the Reporting Party does not wish to do so. Decisions as to whether the policy was violated will be made using a “preponderance of evidence” standard (i.e., is it more likely than not that a policy was violated?).

The following is a summary of the Formal Resolution process; please see the Linfield College website for more complete information.

When a report is received, Student Affairs or a Title IX official will reach out to the Reporting Party to set up a meeting. The Reporting Party will meet with the Title IX Coordinator or another Title IX official. The purpose of this meeting is to gain a basic understanding of the nature and circumstances of the report and the Reporting Party will be provided with information about the procedural options, as well as their rights, resources, options for resolution, and options for accommodation. The Title IX official will explain Linfield College’s policy against retaliation, refer the report to Student Affairs for documentation next steps, and make available an advisor or support person for the Reporting Party. If a student chooses to file a formal complaint, this will initiate a formal investigation which could lead to adjudication proceedings.

Formal resolution of a report under the Sexual Misconduct Policy will occur through either an admission, lack of evidence to proceed, or adjudication by a College Hearing Board.

An admission is when the Responding Party has admitted to the harassment or misconduct and there is no discernible dispute in the relevant facts of the investigation report. In some cases, an admission may occur when facts are disputed, in which case both parties may review the investigative report and present additional information to the Dean of Students or the Associate Dean of Students.

The College Hearing Board typically consists of three members drawn from a pool of trained faculty and campus administrators. A hearing is intended to be educational and developmental, and provide a fair and equal opportunity for each side to present their account of the incident so the College Hearing Board can determine the facts of the case, make a determination as to whether Linfield College policy was violated, and to recommend appropriate sanctions, if necessary. Both parties have the right to Appeal.

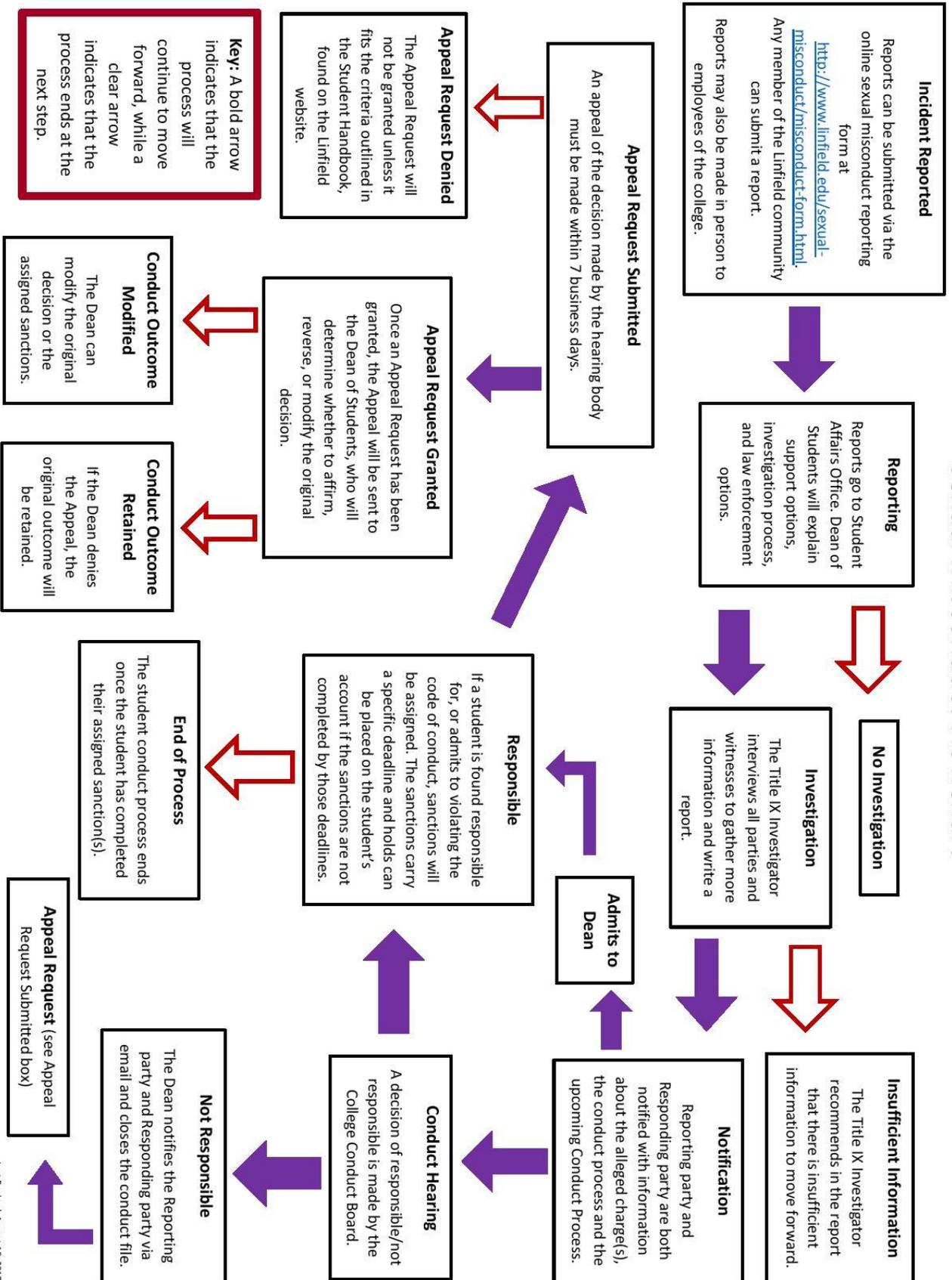
In the hearing, both the Reporting Party and the Responding Party may choose to be assisted by an advisor of their choosing. The Office of Student Affairs maintains a list of campus community members who have undergone Title IX training and can guide a student through the investigation and hearing process. An attorney or a support person from Linfield or a family member or friend

may act as an advisor to either party, but each party may only choose one advisor and an advisor may not act as a witness.

During the hearing, the Chair of the College Hearing Board will explain the hearing process and the Title IX investigator(s) will be available to answer any questions regarding the investigation. The Reporting Party and the Responding Party will have the opportunity to make statements, clarify statements or circumstances, ask questions directly to the Board, ask questions directed to the other party or witnesses by posing the questions to the Board directly and then the Board will ask the question of the other party or witnesses, and both parties will be given the opportunity to respond to questions from the Board. Witnesses may or may not be called. At no point will the Reporting Party or Responding Party be allowed to directly question or respond to one another. Answers to a question from the Board shall be directed back to the Board.

The Board will then deliberate in private and deliver their findings to the Dean of Students and/or Associate Dean of Students as soon as they finish deliberating. The findings of the Board will be summarized in writing and provided to the Reporting Party and the Responding Party. This summary will detail the findings of fact and the basis/rationale for the decision of the Board. Any student found in violation of college policy may receive sanctions.

# Sexual Misconduct Flowchart



Last Revised: August 18, 2017

## **POSSIBLE SANCTIONS FOR SEXUAL MISCONDUCT VIOLATIONS**

After hearing a case, the College Conduct Board may decide as follows:

1. Not responsible for a violation: No violation of a policy has been proved.
2. Responsible for a violation: A violation of a policy has been proved. In this case, the Board may impose a number of sanctions, individually or in a combination, including:
  - a. warning: an official reprimand in writing, delivered to the Responding Party and placed in the student's file;
  - b. probation: a condition that stipulates that any further violations of regulations may result in a suspension. Length of probation will be specified;
  - c. probation with terms: a condition that adds to regular probation stipulations that may deny the Responding Party certain privileges or requires certain action of them;
  - d. recommendation for suspension: separation from the College for a definite or indefinite period of time;
  - e. recommendation for dismissal: permanent separation from the College; and/or
  - f. other action that may seem appropriate for any given case. Sanctions against groups include those listed above in a-f, and also deactivation, loss of all privileges, including college recognition, either temporarily or permanently.

# Interim remedies and protective measures

Linfield College may implement interim remedies and provide protective remedies if a survivor requests them and if they are reasonable under the circumstances. Changes to academic, living, transportation, and working situations may be possible. Linfield College will make a reasonable effort to minimize the impact of any remedies on all parties, although remedies may be imposed on the Responding Party. A report to law enforcement, or a formal complaint to Linfield College, is not necessary to request interim remedies.

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

**This is a non-exhaustive list of some accommodations and remedies available to survivors. Other accommodations may be made on a case- by-case basis. At student request, a sexual misconduct response advisor or support person can help survivors coordinate remedies and accommodations with any of these offices or individuals.**

- Access to counseling services and assistance in setting up initial appointment, both on and off campus
- Imposition of campus No-Contact Letter
- Rescheduling of exams and assignments (in conjunction with appropriate faculty)
- Providing alternative course completion options (with the agreement of the appropriate faculty)
- Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (with the agreement of the appropriate faculty)
- Change in work schedule or job assignment
- Change in on-campus housing
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies
- Assistance from Linfield College support staff in completing housing relocation
- Limit an individual or organization's access to certain Linfield College facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Ensure safe movement between classes, activities, and employment responsibilities
- Providing student health services
- Providing academic support services, such as tutoring
- Interim suspension or Linfield College-imposed leave of Responding Party
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy

# Legal and immigration assistance

## **LEGAL ASSISTANCE**

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

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

### **Reporting and Responding parties may want to consult an attorney for representation or advice about**

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

## **PROTECTIVE ORDERS**

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

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

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

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

## **IMMIGRATION ASSISTANCE**

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

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

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

# Resources

## REPORTING ON CAMPUS

### Anonymous reporting

[www.linfield.edu/sexual-misconduct/reporting-options.html](http://www.linfield.edu/sexual-misconduct/reporting-options.html)

### Title IX Officer Susan Hopp

Vice President for Student Affairs and Admissions  
shopp@linfield.edu, (503) 883-2588

### Deputy Title IX Coordinator Brenda Devore Marshall

Professor of Theatre and Communication Arts  
bmarshall@linfield.edu, (503) 883-2290

### Deputy Title IX Coordinator Jeff Mackay

Dean of Students, Director of Residence Life and Student Affairs  
jmackay@linfield.edu, (503) 883-2436

### Deputy Title IX Coordinator Jane Samuels

Assistant Athletic Director/Senior Women's Administrator  
jsamuels@linfield.edu, (503) 883-2372

### Deputy Title IX Coordinator Mary Ann Rodriguez

Vice President of Finance and Administration  
mrodrigu1@linfield.edu, (503) 883-2458

### College Public Safety

Available as a first option to report an incident of sexual violence or intimate partner violence. Also provides an escort services on campus to any student. Available 24 hours a day, 7 days a week.

(503) 883-7233 (emergency line)

### Student Conduct and Community Standards

(503) 883-2349

## OFF CAMPUS

### United States Department of Education Office of Civil Rights

(800) 421-3481 or [OCR@ed.gov](mailto:OCR@ed.gov)

[www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html)

### McMinnville Police Department

Emergency: 911; non-emergency: (503) 434-7307

### Oregon Child and Vulnerable Adult Abuse hotline

(855) 503-7233; [www.oregon.gov/DHS/CHILDREN/CHILD-ABUSE/Pages/index.aspx](http://www.oregon.gov/DHS/CHILDREN/CHILD-ABUSE/Pages/index.aspx)

## **ADVOCACY, COUNSELING, AND HEALTH**

### **ON CAMPUS**

#### **Student Health, Wellness & Counseling Center - Walker Hall 103**

(503) 883-2535; [www.linfield.edu/student-health.html](http://www.linfield.edu/student-health.html)

After hours Crisis Counseling (through Area Director on-call): (503) 883-5433

### **OFF CAMPUS**

#### **Crisis Counseling Service**

Lines for Life Crisis Hotline, 1-844-842-8200; Available 24/7.

### **RAINN**

(800) 656-HOPE, Available 24/7; <https://rainn.org/>.

## **OTHER LINFIELD COLLEGE RESOURCES**

### **Sexual Misconduct Resources and Support Policy**

[www.linfield.edu/sexual-misconduct.html](http://www.linfield.edu/sexual-misconduct.html)

### **Linfield College Annual Security Report**

[www.linfield.edu/college-public-safety/annual-report/annual-report.html](http://www.linfield.edu/college-public-safety/annual-report/annual-report.html)

## **LEGAL ASSISTANCE AND IMMIGRATION**

### **Oregon Crime Victims Law Center**

(503) 208-8160; [www.ocvlc.org/](http://www.ocvlc.org/)

### **Victim Rights Law Center**

(503) 274-5477; [www.victimrights.org/](http://www.victimrights.org/)

### **Oregon Crime Victims' Compensation Program**

(503) 378-5348; [Oregon DOJ - Compensation for Victims of Crime](http://Oregon DOJ - Compensation for Victims of Crime)

### **Oregon Sexual Assault Protective Order information**

[www.courts.oregon.gov/programs/family/domestic-violence/Pages/sexual-abuse.aspx](http://www.courts.oregon.gov/programs/family/domestic-violence/Pages/sexual-abuse.aspx)

### **Oregon Stalking Protective Order information**

[www.courts.oregon.gov/OJD/OSCA/JFCPD/Pages/FLP/Stalking.aspx](http://www.courts.oregon.gov/OJD/OSCA/JFCPD/Pages/FLP/Stalking.aspx)

### **Oregon Relationship Abuse Protective Order / Restraining Order information**

[www.courts.oregon.gov/programs/family/domestic-violence/Pages/restraining.aspx](http://www.courts.oregon.gov/programs/family/domestic-violence/Pages/restraining.aspx)

[www.courts.oregon.gov/programs/family/domestic-violence/Pages/sexual-abuse.aspx](http://www.courts.oregon.gov/programs/family/domestic-violence/Pages/sexual-abuse.aspx)

### **National Immigration Legal Services Directory**

[www.immigrationadvocates.org/nonprofit/legaldirectory/](http://www.immigrationadvocates.org/nonprofit/legaldirectory/)

## **OTHER LINKS**

### **Family Educational Rights and Privacy Act (FERPA)**

[www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html)

### **Know Your Rights Office of Civil Rights, Department of Education**

[www2.ed.gov/about/offices/list/ocr/know.html](http://www2.ed.gov/about/offices/list/ocr/know.html)

# Sexual Misconduct and Relationship Violence Policy and Procedures

In keeping with its mission, Linfield commits itself to providing an environment which is safe and which fosters excellence in learning for its students and in work performance for its employees. Linfield's expectations of civility among community members exceed those applied to the public at large. It is the policy of Linfield College that no member of the College community shall engage in sexual misconduct or relationship violence against another member of the College or larger community and that, should this occur, the College will, to the extent it is able, support the Reporting Party and pursue sanctions against the Responding Party. To this end, the College shall annually apprise its students, faculty, administrators and staff of this policy, and inform them about the meaning and effects of sexual misconduct and relationship violence.

For the protection of the community, the College may take action against those who commit such misconduct. In taking action, the college will make every attempt to provide as much anonymity for the Reporting Party(s) and Responding Party(s) as possible. In fulfilling this policy and its procedures, the College shall seek to avoid creating a climate or taking actions that could, in themselves, have the effect of further harming a Reporting Party.

The Linfield College Sexual Misconduct and Relationship Violence Policy, while prohibiting offenses forbidden by Oregon law, also prohibits conduct that may not be a crime under Oregon law. As a result, Linfield requires a higher standard of conduct for members of the Linfield community than those applied to the public at large. Law enforcement agencies contacted about sexual misconduct or relationship violence at Linfield will follow Oregon law, not Linfield College's Sexual Misconduct Policy.

## **Linfield's Definition of Sexual Misconduct and Relationship Violence:**

1. Non-consensual sexual contact:
  - i. any intentional sexual touching,
  - ii. however slight,
  - iii. with any object or body part,
  - iv. by a man or a woman upon a man or a woman,
  - v. without consent.
  
2. Non-consensual sexual intercourse:
  - i. any sexual intercourse (anal, oral, or vaginal),
  - ii. however slight,
  - iii. with any object or body part,
  - iv. by a man or woman upon a man or a woman,
  - v. without consent.
  
3. Forced sexual intercourse:
  - i. any unwilling or non-consensual sexual intercourse (anal, oral or vaginal),
  - ii. however slight,

- iii. with any object or body part,
- iv. that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition.

#### 4. Sexual Exploitation:

Sexual exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct or relationship violence offences. Examples of sexual exploitation include, but are not limited to:

- i. prostituting another student;
- ii. non-consensual video or audio-taping of sexual activity;
- iii. going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- iv. engaging in Voyeurism;
- v. knowingly transmitting an STD or HIV to another.

#### 5. Sexual Harassment:

Sexual harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment or the educational relationship; (2) submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or (3) such conduct has the effect of unreasonably interfering with a student's or employee's work performance or creating an intimidating, hostile, or offensive working, educational, or living environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- i. Promising, directly or indirectly, a student or employee a reward, if the student or employee complies with a sexually oriented request.
- ii. Threatening, directly or indirectly, retaliation against a student or employee, if the student or employee refuses to comply with a sexually oriented request.
- iii. Denying, directly or indirectly, a student or employee an employment or education related opportunity, if the student or employee refuses to comply with a sexually oriented request.
- iv. Engaging in sexually suggestive conversation or physical contact or touching another student or employee.
- v. Displaying pornographic or sexually oriented materials.
- vi. Engaging in indecent exposure.
- vii. Making sexual or romantic advances toward a student or employee and persisting despite the student or employee's rejection of the advances.
- viii. Physical conduct such as assault, touching, or blocking normal movement.
- ix. Retaliation for making harassment reports or threatening to report harassment.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

#### 6. Domestic Violence

Domestic violence means a “felony or misdemeanor crime of violence committed by:

- i. a current or former spouse or intimate partner of the victim,
- ii. a person with whom the victim shares a child in common,
- iii. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- iv. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or
- v. 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.”

#### 7. Dating Violence

Dating violence means “violence committed by a person

- i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - the length of the relationship;
  - the type of relationship; and
  - the frequency of interaction between the persons involved in the relationship.”

#### 8. Stalking

Stalking means “engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- i. fear for his or her safety or the safety of others; or
- ii. suffer substantial emotional distress.”

# Information for friends and allies of survivors

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

## **Some things that survivors have said were helpful to hear:**

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

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

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

# Self-care for survivors

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

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

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

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

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

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

# Support for Responding Party(s)

Being accused of sex or gender related discrimination, including sexual harassment or sexual assault, can be a worrisome and confusing experience. There are campus resources available to answer your questions and offer you support throughout the investigation process. Please don't be afraid to utilize these resources during the process.

You'll note that if you are accused of sexual misconduct, you are referred to throughout this document as the "Responding Party." Under Title IX, the Responding Party and the Reporting Party both have the right to a fair and equitable adjudication process.

The Title IX Coordinator can answer any questions you may have about your rights and responsibilities during the process and make referrals to other resources. Visit the resources outlined in this document for more information about confidential on-campus resources and additional off-campus and community resources where you can seek counseling and assistance throughout the process.

## **What to Expect?**

The Title IX investigation process is guided by the policies of Linfield College. An investigation may be formal or informal, depending on the nature of the claim. During a formal investigation, the standard of evaluation that will be used is the preponderance of evidence standard, which means that the evidence obtained during the investigation must demonstrate that it is "more likely than not" that the Responding Party had violated Linfield College policy.

All parties (Reporting Party and Responding Party) are entitled to the same rights during a formal investigation, including, but not limited to:

- The right to be treated with respect and dignity by Linfield College officials and to be provided the same level of support as the Reporting Party
- The right to a fair, thorough, neutral, and impartial investigation of the incident
- The right to an advisor who can offer passive assistance during an interview as well as any Linfield College meeting related to the adjudication that involves the Reporting Party or the Responding Party
- The right to provide relevant evidence and witnesses
- The right to be silent in response to questions
- The right to notification, in writing, of the outcome of the investigation

Your primary resource is your advisor. An advisor is any person of your choosing who serves as a passive support person during an official meeting that is part of the investigation process. This person provides emotional support and may help as you navigate the process but may not speak on your behalf.

Responding Parties who need academic assistance or other interim measures should contact the Title IX Coordinator, Susan Hopp ([shopp@linfield.edu](mailto:shopp@linfield.edu) or (503) 883-2278).

**IF YOUR FRIEND HAS BEEN ACCUSED:**

- Listen from your friend's point of view
- Accept your friend as a person, even if you have questions about your friend's behavior
- Provide an atmosphere where your friend can express honest feelings
- Be honest with your friend about how much support you can provide
- Help your friend generate alternatives and options for dealing with emotions and the situation
- Let your friend make the ultimate decision about what to do
- Direct your friend to campus resources, including the Student Health, Wellness & Counseling Center
- Realize that you may also be affected, and seek counseling if necessary

**WHAT NOT TO DO:**

- Don't try to tell your friend what to do
- Don't offer insincere help or support
- Don't blame your friend for what happened
- Don't blame the student who filed the report
- Don't assume you know how your friend wants to be treated
- Don't rely on your friend to deal with your own feelings about what might have happened
- Don't break your friend's trust by telling others what might have happened in conversation or on social media