



OREGON COLLEGE *of* ORIENTAL MEDICINE

# Teaching Assistant Handbook

2017-2019

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*The science of medicine, the art of healing®*

# Teaching Assistant Handbook 2017-2019

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*Oregon College of Oriental Medicine is committed to the policy of equal opportunity in education and employment for all qualified persons regardless of race, ethnicity, religion, gender, gender identity, sexual orientation, national origin, age, or disability.*

# Introduction

This handbook defines the roles of **Teaching Assistants (TA's)** at Oregon College of Oriental Medicine. Teaching assistants provide important support to the college's faculty and students. As such, they are valued community members who have particular rights and responsibilities. These, along with policies and procedures, are outlined in this handbook.

Teaching assistants should be aware of general information about OCOM as outlined annually in the academic catalog. Of special importance to teaching assistants are: the college's mission statement and values; competencies expected of OCOM graduates; grading policies; attendance policies; and the overview of OCOM curriculum. Maintaining awareness of these issues will enable teaching assistants to appropriately reinforce the college's mission, values, academic standards, policies, and procedures. The current academic catalog can be downloaded from the college's online **Publications Archive**.

## 1 Teaching Assistants

### 1.1 Categories of Teaching Assistants (TA's)

#### Clerical teaching assistants

Clerical teaching assistants, in classes that are primarily didactic in nature, aid faculty members and work under their direct supervision grading papers and exams, monitoring exams, creating and editing hand-outs, and generally perform such additional duties as required by the primary faculty member. Clerical Teaching Assistants will not be required to come to the class without the faculty member first requesting in-class support from the Assistant Dean of Masters Studies.

#### Classroom "Hands-on" teaching assistants

Classroom teaching assistants fulfill a significant role at OCOM. They are utilized primarily in practicum classes, such as Point Location, where students are divided into small groups for more individualized instruction. These teaching assistants attend all assigned class sessions, provide feedback to students, and provide support for faculty that can include student evaluation on practical and written evaluation mechanisms.

### 1.2 Hiring process for teaching assistants

The Assistant Dean of Master's Studies is responsible for making decisions regarding hiring and placement of teaching assistants, and will be supported by the TA Coordinator for the creation of annual assignments. Determination is made with consideration of all of the following:

- Faculty preferences (primary)
- Past performance
- Past experience
- OCOM budget for TA's
- Number of students enrolled in a given section
- Desire or need to expand the TA pool and to provide opportunities for new TA's.
- Individual TA's availability

All TA's receive a TA Agreement document that outlines their course assignments and specifies their hourly pay rate. TA course assignments last for a specified duration, typically one, two, or three quarters. Teaching assistants should not assume that they will return to the same class or the same number of classes when their current assignments expire.

After being hired as a TA, those who work with acupuncture needles, moxa, cupping, etc. or supervise students using these modalities in classes must keep their acupuncture license current. It is the TA's responsibility to provide a current license to the college. Also, annual bloodborne pathogen training is required.

## **Clerical teaching assistants**

Often clerical teaching assistants are directly requested by the faculty member. If an individual is interested in serving as a clerical TA for a particular course or faculty member, they should express this interest to the faculty member as well as to the Assistant Dean of Master's Studies and the TA Coordinator.

The appointment of a Clerical TA will be confirmed on the TA Agreement. This agreement will include the "maximum" number of hours allotted to a particular class or faculty member. Clerical TA's must not surpass this allotment and should inform the supervising faculty member if it becomes clear that the allotment is not sufficient for the work being requested of the TA. The faculty member can then submit a request for modification of the agreement to the Assistant Dean of Master's Studies, who will consider such requests in relation to faculty responsibilities and budgetary issues. Clerical TA's will be notified in writing or by email by the Assistant Dean of Master's Studies or TA Coordinator of any additional hours allotted.

Note: OCOM reserves the right to modify or cancel any TA placement at any time during the agreement period.

## **Classroom teaching assistants**

Classroom "hands-on" teaching assistants from the prior year are generally invited to state their preferences for assignments for the upcoming year and are provided with finalized class schedules to aid them in doing so. Individuals newly interested in becoming a teaching assistant can obtain an application from the TA Coordinator.

### **1.2.1 Pay scale for teaching assistants**

OCOM students: Any OCOM student employed as a TA (clerical or classroom) will be paid at the established rate for work-study students for that year. Exceptions will be considered for those possessing a professional license or previous experience relating to the class in which they will be a teaching assistant. For example: Doctor of Chiropractic in Structural Diagnosis. As such, TA rates may vary.

## **Clerical teaching assistants**

Clerical TA's (who are not OCOM students): Standard hourly pay rate for clerical TA's is \$11.25/hour. Clerical TA's should not anticipate an annual increase in pay for this category. If a faculty member requests a "special designation" for a clerical TA, specifying that specialized knowledge and skills are required, a "special designation rate" may be established for that circumstance.

## **Classroom teaching assistants**

Classroom Teaching Assistants (who are not OCOM students): Starting pay is \$14.64/hour; a "cap" of \$20/hour is in place for Classroom TA's. Whether there is an increase in compensation from year to year is dependent on the college budget and is determined by the President's Reports.

## **CE Exam Rate**

A "special designation rate" has been established for monitoring and grading the second year comprehensive examination. This rate is \$17.00/hour.

### **1.2.2 Benefits for teaching assistants**

In OCOM's clinics, teaching assistants are eligible for the Friends and Family discount: a 15% herbal product discount, and the employee rate for intern acupuncture and therapeutic massage treatments.

All teaching assistants receive a 25% discount to certain OCOM CE seminars. Classroom TA hours **may qualify** towards meeting the NCCAOM PDA requirements. For TA hours to qualify, the TA must have provided the primary teaching or lecturing within the classroom setting. If a TA wishes to utilize these hours, they must provide the TA coordinator with the exact hours/dates that they provided primary teaching duties and have the faculty member send the TA coordinator confirmation of this. OCOM will use the number of hours stated by the faculty member.

To obtain PDA credit, a letter from OCOM is acceptable proof of hours.

OCOM provides its employees with paid absence hours that comply with the Oregon Paid Sick Leave Law. In the event of any conflict between this policy and applicable law, the law will be followed. For any questions about paid absence hours, contact Human Resources.

### **Eligible Employees**

All full-time and part-time faculty and teaching assistants are eligible for paid absence hours. For purposes of paid absence hours, the year is defined as January 1 through December 31. Eligible employees begin accruing paid absence hours on the first day of employment and can begin using paid absence hours on the first day of the month following 30 days of employment. Each employee will be provided a quarterly accounting of the amount of accrued and unused paid absence hours available to them.

### **Paid Absence Hours Accrual**

Paid absence hours are allotted to each eligible employee at the start of the calendar year. Paid absence hours do not roll over to the next year and are allotted in accordance with the number of hours an employee is contracted to work each year. For purposes of this calculation, OCOM will base the annual hours worked on the employee's active contract/agreement(s) as of January 1 each year.

<b>Annual Hours Worked</b>	<b>Paid Absence Hours</b>
1,950 hours and up	48 hours
960 – 1,949 hours	40 hours
720 – 959 hours	32 hours
480 – 719 hours	24 hours
240 – 479 hours	16 hours
30 – 239 hours	8 hours

Teaching Assistants do not qualify for or receive such benefits as medical, dental, or disability coverage. **For additional information, contact OCOM's Human Resources representative.**

## **1.2.3 Payroll Onboarding**

If you have not previously been employed by OCOM, you will need to fill out forms and provide the customarily required documentation. The TA Coordinator will arrange an appointment for you to meet with the Human Resources representative and inform you of the document requirements to complete your hire process.

## **1.2.4 Getting Paid**

NOTE: Please complete a separate timesheet for Clerical TA, Classroom TA, or special projects for differing departments.

Clerical TA's should complete a **Clerical TA Timesheet**

Classroom TA's or "Hands-On" TA's fill out a **Classroom TA Timesheet**

Submit timesheets to TA Coordinator, Ann-Louise March ([ann-louise.march@ocom.edu](mailto:ann-louise.march@ocom.edu)), or hand deliver to Student Services mailbox (Room 202) or Academic Administration desk (Room 206).

Timesheet due dates are communicated via email to your "ocom.edu" email address. Emails include timesheet documents for completion. Printed TA timesheets are also available outside the Student Services office, Room 202. Please submit a sheet on-time for each pay period. Record day, date, start and end time of the course, and class title (as listed on Populi). The Assistant Dean of Master's Studies will audit, co-sign, and submit your timesheet(s) to the payroll office.

Payments occur twice a month, on the 16th and last day of the month. TA timesheet deadlines are generally on the 9th and 24th of each month. If a timesheet is submitted late, unless you specify otherwise, payment occurs at the next scheduled payroll period.

**NOTE: Do not delay submission of timesheets, even if it's only a few hours — delay causes added work for administration and accounting. Thank you.**

## Holidays

OCOM observes seven paid holidays each year: **New Year's Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day,** and **Christmas Day.** If any of these holidays falls on a Saturday, they will be observed on the preceding Friday; a holiday that falls on a Sunday will be observed on the following Monday.

Additional approved paid closure days (i.e. the day after Thanksgiving, days around the Christmas holiday, Staff Development Day) may be granted at the discretion of the President and/or the Board of Trustees.

Full- and part-time employees will be paid at their standard base rate for the number of hours the employee would normally be scheduled to work on that day if the college were open.

**Non-exempt** employees who are *required* to work on an observed holiday will be paid at one and one-half (1.5) times their regular rate for all actual hours worked.

**Exempt** employees who are *required* to work on an observed holiday will be allowed an equivalent number of paid hours off at their regular rate at a later date (to be arranged with the employee's supervisor). All hours worked on a holiday must be pre-approved by their supervisor.

Employees **not** regularly scheduled to work on any given holiday will **not** be paid for that day. If an observed holiday or approved closure day falls on an exempt employee's regularly scheduled day off, that employee shall be entitled to take an equivalent day with pay as approved by their supervisor. For instance, if the college observes a Monday holiday, a full-time exempt employee whose regular work week is Tuesday through Saturday would be entitled to a day off at a later date.

## Inclement Weather Policy

The college will make every effort to keep the campus open for normal working hours during inclement weather. However, the safety of our employees and students is a priority for OCOM. When an emergency situation occurs causing OCOM to close, all full and part-time employees will be paid for their regularly scheduled hours and rate. Employees who have previously requested and been approved for vacation and/or personal time that day **will** have those hours deducted from their Paid Time-off (PTO) total.

Should inclement weather occur during the work day, the President will make the determination regarding what time the college will close. All employees will be paid for their scheduled hours for the remainder of the day. During all campus closures, any exempt employee who can work remotely is required to do so. It may happen that one or more departments will be closed to patients while the rest of the college is open. In those situations, employees are still expected to appear for work and do non-patient facing tasks.

Upon determination that OCOM will be closed due to an emergency situation, all efforts will be made to notify employees through the college's website, local news outlets, outgoing email, and text messages.

Should OCOM remain open during a weather situation, all employees are expected to make reasonable efforts to report to work. Employees who are unable to report for their scheduled shift will be required to use vacation or personal time. If no vacation or personal time is available, nonexempt employees will not be paid for the day.

## 1.3 In Case of Classroom TA Absence

When an absence is planned in advance, the TA should inform the faculty member as soon as possible and determine if the faculty member wants the TA to find a substitute. If requested, the TA should attempt to find a faculty approved TA for the class(es) that will be missed. The substitute TA will then record the hours on their timesheet, checking the box "**Sub**" for the entry that applies. The absent teaching assistant **must not** record those hours on their own timesheet.

When a Classroom teaching assistant unexpectedly misses a class, they should notify the Assistant Dean of Master's Studies as well as the faculty member for the class.

## 1.4 Responsibilities of Teaching Assistants

### 1.4.1 Clerical Teaching Assistants

Clerical Teaching Assistants have limited responsibilities to provide clerical support for faculty members in creating syllabi, hand-outs, visual or other educational aids, etc. They grade exams and other assignments, according to the faculty's specifications, and may occasionally be asked to monitor exams. Clerical TA's must provide their grade submission and other paperwork services to faculty in a timely manner, generally within one week. Clerical TA's can support students and faculty by making faculty aware of students who are struggling academically (as evidenced by performance on exams or other assignments) and similarly aware of any issues around a given test such as frequently missed questions, etc. Clerical TA's are not expected to and should not be asked to grade papers requiring "professional judgment" or to attend classes.

### 1.4.2 Classroom Teaching Assistants

Classroom Teaching Assistants are primarily responsible to support the instructor in ways that are specified by the instructor. They may also be asked to grade papers and exams and are frequently allotted time within class to complete these tasks. Because they are present in classes, additional responsibilities and expectations include but are not limited to:

- Promptness and timeliness
- Being present at all times unless explicitly excused by the instructor
- Arriving to class prepared
- Attentiveness during lectures
- Excellent hygiene and a professional appearance
- Maintaining awareness of the classroom including classroom set-up, breakdown
- Supply cabinet maintenance, including monitoring supplies and anticipating future supply needs; coordinating with faculty to insure items are available when expected for class sessions
- Supplies must be requested from the TA Coordinator or the Assistant Dean of Master's Studies
- It is prohibited to move classroom supplies from one classroom to another; please inform the TA Coordinator if you notice this occurring
- Responding appropriately to the changing dynamics of the classroom and the needs of the instructor
- Maintaining appropriate professional boundaries with faculty, peers, and students
- Returning the classroom to its initial setup (including closing exterior doors), unless instructed otherwise by the faculty member

### 1.4.3 TA Substitute Teaching

**Clerical TA's**, who are also OCOM students, should not be utilized as "substitute teachers." If appropriately qualified and not current OCOM students, clerical TA's may be asked to serve as substitute teachers on occasion, but only with the consent of the Assistant Dean of Master's Studies. **Classroom TA's** who are not current OCOM students may also be asked to serve as "substitute teachers."

In either case, it is the faculty member's responsibility to obtain permission from the Assistant Dean of Master's Studies and to complete the **Faculty Absence form**, noting the TA as the substitute teacher. When received, the Assistant Dean of Master's Studies will clearly detail payroll instructions. Standard substitute faculty pay rate is \$40.80 per hour. **The Faculty Absence form will act as your substitute faculty member timesheet. Do not record those hours on a TA timesheet unless indicated by the Assistant Dean of Master's Studies.**

## 1.5 Communication with Teaching Assistants

Teaching assistants are provided labeled mailboxes, adjacent to the faculty mailboxes within the third floor Faculty Suite. Clerical TA's, not necessarily on campus, should also arrange any exchange of materials directly



with their supervising faculty member. Additionally, your OCOM email will frequently be used to communicate with both types of teaching assistants.

## 1.6 Evaluation of Teaching Assistants

Faculty members are asked to provide feedback to the Assistant Dean of Master's Studies or TA Coordinator pertaining to teaching assistants' performance. This includes sharing student comments from course evaluations as well as faculty members' own perceptions of teaching assistant performance. TA's receive an semi-annual evaluation report that includes input from each faculty member for whom they assist.

## 2 Tutors

Teaching assistants are eligible to and may wish to offer tutoring to OCOM students. Each fall, a tutor list is generated by the Assistant Dean of Master's Studies with the names of teaching assistants desiring to participate. Faculty members are asked to approve the tutor list in their own subject area.

All tutoring is done by arrangement between the student and the tutor. Tutors are free to set their own pricing schedule, and many tutors work within small group sessions at a lesser rate per student. (In recent years, \$25 per hour for one-on-one tutoring has been a common rate.) The tutor list is available via Mike Law, Student Services Manager, or Nancy Grotton, Dean of Students.

### 2.1 Tutoring Assistance Program

*Limited Subsidies for Faculty Mandated and Faculty Recommended Tutoring*

Student Services has a Tutoring Assistance Program to provide a partial subsidy to OCOM students with limited financial means and who faculty members have either mandated or recommended to receive tutoring in specific courses.

This program will provide a \$10 per hour subsidy paid directly to the tutor for those students mandated or recommended to receive tutoring. The subsidy program will subsidize a student for a maximum of five hours per course per term and a maximum of 10 hours per student per term.

*How will this program impact you as a potential tutor of a student who is part of this program?*

- A student approved for this program will come to your tutoring sessions with a completed copy of the **Tutor Subsidy Referral/Authorization form**, for you to verify their participation. It should be signed at the top by the instructor and at the bottom by the Student Services Manager and/or Dean of Students.
- At each session, you will log the student's name, date, number of hours, and course name, plus the student's signature on a **Tutor Report form**. The student should bring this form with them; it is available from the Student Services Manager or the Dean of Students.
- The student will pay you directly for the cost of the session minus \$10 per hour.
- To obtain the \$10 per hour subsidy from OCOM, the tutor should fill out a separate **Tutor Subsidy Timesheet**, attach it to your completed Tutor Report, and submit both to the Student Services Manager or the Dean of Students or the Student Services mailbox outside of Room 202.

For questions about faculty-mandated/recommended tutoring, contact:

- Mike Law, Student Services Manager, [mLaw@ocom.edu](mailto:mLaw@ocom.edu), 503-253-3443 x163
- Nancy Grotton, Dean of Students, [ngrotton@ocom.edu](mailto:ngrotton@ocom.edu), 503-253-3443 x154

<sup>1</sup>All references to "faculty" include teaching assistants.



# 3 Policy Re: Professional Boundaries/ Romantic and/or Sexual Relationships

*\*For purposes of this policy, the term “faculty member” will include all faculty members (on and off campus) and all other individuals with supervisory or evaluative responsibility for students, including teaching assistants, herbal dispensary supervisors, etc.*

Faculty members have many professional roles with students — instructor, mentor, supervisor, evaluator, advisor, tutor — that represent the heart of the educational process in a college environment. As a matter of sound judgment and professional ethics, faculty members have a responsibility to avoid any apparent or actual conflict between their professional responsibilities and personal relationships with students.

When a faculty member has a romantic and/or sexual relationship with a student, a conflict of interest arises. Because OCOM is a small campus, and the nature of classes and clinic is often intimate and personal, there may be a greater likelihood of feelings of intimacy and attraction than in some settings. Therefore, the need for clear boundaries is even greater than at a larger university.

An excerpt from the University of Michigan’s policy explains the risks very clearly:

*Romantic/sexual relationships between faculty members and students can pose risks to the faculty member, the student, or to one or more third parties. When a student voluntarily consents to such a relationship, that consent is suspect because of the unequal power of the two participants in the relationship. Such relationships can also lead the student to file a claim of sexual harassment if he or she feels exploited. In addition, other faculty members, staff members, or students may worry about undue advantage or unfavorable treatment as a result of the relationship. These concerns can damage the educational environment whether the favoritism is real or perceived.*

OCOM’s policy enables the college to more clearly articulate its values, expectations, and procedures for addressing conflicts of interest that arise as a consequence of romantic and/or sexual faculty/student relationships.

## 3.1 Discriminatory Harassment, Sexual Misconduct and Retaliation Policy

Updated July 2017

### I. INTRODUCTION

Oregon College of Oriental Medicine (OCOM) is committed to maintaining environments that enable a free and diverse community in which students, faculty (including teaching assistants), and staff can learn, work, and express themselves. Membership in the OCOM community imposes obligations on students, faculty, and staff to respect the dignity and autonomy of others and to treat one another civilly and without regard to factors irrelevant to participation in the life of the College.

This policy details and explicitly prohibits specific forms of harassment and encourages the reporting of these prohibited behaviors. OCOM will work to prevent them and their recurrence, and to correct any discriminatory effects on a complainant or others.

The prohibitions within this policy may appear to place a kind of restriction on academic freedom and individual freedom of expression. Since such freedom requires an atmosphere of trust and mutual confidence, dishonesty, intimidation, harassment, exploitation, and the use or threat of force are incompatible with the preservation of this freedom.

Except as otherwise specified herein, this policy applies to faculty, staff, students, and agents of the College while in their representative role. It also applies to patients, visitors, contractors and subcontractors, as well as to any other person who participates in or benefits from OCOM programs and activities, whether on or off campus, including academic, educational, extracurricular, and workplace programs and activities, and to any person using OCOM premises. This policy covers behavior that occurs outside of OCOM-sanctioned events

or OCOM properties when it impacts an individual's ability to access or benefit from OCOM programs and activities.

OCOM acknowledges and intends to comply with its legal responsibilities in all its programs and activities. This policy is required by, and is as a whole intended to be consistent with, Title IX of the Education Amendments of 1972, 34 CFR Part 106, and any other applicable law or regulation that prohibits discrimination on the basis of any legally protected category in the educational programs or activities of colleges and universities, in employment, or in any other relationship which is governed by law. OCOM also acknowledges and intends to comply with its legal responsibilities under federal or Oregon law, including the reporting responsibilities of the Clery Act, 34 CFR 668.46. If any provisions of this policy are contrary to or interfere with any applicable law, that law will supersede the inconsistent policy provisions. Behavior violating this policy may also separately violate federal, state, or other law; it may also violate other policies of the College.

Because of the close connection between this policy and Title IX, significant parts of the policy's enforcement are overseen by OCOM's Title IX Coordinator. Contact information may be found on the Title IX Resource Page and other places on the College's website. See the Title IX Resource Page ([www.ocom.edu/titleix](http://www.ocom.edu/titleix)) for sources of help with questions about this policy.

## **II. NOTICE OF NON-DISCRIMINATION**

OCOM recognizes the individual dignity of each employee, student, patient, volunteer, and job applicant. OCOM does not discriminate on the basis of race, color, religion, sex, national origin, age, disability, marital or familial status, sexual orientation, gender identity, veteran status, or any other basis prohibited by local, state, or federal law. OCOM does not consider any of the above attributes in administration of its employment policies, educational policies, admissions policies, scholarship and loan program, and other school-administered programs. In its policies and actions, OCOM will comply with its obligations under state and federal law including Title VI and Title VII of the 1964 Civil Rights Act, Title IX of the 1972 Education Amendments Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Uniformed Services Employment and Reemployment Rights Act (USERRA), Oregon Revised Statutes, and any other applicable law.

## **III. USE OF A REASONABLE PERSON STANDARD**

The College will use a "reasonable person" standard when applying the definitions herein and in investigating reports and complaints of violations of this policy, both in determining facts and in assessing culpability.

A "reasonable person" is a hypothetical person who is level-headed and rational, aware of community norms, and not under the influence of a judgment-impairing substance.

This standard can be used in different ways throughout the investigation and adjudicative process. For example, since the standard is referred to in the definition of prohibited discriminatory harassment, parties investigating a report or formal complaint of discriminatory harassment will use the reasonable person standard by assessing the situation from the perspective of a reasonable person as defined above to decide if the behavior constitutes a violation of this policy. As another example, parties may use the reasonable person standard when assessing whether a reasonable person in the same context as the respondent would believe that they had consent in that context.

## **IV. GENERAL DEFINITIONS USED IN THIS POLICY**

For purposes of this policy, certain terms are defined in a specific way. The following definitions apply where the defined terms are used in this policy, regardless of whether the terms have a different meaning in other contexts.

**Agents of the College:** Individuals serving as official representatives for the College in any unpaid or paid capacity.

**Complainant:** An individual who makes a report or a formal complaint regarding violation(s) of College policy.

**Faculty:** A member of the teaching or research staff who holds an academic appointment, including teaching assistants (TA's), those on visiting appointments, and those on sabbatical or leave. It also includes visiting

scholars and emeriti faculty who are teaching or who have an office on campus.

**Respondent:** An individual alleged to have violated College policy, who has been named as such in a report or a formal complaint.

**Staff:** Individuals employed by OCOM who are not members of the faculty.

**Student:** An individual who is currently enrolled, registered, on leave of absence, or has made arrangements with the Business Office to pay tuition and fees.

## V. DISCRIMINATORY HARASSMENT

**Discriminatory harassment** is unwelcome verbal, written, visual, or physical conduct based on or motivated by an individual's or group's actual or perceived affiliation with a protected class or category. See Section II of this policy for a list of protected classes or categories.

Discriminatory harassment violates this policy if it is sufficiently severe, pervasive, or persistent that it either (1) denies, interferes with, or limits a person's ability to participate in or benefit from the College's programs or activities; or (2) creates a learning or working environment that a reasonable person would consider intimidating, hostile, or offensive. Whether conduct constitutes prohibited discriminatory harassment depends upon the context of the conduct, and is a matter that is to be evaluated from the perspective of a reasonable person. The present section includes coverage of discriminatory harassment that is based on sexual orientation or gender identity, whether or not the harassing behavior is itself sexual in nature. Section VI addresses, in detail, discriminatory harassment that is sexual in nature.

Discriminatory harassment can be carried out by various means, from the use of offensive or intimidating references to a protected class (such as with slurs, epithets, or asserting offensive stereotypes) to outright threats, and by way of various mechanisms or media, whether verbal, non-verbal, written, visual, electronic or other.

## VI. CONSENT AND SEXUAL MISCONDUCT

**Sexual misconduct** is defined as any non-consensual sexual contact or act that violates the rights of another. Sexual misconduct typically involves acts that are severe, persistent and pervasive, but also may be a one-time occurrence. Examples of sexual misconduct include non-consensual sexual contact, non-consensual sexual intercourse, sexual assault, domestic violence, dating violence, intimate partner or relationship violence, sexual exploitation, bullying, stalking, cyberbullying, and sexual harassment.

Several categories of sexual misconduct are addressed below, including sexual assault, sexual exploitation, and sexual harassment. This section begins with a discussion of the crucial concept of consent, and ends with a discussion of relationships among faculty, staff, and students.

### A. Consent

**Consent** is defined here as conscious, relevantly informed, and fully voluntary agreement to, or permission for, an act. The following points should be emphasized:

- To consent is to actively agree to, or actively give permission for, something. Though this may require explicit verbal discussion, especially in unfamiliar situations, consent can be communicated nonverbally, especially in the space of mutual recognition created by a stable, ongoing relationship. To consent is not to be in a passive state.
- Silence or inaction do not, in and of themselves, communicate consent. The absence of an explicit denial of consent does not constitute consent.
- Consent to one form of sexual activity does not by itself constitute consent to any further sexual activity.
- A person's consent to an ongoing activity can be removed by that person at any time.
- Previous or ongoing sexual relationships or encounters do not in themselves constitute consent to any current sexual acts.
- Consent cannot be forced or coerced; agreement or permission due to threat, implied threat, or intimidation does not constitute consent.
- A person who is incapacitated – whose judgment is seriously impaired by alcohol, other drugs, or other

factors, such as lack of sleep – cannot give consent.

- Oregon state law considers persons under the age of 18 to be “incapable of consenting to a sexual act” (ORS §163.315.) and states that if lack of consent is solely a result of the age of the victim, it is a defense to certain crimes that the actor was less than three years older than the victim at the time of the alleged offense (ORS § 163.345).

## B. Sexual Assault

**Sexual assault** is defined in this policy as non-consensual sexual contact or non-consensual sexual intercourse.

**Sexual contact** is any intentional touching of another person in a sexual manner, however light or momentary, whether that touching is direct or indirect. Sexual contact includes, but is not limited to:

- touching, in a sexual context or manner, another person’s breast, buttock, groin, or genitals;
- touching, in a sexual context or manner, another person using one’s own breast, buttock, groin, or genitals;
- physically causing another person to touch themselves or another with or on the breasts, buttocks, groin or genitals; or
- any intentional bodily contact made in a sexual manner, even though not involving contact with, of, or by the breasts, buttocks, groin, genitals, mouth or other orifice.

**Sexual intercourse** is vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight or momentary the penetration.

Sexual assault (i.e., non-consensual sexual contact or intercourse) is prohibited by this policy.

Hence, those engaging in sexual activity must ensure that the consent of anyone else involved in that activity is present. Again, see section A, above, for a discussion of consent.

For more information about the pertinent Oregon statutes on sex offenses, see ORS §163.305-479.

## C. Sexual Exploitation

**Sexual exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another person for their own advantage or benefit, or for the benefit or advantage of anyone else. Sexual exploitation includes but is not limited to:

- Non-consensual video or audio-recording of sexual activity, or allowing a third party to observe consensual sex without all parties’ knowledge of and consent to that observation;
- Prostituting another member of the College community;
- Sharing, without consent, sexually explicit images of another member of the College community (including sharing images obtained consensually but shared without consent of the person(s) in the image);
- Obtaining, owning, or sharing sexually explicit images of a minor;
- Engaging in watching or otherwise recording a person for one’s own sexual gratification when that person is in a place where they would have a reasonable expectation of privacy;
- Knowingly endangering the health of another person by exposing them to a sexually transmitted infection (STI) or HIV/AIDS without notifying that person in advance;
- Non-consensual exposure of one’s genitals or inducing another to engage in such exposure, or other acts of nudity, when these acts interfere with or limit a person’s ability to participate in or benefit from the College’s programs and activities.

Sexual exploitation is prohibited by this policy.

## D. Sexual Harassment

**Sexual harassment** is any unwelcome conduct of a sexual nature. It can take many forms, and includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. (Although sexual assault and sexual exploitation have been addressed specifically, acts in those

categories can also be unwelcome conduct of a sexual nature and therefore may constitute sexual harassment and discriminatory harassment.)

Sexual harassment is unlawful and violates this policy if it is sufficiently severe, persistent or pervasive that it either (1) denies, interferes with, or limits a person's ability to participate in or benefit from the College's programs or activities; or (2) creates a learning or working environment that a reasonable person would consider intimidating, hostile, or offensive. Harassment in which submission to conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual's education, employment or participation in any program (*quid pro quo* harassment) is unlawful and is a violation of this policy. A single incident of any form of harassment or other misconduct may create a hostile environment.

## E. Prohibited And Inappropriate Consensual Relationships

Romantic or sexual relationships that might be appropriate in other contexts may be inappropriate within the College community.

### ***Faculty-Student Relationships***

Faculty members have many professional roles with students: instructor, mentor, supervisor, evaluator, advisor, tutor; these represent the heart of the educational process in a college environment. As a matter of sound judgment and professional ethics, faculty members have a responsibility to avoid any apparent or actual conflict between their professional responsibilities and personal relationships with students.

When a faculty member or teaching assistant has a romantic and/or sexual relationship with a student, a conflict of interest arises. Because OCOM is a small campus, and the nature of classes and clinic is often intimate and personal, there may be a greater likelihood of feelings of intimacy and attraction than in some settings. Therefore, the need for clear boundaries is even greater than at a larger College.

An excerpt from the College of Michigan's policy explains the risks very clearly:

"Romantic/sexual relationships between faculty members and students can pose risks to the faculty member, the student, or to one or more third parties. When a student voluntarily consents to such a relationship, it is suspect because of the unequal power dynamic. Such relationships can also lead the student to file a claim of sexual harassment if he or she feels exploited. In addition, other faculty members, staff members, or students may worry about undue advantage or unfavorable treatment as a result of the relationship. These concerns can damage the educational environment whether the favoritism is real or perceived."

Therefore, OCOM's policy on faculty-student relationships is as follows:

No faculty member or teaching assistant shall have a romantic/sexual relationship with any OCOM student while the student is enrolled at OCOM, regardless of whether the relationship is consensual. This policy applies to all enrolled OCOM students and is not limited to students who are currently enrolled in a faculty member's class or section, or under the supervision of a faculty member. It also applies to students who are on a leave of absence.

If the administration is informed of such a relationship, the report will be investigated. If this investigation confirms the report, the faculty member or teaching assistant may be subject to disciplinary action, up to and including termination of employment.

### ***Staff-Student Relationships***

Intimate relationships between staff employees and students are generally inappropriate and are strongly discouraged; however, this policy does not expressly prohibit them.

Any staff employee who forms or maintains an intimate relationship with an enrolled student must inform their manager, in writing, of the relationship. The employee and manager will meet with Human Resources to develop a plan of action which will outline measures to safeguard the best interests of all parties — the student, the employee, and the college.



### ***Employee-Employee Relationships***

Intimate relationships between consenting employees are prohibited when a direct or indirect reporting association exists between them. This means that OCOM employees are prohibited from participating in an intimate relationship with any other college employee in their management chain.

*Consideration of Prior Consensual Relationship in Complaint Procedures:* Members of the community are reminded that the existence of a prior consensual relationship is not, in and of itself, a defense to a complaint of inappropriate conduct or violations of OCOM policy. Romantic or sexual relationships may be consensual at the outset, but consent may be withdrawn at any time. Any complaint will be evaluated based on its entire context including the nature of the relationship at the time of the conduct in question.

## **VII. OTHER PROHIBITED CONDUCT**

Other harassing conduct violates this policy if it is sufficiently severe, pervasive, or persistent that it either (1) denies, interferes with, or limits a person's ability to participate in or benefit from the College's programs or activities; or (2) creates a learning, working, or living environment that a reasonable person would consider intimidating, hostile, or offensive. Such harassment may include:

- violence or threat of violence, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of a member of the OCOM community, regardless of the relationship status of the parties;
- bullying, defined as repeated or aggressive behavior likely to intimidate, discomfort, or hurt another member of the OCOM community, physically or mentally;
- stalking, defined as repetitive, alarming, or menacing pursuit, harassment, or interference with the peace of mind or perceived safety of members of the community, or the perceived safety of their immediate family members or pets.

Furthermore, the use of College facilities, resources, and/or technology to engage in any behavior that violates this policy is prohibited.

In addition to the explicit prohibitions in this policy, *attempts* to commit an explicitly prohibited act that take a substantial step towards the commission of the act, in themselves constitute misconduct in violation of this policy.

## **VIII. RETALIATION**

Retaliation is prohibited by federal and state law and by this policy. No one at the College may reprimand, retaliate, take any adverse action, or discriminate against an individual for having opposed unlawful conduct, initiated a report or complaint, provided information as a witness, or participated in the resolution of a report or complaint regarding potential violations of this policy.

Acts may be retaliatory if they reasonably act as, or could act as, a deterrent to further protected activity, for example, by

- disadvantaging or restricting a person in that person's status as a student, employee, patient, or visitor or in the ability to gain benefits or opportunities available at the College;
- precluding a person from pursuing discrimination claims;
- ostracizing a person who has complained or participated as a witness or otherwise;
- pressuring someone to drop or not support a complaint or to provide false or misleading information; or
- adversely altering the educational or work environment of someone who has complained or participated in the complaint process.

## **IX. REPORTING**

Reporting to the Portland Police is NOT required of any victim of sexual assault, or domestic or interpersonal violence — with the exception of child or elder abuse. However, reporting to the Portland Police is always an option.

**Any reports of sexual misconduct towards or of a minor MUST BE REPORTED directly to Campus Security and/or the Portland Police Bureau immediately. There are no exceptions to this policy. The Portland Police Bureau's non-emergency phone number is: 503-823-0000.**

### ***On-Campus Reporting Options:***

Reporting experienced, observed, or disclosed harassment or apparent violations of this policy, is strongly encouraged. Any student who believes that they are being or may be subjected to sexual harassment, discrimination, or misconduct in violation of this policy should immediately report it to any one of the following:

- Title IX Coordinator
- Dean of Students
- Dean of Master's Studies
- Associate Dean of Clinical Education
- Assistant Dean of Master's Studies
- Dean of Doctoral Studies
- Associate Dean of Doctoral Studies

Reports can also be filed online at <http://www.ocom.edu/titleix>. Any report submitted online should include a summary of the incident (**anonymous reports are accepted**) and referrals provided to the complainant within 24 hours of interaction to the Title IX Coordinator (or designee thereof) or program dean. Information should not be shared with ANY department, faculty, or administrator unless requested by the student or determined by the Title IX Coordinator. Upon receipt of the report, the Title IX Coordinator will determine if there is a campus safety issue and act accordingly, as well as determine next steps of action.

Reporting is not the same as filing a formal complaint (though, for some purposes, a formal complaint may function both as a report and a formal complaint). This and the following three sections give additional information on reporting an incident, how to proceed with informal or formal complaints, and considerations of amnesty and confidentiality.

All internal reports will receive prompt attention. In response to the nature of the report, the Title IX Coordinator (or designee thereof) will determine the type of investigation to follow. Investigations will not in themselves result in disciplinary action; disciplinary action may arise only through the resolution of formal complaints. Investigations may yield the initiation of a formal complaint by the Title IX Coordinator (or designee). During the investigation of a report, non-disciplinary steps may be taken to protect individuals from harassment, such as separating an alleged harasser from someone alleged to have been harassed. Investigations of reports may yield a response by the College that is non-disciplinary in nature, but designed to remedy or to prevent prohibited harassment.

In addition to assessing individual reports, the Title IX Coordinator (or designee) will review reports in the aggregate to discover and address patterns of behavior that create or threaten to create a hostile environment.

### ***Off-Campus Resources***

- Portland Police Bureau: 911 or 503-823-3333
- Portland Women's Crisis Line: 888-235-5333
- Sexual Assault resource Center: 503-640-5311
- Multnomah County Crisis Line: 503-988-4888
- Oregon Health and Science University (OHSU) Emergency Room: 503-494-7551
- Multnomah County Victim Assistance: 503-988-3222

## **X. AMNESTY**

Amnesty is intended to support the practice of students reporting incidents of prohibited discriminatory harassment, sexual misconduct, and other violations of this policy, and to protect student safety. Individuals experiencing or witnessing violations of this policy while themselves violating another College policy (for example, policy concerning drug use) are encouraged to report the violations of this policy that they experienced or witnessed. Normally, the College will not impose disciplinary sanctions for the other policy violation(s), provided those violations did not put the health and safety of any other person at risk. (In appropriate circumstances, the College may even grant amnesty for other violations that did put the health and safety of another person at risk.) The Title IX Coordinator (or designee) is responsible for determining whether amnesty applies in any given circumstance.



## **XI. CONFIDENTIALITY**

OCOM recognizes its obligations to adopt, implement, and enforce policies and protocols to address discrimination, sexual misconduct, and discriminatory harassment, but also understands that its responsibilities are at times inconsistent with the desires of complainants, witnesses, or others to maintain confidentiality and individual privacy. Anonymous reports are accepted.

Members of the community should understand that there can be circumstances in which acts that constitute policy violations are handled externally (in addition to or separate from internal handling) and, as a result, the College may not always have control over confidentiality. For example, acts that constitute policy violations may also lead to criminal proceedings or civil lawsuits, in which affected or knowledgeable individuals may be required to provide information or testimony.

The following are guidelines that summarize how confidentiality will be addressed. In all cases OCOM will comply with applicable law if that law imposes obligations that are different from this policy.

### ***A. General inquiries***

Any individual may make a confidential, nonspecific inquiry about policies or procedures to a College official. Inquiries about the application of Title IX may be referred to the Title IX Coordinator or designee thereof.

### ***B. Medical or mental health professionals***

Under most circumstances, communications between a person seeking care and a medical or mental health professional are confidential. The medical licensed professionals at OCOM respect and protect confidential communications from patients, students, faculty, and staff to the extent they are legally able to do so. There may be some situations, however, when these professionals are not permitted to hold information in confidence; for example, the professional may not be permitted to keep confidential information about an immediate and serious threat to any person or property. In addition, if information is provided to a licensed professional outside of the patient/practitioner relationship, that professional may not be permitted to keep it confidential.

### ***C. Confidentiality and victims of policy violations***

The College is sensitive to the interests of alleged victims who do not wish their names or other identifiable information to be disclosed to anyone else. In such circumstances, the College will attempt to respect these wishes, but may be limited in its ability to respond to a report or complaint while doing so. Further, OCOM must consider its responsibility to provide a safe and non-discriminatory environment for all students, faculty, staff, patients, and visitors, attending to such factors as the seriousness of the alleged conduct, whether there have been other complaints against the same individual, and the extent of any threat to the College community; because of these considerations, it may not always be able to respect the wish for complete confidentiality.

### ***D. Confidentiality and reporters and witnesses***

OCOM will endeavor to protect the confidentiality of individuals who provide information about policy violations but must also comply with its obligations and responsibilities under this policy and applicable law. Members of the community should understand that the College has obligations to investigate reports of policy violations and to take reasonable steps to prevent prohibited discrimination, discriminatory harassment, sexual misconduct, or retaliation, and that the desire for confidentiality can conflict with these obligations.

### ***E. Confidentiality and respondents***

OCOM will similarly attempt to protect the confidentiality of respondents, again to the extent that it can while complying with its obligations, during and after investigation and formal complaint resolution. Applicable law can limit the protection of the confidentiality of respondents in particular.

## **XII. PROCEDURES FOR THE RESOLUTION OF COMPLAINTS**

### ***Overview of Reports Concerning Discrimination and/or Harassment***

The College does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, sex, gender identity, gender expression, sexual orientation, disability, veteran status, predisposing genetic characteristic, age, religion, pregnancy status, or any other characteristic protected by

College policy or state, local, or federal law. Anyone who believes they have been subjected to discrimination or harassment in violation of this policy should follow the procedure outlined in this policy to report these concerns.

This process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the College will initiate an investigation that is thorough, reliable, impartial, prompt, and fair. This investigation determines whether the College nondiscrimination policy has been violated. If so, the College will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

The College aims to bring all allegations to a resolution within a 60-business-day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties.

### ***Interim Remedies/Actions***

The Title IX Coordinator (or designee thereof) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. The College will keep interim remedies and actions as private as possible.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Offering adjustments to academic deadlines, course schedules, etc.
- Altering work arrangements for employees
- Implementing contact limitations between the parties
- Education to the community

The College may interim suspend a student, employee or organization pending the completion of an investigation and resolution, particularly when, in the judgment of the Title IX Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the on-campus presence of the responding party or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee, or student organization will be given the opportunity to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator will work with the appropriate administrator(s) to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy is grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to College campus/facilities/events. This restriction can include classes and/or all other College activities or privileges for which the student might otherwise be eligible. Alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

The College will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the College's ability to provide the accommodations or protective measures.

### ***Formal and Informal Resolution Procedure for Reports of Misconduct***

This procedure applies to any member of the College community (student, faculty, staff, administration) who engages in discrimination or harassment. Any person can report alleged harassment or discrimination, including faculty, students, staff, administration, guests, visitors, etc.

All allegations of misconduct not involving harassment or discrimination will be addressed through the procedures elaborated in the respective student, faculty and employee handbooks.

### ***Informal Resolution***

Before pursuing the Formal Resolution Process, every reasonable effort should be made to constructively resolve conflict with students, faculty, staff, or administrators. Informal resolution means that no formal investigation occurs and disciplinary action is not required to remedy the situation. The person impacted should keep a written log that can aid in later investigation and resolution. Whenever possible and safe,

the problematic behavior, conflict or misconduct should first be discussed by the impacted person and the person engaged in the problematic behavior, conflict, or misconduct. The Title IX Coordinator will facilitate such conversations, upon request, and monitor them for safety. Various conflict resolution mechanisms are available, including mediation. Mediation is not used when violent behavior is involved, when the Coordinator determines a situation is not eligible, or the parties are reluctant to participate in good faith. The College does not require an impacted party to contact the person involved or that person's supervisor if doing so is impracticable, or if the impacted party believes that the conduct cannot be effectively addressed through informal means.

If informal efforts are unsuccessful, the formal resolution process may be initiated. An individual may opt to pursue the formal process at any time. However, the Title IX Coordinator may institute a formal process at any time if they determine that the conduct that is described in the complaint is severe, part of a pattern of persistent misconduct, and/or presents a safety concern to the broader College community.

### ***Formal Resolution Process for Reports of Misconduct by Employees***

The College formally will resolve complaints that allege severe misconduct or a pattern of persistent misconduct. Formal resolution involves the submission of a written complaint, a formal investigation into the facts alleged in the complaint, and the possibility of the imposition of disciplinary action on the respondent.

The **Title IX Coordinator** (or designee thereof) is designated to formally investigate reports or notice of discrimination and/or harassment by employees, to address inquiries and coordinate the College's compliance efforts regarding employee-related reports.

Any member of the community can provide notice of discrimination and/or harassment in person, by phone, via email, or in writing to:

- **Amber Appleton**, Title IX Coordinator, 75 NW Couch, Portland, OR 97209, [titleix@ocom.edu](mailto:titleix@ocom.edu), 503-253-3443 x106; or
- **Devin Miles**, Deputy Title IX Coordinator, [devin.miles@ocom.edu](mailto:devin.miles@ocom.edu), 503-253-3443 x144.

Discriminatory harassment, sexual misconduct, and retaliation complaints can also be made online at: **<http://www.ocom.edu/titleix>**.

The following are recommended elements of a report:

- Clear and concise description of the alleged incident(s) (e.g., when and where it occurred);
- Any supporting documentation and evidence;
- Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor;
  - This includes names, dates, and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
  - If contacting the person involved and/or the supervisor is impracticable, the reporting party should state the reasons why;
- The desired remedy sought;
- Name and all contact information for the reporting party;
- Signed (or submitted online) by the reporting party.

If the reporting party wishes to pursue a formal resolution or if the College, based on the alleged policy violation, wishes to pursue a formal resolution, then the Title IX Coordinator appoints trained investigators (typically using a team of two investigators), to conduct the investigation, usually within two business days of determining that a resolution should proceed. Investigations are completed expeditiously, normally within 10-14 business days of the completion of the preliminary inquiry by the Title IX Coordinator. Investigations may take longer when, for example, initial reports fail to provide direct first-hand information or in complex situations.

The College's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the College may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g., to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The

College will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

All investigations will be thorough, reliable, and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

The investigator will take the following steps (not necessarily in order):

- Determine the identity and contact information of the reporting party;
- Identify the exact policies allegedly violated;
- Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the responding party, and what policy violations should be alleged as part of the charge;
  - If there is insufficient evidence to support reasonable cause, the report will be closed with no further action;
- Meet with the reporting party to finalize their statement, and
- Prepare the notice of charges on the basis of the initial inquiry;
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline of 10-14 business days;
- Provide regular updates to both the reporting and responding parties, as appropriate, throughout the investigation;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not) and prepare a draft report of finding
- Share draft report of finding with all parties, allowing for a period of comment before the report is finalized;
- Share the final report of findings with the responding and reporting parties

At any point during the investigation, if it is determined there is no reasonable cause to believe that College policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed. Where a violation is found, the College will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the College community. All parties will receive written notification of the outcome, to the extent permitted by or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking, and/or intimate partner violence, the written notification includes the finding, any resulting responsive actions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications and explains appeals options.

#### ***Formal Resolution Process for Reports of Misconduct by Students***

The Title IX Coordinator is designated to formally investigate reports of discrimination and/or harassment by students, to address inquiries and to coordinate the College's compliance efforts regarding reports of misconduct by students, regardless of the College role of the reporting party, who may be another student, faculty, staff, patient, guest, or visitor.

Notice of a formal report can be made in person, by phone, via email or in writing to: **Amber Appleton**, Title IX Coordinator, 75 NW Couch, Portland, OR 97209, [titleix@ocom.edu](mailto:titleix@ocom.edu), 503-253-3443 x106; or **Devin Miles**, Deputy Title IX Coordinator, [devin.miles@ocom.edu](mailto:devin.miles@ocom.edu), 503-253-3443 x144. Discriminatory harassment, sexual misconduct and retaliation complaints can also be made online at: <http://www.ocom.edu/titleix>. Upon receipt of a report, the Title IX Coordinator will confer with the appropriate administrator on interim action, accommodations for the reporting party (at no cost to the reporting party where possible), or other necessary remedial short-term actions.

If the reporting party wishes to pursue a formal resolution or if the College, based on the alleged policy violation, wishes to pursue a formal resolution, then the Title IX Coordinator appoints trained investigators (typically using a team of two investigators), to conduct the investigation, usually within two business days of determining that a resolution should proceed. Investigations are completed expeditiously, normally within

10-14 business days of notice to the Title IX Coordinator. Investigations may take longer depending on their nature or complexity.

The College's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the College may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g., to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The College will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

The investigators will take the following steps (not necessarily in order):

- Determine the identity and contact information of the reporting party;
- Identify the exact policies allegedly violated;
- Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the responding party, and what policy violations should be alleged as part of the report;
  - If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action;
- Meet with the reporting party to finalize their statement;
- Prepare the notice of charges on the basis of the initial inquiry;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline of 10 business days;
- Provide regular updates to both the reporting and responding parties, as appropriate, throughout the investigation;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not) and prepare a draft report of finding
- Share draft report of finding with all parties, allowing for a period of comment before the report is finalized;
- Share the final report of findings with the responding and reporting parties.

The responding party may accept the findings, accept the findings in part and reject them in part, or may reject all findings.

At any point during the investigation, if it is determined there is no reasonable cause to believe that College policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed.

Where the responding party is found responsible and accepts the finding of the investigation, the appropriate administrator will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator, when applicable. The College will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the College community.

The parties will receive written notification of the outcome, to the extent permitted or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting sanctions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications, explains appeals options and procedures, and any changes to the results that could occur before the decision is finalized.

In the event that the responding party is found responsible and rejects the findings in part or entirely, the appropriate administrator will convene a hearing panel (composed of the administrator and two Title IX



investigators) to determine whether the responding party is in violation of the contested aspects of the report. At the hearing, the findings of the investigation will be admitted, but are not binding on the decider(s) of fact. The investigator(s) may give evidence. The hearing will determine whether it is more likely than not that the responding party violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

The hearing panel has final decision-making authority with regard to formal reports, subject to appeal. Where the responding party is found in violation as the result of a hearing, the appropriate administrator will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator, when applicable. The College will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the College community.

Appeal proceedings as described below apply to all parties to the report. The parties will receive written notification of the outcome of the hearing, to the extent permitted or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting sanctions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications, explains appeals options and procedures, and any changes to the results that could occur before the decision is finalized.

### ***Participation of Advocate in the Resolution Process***

All parties are entitled to an advocate of their choosing to guide and accompany them throughout the campus resolution process. The advocate may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. People who will be called as witnesses may not serve as advocates.

The parties are entitled to be accompanied by their advocate in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advocates should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an advocate who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one.

Reporting parties may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association

Responding parties may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)

All advocates are subject to the same campus rules, whether they are attorneys or not. Advocates may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advocates may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advocates should ask for breaks or step out of meetings to allow for private conversation. Advocates will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advocates to clarify any questions they may have, and allows the College an opportunity to clarify the role the advocate is expected to take.

Advocates are expected to refrain from interference with the College investigation and resolution. Any advocate who steps out of their role in any meeting under the campus resolution process will be warned once and only once. If the advisor [or advocate] continues to disrupt or otherwise fails to respect the limits of the advisor role, the advocate will be asked to leave the meeting. When an advocate is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advocate may be reinstated, may be replaced by a different advocate, or whether the party will forfeit the right to an advocate for the remainder of the process.

The College expects that the parties will wish the College to share documentation related to the allegations with their advocate. The College provides a consent form that authorizes such sharing. The parties must complete this form before the College is able to share records with an advocate. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Advocates are expected to maintain the privacy of the records shared with them by the College. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advocate who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

The College expects an advocate to adjust their schedule to allow them to attend College meetings when scheduled. The College does not typically change scheduled meetings to accommodate an advocate's inability to attend. The College will, however make provisions to allow an advocate who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advocates during the process, and is not locked into using the same advocate throughout.

The parties must advise the investigators of the identity of their advocate at least two business days before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advocates at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials.

### ***Requesting an Appeal***

In the event that the responding party accepts the findings of the investigation, those findings cannot be appealed. Post-investigation, sanctions imposed by the appropriate administrator can be appealed by any party whether or not the responding party accepts the findings of the investigation. Post-hearing, any party may appeal the findings and/or sanctions ONLY under the grounds described below.

**All sanctions imposed by the original administrator will be in effect during the appeal.** A request may be made to the appropriate administrator to delay implementation of the sanctions until the appeal is decided, but the presumptive stance of the College is that the sanctions will go into effect immediately. Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

The decision of the hearing panel may be appealed by petitioning the Vice President of Communications and Academic Services (VPCAS). Any party who files an appeal request must do so in writing to the VPCAS, within three business days of receiving the written decision, for a review of the decision or the sanctions imposed. The written decision will be provided 1) in person and/or mailed to the local mailing address of the respective party as indicated in College records and emailed to the parties' College-issued email accounts. If there is no local address on file, mail will be sent to the parties' permanent address. Once received in person, mailed or emailed, the notice of decision will be deemed presumptively delivered.

The appropriate administrator will share the appeal request with the other party (e.g., if the responding party files an appeal, the appeal is shared with the reporting party, who may also wish to file a response and/or bring their own appeal on separate grounds; this response or appeal will be shared with the initial appealing party). Based on the written requests/responses or on interviews as necessary, the VPCAS will send a letter of outcome for the appeal to all parties. The VPCAS can take one of three possible actions. The VPCAS may dismiss an appeal request as untimely or ineligible, may grant an appeal and remand the finding and/or sanction for further investigation or reconsideration, or may modify a sanction.

The original finding and sanction will stand if the appeal request is not timely or substantively eligible, and that decision is final. The party requesting appeal must show clear error as the original finding and/or a compelling justification to modify a sanction, as both finding and sanction are presumed to have been decided reasonably and appropriately during the original process.



The ONLY grounds for appeal are as follows:

1. A procedural error occurred that significantly impacted the outcome of the process (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

If remanded to re-open the investigation, the results of a revised investigation can be subsequently forwarded for reconsideration at the hearing level. If the appeal remands to the original hearing body for review, the reconsideration of the hearing body is not appealable.

In rare cases where a procedural error cannot be resolved by the original hearing body (as in cases of bias), the VPCAS may order a new hearing with a new body of hearing officers. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on any of the three applicable grounds for appeals outlined above.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the allegation (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
- Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
- An appeal is not an opportunity for the VPCAS to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions;
- Sanctions imposed are implemented immediately unless the VPCAS stays their implementation in extraordinary circumstances, pending the outcome of the appeal;
- The VPCAS will typically render a written decision on the appeal to all parties within five business days from hearing of the appeal. The VPCAS's decision to deny an appeal request is final.

### ***External Remedies***

The above procedures supplement, and do not replace, other remedies for acts which constitute violations of this policy. Students and employees have the option at all times to file a criminal complaint with law enforcement or to seek a civil remedy, in addition to or in place of using the College's procedures.

Individuals also always have the right to file a formal complaint with the United States Department of Education (for violations of Title VI of the *Civil Rights Act of 1964*, Title IX of the *Education Amendments of 1972*, Section 504 of the *Rehabilitation Act of 1973*, and Title II of the *Americans with Disabilities Act of 1990*, and the *Age Discrimination Act of 1975*):

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Telephone: 800-421-3481  
FAX: 202-453-6012  
TDD: 800-877-8339  
Email: OCR@ed.gov  
Website: <http://www.ed.gov/ocr>

Or

Seattle Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue  
Room 3310  
Seattle, WA 98174-1099  
Telephone: 206-607-1600  
FAX: 206-607-1601  
TDD: 800-877-8339  
Email: OCR.Seattle@ed.gov

Individuals with complaints of a violation of this policy in the context of employment (Title VII of the *Civil Rights Act of 1964*, the *Americans with Disabilities Act of 1990*, *Age Discrimination in Employment Act*, or the *Equal Pay Act*) may also file a complaint with the Equal Employment Opportunity Commission (EEOC):

Equal Employment Opportunity Commission  
Seattle Field Office  
Federal Office Building  
909 First Avenue  
Suite 400  
Seattle, WA 98104-1061  
Telephone: (800) 669-4000  
TTY: (800) 669-6820

## 3.2 Title IX

All OCOM employees are responsible employees, which means they are legally required to notify the **Title IX Coordinator** when they become aware of a situation involving sexual harassment and/or assault of a student. Reports are kept private to the greatest extent possible unless a risk of safety to the student and/or broader campus community is determined by the Title IX Coordinator. Confidential reporting to an OCOM employee is only available when a student is being treated as a patient by a licensed practitioner. Any OCOM response will take into account the individual's wishes to the greatest extent possible.

Annual training will be made available for OCOM employees to support appropriate Title IX reporting.

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Annual training will be made available for OCOM employees to support appropriate Title IX reporting.

OCOM recognizes the individual dignity of each employee, student, patient, volunteer, and job applicant. OCOM does not discriminate on the basis of race, ethnicity, gender or gender identity, sexual orientation, national origin, age, disability, or any other basis prohibited by local, state, or federal law.

OCOM has designated a Title IX Coordinator, to whom questions or concerns about this notice should be directed: Amber Appleton, 75 NW Couch Street, Portland OR 97209; [amber.appleton@ocom.edu](mailto:amber.appleton@ocom.edu).

## **4 Campus-wide Policies**

### **4.1 Drug-free Workplace Policy**

OCOM has a long standing commitment to a safe and healthy work environment. In compliance with the Drug Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, OCOM has established the following alcohol and drug-free campus policy.

Alcohol abuse and use of illegal drugs have a number of adverse health and safety consequences. Individuals seeking support, drug-abuse counseling, rehabilitation, or information about treatment options are encouraged to contact the Dean of Students or Human Resources. OCOM will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be required to participate in and successfully complete a prescribed substance abuse treatment program and may be allowed to use accrued paid time off or be placed on a leave of absence.

Any employee or student found to be in violation of this policy is subject to immediate disciplinary action, up to and including immediate termination of employment or expulsion from OCOM. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution. A complete list of federal trafficking penalties can be found on the Drug Enforcement Administration web page.

#### **Alcohol and Illegal Drugs**

OCOM prohibits its employees from (i) using, possessing, buying, selling, manufacturing or dispensing illegal drugs or marijuana (to include possession of drug paraphernalia) or (ii) being under the influence of alcohol, any illegal drug, or marijuana at any time while on duty or while on or in OCOM property or premises.

*\*Alcohol may be provided at certain college functions; prior approval by the President or a designee is required.*

#### **Marijuana**

As a condition of receiving federal financial aid funds, OCOM is required by the federal Drug-Free Schools and Communities Act to certify it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illegal drugs and alcohol by students and employees on campus and as part of its activities and programs. At the federal level this law includes any amount of marijuana.

Although Oregon Measure 91 allows people over the age of 21 to possess small amounts of marijuana for personal use, it is in conflict with federal law and continues to be considered an illegal drug for purposes of this policy.

#### **Legal Prescription and Over-the-Counter Drugs**

It is the employee's responsibility to determine the potential effects of legal prescription or over-the-counter drugs on their ability to safely perform their job functions. Legal prescription pharmaceuticals may be brought onto OCOM property or premises only by the person for whom they were prescribed and may be used only in the manner, combination, and quantity prescribed or directed. OCOM reserves the right to require information in appropriate circumstances from an employee's physician, or another medical doctor, about the possible effects that a prescription pharmaceutical or over-the-counter drug the employee is taking may have on the employee's job performance.

#### **Inspections**

To ensure the safety of all community members, OCOM reserves the right to inspect all college property or premises, and any employee's personal property that is on OCOM property or premises for alcohol, illegal drugs, or any related paraphernalia. Any employee who refuses to submit to an inspection or search, as described in this policy, may be subject to disciplinary action, up to and including termination of employment.

#### **Notification of Convictions**

Any employee who is convicted of a criminal drug statute violation must report that conviction to Human Resources within five calendar days of the conviction.

## **Definitions**

For purposes of this policy, the following definitions apply:

1. "OCOM property or premises" includes without limitation all college buildings, off-site facilities, grounds, parking lots, vehicles, and equipment.
2. "Illegal drug" means any drug or other substance the sale, consumption, or possession of which is prohibited or restricted by local, state, or federal law.
3. "Under the influence" means having any detectable amount of alcohol or any illegal drugs in the body or any noticeable or perceptible impairment of the employee's mental or physical faculties.

## **4.2 Weapon-free Workplace Policy**

To help maintain the safety of the workplace, OCOM prohibits the possession or use of all dangerous weapons — concealed or unconcealed — on OCOM property or premises. A license to carry a weapon does not supersede this policy. Any employee in violation of this policy will be subject to immediate disciplinary action, up to and including termination of employment. All employees, students and visitors are subject to this provision, including contract and temporary employees.

OCOM reserves the right — at any time and at its discretion — to search all OCOM property or premises, including all vehicles, packages, containers, briefcases, purses, lockers, desks, enclosures, and persons for the purpose of determining whether any weapon has been brought onto OCOM property or premises in violation of this policy. Employees who fail or refuse to promptly permit a search under this policy will be subject to prompt disciplinary action up to and including a termination.

Members of law enforcement agencies of municipal, county, state, and federal governments on official visits or business are exempt from the provisions of this policy while on OCOM property or premises.

### **Definitions**

For purposes of OCOM's weapons-free workplace policy, the following definitions apply:

"OCOM property or premises" includes without limitation all college buildings, off-site facilities, grounds, parking lots, vehicles, and equipment.

"Dangerous weapons" include, but are not limited to, firearms, explosives, incendiary devices, knives with lockable blades and/or blades in excess of four inches in length, and other weapons that might be considered dangerous or that could cause harm.

## **4.3 Fragrance-free Campus Policy**

OCOM strives to maintain a healthy and comfortable environment for everyone that is conducive to health care, education, and productivity, and is free from unnecessary distractions and annoyances. Recognizing that some people have sensitivity or allergic reactions to various fragrant products, OCOM has been designated a fragrance-free facility.

To ensure that OCOM is a fragrance-free facility, personal products with fragrances (colognes, lotions, deodorants, hair products, etc.) are prohibited. Clothes detergents and fabric softeners should also be fragrance-free. Other fragrant products, whether natural or artificially scented (e.g., candles, potpourri, room deodorizers) are also not permitted on OCOM's campus.

With the exception of products used for instructional or therapeutic purposes, anyone required by medical necessity to use medicinal lotions or skin creams that contain odors perceptible to others may request a reasonable accommodation from Human Resources, the Dean of Doctoral Studies or the Dean of Students.

If you have a concern about scents or odors, you may also contact Human Resources, the Dean of Doctoral Studies or the Dean of Students.

## **4.4 Pet-free Campus Policy**

OCOM is a pet-free campus. Please keep your pets at home where they can be comfortable. Only working, service dogs are permitted on campus. See Service Animal policy for more details regarding service dogs.

## **4.5 Tobacco-free Campus Policy**

It has long been OCOM's intention to provide students, staff, faculty, and visitors with an environment and the resources by which to optimize their health and well-being. In accordance with this philosophy, as well as the convincing evidence of the negative effects of tobacco use and second-hand smoke, it is the policy of the college that the OCOM campus shall remain completely tobacco-free.

The campus includes the college and clinic buildings, all surrounding grounds, all off-site facilities, and all OCOM designated parking areas. Parking and public areas directly adjacent to campus buildings and grounds should also be considered tobacco free. It is the responsibility of each OCOM faculty member, employee, or student to ensure that their visitor(s) comply with the provisions of this policy.

While all faculty members, employees, students, and visitors are expected to abide by the terms of this policy, OCOM wishes to maintain and foster respectful, humane relationships. In that regard, any concerns or comments about this the tobacco-free campus policy should be brought to the attention of Human Resources.