



**Responsible Executive:** Title IX Coordinator

**Responsible Office:** Equal Opportunity and Access

**Effective:** 09/18/2018

**Last Revised:** 08/14/2020

University Policy 05-005

# Responsible Employees and Reporting Incidents of Sexual Misconduct or Discrimination

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## 1. Policy Statement

- 1.1. Most Oregon State University (“university”) employees have an obligation to report incidents of sexual misconduct or discrimination. This policy describes the duties and the actions required of “responsible employees” in reporting such incidents, as well as the confidentiality the university will provide to those reporting such incidents.
- 1.2. The term “responsible employee” used in this document is a university designation in alignment with state law and university values. For information on employees who are designated as Officials with Authority, as defined by Title IX of the Education Amendments of 1972, or Campus Security Authorities, as defined by the Clery Act, please contact the Office of Equal Opportunity and Access.

## 2. Reason for Policy

- 2.1. Oregon State University is committed to creating and maintaining a community where all individuals who participate in university programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Every member of the campus community should be aware that the university prohibits sexual violence, sexual harassment, and retaliation. This policy also serves to enhance the university’s compliance with the Clery Act.

## 3. Scope & Audience

- 3.1. This policy is applicable to all university employees. This policy is not generally applicable to undergraduate student employees, except those who have been notified they have a responsibility to report sexual misconduct.

## 4. Definitions

- 4.1. **Employee:** All persons employed by the university, including, but not limited to, unclassified-faculty (both academic and professional), unclassified academic wage appointments, classified staff, temporary employees, and graduate student employees in their employee capacity. Undergraduate student employees are not generally considered employees for purposes of this policy unless they have been specifically notified that they are responsible employees.
- 4.2. **Confidential offices:** Offices designated as “confidential” will not report any information to the Office of Equal Opportunity and Access or the Title IX Coordinator without the permission of the complainant. These offices are not offices of notice to the university.
- 4.3. **Responsible employee:** University employees who have the duty to report incidents of sexual misconduct or discrimination. Most OSU employees are responsible employees unless otherwise specified in this policy.
- 4.4. **Complainant:** A person alleging a violation of University Policy 05-001 *Sexual Misconduct and Discrimination* or who is the individual allegedly negatively impacted by sexual misconduct or discrimination.
- 4.5. **Sexual misconduct or discrimination:** Discrimination based on sex, gender, gender identity or expression, or sexual orientation, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, non-consensual sexual activity, sexual exploitation, intimate partner violence, and stalking.

## 5. Responsibilities & Procedures

- 5.1. **Role of Responsible Employees in Reporting Incidents of Sexual Misconduct or Discrimination**
  - 5.1.1. Responsible employees must immediately report any allegation of sexual misconduct or discrimination to the Office of Equal Opportunity and Access (“EOA”) when they become aware of or have reason to believe that a violation of University Policy 05-001 *Sexual Misconduct and Discrimination* has occurred.
  - 5.1.2. A responsible employee is required to immediately report any form of sexual misconduct or discrimination as defined above that:
    - a. Is being or has been experienced or perpetrated by a
      - i. University student during their time as a student,
      - ii. University employee, and the incident is reasonably related to their employment,

- iii. University volunteer, and the incident is reasonably related to their volunteer status; or,
  - b. Has occurred on university property; or,
  - c. Occurred during a university activity or event.
- 5.1.3. A responsible employee must immediately report all relevant details about the alleged sexual misconduct or discrimination shared by the individual, including:
  - a. The names of the victim(s), alleged perpetrator(s), and any witnesses if known;
  - b. The date, time, and specific location of the alleged incident; and,
  - c. Any other relevant information.
- 5.1.4. Responsible employees should not attempt to investigate the alleged incident. Instead, responsible employees are to simply refer all information to EOA.

## 5.2. Privacy and Confidentiality of Complainants

- 5.2.1. Responsible employees are to respect the privacy of the complainant but should inform the complainant that the responsible employee has an obligation to report the alleged sexual misconduct or discrimination.
- 5.2.2. Before a complainant reveals any information to a responsible employee, the responsible employee should make efforts to inform the complainant of the responsible employee's reporting obligations.
  - a. If the complainant wishes to maintain confidentiality, the responsible employee should direct the complainant to a confidential office or employee.
  - b. If the complainant wishes to report the incident to a responsible employee but also maintain confidentiality, the responsible employee should tell the complainant that the university will consider the request but also make clear that the university may have a limited ability to provide confidentiality. In reporting the details of the incident, the responsible employee should inform EOA of the complainant's request for confidentiality.
  - c. In all cases, the responsible employee must inform the complainant that they have the option to report the misconduct to EOA and/or to law enforcement directly.

## 5.3. Confidential Offices and Exemptions from Reporting

- 5.3.1. Exemptions from this reporting requirement exist only for certain employees who serve in a professional role in which the communication is privileged as recognized

by the university, and when the information is discovered while acting in that professional role.

- 5.3.2. If an employee is unsure if they are performing a confidential professional role, they should contact EOA for guidance.
- 5.3.3. Confidential offices are Counseling & Psychological Services, Student Health Services, Survivor Advocacy and Resource Center, and the University Ombuds Office.

## 6. Forms & Tools

- 6.1. Equal Opportunity and Access Report Sexual Misconduct:  
[https://cm.maxient.com/reportingform.php?OregonStateUniv&layout\\_id=2](https://cm.maxient.com/reportingform.php?OregonStateUniv&layout_id=2)

## 7. Frequently Asked Questions

- 7.1. See FAQs here: <https://eoa.oregonstate.edu/responsible-employee-policy>

## 8. Related Information

- 8.1. University Policy 05-001 *Sexual Misconduct and Discrimination*:  
[http://policy.oregonstate.edu/UPSM/05-001\\_sexual\\_misconduct\\_discrimination](http://policy.oregonstate.edu/UPSM/05-001_sexual_misconduct_discrimination)
- 8.2. Office of Equal Opportunity and Access, Resources and Information for Employees:  
<http://eoa.oregonstate.edu/resources-and-information-employees>

## 9. History

- 9.1. Last review date: September, 2018.
- 9.2. Amendment: Housekeeping, August 2020.
- 9.3. Next scheduled review date: September, 2021.

## 10. Website

- 10.1. University Policy 05-005 *Responsible Employees and Reporting Incidents of Sexual Misconduct or Discrimination*: [http://policy.oregonstate.edu/UPSM/05-005\\_responsible\\_employees](http://policy.oregonstate.edu/UPSM/05-005_responsible_employees)

## 11. Contacts

Department	Phone Number	Website
Equal Opportunity and Access	541-737-3556	<a href="http://eoa.oregonstate.edu/">http://eoa.oregonstate.edu/</a>
<b>Report Sexual Misconduct and Discrimination to:</b>		
<p><b>Kim Kirkland</b>            Title IX Coordinator and Executive Director            Equal Opportunity and Access            330 Snell Hall            Corvallis, OR 97331</p> <p>Contact EOA at: <a href="mailto:equal.opportunity@oregonstate.edu">equal.opportunity@oregonstate.edu</a>            Report Sexual Misconduct or Discrimination at: <a href="https://eoa.oregonstate.edu/">https://eoa.oregonstate.edu/</a></p>		

### ADDITIONAL RESOURCES

#### Corvallis Campus and Area Law Enforcement

##### Oregon State Police or OSU Department of Public Safety

Contact: 541-737-7000

Website: <http://fa.oregonstate.edu/publicsafety/>

Location: Cascades Hall, 2nd Floor Oregon State Police

##### Corvallis Police Department

Contact: 911 or 541-766-6924

Website: <http://www.corvallisoregon.gov/index.aspx?page=58>

Location: 180 NW 5th St, Corvallis

#### Bend Campus and Area Law Enforcement

##### OSU-Cascades Department of Public Safety

Contact: 541-322-3110

Website: <https://osucascades.edu/campus-safety>

Location: 1500 SW Chandler Avenue, Bend, Oregon 97702

##### Bend Police Department

Contact: 911 or 541-693-6911

Website: <http://www.bendoregon.gov/government/departments/police>

Location: 555 NE 15th St., Bend

**Hatfield Marine Science Center and Newport Area Law Enforcement**

**Newport Police Department**

Contact: 911 or 541-265-4231

Website: <http://newportoregon.gov/dept/npd/>

Location: 169 SW Coast Hwy, Newport