



Rogue Community
College
Annual Security
Report

2024 Calendar Year

Contents

- Message from the Director of Risk Management..... 3
- Rogue Community College (RCC) Overview..... 4
- Law Enforcement Authority and Jurisdiction of Campus Security Personnel 4
- Background 5
- Criminal Offenses as Defined by the Clery Act 7
- Hate Crimes as Defined by the Clery Act 8
- Specific Bias as Defined by the Clery Act 8
- Criminal Offenses as Defined by Oregon State Law 9
- Criminal offenses as Defined by Federal Law 12
- Clery Geography..... 13
- Unfounded Crimes 14
- Daily Crime Log 14
- Campus Security Authorities..... 15
- Prevention and Education Programs and Services 16
- CARES Team 16
- Threat Assessment Team 17
- Stalking and Protective Orders 17
- Campus Security and Personal Security Awareness Programs..... 18
- College Emergency Operations Plan 19
- College Administrative Procedures Related to Campus Security 19
 - AP 3500 Campus Safety 19
 - AP 3501 Campus Security and Access..... 20
 - AP 3502 Security Considerations Used in the Maintenance of Campus Facilities..... 21
 - AP 3503 Missing Student Notification 21
 - AP-3508 Building Access Control 22
 - AP-3509 Security Cameras..... 25
 - AP 3515 Reporting of Crimes 29
 - AP 3520 Local Law Enforcement..... 31
 - AP 5014 Enrollment of Students with Sex Offenses 32
- College Administrative Procedures Related to Campus Emergencies..... 33
 - AP 3506 Timely Warnings 33
 - AP 3507 Emergency Notifications..... 34

College Administrative Procedures related to Drugs and Alcohol	35
AP 3550 Drug Free Environment and Prevention Program	35
AP 3560 Alcoholic Beverages	41
College Administrative Procedures related to Harassment, Sex Discrimination, and Sexual and other Assaults on Campus Prior to August 1 st , 2024.	42
AP 3433 Prohibition of Sexual Harassment Under Title IX	42
AP 3434 Responding to Harassment Based on Sex under Title IX	44
AP 3435 Discrimination and Harassment Complaints and Investigations	59
AP 3540 Sexual and Other Assaults on Campus	69
College Administrative Procedures related to Harassment, Sex Discrimination, and Sexual and other Assaults on Campus After August 1 st , 2024.	73
AP 3433 Prohibition of Sex Discrimination Under Title IX	73
AP 3434 Responding to Sex Discrimination Under Title IX	75
AP 3435 Discrimination and Harassment Complaints and Investigations	98
AP 3540 Sexual and Other Assaults on Campus	105
Redwood Campus – Grants Pass, Oregon Crime Statistics	110
Riverside Campus – Medford, Oregon Crime Statistics	112
Table Rock Campus – White City, Oregon Crime Statistics	114

Message from the Director of Risk Management

As the Director of Risk Management for Rogue Community College (RCC), I am pleased to provide you with a copy of the Annual Security Report for the 2023 calendar year. As you review the Annual Security Report, you will find a wide range of information pertaining to RCC Board Policies and Administrative Procedures, information related to how RCC responds to and manages emergencies and disasters, what types of crimes have occurred on campus, what RCC is doing from a prevention perspective to ensure that our campuses remain a safe and positive place for our faculty, staff, and students and much more. RCC continues to experience exceptionally low levels of crime on campus, which is a direct reflection of the efforts of every member of our college community, the professionalism and commitment of our Campus Security Officers, and the continuing connection that we have with our law enforcement partners.

The Risk Management Team at RCC is dedicated to providing a safe and secure environment for all college employees, students, and visitors through community collaboration, communication, and diligence. We accomplish our mission by ensuring that only the highest levels of professionalism are exhibited by our team members and by treating all members of the community with respect and dignity.

I encourage every student and employee to review the information contained in the Annual Security Report so that they have a better understanding of the policies, procedures, and programs that are in place that impact Campus Security.

I would also encourage you to email, call, or stop by my office if you have any input, suggestions, concerns, or questions regarding Campus Security.

Sean Taggart, CPP

Director of Risk Management &
Deputy Title IX Coordinator
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Rogue Community College (RCC) Overview

RCC is a public institution of higher education with facilities open to students, faculty, administration, staff, and the general public.

RCC facilities in Josephine County include the Redwood Campus. The Redwood Campus is comprised of approximately 80 acres and 32 buildings. The Redwood Campus is typically open from 7 a.m. to 11 p.m. Monday-Friday (excluding holidays and closure days).

RCC facilities in Jackson County include the Riverside and Table Rock Campuses. The Riverside Campus is comprised of four buildings in downtown Medford. Buildings A and G are not currently in use and remain closed. The Student Success Center (SSC) and the Higher Education Center (HEC) are typically open from 7 a.m. to 10 p.m. Monday-Friday (excluding holidays and closure days). The Table Rock Campus in White City is comprised of four buildings and is typically open from 7 a.m. to 10 p.m. Monday-Friday (excluding holidays and closure days). Building D is currently not in use and remains closed.

- Redwood Campus 3345 Redwood Hwy Grants Pass, OR 97527
- Riverside Campus Building A 202 S Riverside Ave Medford, OR 97501
- Riverside Campus Building SSC 227 E 9th St Medford, OR 97501
- Riverside Campus Building G 117 S Central Medford, OR 97501
- Riverside Campus Higher Education Center 101 S Bartlett St Medford, OR 97501
- Table Rock Campus Building A 7800 Pacific Ave White City, OR 97503
- Table Rock Campus Building B High Tech Center 7932 Pacific Ave White City, OR 97503
- Table Rock Campus Building C Health Professions Center 7731 Pacific Ave White City, OR 97503
- Table Rock Campus Building D 7638 Pacific Ave White City, OR 97503
- Table Rock Campus Fire Science Center (FD-3) 8333 Agate Rd White City, OR 97503

Law Enforcement Authority and Jurisdiction of Campus Security Personnel

RCC maintains a cooperative relationship with the Josephine County Sheriff's Office, the Jackson County Sheriff's Office, the City of Medford Police Department, and the City of Grants Pass Police Department. RCC does not have a Memorandum of Understanding or other written agreements with outside police agencies but enjoys a positive and cooperative relationship with state and local law enforcement.

The RCC Risk Management Department consists of the Director of Risk Management, the Assistant Director of Assistant Director of Risk Management, the Risk Management Specialist, and seven full-time and five part-time Campus Security Officers.

Background

Jeanne Clery Act (Clery Act)

In 1990, the Federal Government enacted the Student Right to Know and Campus Security Act. The Act was renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or the Clery Act in 1998. The Clery Act requires that colleges and universities receiving federal funding disclose reported instances of criminal activity on campus. In addition to disclosing campus crime statistics, the Act requires institutions of higher education to provide various policies, procedures, and educational programs in safety, security, and prevention education.

For more information, please visit the Clery Center website at <https://clerycenter.org/> or the Clery Act Appendix in the FSA Handbook, which can be found at <https://fsapartners.ed.gov/sites/default/files/attachments/2020-10/CleryAppendixFinal.pdf>.

Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Act

Enacted as a part of the Omnibus Crime Bill of 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act established guidelines for states to track sex offenders. It required states to track sex offenders by confirming their place of residence annually for ten years after their release into the community, or quarterly for the rest of their lives if the sex offender was convicted of a violent sex crime.

Drug-Free Schools & Communities Act (DFSCA)

The DFSCA of 1989 requires higher education bodies to establish policies that address unlawful possession, use, or distribution of alcohol and illicit drugs. The DFSCA requires the establishment of a drug and alcohol prevention program.

Violence Against Women Reauthorization Act (VAWA)

The VAWA was signed into law on September 13, 1994, and was renewed in March 2022. VAWA amended section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy, and Campus Crime Statistics Act (Clery Act). The Clery Act requires higher education institutions to comply with specific campus safety and security-related requirements as a condition of their participation in Title IV HEA programs. Notably, VAWA amended the Clery Act to require institutions to compile dating violence, domestic violence, sexual assault, and stalking statistics and include specific policies, procedures, and programs pertaining to these incidents in their annual security reports.

Campus Sexual Violence Elimination Act (SaVE Act)

The SaVE Act is an amendment to the Clery Act, part of the Higher Education Act of 1965. It was designed to enhance transparency regarding sexual violence on college campuses. Specifically, it mandates that all institutions of higher education (IHE) that participate in federal student aid programs (Title IV programs) include specific policies in their Annual Security Reports.

The Campus SaVE Act establishes several key requirements for colleges and universities aimed at enhancing campus safety and supporting victims of violence. One of the primary requirements is the obligation for institutions to include detailed statements in their annual security reports regarding their policies for reporting crimes or emergencies that occur on non-campus buildings or properties. Additionally, schools must outline the procedures and resources available for survivors of sexual violence, domestic violence, dating violence, and stalking. Another crucial aspect of the Act is the mandate for educational institutions to implement prevention and awareness programs that specifically address these types of violence. Furthermore, the Act emphasizes the importance of victim rights, requiring that institutions inform victims about their rights and the support services available to them, ensuring they have access to necessary resources and assistance.

The law is meant to ensure that campuses provide a safe environment and respond adequately to incidents of sexual violence and other crimes, supporting victims while fostering transparency and accountability in handling such situations.

Campus Sex Crimes Prevention Act (CSCPA)

The CSCPA supplemented the Wetterling Act's general standards for sex offender registration and community notification programs by enacting provisions that are more specifically designed to ensure that the members of campus communities have information available concerning the presence of registered sex offenders. An amendment to the Wetterling Act requires states to obtain information about registered sex offenders' enrollment or employment at higher education institutions. This information is promptly available to the campus police department or other appropriate law enforcement agency with jurisdiction where the institution is located.

Clery Reportable Offenses

The Clery Act requires RCC to include the following four general categories of crime statistics in its Annual Security Report.

Criminal Offenses

- Murder and Non-Negligent Manslaughter
- Negligent Manslaughter
- Statutory Rape
- Motor Vehicle Theft
- Sexual Assault
- Robbery

- Rape
- Arson
- Fondling
- Aggravated Assault
- Burglary
- Incest

Hate Crimes

- Larceny-Theft
- Simple Assault
- Destruction/Damage /Vandalism of Property
- Intimidation

VAWA Offenses

- Domestic Violence
- Stalking
- Dating Violence

Arrests and Referrals for Disciplinary Action

- Weapon Law Violations
- Liquor Law Violations
- Drug Abuse Violations

Criminal Offenses as Defined by the Clery Act

- **Murder and Non-Negligent Manslaughter** – The willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter** – The killing of another person through gross negligence.
- **Rape** – Penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the victim’s consent.
- **Robbery** – Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Fondling** – Touching another person’s private body parts for sexual gratification without the victim’s consent. Including instances where the victim is incapable of giving consent because of their age or temporary or permanent mental incapacity.
- **Incest** – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- **Aggravated Assault** – Unlawful attack by one person upon another to inflict severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or means likely to produce death or great bodily harm.
- **Burglary** – The unlawful entry of a structure to commit a felony or theft.
- **Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle.
- **Arson** – Any willful or malicious burning or attempt to burn, with or without intent, to defraud a dwelling house, public building, motor vehicle, aircraft, or personal property of another.

Hate Crimes as Defined by the Clery Act

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Any of the offenses mentioned above and any incidents below motivated by one or more biases listed is a hate crime.

- **Larceny-Theft** – Unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Simple Assault** – Unlawful physical attack where the offender does not display a weapon, nor does the victim suffer an obvious severe or aggravated bodily injury (apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness).
- **Intimidation** – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property** – Willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the owner's consent or the person having custody or control of it.

Specific Bias as Defined by the Clery Act

- **Race/Racial Bias** – A preformed negative opinion or attitude toward a person or group of persons who possess common physical characteristics (e.g., skin color, eyes, and/or hair; facial features, etc.), genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, Blacks or African Americans, Whites).
- **Religion Bias** – A preformed negative opinion or attitude toward a person or group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, Atheists).
- **Sexual Orientation Bias** – A preformed negative opinion or attitude toward a person or a group of persons based on their actual or perceived sexual orientation.
- **Gender Bias** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (e.g., male or female).
- **Gender Identity Bias** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender-nonconforming individuals).
- **Ethnicity Bias** – A preformed negative opinion or attitude toward a person or group of persons whose members identify with each other through a common heritage, often consisting of a common language, culture (often including a shared religion), and/or ideology that stems from common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based chiefly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

- **Disability** – A preformed negative opinion or attitude toward a person or group of persons based on their physical or mental impairments, whether such disability is temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Criminal Offenses as Defined by Oregon State Law

In Oregon law, “sexual intercourse” and “Sexual Contact” often describe criminal offenses. For this reason, they are included in the definitions below; however, these acts alone do not necessarily equate to criminal offenses.

Sexual Intercourse – Sexual intercourse has its ordinary meaning and occurs upon any penetration however, slight, emission is not required.

Sexual Contact – Sexual contact means any touching of sexual or other intimate parts of a person or causing such person to touch sexual or intimate parts of the actor to arouse or gratify the sexual desire of either party.

Rape in the First Degree – A person who has sexual intercourse with another person commits rape in the first degree if:

- The victim is subjected to forcible compulsion by the person.
- The victim is under 12 years of age.
- The victim is under 16 years of age and is the person’s sibling, of the whole or half-blood, the person’s child or the person’s spouse’s child; or
- The victim is incapable of consent by reason of mental defect, mental incapacitation, or physical helplessness.
- Rape in the first degree is a Class A felony.

Rape in the Second Degree – A person who has sexual intercourse with another person commits rape in the second degree if the other person is under 14 years of age.

- Rape in the second degree is a Class B felony.

Rape in the Third Degree – A person commits rape in the third degree if the person has sexual intercourse with another person under 16 years of age.

- Rape in the third degree is a Class C felony.

Incest – A person commits incest if they marry, engage in sexual intercourse, or deviate sexual intercourse with a person they know to be related to themselves, either legitimately, illegitimately, as an ancestor, descendent, or sibling, either of whole or half-blood.

- Incest is a Class C felony.

Sodomy in the First Degree – A person who engages in deviate sexual intercourse with another person or causes another to engage in deviate sexual intercourse commits sodomy in the first degree if:

- The victim is subjected to forcible compulsion by the actor.
- The victim is under 12 years of age.
- The victim is under 16 years of age and is the actor's sibling, of the whole or half-blood, the child of the actor or child of the actor's spouse; or
- The victim is incapable of consent by reason of mental defect, mental incapacitation, physical helplessness, or incapability of appraising the nature of the victim's conduct.
- Sodomy in the first degree is a Class A felony.

Sodomy in the Second Degree – A person who engages in oral or anal sexual intercourse with another person or causes another to engage in oral or anal sexual intercourse commits sodomy in the second degree if the victim is under 14 years of age.

- Sodomy in the second degree is a Class B felony.

Sodomy in the Third Degree – A person commits sodomy in the third degree if the person engages in oral or anal sexual intercourse with another person under 16 years of age or causes that person to engage in oral or anal sexual intercourse.

- Sodomy in the third degree is a Class C felony.

Unlawful Sexual Penetration in the First Degree – a person commits unlawful sexual penetration in the first degree if the person penetrates the vagina, anus, or penis of another with any object other than the penis or mouth of the actor and:

- The victim is subjected to forcible compulsion.
- The victim is under 12 years of age; or
- The victim is incapable of consent by reason of mental defect, mental incapacitation, or physical helplessness.
- Unlawful sexual penetration in the first degree is a Class A felony.

Unlawful Sexual Penetration in the Second Degree – a person commits unlawful sexual penetration in the second degree if the person penetrates the vagina, anus, or penis of another with any object other than the penis or mouth of the actor and the victim is under 14 years of age.

- Unlawful sexual penetration in the second degree is a Class B felony.

Incapacity to Consent Definition – A person is considered incapable of consenting to a sexual act if the person is:

- Under 18 years of age.
- Mentally defective.
- Mentally incapacitated; or
- Physically helpless.
- A lack of verbal or physical resistance does not, by itself, constitute consent but may be considered by the trier of fact along with all other relevant evidence.

Domestic Violence – Abuse between family or household members. Family or household members are described as:

- Spouses or former spouses.
- adults related by blood, marriage, or adoption,
- persons cohabitating or who have cohabitated.
- persons in a past or present sexually intimate relationship.
- unmarried parents of a child.

Abuse – The occurrence of one or more of the following acts within a domestic relationship:

- Attempting to cause or intentionally, knowingly or recklessly causing bodily injury.
- Intentionally, knowingly, or recklessly placing another in fear of imminent bodily injury.
- Causing another to engage in involuntary sexual relations by force or threat of force.

Dating Violence – The state of Oregon does not have a definition or a statute addressing dating violence.

Stalking – A person commits stalking if:

- The person knowingly alarms or coerces another person or a member of that person’s immediate family or household by engaging in repeated and unwanted contact with the other person.
- It is objectively reasonable for a person in the victim’s situation to have been alarmed or coerced by the contact; and
- The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim’s immediate family or household.

Sexual Harassment – A person commits the crime of sexual harassment if the person intentionally:

- Harasses or annoys another person by subjecting such other person to offensive physical contact.
- and the offensive physical contact consists of touching the sexual or other intimate parts of the other person.

Sexual Abuse in the First Degree – A person commits the crime of sexual abuse in the first degree when that person:

- Subjects another person to sexual contact and:
 - The victim is less than 14 years of age.
 - The victim is subjected to forcible compulsion by the actor; or
 - The victim is incapable of consent by reason of being mentally defective, mentally incapacitated or physically helpless; or
 - Intentionally causes a person under 18 years of age to touch or contact the mouth, anus or sex organs of an animal for the purpose of arousing or gratifying the sexual desire of a person.

- Sexual abuse in the first degree is a Class B felony.

Sexual Abuse in the Second Degree – A person commits the crime of sexual abuse in the second degree when:

- The person subjects another person to sexual intercourse, oral or anal sexual intercourse or, except as provided in ORS 163.412, penetration of the vagina, anus or penis with any object other than the penis or mouth of the actor and the victim does not consent thereto; or
- the person violates ORS 163.415, the person is 21 years of age or older; and at any time before the commission of the offense, the person was the victim’s coach as defined in ORS 163.426.
- Sexual abuse in the second degree is a Class C felony.

Sexual Abuse in the Third Degree – A person commits the crime of sexual abuse in the third degree if:

- The person subjects another person to sexual contact and:
 - The victim does not consent to the sexual contact; or
 - The victim is incapable of consent by reason of being under 18 years of age; or
 - For the purpose of arousing or gratifying the sexual desire of the person or another person, the person intentionally propels any dangerous substance at a victim without the consent of the victim.
- Sexual abuse in the third degree is a Class A misdemeanor.

Criminal offenses as Defined by Federal Law

Sexual Assault – A sexual assault is an offense that meets the definition of rape as used in the FBI’s UCR program or an offense that meets the definition of fondling, incest, or statutory rape as used in the FBI’s NIBRS program, and includes:

- Rape: defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: defined as the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Incest: defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: defined as sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence – A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.

- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic violence laws of the district in which the crime of violence occurred.
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For purposes of this definition:
 - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

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

Clery Geography

There are three categories of Clery reportable geography that are utilized by RCC, including:

On Campus – Any building or property owned or controlled by RCC within the same reasonably contiguous geographic area of RCC and used by RCC in direct support of, or in a manner related to, RCC educational purposes and property within the same reasonably contiguous geographic area of

the institution that is owned by RCC but controlled by another person, which is used by students, and supports institution purposes.

On-Campus Housing – RCC does not offer on-campus student housing.

Public Property – All public property, including thoroughfares, streets, sidewalks, and parking facilities, which are within the campus or immediately adjacent to and accessible from campus.

Non-Campus – Any building or property owned or controlled by a student organization that is officially recognized by RCC; or any building or property owned or controlled by RCC that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of RCC.

Unfounded Crimes

For Clery Act purposes, the standard for un-founding a reported crime is very high. RCC may classify a crime as unfounded only after a full investigation by sworn or commissioned law enforcement personnel. A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

Daily Crime Log

The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents reported to RCC Security. The daily crime log will reflect the date and time an incident was reported, the location where the incident occurred, and the disposition of the incident. An explanation of those dispositions is provided below. An online version of the crime log is available at <https://www.roguecc.edu/riskManagement/campusSecurity.asp> and will reflect all activity for the last 60 days. A hard copy of the daily crime log is maintained by the RCC Risk Management Department and may be viewed during normal business hours by visiting the Risk Management Department. RCC may temporarily withhold information from the Daily Crime Log if it is determined that that information could:

- jeopardize an ongoing investigation,
- jeopardize the safety of an individual,
- cause a suspect to flee or evade detection, or
- result in the destruction of evidence.

Note: Victim personally identifiable information is never included in the daily crime log.

Explanation of Dispositions

- Exceptionally Cleared occurs when the identity of individuals involved in the incident is known, but no further action is taken.

- Administratively Closed occurs when an incident is closed, and no further action is taken due to a lack of information.
- Pending occurs when an incident has occurred, but additional action has not occurred, is normally used to describe an incident that is still under investigation by RCC.
- Referred to Medford Police Department occurs when an incident results in the notification of the Medford Police Department.
- Referred to Grants Pass Police Department occurs when an incident results in the notification of Grants Pass Police Department.
- Referred to Jackson County Sheriff's Office occurs when an incident results in the notification of Jackson County Sheriff's Department.
- Referred to Josephine County Sheriff's Office occurs when an incident results in the notification of Josephine County Sheriff's Department.
- Referred to Oregon State Police occurs when an incident results in the notification of Oregon State Police.
- Referred to Emergency Services occurs when an incident involves the notification of fire or medical services and does not result in an additional action taken by Rogue Community College.
- Referred to Human Resources occurs when the individual or individuals involved in an incident are identified and determined to be faculty or staff members of RCC.
- Referred to Student Conduct occurs when the individual or individuals involved in an incident are identified and determined to be students of RCC.

Campus Security Authorities

Campus Security Authorities (CSAs) are individual employees of RCC who have been designated as CSAs because of specific duties or responsibilities associated with their position. A list of current CSAs is maintained by Risk Management. CSAs are required to forward all reports they receive in their role as a CSA to Campus Security. Confidentiality may be maintained, but it will limit any further action by RCC. CSAs complete online training utilizing the Vector Solutions training platform.

The following positions at RCC are designated as CSAs:

- Vice President of Student Learning and Success
- Vice President of People, Culture, & Safety
- Director of Risk Management
- Assistant Director of Risk Management
- Risk Management Specialist
- All Campus Security Officers
- Dean of Academic Affairs, Art, Science & Technology
- Dean of Academic Affairs, Curriculum and Academic Support
- Dean of Academic Affairs, General Education & Transfer
- Dean of Academic Affairs, Health, and Public Service

- Dean of Student Success/Compliance
- Dean of Enrollment Management
- Dean of Workforce Development
- Director of Student Engagement
- Athletic Director
- Title IX Coordinator
- All Athletic Coaches
- All ASG Club Advisors

Prevention and Education Programs and Services

The Risk Management department and the Counseling department, along with the HDR team and other departments, collaborate to provide a comprehensive range of prevention and education programs. These initiatives address critical issues such as drug and alcohol abuse prevention, campus security, harassment and discrimination prevention, sexual assault awareness, and stalking awareness. By working together, these departments ensure that students have access to essential resources and support, empowering them to make informed choices and fostering a culture of safety and respect throughout the campus community. This collective effort enhances individual well-being and strengthens the overall resilience of the campus environment.

The RCC HDR team website and the RCC Counseling Department website offer a wide range of resources dedicated to harassment and discrimination prevention, sexual assault awareness, and stalking awareness. These platforms provide essential information and support services aimed at fostering a safe and inclusive environment for all students and community members. Users can access educational materials, reporting procedures, and confidential counseling options, all designed to empower individuals and promote awareness. By highlighting these critical issues, the websites ensure that support is readily available for those seeking guidance, resources, or a safe space to discuss their experiences.

CARES Team

The Campus Assessment Response and Evaluation for Students (CARES) Team is a safe place to make referrals about a student.

<https://www.roguecc.edu/cares/>

The CARES Team mission is to be a proactive team that provides support to students who are struggling and/or exhibiting concerning behavior. The CARES Team is designed to help students and staff, and to further the mission of RCC.

The CARES Team has three main purposes at RCC:

- To be a multi-disciplinary team designed to coordinate a proactive approach to students experiencing behavioral concerns. Purposeful, educational, and coordinated response and intervention will be aimed at helping students achieve success.
- To provide a venue for triaging student needs that may be impacting their education. Through established community and campus partnerships, the CARES Team can connect students with existing resources to try and address needs such as food, housing, mental health support, and transportation. The CARES Team will also coordinate early response to concerning or disruptive behaviors before they become a conduct issue which may impact a student's ability to access their education.
- To serve as an easily accessible venue for staff and faculty of RCC to report concerns they have about a student.

The CARES Team is committed to balancing the dual priorities of RCC to promote student access, wellness, and success with campus safety and security so information may be shared with appropriate parties.

Threat Assessment Team

The Threat Assessment Team (TAT) is a triage team, not a disciplinary body. The TAT is a selected and trained group of RCC employees that convene to identify, evaluate, and address threats or potential threats to college security. Additional information regarding the Threat Assessment Team will be posted in the fall of 2024.

The mission of the TAT is to assist in the safety, health, and welfare of the college community through a proactive, collaborative, coordinated, objective, and thoughtful approach to the prevention, identification, assessment, intervention, and management of situations involving members of the college community and also the overall local community that poses, or may reasonably pose, a threat to the safety and well-being of themselves or other members of the college community, or are of substantial disruption to college activities.

Stalking and Protective Orders

When the RCC Risk Management Department receives a lawful Stalking or Protection Order from a victim or offender, the order is copied and filed in the Risk Management Department. If the order is temporary, the person dropping off the order is advised to bring another copy if a permanent order is issued. The Director of Risk Management will notify Campus Security staff so that they are aware that an order exists. When the issue of two individuals who have orders (victim or restrained) are authorized to be on campus, the Risk Management Department, along with the Dean of Student Success/Compliance or the Director of HR and Payroll Operations as applicable, will work together to make accommodations if permissible under the order. The goal is to work with both individuals to ensure they both have the opportunity to succeed.

Campus Security and Personal Security Awareness Programs

The Director of Risk Management or Assistant Director of Risk Management attends New Employee Orientation monthly to provide information on Campus Security, Employee Safety, Emergency Preparedness, and Emergency Alerts. In addition, the Risk Management Department also provides notifications to all currently enrolled students and current employees related to the following information:

- Timely Warning Procedures
- Emergency Notification Procedures
- The Availability of the Annual Security Report
- Information regarding Registered Sex Offenders

Bystander Intervention Programs

- Be aware, speak up, and get involved!
- Watch out for your friends.
- Make sure you are keeping yourself safe as well.
- If you see something suspicious, call 911 or RCC Campus Security 541-218-2930.
- If you see someone in trouble, ask if they are OK.
- If you see a friend or someone else doing something wrong, speak up.
- Do not laugh at offensive or disrespectful jokes.

Risk Reduction Programs

- Call for a safety escort – RCC Security can be reached 24/7 at 541-218-2930.
- During class hours, RVC security can be reached at 541-218-2931.
- During class hours, TRC security can be reached at 541-218-3639.
- RCC Safety awareness information can be found on the Campus Security webpage.
- Report suspicious persons, vehicles, and activities to RCC security.
- Avoid traveling alone at night – use the “buddy system” and watch out for your neighbor.
- If you are in a situation, you feel nervous about, remove yourself from that situation.
- Trust your instincts. If you think something is not right, leave and find an area with other people.
- Always watch your drink, and do not accept beverages from someone you do not know and trust.
- Don’t leave social events with anyone you do not know and trust.
- Have your keys in your hand.
- Look inside your car before you get in.
- Be aware of your surroundings.
- Do not walk and text.

College Emergency Operations Plan

RCC maintains a college-wide [Emergency Operations Plan](#) that is utilized to manage a wide range of emergencies and disasters, including campus lockdowns, shelters in place, and evacuation. All faculty and staff members play a crucial role during emergency situations. The Emergency Operations Plan provides faculty, staff, and students with guidelines to study and learn prior to an emergency so that each person is prepared to make decisions and take action as needed for the best safety of themselves and those around them. The plan includes an expansion of the Incident Team, the embracing of the Incident Command Structure as outlined by the Federal Emergency Management Agency (FEMA), the development of an Emergency Operations Center (EOC) structure, and most importantly, a more detailed explanation of both individual responsibilities and action and RCC's responsibilities and actions across a wide range of emergencies and disasters.

College Administrative Procedures Related to Campus Security

AP 3500 Campus Safety

RCC is committed to the safety and security of all members of the college community. As part of that commitment, RCC's Risk Management Department publishes the Annual Security Report no later than October 1st of each year. The Annual Security Report includes crime statistics that are required to be reported under the Clery Act. The crime statistics are broken down into specific geographical areas as outlined in the Clery Act.

This procedure applies to all the Rogue Community College District locations.

RCC Risk Management Department is the designated department responsible for the collection of all crime data and statistics including those that are contained in the Annual Security Report and that are reported annually to the US Department of Education.

Risk Management maintains incident reports for all criminal activity that is reported directly to the Risk Management Department. Each incident is added to an incident reporting software program that is reviewed each year during the preparation of the Annual Security Report. All incidents that meet the geographical requirements under the Clery Act and that are designated as Clery Act crimes are included in the Annual Security Report.

Risk Management coordinates with RCC's Director of Advising and Compliance on a regular basis to facilitate the exchange of information related to criminal activity/student conduct violations.

Risk Management coordinates with RCC's Title IX Coordinator on a regular basis to facilitate the exchange of information related to criminal activity/Title IX violations. Risk Management provides email notifications to all Campus Security Authorities (CSAs) during the first two weeks and during the last week of each quarter with details regarding the reporting responsibilities of a CSA. Risk

Management also maintains an online CSA reporting form that, once submitted, goes directly to the Director of Risk Management.

Risk Management enters all RCC-related student travel into a master-tracking log. In February of each year, Risk Management will evaluate each individual location listed on the previous year's log. Each location that is determined to meet the repeated or frequent use criteria outlined in the Clery Act will be flagged. Risk Management coordinates with each RCC department to develop and maintain a list of all locations utilized that would meet the definition of a non-campus location under the Clery Act. A letter will be sent to the law enforcement agency with jurisdiction over each location requesting relevant crime statistics as outlined in the Clery Act.

Risk Management maintains an open line of communication with the Medford Police Department, the Grants Pass Department of Public Safety, the Jackson County Sheriff's Office, the Josephine County Sheriff's Office and the Oregon State Police which have primary law enforcement jurisdiction for different campuses. In addition, Risk Management sends out a letter to each agency every February requesting crime data for all on campus and public property crimes for the previous year.

Risk Management compiles crime data from each of the sources in the preparation and submission of the Annual Security Report and for reporting to the US Department of Education.

AP 3501 Campus Security and Access

RCC is a public community college and is open to the public based on a schedule determined by College Administration. The schedule is subject to change based on facility usage and may be changed without notice by College Administration if there is a concern related to the safety or security of a member of the college or a potential threat to the college facilities. This procedure applies to all RCC District locations.

RCC facilities are locked outside of posted hours of operations and utilizes a combination of standard mechanical key and lock systems and electronic access control systems for all campus facilities.

Facility keys are issued by RCC's Facility, Maintenance, Planning, and Construction (FMPC) in compliance with RCC's key control procedure.

Electronic access key cards are issued by the IT Department in compliance with RCC's electronic access control procedure.

Any individual who is on or in a Rogue Community College campus facility may be trespassed from the property if RCC determines that the individual:

- Is in violation of college policies.
- Is engaged in any act that could represent a safety or security concern to the college.

- Whose physical presence cannot be linked to any function or mission of the college and whose behavior results in any disruption of the environment, educational process or business functions of the college.

The RCC Risk Management Department will document and track all issued trespass warnings.

RCC reserves the right to designate specific rooms, buildings, or facilities as a restricted access area. These areas are not open for public access in order to provide for the safety, security, or confidentiality of material, equipment or specific college functions. Restricted access areas include but are not limited to:

- Classrooms and Laboratories
- Faculty, Staff and Administrators Offices

AP 3502 Security Considerations Used in the Maintenance of Campus Facilities

RCC is committed to the safety and security of all members of the college community and for the security of all college facilities. As part of that commitment, RCC implements the following procedure related to security considerations used in the maintenance of campus facilities, and in the monitoring and servicing of campus facilities with regard to safety and security.

- All facility interior and exterior lighting is continuously monitored by Campus Security staff and by Campus Facilities staff to ensure that outages are identified and serviced in a timely manner.
- RCC's Risk Management Department completes a bi-annual review of all college facilities with a focus on landscaping and vegetation. A report is submitted to the RCC FMPC Department with recommendations regarding needs or changes to landscaping and vegetation in order to improve safety and security.

Following a report of any safety or security incident on campus, RCC's Risk Management Department completes a review of the location of the incident and determines if any action should be taken to improve or alter the physical space to enhance safety and security. Recommendations are forwarded to the Vice President of Operations and Finance.

AP 3503 Missing Student Notification

Administrative Procedure 3503 Missing Student Notification is a legally required policy for an entity that maintains on-campus student housing facilities.

RCC does not operate on-campus student housing and is therefore not required to maintain this Administrative Procedure.

AP-3508 Building Access Control

This procedure supports RCC's mission while maintaining personal safety and building security and provides for a safe and secure learning and working environment for students, employees, and visitors. This procedure applies to all facilities owned and/or operated by RCC. Building access control is accomplished by combining opening and closing building times and using keys and electronic access devices.

RCC will issue keys and/or electronic access credentials to employees and persons or organizations with contractual agreements with the college. Keys will not be issued to students in any capacity. Electronic access credentials may be issued to student employees on a case-by-case basis where a specific need exists.

Risk Management is responsible for selecting an electronic access control system in coordination with the IT and FMPC Departments that provides for the long-range sustainability of the college.

Keys and/or electronic access credentials should only be issued to individuals with legitimate and official access needs and who have acquired the appropriate approvals. Key access approval rests with the Director of FMPC in consultation with the requestor's supervisor. Approval for electronic access credentials rests with the Director of Risk Management in consultation with the requestor's supervisor.

All keys and electronic access credentials issued shall remain the property of RCC, not the individual. They must be returned to the Risk Management Department (electronic access credentials) or FMPC (keys) upon the separation of employment or change of employment, office move, etc., by the employee's direct supervisor or HR.

The Risk Management, IT, and FMPC Departments will review all plans and requests for installing and expanding electronic access control.

RCC buildings are assigned one of the following levels of access control:

Level A – Doors are automatically unlocked and locked electronically during business hours, which vary, or class schedules, as shown in the college scheduling software by Risk Management. Some doors require a valid electronic access credential to be scanned before the door unlocks. Some doors have a button system that allows the building occupants to temporarily lock and unlock the doors. Individual departments must notify Risk Management if changes are needed so that unlock, and lock schedules can be adjusted.

Level B – Doors are not equipped with electronic access control. They are unlocked and locked by Campus Security based on class schedules and events shown in the college scheduling software or on a predetermined schedule. This would include certain classrooms, exterior building doors, doors leading into common areas, etc.

Level C – Doors are on access control and always locked.

Level D – Doors remain on a key and are not equipped with electronic device access. The individual assigned to the space is responsible for unlocking and locking the space.

Level E – Doors remain locked and require electronic device credentials and PIN access.

Level F – Certain exterior doors remain locked and require a perimeter key not in circulation and must be checked out from FMPC.

General-purpose classrooms that only contain tables and chairs and are accessed using a key will be unlocked by Campus Security 30 minutes before a class starts and locked 10 minutes after the class ends. This is based on the information in the college scheduling software. If Campus Security receives a phone call from an RCC employee asking them to unlock a classroom earlier, they will respond and open the door as soon as possible.

Classrooms that contain any other items such as computers, lab equipment, chemicals, electronics – not including media stations at the podium, specialty equipment, etc., – and are accessed using a key or electronic access credentials will be unlocked 10 minutes before class starts and locked 10 minutes after class ends. If the classroom uses an electronic access credential, Campus Security or an approved employee will need to swipe their electronic access credential no more than 10 minutes before the class starts to unlock the door. This is also based on the information in the college scheduling software. If Campus Security receives a phone call from an RCC employee asking them to unlock a classroom earlier, they will respond and open the door as soon as possible.

Any general-purpose classroom accessed using electronic access credentials will be unlocked 30 minutes before the class begins and once Campus Security or an approved employee has swiped their electronic access credentials. The doors will automatically lock electronically 10 minutes after the last class ends.

Departmental requests for unlocking a building for a special event must be submitted via the room reservation process, with a follow-up email to Risk Management. Operating hours will be adjusted as necessary for these approved college events.

All RCC buildings will be locked on days the college is officially closed for scheduled holidays, closure days, and weather-related or emergency reasons. Pre-authorized electronic device access for employees will remain unchanged on these days.

Departmental Responsibilities:

Risk Management

The Director of Risk Management is the Electronic Access Control Application Administrator responsible for managing and coordinating the college's electronic access control system for all existing buildings and for all new buildings that may be constructed in the future, for designing the room access groups to ensure the accountability of electronic access credentials that are issued and removed to maintain an accurate and complete database and to collaborate with other stakeholders, including Southern Oregon University, that require electronic access credentials to

perform their duties. The Director of Risk Management shall collaborate with the Chief Information Officer and the Chief Facilities Management Officer to align electronic access credentials and key control procedures and practices.

Human Resources

The Human Resources Department (HR) is responsible for issuing all new employee electronic access credentials, including taking the employee's picture and issuing the electronic access credential to the employee. HR will email the Director of Risk Management and Assistant Director of Risk Management each time an employee's electronic access credential is issued so that Risk Management can activate and program the electronic access credential. HR will also notify Risk Management when an employee separates from employment.

Facilities Management, Planning, and Construction

The Director of FMPC is responsible for managing and coordinating RCC's key control program, and for installing, maintaining, and repairing the electronic access control infrastructure and hardware in coordination with Risk Management and Information Technology Services (IT).

Information Technology Services

The installation, maintenance, repair, and upgrade of the server(s) and application software will reside with the IT Department, which will work directly with Risk Management, FMPC, and vendors when necessary.

Supervisors

Supervisors are responsible for identifying the key and electronic access credential level their employees are authorized to possess, consistent with this Administrative Procedure.

Supervisors are responsible for requesting keys through the FMPC Department. Supervisors are responsible for requesting electronic access credential privileges or changes through the Director of Risk Management and Assistant Director of Risk Management.

Keyholder Responsibilities (Key and/or Electronic Access Device)

Take appropriate measures to safeguard any college keys or electronic access credentials issued to you.

- Never loan anyone your key(s) or electronic access credentials.
- Never use your key(s) or electronic access credentials to grant access to secured areas to non-authorized individuals.
- Never prop open or otherwise disable any normally secured doors.
- Never store key(s) or electronic access credentials in an unsecured fashion.
- Immediately report any lost or missing electronic access credentials to the Director of Risk Management and the Assistant Director of Risk Management.
- Immediately report any lost or missing keys to FMPC.

Guidelines for Requesting Access

- Electronic access credentials -- Requests for electronic access credentials will be made by the employee to the employee's supervisor.
- Key Access – The person requesting access must submit a key request to FMPC for processing with the appropriate supervisor approval.
Contractor Keys/Electronic Access Credentials – Keys and/or electronic access may be issued to the FMPC Department and/or the IT Department annually to facilitate daily contractor work. Keys must be requested from the FMPC Department via the key request process with appropriate approvals. Requests for electronic access credentials for contractors working for the FMPC Department or IT Department must be submitted to the Risk Management Department via email.

The FMPC department administrator must facilitate control of the keys and electronic access credentials issued to contractors. Contractors may be responsible for the cost of re-keying locks that may have been compromised due to the non-return of keys issued to the contractors.

Lost or Stolen Keys/ Electronic Access Credentials

The Keyholder must immediately report stolen, lost, or misplaced key(s) to FMPC and stolen, lost, or misplaced electronic access credentials to the Risk Management Department via email. FMPC may issue replacement key(s), and Risk Management may issue replacement electronic access credentials upon appropriate approval.

Return of Keys or Electronic Access Credentials

For current employees, obsolete, outdated, or unneeded keys must be returned to FMPC. When no longer employed by the college or holding the role, responsibility, and/or position for which the key/electronic access credentials were granted, all associated keys must be returned to HR or the employee's supervisor, who will then turn keys into FMPC and electronic access credentials to Risk Management. Risk Management will cancel electronic access credentials, which will be returned to stock if still in usable condition.

Employees will never turn over their keys to their coworkers or employees taking their place.

Document Retention

All documentation will be maintained in accordance with Oregon Revised Statutes, as applicable.

AP-3509 Security Cameras

This procedure supports RCC's mission while balancing the use of security cameras to protect the safety and security of RCC students, employees, and visitors with individual privacy, freedom of expression, and civil liberties. This procedure applies to all facilities owned and or operated by RCC. The purpose of this procedure is to regulate the use of the security camera system in a manner consistent with accepted levels of privacy and to facilitate the operation of the security camera system ethically, efficiently, and effectively.

Purpose

The primary purpose of the security camera system is:

- Deterrence – The presence of security cameras and the likelihood of apprehension based on the use of security cameras can dissuade a potential perpetrator from attempting a crime.
- Detection – Though Risk Management does not continuously monitor security camera images, future digital analytics will interpret imagery and alert Risk Management to abnormal conditions.

Response – When an alarm is raised, an incident is detected, or an incident is reported, Risk Management can use the security camera system to view the location and assess the situation before responders arrive. Security camera footage may also be used to observe and document the activities of responders, including Campus Security and outside agencies.

Investigation – After a crime has been committed, recorded security camera footage may reveal images pertinent to the investigation of the crime. These images may be immediately shared with local law enforcement personnel, assisting with the rapid identification of suspects and/or the recovery of valuable property.

Situational Awareness – While the security camera system is not normally monitored in real-time, the ability to monitor real-time security camera footage in an emergency can lead to the detection of developing situations that may threaten campus safety and security.

Responsibility – The Risk Management Department has primary responsibility for the security camera system in coordination with IT and FMPC. The Risk Management Department is responsible for determining the security camera system utilized by the college and for determining the placement of individual cameras, ensuring alignment with IT infrastructure capabilities and adherence to IT security standards. Risk Management is also responsible for the daily use of the security camera system, and for monitoring developments in the law, security industry best practices, and technology to ensure that the application of the security camera system is consistent with best practices and complies with all relevant federal and state regulations.

The FMPC Department is responsible for installing, maintaining, and repairing the security camera system infrastructure and hardware in coordination with Risk Management and IT.

The installation, maintenance, repair, and upgrade of the server(s) and application software will reside with the IT Department, which will work with Risk Management, FMPC, and vendors directly when necessary.

Placement and Installation of Security Cameras

The installation of security cameras will be based on a need to mitigate an identified risk or vulnerability. Cameras may be placed to view an identified area of risk and/or the ingress and egress pathways of an identified area of risk. Security cameras may be installed at all RCC campuses, both on the interior and exterior of buildings, based on a need identified by the Risk

Management Department. Risk Management will also review the current locations of all security cameras and the potential locations for future cameras.

Security cameras shall not view locations where persons have a reasonable expectation of privacy. Examples include, but are not limited to, the interiors of restrooms, locker rooms, private offices, and lactation rooms; however, cameras may be placed in view of these locations' ingress and egress pathways.

The installation of non-operable or "dummy" security cameras is prohibited.

Individual campuses, departments, and programs may request the installation of security cameras through a written request to the Director of Risk Management, who will review all such requests. Upon completion of the review of the request, the Director of Risk Management will decide whether to install the requested security cameras. This decision will be based on the totality of circumstances surrounding the request and the proposed use. Appeals of a decision made by the Director of Risk Management concerning the installation of security cameras may be taken to the Vice President of People, Culture, and Safety.

Only FMPC has the authority to purchase security cameras for RCC.

Access and Monitoring

All security camera recording and/or monitoring of activities of individuals or groups will be conducted in a manner consistent with college policies and all applicable state and federal laws and will be done professionally and ethically.

Security camera recording and/or monitoring will not be based on the subjects' race, color, national or ethnic origin, age, religion, disability, sex, sexual orientation, gender identity and expression, veteran status, or any other characteristic protected under applicable federal or state law.

Security cameras are not monitored continuously under normal operating conditions but may be monitored for legitimate safety and security purposes that include but are not limited to high-risk areas, restricted access areas/locations, in response to an alarm, special events, and as authorized by the Director of Risk Management.

Access to live security camera footage or recorded footage from the security camera system shall be limited to the positions outlined below. Exceptions must be authorized by the Director of Risk Management or the Vice President of People, Culture, and Safety.

- The Director of Risk Management
- The Assistant Director of Risk Management
- Campus Security as determined by the Director of Risk Management
- The Chief Information Officer or designee, as needed, to conduct work on the security camera server and network.

- Staff inside the college testing center may have unrestricted access to security cameras specifically installed inside the testing center in the course of their assigned duties.
- The FMPC Department personnel responsible for installing or repairing cameras.
- Law enforcement agencies may be granted one-time access to the live view of the security camera system when onsite responding to a call initiated by RCC when RCC determines that an imminent threat to life or property exists, after a request has been received. Access will be granted after the college determines that an access request does not unduly violate the privacy rights of members of the college community or when RCC is compelled to grant access based on the receipt of a subpoena or court order.

Review of Recordings

Only the positions outlined above are approved to access the security camera system and to view either live or recorded security camera footage.

The Director of Risk Management may authorize sworn law enforcement personnel to review recorded security camera footage in the course of an official investigation.

State or municipal law enforcement agencies that use security cameras may desire live access to college security cameras with views of public streets or properties. Access requests shall be reviewed and approved or denied by the Director of Risk Management.

No recorded security camera footage will be downloaded to a portable storage device, sent via email, or otherwise stored or shared except by the Director of Risk Management or Assistant Director of Risk Management.

No security camera footage may be saved or used for personal use.

No security camera footage will be transmitted to social media or personal web pages or used for financial benefit.

No security camera footage will be released to college supervisors that involves college employees without the approval of the VP of People, Culture, and Safety.

Further, all instances of security camera footage downloads or sending security camera footage by email will be recorded in a download log maintained by Risk Management.

Operation

Operation of the security camera system will be conducted in a manner consistent with all existing college policies.

Security camera system users shall:

- Monitor systems based on suspicious behavior, not individual characteristics.
- Not view private rooms or other areas through windows.

- Not continuously viewing people becoming intimate in public areas.

Storage and Retention of Recordings

No attempt shall be made to alter any part of any security camera recording. All security camera footage shall be stored in a secure college location for a period not exceeding 60 days but not less than 30 days and will then promptly be erased or written over unless retained as part of a criminal or civil investigation, court proceeding, or other approved use as designated by the Director of Risk Management. In higher security areas, retention time may be increased as deemed appropriate by the Director of Risk Management. In a case where footage was being utilized for an investigation, it may need to be retained until possible litigation is complete.

Information from the security camera system shall be used primarily to gather necessary information for Campus Security, law enforcement, and for investigative purposes. Information will be handled with an appropriate level of security to safeguard against violations of an individual's right to privacy, unauthorized access, use, alteration, or disclosure.

Personnel are prohibited from using or disseminating information acquired from the college security camera system except for official purposes. Only the Director of Risk Management and the Assistant Director of Risk Management are authorized to disseminate footage outside the group of individuals who have been granted access to the system. All information obtained and/or observations made via the use of the security camera system are considered confidential and can only be used for official college and law enforcement purposes upon the approval of the Director of Risk Management. Requests to use or disseminate security camera footage for non-law enforcement purposes will be decided by the Director of Risk Management or the VP of People, Culture, & Safety.

Mobile or hidden security camera equipment may only be used by the Risk Management Department with approval from the Vice President of People, Culture, and Safety for specific instances that may be a significant risk to public safety, security, and property.

Any access to or use of recorded security camera footage in violation of this procedure may result in legal and/or significant disciplinary action, up to and including separation of employment from RCC.

AP 3515 Reporting of Crimes

RCC is committed to the safety and security of all members of the college community. As part of this commitment, RCC encourages the prompt reporting of all criminal activity and emergency situations and has implemented the procedures that outline various reporting options, and defines which reporting options are confidential, which reporting options are not confidential, and when reporting becomes mandatory.

This procedure applies to all the RCC District locations.

RCC utilizes the following procedures related to the reporting of criminal activity and other emergency situations on campus. In the event that there is an imminent threat to the safety and security of an individual or the college as a whole, any incident should be reported directly to local law enforcement and then to RCC Security.

After contacting 911, RCC Security is the primary reporting location for all criminal activity and emergency situations on campus. Reporting can be accomplished by the following means:

- RCC Security at the Redwood Campus is the primary security contact for all after hours needs and may be reached 24 hours per day 7 days per week via phone at 541-218-2930.
- RCC Security at the Riverside Campus may be reached between 7am and 11pm Monday – Friday and from 7am – 7pm on Saturday via phone at 541-218-2931.
- RCC Security at the Table Rock Campus may be reached between 7am and 10:30pm Monday – Friday and between 7am and 7pm on Saturday via phone at 541-218-3639.

Crime reports and incident reports submitted to RCC Security are covered under state law and are subject to public record requirements.

Reporting can also be accomplished by contacting the following individuals, positions or departments:

- Campus Security Authorities (CSAs) are individual employees of RCC who have been designated as CSAs because of specific duties or responsibilities associated with their position. A list of current CSAs is maintained on the Risk Management webpage. CSAs are required to forward all reports they receive in their role as a CSA to RCC Security. Confidentiality may be maintained; however, it may limit any further action by RCC.
- Professional counselors are available by calling 541-956-7443 or by emailing counselingfrontdesk@rogucecc.edu. Reports received by counselors are confidential in most cases. Professional counselors are required to report incidents of child abuse, elder abuse, and in situations where students are at risk of harm to themselves or others. RCC supports professional counselors in their professional counselor capacity in which they inform those students they counsel on the procedures for reporting crimes but will support the student's decision on how the student wishes to proceed. However, the counselors will provide aggregate non-identifying data for inclusion in the institution's annual security report and Web-based reports.
- Title IX Coordinators – Any individual who believes that they may have experienced a violation of Title IX to include sexual harassment and or sexual assault may report the incident to the Title IX Coordinator. All RCC employees must report any incidents of possible violations of Title IX to the appropriate Title IX Coordinator. The RCC Lead Title IX Coordinator is Lucia Bartscher.

Note: Any incident that has the potential to cause an immediate or continued threat to the college community should be reported directly to RCC Security in order to facilitate the possible issuance of a Timely Warning as required by the Clery Act.

AP 3520 Local Law Enforcement

The RCC Director of Risk Management maintains a close working relationship with the Grants Pass Department of Public Safety, the Medford Police Department, the Oregon State Patrol, the Jackson County Sheriff's Office and the Josephine County Sheriff's Office.

Meetings may be held between the leaders of these agencies on both a formal and informal basis. The RCC Risk Management Department and Grants Pass Department of Public Safety, the Medford Police Department, the Oregon State Patrol, the Jackson County Sheriff's Office, and the Josephine County Sheriff's Office communicate regularly on the scene of incidents that occur in and around the campus area. When incidents arise that require joint investigative efforts, resources, crime related reports, and exchanges of information, the RCC Risk Management Department will work closely with Grants Pass Department of Public Safety, the Medford Police Department, the Oregon State Patrol, the Jackson County Sheriff's Office, and the Josephine County Sheriff's Office. There is no written memorandum of understanding between RCC Risk Management Department and Grants Pass Department of Public Safety, the Medford Police Department, the Oregon State Patrol, the Jackson County Sheriff's Office, nor the Josephine County Sheriff's Office.

In response to a call, the RCC Risk Management Department will take the required action, dispatching an officer or asking the victim to file an incident report. All incident reports received by the RCC Risk Management Department are forwarded to the Director of Risk Management for review and potential action. The RCC Risk Management Department may investigate a report when it is deemed appropriate.

Crimes should be reported to the RCC Risk Management Department to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the RCC Risk Management Department in a timely manner. After contacting 911 or local law enforcement, Campus Security should be notified of all criminal activity and emergency situations on campus.

Reporting can be accomplished by the following means:

- Campus Security at the Redwood Campus may be reached 24 hours per day 7 days per week via cell phone at 541-218-2930.
- Campus Security at the Riverside Campus may be reached between 7am and 11pm Monday – Friday and from 7am – 7pm on Saturday via cell phone at 541-218-2931.
- Campus Security at the Table Rock Campus may be reached between 7am and 10:30pm Monday – Friday and between 7am and 7pm on Saturday via cell phone at 541-218-3639.

Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at any RCC campus. Security officers do not possess arrest power. Criminal incidents are referred to the local law enforcement officers who have jurisdiction on the

campus. RCC maintains a highly professional working relationship with the Grants Pass Department of Public Safety, the Medford Police Department, the Oregon State Patrol, the Jackson County Sheriff's Office, and the Josephine County Sheriff's Office. All crime victims and witnesses are strongly encouraged to immediately report the crime to RCC Risk Management Department and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

Campus "Pastoral Counselors" and Campus "Professional Counselors," when acting as such, are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

- A Pastoral Counselor is a person who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.
- A Professional Counselor is an employee of RCC whose official responsibilities include providing psychological counseling to members of the RCC community and who is functioning within the scope of his/her license or certification.

AP 5014 Enrollment of Students with Sex Offenses

Background

The "Campus Sex Crimes Prevention Act" (section 1601 of Public Law 106-386) is a federal law enacted on October 28, 2000, that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or who are working or volunteering on campus. It also amended the Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to require institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. These changes took effect October 28, 2002, and this notice is a requirement beginning with the annual Campus Public Safety Security report due October 1, 2003. Lastly, the Act amends the Family Educational Rights and Privacy Act of 1974 (FERPA) (October 28, 2000) to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders; and requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

Rogue Community College Enrollment of Students with Sex Offenses

Information regarding registered sex offenders may be obtained from the Oregon State Police, Sex Offender Unit (asksor@osp.oregon.gov or 503-934-1258). It is the intention of RCC to be proactive in its efforts to be better informed about students with sex offenders who are attending classes at RCC. Any information obtained will be communicated with RCC's Dean of Student Success.

The Dean of Student Success will serve as primary contact for:

- Students who self-identify with sex offenses.
- Parole officers seeking to provide identification information to RCC.
- RCC personnel to whom students self-identify.
- RCC personnel who may discover students identified in a public report.

The RCC Dean of Student Success will contact the local Probation Department to determine conditions of probation, and the enrollment eligibility of the student with sex offenses will be determined at that time. If conditions of probation are currently being met and can be upheld on campus, the student will meet with RCC's Dean of Student Success to complete enrollment procedures.

College Administrative Procedures Related to Campus Emergencies

AP 3506 Timely Warnings

This procedure applies to all the RCC District locations.

RCC utilizes the following procedures to provide Timely Warning notifications in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

RCC Risk Management is the primary department tasked with the Timely Warning notification procedure. Secondary responsibility is assigned to the Community & Government Relations Coordinator. In the event that the Risk Management Department and the Community & Government Relations Coordinator are unavailable, the following positions may also issue Timely Warnings:

- President
- Chief Human Resources Officer
- VP of Academic Affairs
- VP of Student Affairs
- VP of Operations and Finance
- Administrator in Charge in the Absence of the President

Once the determination has been made by the Director of Risk Management or designee that a Timely Warning needs to be initiated and, if time permits, the Director of Risk Management or designee will review the content of the message with the College President and/or the Chief Human Resources Officer.

Timely Warnings will be initiated for all crimes that are reported to RCC Security, local law enforcement, or a college official that have significant responsibility for student and campus activities, that occur within an RCC geographical area as defined under the Clery Act, and that represent a serious or continued threat to the college community.

The notification will be sent out to the College community through the College's email system. The same message will be posted on the College's Risk Management website. RCC has the ability to notify specific college campuses through the email system and will evaluate the specific emergency when making the determination on who receives the notification.

All Timely Warnings will be initiated without delay unless the notification will, in the professional judgment of responsible officials, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

In the event that additional information related to an incident is provided to the RCC Risk Management Department, RCC will determine on a case-by-case basis whether to issue a follow up message. The follow up message may be communicated through a variety of different options including email, phone call, news release, etc.

The Risk Management Department is responsible for sending out an email reminder within the first five days of each quarter to all current faculty, staff and students explaining the Timely Warning procedure.

AP 3507 Emergency Notifications

This procedure applies to all the RCC District locations.

RCC utilizes the following procedure to provide emergency notifications regarding events or incidents on or in the vicinity of the campus to include active shooters, campus lockdowns, campus evacuations, viral outbreaks, natural or man-made disasters or any incident that may threaten the safety and security of the college community.

RCC Risk Management is the primary department tasked with the Emergency Notification procedure. Secondary responsibility is assigned to the Community & Government Relations Coordinator. In the event that the Risk Management Department and the Community & Government Relations Coordinator are unavailable, the following positions may also issue Emergency Notifications:

- President
- Chief Human Resources Officer
- VP of Academic Affairs
- VP of Student Affairs
- VP of Operations and Finance
- Administrator in Charge in the Absence of the President

Once the determination has been made by the Director of Risk Management or designee that an emergency notification needs to be initiated and, if time permits, the Director of Risk Management or designee will review the content of the message with the College President and/or the Chief Human Resources Officer.

The notification will be sent out to the college community through RCC's emergency notification system which may include, based on the individual incident, the email system, via phone call, via text message to everyone who has enrolled in the system, via college owned phones and via intercoms/loudspeakers. The same message may be posted on RCC's website and social media accounts. All emergency notifications will be initiated without delay unless the notification will, in the professional judgement of responsible officials, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

In the event that additional information related to an incident is provided to the Risk Management Department, RCC will determine on a case-by-case basis whether to issue a follow up message. The follow up message may be communicated through a variety of different options including email, phone call, news release, etc.

The Risk Management Department is responsible for sending out an email reminder within the first five days of each quarter to all current faculty, staff and students explaining the emergency notification system and the process for registering.

The Risk Management Department is responsible for communicating the location and contents of RCC's Emergency Operations Plan (EOP) to all faculty, staff, and students and for conducting at least one drill annually that tests the emergency notification system in combination with an emergency drill/exercise that is outlined in RCC's EOP.

In the event that an emergency notification is initiated, RCC will notify the local community through the following steps:

- The College website and social media accounts will be updated.
- The Community & Government Relations Coordinator will communicate with a pre-determined list of community news organizations who will then release that information via their media outlets.

College Administrative Procedures related to Drugs and Alcohol

AP 3550 Drug Free Environment and Prevention Program

RCC is committed to providing employees and students with a drug-free workplace and campus environment.

In compliance with the Federal Drug-Free Schools and Communities Act, the following departments maintain RCC's Alcohol and Drug Free Environment and Prevention Program:

- Risk Management
- Human Resources
- Counseling
- Dean of Student Success

The program is designed to inform students and employees of the current alcohol and drug free policy, procedure and related programs. This information includes the dangers of drug and alcohol abuse, the policy for maintaining a drug-free/alcohol-free campus, any available drug and alcohol counseling and/or rehabilitation, education and prevention programs and the penalties that may be imposed upon students and employees for drug and alcohol abuse violations.

RCC's Drug Free Campus Policy includes prohibiting the use of marijuana on campus property or for any campus-sponsored class, activity, or event regardless of location. While Oregon law allows for recreational use and possession of marijuana, using and possessing marijuana in any form remains a crime under federal law. RCC is a public institution that receives federal funding through grants and financial aid. Therefore, allowing any use of marijuana would be in violation of that law, thus jeopardizing RCC's mission and students' educations.

Drug Free Schools and Community Act of 1989

RCC notifies each employee and student at the start of each academic term, in writing, of standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs on campus property or at any campus activity ; a description of applicable legal sanctions for violation of federal, state, and local law and campus policy; a description of health risks associated with alcohol and drug use; a description of available treatment programs; and a statement that RCC will impose sanctions on students and employees, with a description of those sanctions, for violations of the standards of conduct.

The following departments prepare a biennial report in April of even numbered years on the effectiveness of RCC's Alcohol and Drug prevention and education programs; the number of drug- and alcohol-related violations and fatalities that occur on campus or during institutional activities that are reported to campus officials; the number and type of sanctions that are imposed as a result of drug and alcohol violations; and the consistency of sanction enforcement: Risk Management, Human Resources, Student Counseling and the Dean of Student Success. A copy of the current report and previous reports can be found at www.roguecc.edu/riskManagement/campusSecurity.asp.

Drug and Alcohol Abuse Prevention Program Goals

- To reduce the incidence of drug and alcohol abuse use by students and employees of RCC by providing them with drug and alcohol risk and side effect information.
- To provide short-term drug and alcohol counseling for students and employees.
- To provide students and employees with referrals and connections to local and regional drug and alcohol agencies for long term care.

- To make students and employees aware of college sanctions and state and federal penalties for drug and alcohol use.

Education, Prevention and Awareness Training and Programs

- Brochures are available in the Rogue Central and Counseling area at Riverside Campus, Table Rock Campus, and Redwood Campus.
- Open Forums are held biannually and include students, employees, and community partners.
- Drug and Alcohol Awareness Months Programs
- New Student Orientation
- Community Resources listed on college website.
- Student Government
- New Employee Orientation
- Annual Employee Training and policy notice

Permissible Use

There is no permissible use of controlled substances on any RCC campus or facility other than the use of prescription medication by the individual that the medication is prescribed to and in accordance with the instructions provided by the individual's medical provider.

RCC prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance at the workplace.

Abiding by RCC's drug-free workplace policy is a condition of employment. Employees shall inform their supervisor and the HR Director within five (5) days after being convicted for a violation occurring in the workplace of any federal or state criminal drug statute. A conviction means entry of a no contest plea; or execution, suspended execution, or suspended imposition of a sentence; or a finding of guilt; or the imposition of a sentence by a judge or jury in a federal or state court. When an employee who is assigned to perform work funded under a federal grant or contract is convicted for violation of any federal or state criminal drug statute, RCC must notify the U.S. government agency with which the contract or grant was made within ten (10) days after receiving notice from the employee or other actual notice. RCC must impose a sanction on or require satisfactory completion in a drug abuse assistance or rehabilitation program for, any employee who is convicted of a drug violation in the workplace.

Student Sanctions

RCC may impose sanctions upon students who have violated the Student Code of Conduct by illegal or unauthorized distribution, possession, use or being under the influence of alcohol, marijuana and/or other illegal drugs or controlled substances on college property or at college-sponsored or supervised functions. Sanctions may include:

- Reprimand
- Immediate Exclusion
- Disciplinary Probation
- Suspension

- Expulsion
- Restitution
- Completion of an appropriate rehabilitation program
- Other

State and Federal Sanctions

The following are Oregon penalties for illegal possession of key drugs (Oregon laws are stricter than federal laws):

- Schedule I Class B Felony: Heroin, LSD, other hallucinogens, others. Maximum prison time: 10 years. Maximum fine: \$250,000.
- Schedule II Class C Felony: Methadone, morphine, amphetamines, methamphetamines, cocaine, PCP. Maximum prison time: 5 years. Maximum fine: \$125,000.
- Schedule III Class A Misdemeanor: Non-amphetamine stimulants, some depressants. Maximum prison time: One year. Maximum fine: \$6,250.
- Schedule IV Class C Misdemeanor: Valium-type tranquilizers, some less potent depressants. Maximum prison time: 30 days. Maximum fine: \$1,250.

Federal law prohibits, among other things, the manufacturing, distributing, selling, and possession of controlled substances as outlined in 21 United States Code, Sections 801 through 971. Depending on the amount, first offense maximum penalties for growing, buying, selling, or possessing marijuana range from five years' imprisonment and a fine of \$250,000 to imprisonment for life and a fine of \$4,000,000. Maximum penalties for other controlled substances can range from five years to life imprisonment and fines ranging from \$2,000,000 to \$4,000,000. First offense penalties and sanctions for the illegal possession of small amounts of controlled substance range from up to one year in prison or a fine of at least \$1,000.

Employee Sanctions

RCC reserves the right to impose discipline up to and including termination of employment if a violation of this policy is discovered by the College without voluntary disclosure by the employee. An employee's willingness to seek outside assistance without voluntary disclosure will not excuse the violation and will have no bearing on the determinations of appropriate disciplinary action.

Alcohol Health Risk and Warning Signs

- Increased risk of injuries
- Violence
- Fetal damage (in pregnant women)
- Depression
- Neurologic deficits
- Hypertension
- Liver and heart disease
- Addiction
- Fatal overdose

Drug Health Risks and Warning Signs

- Cannabinoids (Marijuana) – Frequent respiratory infections; possible mental health decline; addiction.
- Opioids (Heroin, Opium) – Constipation; endocarditis; hepatitis; HIV; addiction; fatal overdose.
- Stimulants (Cocaine, Methamphetamine) – Weight loss, insomnia; cardiac or cardiovascular complications; stroke; seizures; addiction; nasal damage from snorting (cocaine); severe dental problems (methamphetamine).
- Prescription Depressants (Sleep Medications, Benzodiazepines) – Lowered blood pressure, slowed breathing, tolerance, withdrawal, addiction; increased risk of respiratory distress and death when combined with alcohol.
- Prescription Opioids and Morphine Derivatives (Codeine, Methadone, Oxycodone) – Slowed or arrested breathing, lowered pulse and blood pressure, tolerance, addiction, unconsciousness, coma, death; risk of death increased when combined with alcohol or other CNS depressants.

Resources and Assistance

- RCC Counseling Department Services provide:
 - Confidential short-term counseling services at no charge to students.
 - Referrals to outside support, education, and rehabilitation.
 - Additional informational materials for health risks associated with specific drugs.

Counselors are available by calling 541-956-7443 or emailing counselingfrontdesk@rogucecc.edu.

- Employee Assistance Program – All RCC employees are eligible for Employee Assistance Program (EAP) services administered through Uprise Health. The EAP can help employees privately resolve problems that may interfere with work, family, and life in general. The EAP is provided at no cost to employees and dependents, living at or away from home, as well as household members, related or not. EAP services are always confidential. Additional information may be found online at <https://members.uprisehealth.com/oebb/>.
- Community Resources – A current list of community resources is maintained on the College website at www.rogucecc.edu/resourceCenter/resources.asp

Program Biennial Review

RCC empanels a committee of employees to develop the biennial report and make recommendations to improve the drug and alcohol program and annual notification systems. The committee members are listed below:

- Director of Risk Management
- Assistant Director of Risk Management
- Vice President of People, Culture & Safety/CHRO
- Director of Human Resources & Payroll Operations
- Counseling Department Chair

Employee Standards of Conduct

RCC has a responsibility to our employees, to our students, and to the general public to ensure safe operating and working conditions. To satisfy our drug free workplace objective and meet these responsibilities, we must establish a work environment where employees are free from the effects of drugs, alcohol, or other impairing substances.

Employees must be free of intoxicants, and mentally and physically capable of effectively performing assigned duties. Employees must notify their supervisors in advance when the use of prescription or over-the-counter medications may interfere with the safe and efficient performance of work.

Employee Drug Testing

1. Pre-hire: Offers of employment for certain positions deemed to be safety-sensitive may be contingent upon successful passage of a College-required drug test, which include testing for marijuana.
2. Reasonable suspicion: The College may require any employee to be tested for alcohol and/or illegal drugs when reasonable suspicion exists that the employee may be impaired during work hours. The basis of suspicion may be a specific, contemporaneous event or conduct evidencing impairment observed over a period of time. Reasonable suspicion testing also includes testing an employee for the presence of prescription medication when the College has reason to believe the employee may be abusing the medication. Supervisors should contact HR prior to conducting the testing under this procedure. Refusal to test shall be considered a test failure.

RCC will be responsible for arranging for the employee to be transported to the testing facility when an event providing reasonable suspicion takes place on RCC premises.

RCC reserves the right to search employee workspaces for the presence of prohibited alcohol, illegal drugs, and controlled substances at any time when reasonable suspicion exists that an employee may be under the influence. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

RCC will support employees who voluntarily seek help for drug or alcohol problems before becoming subject to discipline or termination under this or other RCC policies or procedures. Such employees may be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers, or otherwise accommodated, as required by law. Employees may be required to provide documentation of successful completion of a prescribed treatment program. Employees may also be required to submit to follow-up testing if, in the college's determination, the employee's position involves performing safety-sensitive functions. Employees who demonstrate successful progress or completion of a recommended course of treatment may return to work after taking and passing a drug and/or alcohol test. Any employee returning to work after such treatment will be expected to comply with all aspects of this procedure. A request for rehabilitation may not be made in order to avoid the consequence of a positive drug or alcohol

test or to avoid taking a drug or alcohol test when requested to do so under the terms of this procedure.

Employees who violate this procedure and/or fail to seek treatment, may be subject to disciplinary action, up to and including termination of employment.

AP 3560 Alcoholic Beverages

The possession, sale or the furnishing of alcohol on campus is governed by state law and these procedures. A person must be at least 21 years of age to purchase alcoholic beverages in Oregon.

The possession, sale, consumption or furnishing of alcohol is controlled by the Oregon Liquor Control Commission (OLCC). However, the enforcement of alcohol laws on-campus is the primary responsibility of the Risk Management Department and local law enforcement. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Risk Management Department and local law enforcement. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or restricted area of campus without prior College approval. The consumption of alcohol on RCC property is prohibited under all circumstances including fundraisers and other special events, except for approved college courses or certain college events (as described below).

- Oregon law includes an exemption for students enrolled in a food or beverage career program at a higher education institution, including a community college. “Food or beverage career program” means a course of study designed to qualify a person for a career in the food service industry or alcoholic beverage industry, including but not limited to a course of study in culinary arts, viticulture, winemaking, enology, brewing or restaurant management. (ORS 471.580)
- For classes relating to growing and/or harvesting grapes or hops, or the production and/or marketing of wine or beer, limited consumption of, or tasting of, alcoholic beverages by students and/or staff may be an integral part of such classes. Other classes, such as those relating to public safety training may also include consumption of alcoholic beverages as an integral part of the class.
- Permission for appropriate consumption of alcohol by students/staff, which is considered to be an integral part of these special classes shall be included as part of the approval for scheduling such special classes. Under these special, limited circumstances, alcoholic beverages may be permitted on campuses from time to time. Prior to the advertising of such classes, the instructor must complete an Alcohol Permission Form, including a copy of the course outline, and obtain the required approval signatures.

- All course outlines/syllabi for these special classes must include notice that tasting of alcoholic beverages is strictly prohibited for students under the legal age limit, and some classes may restrict enrollment, whenever appropriate, to students only of legal age and those students able to taste alcoholic beverages as needed to successfully complete the class.
- In all situations (either for college-approved course(s) or specific college events, described above), the RCC President, and/or their designee has the right to deny the use of alcoholic beverages at any college event or for any college-approved course(s).
- Prior to participation in the course, all students must submit a signed Alcohol-Related Events Hold Harmless Agreement. Completed forms must be kept on file by the Risk Management Department for six (6) years after the class has ended. Copies of the form may be accessed on RCC's website: www.roguecc.edu/riskManagement.

Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by RCC.

College Administrative Procedures related to Harassment, Sex Discrimination, and Sexual and other Assaults on Campus Prior to August 1st, 2024.

The following procedures outline RCC's response to incidents of harassment, sex discrimination and sexual and other assaults on campus. Two different versions of the Administrative Procedures are listed in the Annual Security Report in order to comply with changes to Title IX requirements that went into effect on August 1st, 2024. The first set of Administrative Procedures applies to any incidents that occurred prior to August 1, 2024. Any incidents of harassment, sex discrimination and sexual or other assaults on campus that happen after August 1, 2024, are covered after that.

AP 3433 Prohibition of Sexual Harassment Under Title IX

RCC is committed to providing an academic and work environment free of unlawful sex harassment under Title IX. This procedure defines sexual harassment on campus.

This procedure and the related policy protect students, employees, in connection with all the academic, educational, extracurricular, athletic, and other programs of RCC, whether those programs take place in RCC's facilities, an RCC controlled vehicle, or at a class or training program sponsored by RCC at another location.

Definitions

Sexual Harassment under Title IX: Conduct that satisfies one or more of the following:

- An RCC employee conditions the provision of an aid, benefit, or service of RCC on an individual's participation in unwelcome sexual conduct (quid pro quo harassment).

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to RCC's education program or activity.
- Sexual assault, including the following:
 - Sex Offenses. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - Rape (except Statutory Rape). The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - Sodomy. Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - Sexual Assault with an Object. To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
 - Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.
 - Incest. Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
 - Statutory Rape – Non-Forcible. Sexual intercourse with a person who is under the statutory age of consent.
- Dating violence. Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Domestic Violence. Violence committed:
 - By a current or former spouse or intimate partner of the victim.
 - By a person with whom the victim shares a child in common.
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of Oregon or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of Oregon.

- Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, the safety of others or suffer substantial emotional distress.

AP 3434 Responding to Harassment Based on Sex under Title IX

Introduction

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

Title IX Coordinator

Questions concerning Title IX may be referred to the RCC's Lead Title IX Coordinator whose contact information is below:

Lucia Bartscher
Redwood Campus – L Bldg. Rm 1
Table Rock Campus – TRC-A189
Phone: 541-956-7124
Email: LBartscher@rogucecc.edu

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

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

Title IX Harassment Complaints, Investigations, and Hearings

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

Jurisdictional Requirements – Application of Procedures

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

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

Definitions

- **Complainant:** A Complainant is an individual who alleges they are the subject of conduct that could constitute sexual harassment.
- **Consent:** Knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Consent is active not passive. Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent does imply consent to future sexual acts. Consent must be continuous and can be withdraw at any time by either party. Consent can be withdrawn once given, as long as that withdrawal is clearly communicated. Once consent is withdrawn, sexual activity must stop immediately. In order to give consent, one must be of legal age and must not be considered incapacitated as defined under Oregon State Law. 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).

Decision-Maker

RCC may have one Decision-Maker determine whether the Respondent is responsible, and another Decision-Maker determine the appropriate level of penalty for the conduct. The Decision-Maker cannot be the Title IX Coordinator, or the Investigator assigned to the case.

- **Hearing Decision-Maker:** The person who will oversee the live hearing and make a determination of responsibility.
- **Appeal Decision-Maker:** The Chief Human Resources Officer (“CHRO”) or Vice President of Student Services/Chief Student Services Officer (“VPSS”/” CSSO”) will serve as the Appeal Decision-Maker as appropriate.

Formal Complaint

A written complaint signed by the Complainant or Title IX Coordinator, alleging sexual harassment and requesting an investigation. If the Title IX Coordinator signs the formal complaint, they will not become a Party to the complaint.

- **Investigator** is the person or persons charged by RCC with gathering facts about an alleged violation of this procedure, synthesizing the evidence, and compiling this information into an investigation report and file.

- Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of sexual harassment or retaliatory conduct.
- Official with Authority (OWA) is an employee of the Recipient explicitly vested with the responsibility to implement corrective measures for sexual harassment and/or retaliation on behalf of the Recipient.
- Parties, as used in this procedure, means the Complainant and Respondent.
- Complainant is an individual complaining of someone who engaged in conduct purportedly constitute sexual harassment.
- Respondent is an individual alleged to have engaged in conduct that could constitute sexual harassment. Preponderance of the Evidence Standard is the standard of proof and is also known as “more likely than not” standard. This standard will be used to make determinations in all Title IX cases.
- Process Advisor: Throughout the grievance process, both the Complainant and Respondent have a right to a Process Advisor of their choice. If a Party does not have a Process Advisor, RCC will provide the Party a Process Advisor. RCC may establish restrictions regarding the extent to which the Process Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties. If a Party chooses a Process Advisor other than the one provided by RCC, the Party is responsible for any costs associated with that Process Advisor.

Sexual Harassment Under Title IX

Conduct that satisfies one or more of the following:

- An RCC employee conditions the provision of an aid, benefit, or service of RCC on an individual’s participation in unwelcome sexual conduct (quid pro quo harassment).
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to RCC’s education program or activity.
- Sexual assault, including the following:
 - Sex Offenses. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - Rape (except Statutory Rape). The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - Sodomy. Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - Sexual Assault with an Object. To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument"

- is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
- Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of /their temporary or permanent mental or physical incapacity.
- Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.
 - Incest. Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
 - Statutory Rape – Non-Forcible. Sexual intercourse with a person who is under the statutory age of consent.
- Dating violence. Violence against a person who is, or has been, in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Domestic Violence. Violence committed:
 - By a current or former spouse or intimate partner of the victim.
 - By a person with whom the victim shares a child in common.
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of Oregon; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of Oregon.
- Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Reporting Options

Any individual may report sexual harassment to RCC's Title IX Coordinator.

RCC strongly encourages prompt reporting of sexual harassment. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A delay may limit RCC's ability to effectively investigate and respond.

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

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

process or proceedings. RCC will cooperate to the fullest extent possible but will not be able to delay its process indefinitely.

RCC will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, RCC does not document personal information; RCC reports the type of conduct, and the time, date, and location. (Also see BP/AP 3540 Sexual and Other Assaults on Campus.)

Nothing in this procedure precludes any party from making a report to law enforcement. Contact information for local law enforcement agencies is available on RCC's Title IX website.

Students may also make a complaint to the Department of Education Office of Civil Rights. Visit the US Department of Education's Office for Civil Rights website for information on filing a complaint.

RCC Employees and Officials with Authority

RCC Officials with Authority are not confidential resources and are required to report allegations of sexual harassment to the Title IX Coordinator promptly.

RCC has designated all Managerial/Supervisory employees as Officials with Authority.

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

Responsible Employees – All non-confidential RCC employees are required to report allegations of sexual harassment to the Title IX Coordinator immediately. Responsible Employees are required to report all relevant information they know about sexual harassment including the name of the Respondent, the Complainant, any other witnesses, and the date, time, and location of the alleged incident.

Intake – Receipt of and Processing of Report

After receiving a report of sexual harassment, the Title IX Coordinator, or designee, will contact the Complainant and Respondent to explain rights under this policy and procedure and invite the Complainant to an in-person or virtual meeting. The Title IX Coordinator, or designee, will discuss supportive measures with the Parties.

Timeframe for Reporting

While all reports of sexual harassment will be reviewed under this procedure, to promote timely and effective review, RCC strongly encourages individuals to report sexual harassment as soon possible. A delay in reporting may affect the ability to collect relevant evidence and may affect remedies RCC can offer.

Supportive Measures

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

Removal of Respondent Pending Final Determination

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

Emergency Removal

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

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

RCC may conduct further individualized safety and risk analyses as needed as more information is obtained as part of an investigation.

RCC's Title IX Coordinator or designee in consultation with appropriate campus partners will conduct the individualized safety and risk analysis.

If the Title IX Coordinator or designee in consultation with appropriate campus partners determines emergency removal is appropriate, they or the designee will provide the person RCC is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of their removal. The Title IX Coordinator or designee in consultation with appropriate campus partners will reevaluate the individualized safety and risk assessment to

determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

Administrative Leave

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

Formal Complaint Grievance Process - Notice to Parties

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

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

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

Dismissal of Formal Complaint

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

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

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

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

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

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

Consolidation of Formal Complaints

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

Equitable Treatment of the Parties

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

Statement of Presumption of Non-Responsibility

The investigation is a neutral, fact-finding process. RCC presumes all reports are in good faith. Further, RCC presumes the Respondent is not responsible for the alleged conduct. RCC makes its determination regarding responsibility at a hearing at the conclusion of the grievance process.

Bias or Conflict of Interest

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

- The definition of sexual harassment in this procedure.
- The scope of RCCs education program or activity.

- How to conduct an investigation.
- The grievance process including conducting hearings, appeals, and informal resolution processes; and
- How to serve impartially, including avoiding: prejudgment of the facts at issue; conflicts of interest; and bias.

Timeline for Completion

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

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

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

Role of Process Advisor

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

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

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

Use of Privileged Information

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

Investigations

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

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

Trained Investigators

RCC will investigate Title IX formal complaints fairly and objectively. Individuals serving as Investigators under this procedure will have adequate training on what constitutes sexual harassment and how the RCCs grievance procedures operate. RCC will also ensure that Investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence and complies with this procedure.

Gathering Evidence

RCC, not the Parties, has the responsibility to gather information and interview witnesses. Notice of Investigative

Interview

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

Evidence Review

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

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

Investigative Report

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

- A description of the circumstances giving rise to the formal complaint.
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed.
- A summary of the testimony of each witness the investigator interviewed.

- An analysis of relevant evidence collected during the investigation, including a list of relevant documents.
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by RCC.

The investigator will not make a determination regarding responsibility.

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

Hearing

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

Notice

RCC will provide all Parties and their Process Advisors written notice of the date, time, location, participants, and purpose of a hearing with sufficient time for the Party to prepare to participate.

Hearing Format

RCC may provide a live hearing with all Parties physically present in the same geographic location or, at RCCs discretion if either Party requests, RCC may provide any or all Parties, witnesses, and other participants the ability to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other in real time. RCC will make the information reviewed during the Evidence Review available at the hearing for reference and consultation. RCC will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence. RCC will create an audio or audiovisual recording of any live hearing and make it available to the Parties for inspection and review.

Decision-Maker

The Decision-Maker will be free from conflict of interest or actual bias, including actual bias for or against Complainants or Respondents. A party may object to the Decision Maker on the basis of a conflict of interest or actual bias. This objection must be made to the Title IX Coordinator in writing. This written objection must include the facts and circumstances that lead the party to believe the Decision-Maker has actual bias against the party or has a conflict of interest. This objection must be received by the Title IX Coordinator at least 5 business days prior to a scheduled hearing. Upon receipt of such an objection the Title IX Coordinator – in consultation with appropriate campus partners – will evaluate the objection and make a determination as to whether actual bias or a conflict of interest is present. This decision will be communicated to all parties in writing and is final. The Decision-Maker may ask the Parties and the witnesses questions

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

Presenting Witnesses

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

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

Cross-Examination

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

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

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

Determination of Responsibility

When the Decision-Maker makes a determination of responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than 20 business days after the date that the hearing ends.

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

The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures.
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the Investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing.
- Findings of fact supporting the determination. In making these findings, the Decision-Maker will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility.
- Conclusions regarding the application of RCC's code of conduct to the facts.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.
- A statement of, and rationale for, any disciplinary sanctions RCC imposes on the Respondent.
- A statement of whether RCC will provide the Complainant with remedies designed to restore or preserve equal access to RCC's education program or activity.
- RCC need not disclose to the Respondent remedies that do not affect them as part of the written determination. RCC can inform the Respondent that it will provide remedies to the Complainant. However, RCC will inform the Complainant of the sanctions against the Respondent.
- RCC's procedures and permissible bases for the Complainant and Respondent to appeal.

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

Disciplinary Sanctions and Remedies

RCC must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before the imposing disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual harassment, RCC will take disciplinary action

against the Respondent and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the Complainant might include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities.
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area.
- Providing counseling services or a referral to counseling services.
- A referral to medical services.
- Providing academic support services, such as tutoring.
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

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

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

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

Grounds for Appeal

The Chief Human Resources Officer ("CHRO") or Vice President of Student Services/Chief Student Services Officer ("VPSS"/"CSSO") or designee – as appropriate – will serve as the Decision-Maker on Appeal. In filing an appeal of RCC's determination regarding responsibility or RCC's dismissal of a formal complaint, the Party must state the grounds for appeal and a statement of facts supporting those grounds in writing to the Appeal Decision-Maker identified in the Notice of Outcome. The grounds for appeal are as follows:

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

Appeal Procedure

If the Complainant or Respondent submits an appeal to in writing to the Appeal Decision Maker identified in the Notice of Outcome, the Appeal Decision-Maker will:

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

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

The Appeal Decision-Maker may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the Appeal Decision-Maker explaining the need for the extension and the proposed length of the extension. The Appeal Decision-Maker will respond to the request within 2 business days in writing and will inform the Parties simultaneously whether the extension is granted.

Informal Resolution

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

RCC will provide the Complainant and Respondent written disclosure of the allegations, the requirements of the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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

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

Retaliation Prohibited

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

Dissemination of Policy and Procedures

RCC will provide its policy and procedures related to Title IX on its website and in each handbook or catalog provided to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining with RCC.

When hired, employees are required to sign acknowledging that they have received the policy and procedures. RCC will place the signed acknowledgment of receipt in each employee's personnel file.

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

File Retention

RCC will retain on file – for a period of at least seven years after closing the case – copies of:

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

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

AP 3435 Discrimination and Harassment Complaints and Investigations

For sexual harassment under Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX. For other forms of sexual harassment

or gender-based harassment, Complainants should use this procedure. Also, see AP 3432 related to workplace harassment.

Complaint

Any person who reports having suffered harassment, discrimination, or retaliation may file a complaint of harassment, discrimination, or retaliation. Complainants are encouraged to report harassment before it becomes severe or pervasive. Rogue Community College (“RCC”) strives to stop harassment before it rises to the level of a violation of state or federal law.

Authority over Parties

RCC has authority over students, employees, and third parties for alleged violations of this procedure that occur on RCC’s property. RCC has authority over RCC employees and students for alleged violations of this policy that occur at RCC activities or events. RCC may exercise authority over events that occur off-campus to determine if the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity.

RCC may have an obligation to respond to any complaint received by the institution which includes but is not limited to: (A) Sexual harassment; (B) Sexual assault; (C) Domestic violence; (D) Dating violence; or (E) Stalking.

Responsible Employees and Mandated Reporting

If the report involves a minor, RCC and its employees will comply with state mandated reporting requirements.

All responsible employees are required to report all actual or suspected misconduct under this procedure immediately. RCC is on notice if a responsible employee has actual knowledge, or in the exercise of reasonable care should have known, about the misconduct. At RCC all employees, including student employees, other than Counselors acting in their professional capacity are considered responsible employees.

Any person may make a report by directly contacting the appropriate official listed below.

The following person has been designated to handle inquiries regarding the non-discrimination policies and serves as the ADA/504 Compliance Officer:

Vice President of People, Culture, & Safety and Chief Human Resources Officer (CHRO)
Jamee Harrington
541-956-7017
jharrington@roguecc.edu
Redwood Campus – Josephine Building

The following persons are responsible for coordinating Title IX (gender discrimination):

Lucia Bartscher, Lead Title IX Coordinator
Equity, Diversity, and Inclusion Coordinator

541-956-7124
lbartscher@roguecc.edu
Redwood Campus, L Building Rm L1
Table Rock Campus, TRC-A138

April Hamlin, Deputy Title IX Coordinator
Dean of Student Success
541-956-7255
ahamlin@roguecc.edu
Redwood Campus – C Building

Sean Taggart, Deputy Title IX Coordinator
Director of Risk Management
541-956-7061
staggart@roguecc.edu
Redwood Campus – A Building

The appropriate official will receive all relevant details about the alleged misconduct in order to determine what occurred and how to resolve the situation. This includes the names of the reporting party and responding party (if known), and the date, time, and location of the alleged misconduct.

Retaliation

Persons who make complaints of harassment or discrimination or provide information related to such complaints will be protected against retaliation. RCC will take all reasonable steps to protect the Complainant from further harassment or discrimination.

The appropriate officials referenced above are the individuals charged with receiving reports of discrimination, harassment, or retaliation. The actual investigation of reports may be assigned to other trained RCC employees or to outside persons or organizations under contract with RCC. At a minimum, the investigation will be assigned to other RCC staff or outside investigators whenever the officials listed above are named in the complaint or implicated by the allegations in the complaint.

Reporting Options if the Responding Party is a:

- Board of Education Member: Any Reporting Party or Respondent who believes a Board of Education member has violated this procedure should immediately notify the Title IX Coordinator of their concerns. The Title IX Coordinator will forward these concerns to the third-party firm for review.
- Vice President or College President: Any Reporting Party or Respondent who believes the President cannot be impartial or has violated this procedure should immediately notify the Title IX Coordinator of their concerns. The Title IX Coordinator will forward these concerns to the third-party firm for review.

- Chief Human Resources Officer: Any Reporting Party or Responding Party who believes the CHRO cannot be impartial or who has violated this procedure should immediately notify the College President.
- Title IX Coordinator/Deputy Coordinator: Any Reporting Party or Responding Party who believes the Title IX Coordinator/Deputy Coordinator cannot be impartial or who has violated this procedure should immediately notify the Chief Human Resources Officer.

Standard of Proof

RCC will use a “preponderance of the evidence” standard of proof in determining whether there has been a violation of this policy. This standard of proof is also known as “more likely than not” standard.

Who May File a Complaint

Any student, employee, or third party who believes they have been discriminated against, harassed, or retaliated by a student, employee, or third party in violation of this procedure and the related policy.

Where to File a Complaint

An employee, student, or third party who believes they have been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing to any of the following people:

- The Chief Human Resources Officer
- The Title IX Coordinator
- Students may discuss their report confidentially with an RCC Counselor who is generally not obligated to disclose the information.
- Employees may file a report with their supervisor.

Complainants filing employment-related complaints shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or through the Oregon Bureau of Labor and Industries (BOLI) complaint resolution process.

An employee or claimant must provide advance notice of a claim against the employer as required by the Oregon Tort Claims Act (ORS 30.275).

Any RCC employee who receives a harassment, discrimination, or retaliation complaint shall notify the CHRO immediately.

Filing a Timely Complaint

Since failure to report harassment and discrimination impedes RCC’s ability to stop the behavior, RCC strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. RCC also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes RCC’s ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination, the existence of a hostile, offensive or intimidating work environment, and acts of retaliation. RCC will investigate complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

Privileged or Confidential Reporting

An RCC responsible employee should, whenever possible, before a student or employee reveals information that they may wish to keep confidential, ensure that the person making the report understands the employee's obligations to report to RCC, the reporting party's option to request confidentiality, which RCC will take into consideration, and the reporting party's ability to share the information confidentially with designated RCC employees.

Professional, licensed, mental health counselors, who provide mental-health counseling to members of the RCC community, or interns, graduate students, and others supervised by professional licensed counselors, are not required to report any information received in confidence.

Communicating that the Conduct is Unwelcome

RCC encourages, but does not require, students and employees to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste, or inappropriate.

Intake and Processing of the Complaint

Upon receiving notification of a harassment or discrimination complaint, the CHRO or their designee shall:

- Offer options to informally resolve the charges, including but not limited to mediation, rearrangement of work or academic schedules, obtaining apologies, providing informal counseling, training, etc.
- Advise all parties that /they need not participate in an informal resolution of the complaint, as described above, and they have the right to end the informal resolution process at any time.
- Advise student Complainants that they may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employee Complainants may file a complaint with the Oregon Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC). All Complainants should be advised that they have a right to file a complaint with local law enforcement, if the act complained of is also a criminal act. RCC must investigate even if the complainant files a complaint with local law enforcement. In addition, RCC should ensure that Complainants are aware of any available resources, such as health and mental health services.
- Take interim steps to protect a Complainant from coming into contact with the Respondent, especially if the Complainant is a victim of sexual violence. The CHRO or designee should notify the Complainant of their options to avoid contact with the Respondent. For instance, RCC may prohibit the alleged perpetrator from having any

contact with the Complainant pending the results of the investigation. When taking steps to separate the Complainant and the alleged perpetrator, RCC shall minimize the burden on the Complainant.

Upon Receiving the Report – Health and Safety

The CHRO or designee together with relevant campus partners will make an immediate assessment concerning the health and safety of the reporting party and campus community as a whole. RCC will provide the reporting party with immediate, supportive measures necessary to protect their health and safety.

Where RCC determines that there is a substantial threat to the campus community, it will issue a timely warning. RCC will issue the warning according to RCC's administrative procedures. RCC will not disclose the victim's name or other identifying information when issuing the warning.

Confidentiality

When the reporting party requests confidentiality or that RCC not conduct an investigation, RCC will take all reasonable steps to investigate while honoring the request. Where the reporting party insists that RCC not disclose their name or other identifiable information to the Respondent, RCC will inform the Complainant that its ability to respond will be limited. RCC will evaluate this request in the context of its responsibility to provide a safe and nondiscriminatory environment for all employees and students. However, RCC will take steps to offer appropriate remedial measures to the reporting party.

When weighing a request for confidentiality against the seriousness of the alleged harassment, discrimination, or retaliation, the CHRO or designee, in consultation with appropriate campus partners may consider, but are not limited to, the following factors:

- Whether the alleged behavior included acts of violence.
- Whether there is an increased risk of the alleged perpetrator committing acts of violence.
- Whether there is an increased risk of future acts of violence under similar circumstances.
- Whether the alleged behavior was perpetrated with a weapon.
- The age of the person subjected to the violence.
- And whether RCC possess other means to obtain relevant evidence.

Investigation of the Complaint

RCC shall conduct a prompt, thorough, and impartial investigation into every complaint and claim of harassment, discrimination, or retaliation. This procedure will be followed if the reported conduct falls within the jurisdiction of this procedure. If the reported conduct falls outside the jurisdiction of this procedure, RCC will direct the reporting party to the appropriate process to resolve their report.

No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with the

academic, educational, extracurricular, athletic, and other programs of RCC, whether those programs take place in RCC's facilities, in an RCC controlled vehicle, or at a class or training program sponsored by RCC at another location. RCC shall promptly investigate complaints of harassment or discrimination that occur off campus if the alleged conduct creates a hostile environment on campus.

RCC will keep the investigation confidential to the extent possible but cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation. When determining whether to maintain confidentiality, RCC may weigh the request for confidentiality against the seriousness of the alleged harassment, the Complainant's age, whether there have been other harassment complaints about the same individual, and the alleged perpetrator's rights to receive information about the allegations if the information is maintained by RCC as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. RCC will inform the Complainant if it cannot maintain confidentiality.

Investigation Steps: RCC will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as Investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how RCC's grievance procedures operate. The Investigator cannot have any actual bias or conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interviewing the Complainant(s); interviewing Respondents; identifying and interviewing witnesses and reviewing evidence identified by each Party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of RCC's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic/security files of all involved Parties; and reaching a conclusion as to the allegations. When RCC evaluates the complaint, it shall do so using a preponderance of the evidence standard. RCC will decide whether it is more likely than not that discrimination or harassment has occurred after considering all the evidence it has gathered.

If there are conflicting versions of relevant events, RCC's Investigator will weigh each Party's credibility. Factors that will be considered in determining credibility include inherent plausibility; demeanor; motive to falsify; corroboration; and past record.

At the conclusion of the investigation each party will be provided with a summary report.

Timeline for Completion

RCC will undertake its investigation promptly and swiftly as possible. If there are parallel criminal investigation, RCC will cooperate with the external law enforcement agency and will coordinate to ensure that this process does not hinder legal process or proceedings. Extenuating circumstances such as a request from law enforcement may require delay of the investigation. RCC will cooperate to the fullest extent possible but will not be able to delay its process indefinitely.

Cooperation Encouraged

All employees will cooperate with an RCC investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of RCC to investigate thoroughly and respond effectively. However, lack of cooperation by a Complainant or witnesses does not relieve RCC of its obligation to investigate. RCC will take reasonable steps to collect information and remedy any effects on the complainant if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

Written Summary Report

The results of the investigation of a complaint shall be set forth in a written summary report – prepared by the Investigator – that will include at least all of the following information:

- A description of the circumstances giving rise to the complaint.
- A description of the procedural steps taken during the investigation.
- A summary of the testimony provided by each Party and any witnesses the Investigator interviewed.
- An analysis of relevant evidence collected during the course of the investigation including a list of relevant documents; and
- Any other information deemed appropriate by RCC.

Reaching a Determination

The following people may make determinations of responsibility following these procedures:

- The Chief Human Resources Officer
- The Director of Risk Management
- The Dean of Student Success
- In particular circumstances outlined above, a third-party firm (hired for the purpose of investigating cases subject to this procedure) or College President.

Once the appropriate person receives the investigative report, that person, using the preponderance of the evidence standard, will make a determination as to whether harassment, discrimination, or retaliation which would violate RCC's policies and procedures has occurred with respect to each allegation in the complaint. Written notice as to the administrative determination and right to appeal shall be provided to the Parties.

Discipline and Corrective Action

If harassment, discrimination or retaliation occurred in violation of the policy or procedure, RCC shall take disciplinary action against the Respondent and any other remedial action it determines to be appropriate consistent with State and federal law. The action will be prompt, effective, and commensurate with the severity of the conduct. Remedies for the Complainant might include, but are not limited to:

- providing an escort for the Complainant between the parking lot and /their workplace, classroom, office, or other location on campus.

- ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area.
- preventing offending third parties from entering campus.
- providing counseling services or a referral to counseling services.
- providing a referral to medical services.
- providing academic support services, such as tutoring.
- arranging for a student-Complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant being disciplined.

If RCC imposes discipline, the nature of the discipline will not be communicated to the Complainant. However, RCC may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the Complainant. For example, RCC may inform the Complainant that the harasser must stay away from the Complainant.

In the case of a crime of violence or a non-forcible sex offense, and the Respondent is a student, the final results of any disciplinary proceeding conducted by RCC against the Respondent may be disclosed to the Complainant, if RCC determines as a result of the disciplinary proceedings, the student violated RCC's rules or policies. The final results of any disciplinary proceeding include only the name of the student, the violation committed, and any sanction imposed by the institution on that student.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

RCC will ensure that Complainants and witnesses know how to report any subsequent problems, and the CHRO or designee should follow-up with Complainants to determine whether any retaliation or new incidents of harassment have occurred.

If RCC cannot take disciplinary action against the Respondent because the Complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

Appeals

If RCC imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the applicable procedure, which will be identified in the notice of determination, for appealing a disciplinary decision.

A Complainant or Respondent may appeal the administrative determination within 10 business days by submitting a written appeal to the Chief Human Resources Officer or designee. The grounds for appeal are:

- A procedural irregularity affected the outcome.
- New evidence was not reasonably available at the time of RCC's determination regarding responsibility, and this new evidence could affect the outcome; or
- Anyone involved in the investigation or adjudication had a conflict of interest or actual bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.

The Chief Human Resources Officer or designee shall issue a final decision in the matter as promptly as possible.

File Retention

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

- the original complaint.
- the investigatory report.
- the summary of the report if one is prepared.
- the notice provided to the Parties, of RCC's administrative determination and the right to appeal.
- any appeal; and
- RCC's final decision.

Dissemination of Policy and Procedures

RCC's board policy and administrative procedures related to discrimination and harassment will include information that specifically addresses sexual violence. RCC's board policy and administrative procedures will be provided to all students and employees, and will be available at the Human Resources Office, the Student Compliance Office, the Risk Management Office, and posted on RCC's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into RCC's course catalogs and orientation materials for new students.

Training

RCC will provide training to all employees. This includes counselors, faculty, health personnel, campus security, coaches, and all staff who regularly interact with students. Training for academic staff should emphasize environmental harassment in the classroom. RCC will also make training available to all students on admission.

In years in which a substantive policy or procedural change has occurred, all RCC employees will attend a training update or receive a copy of the revised policies and procedures.

Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and RCC's potential liability, or that they did not understand the policy and desire further training.

Education and Prevention for Students

In order to take proactive measures to prevent sexual harassment and violence toward students, RCC will provide preventive education programs and make victim resources, including comprehensive victim services, available through community referrals. RCC will include such programs in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, RCC's policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate RCC and law enforcement authorities. Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of RCC or campus rules were involved, RCC will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. RCC will grant amnesty for other rule violations (unless there is a health or safety concern) that are reported as part of a report under this procedure.

AP 3540 Sexual and Other Assaults on Campus

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, , whether committed by an employee, student, or member of the public, occurring on Rogue Community College property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the College whether those programs take place in the College facilities or at another location, or on an off-campus site or facility maintained by the College, or on grounds or facilities maintained by a student organization, is a violation of Rogue Community College policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures.

- "Sexual assault" means any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.
- "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.
- "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
 - a current or former spouse of the victim.
 - a person with whom the victim shares a child in common.

- a person who is cohabitating with or has cohabitated with the victim as a spouse.
- Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others, or to suffer substantial emotional distress.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AP 3500 Campus Security, AP 3510 Workplace Violence, and AP 3515 Reporting of Crimes.)

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on RCC property shall be provided with information regarding options and assistance available to them. Information shall be available from the Risk Management Office and the Title IX Coordinator, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Director of Risk Management and/or the Title IX Coordinator are authorized to release such information.

The Director of Risk Management and/or the Title IX Coordinator shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following:

- A copy of the Rogue Community College policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking.
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents.
- Information about the importance of preserving evidence and the identification and location of witnesses.
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:
 - Counseling by Rogue Community College Counseling Staff or the College Employee Assistance Program, or referral to a counseling center.
 - a list of other available campus resources or appropriate off-campus resources.
- The victim’s option to:
 - notify proper law enforcement authorities, including on-campus and local police.
 - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - decline to notify such authorities.
- The rights of victims and the institution’s responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court.
- Information about how the College will protect the confidentiality of victims; and
- Written notification of victims about options for, and available assistance in, changing academic and working situations, if requested and if such accommodations are reasonably

available, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

- A description of each of the following procedures:
 - criminal prosecution.
 - civil prosecution (i.e., lawsuit).
 - Rogue Community College disciplinary procedures, both student and employee.
 - modification of class schedules.
 - tutoring, if necessary.

The Director of Risk Management and/or the Title IX Coordinator should be available to provide assistance to RCC employees regarding how to respond appropriately to reports of sexual violence.

RCC will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on Rogue Community College property shall be kept informed, through the Risk Management Office and/or the Title IX Coordinator of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the student conduct policy at or near the time of the incident, unless RCC determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

RCC shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on college property, as defined above, in confidence unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on RCC property shall be referred to the Community and Government Relations Coordinator, which shall work with the Risk Management Office and/or Title IX Coordinator to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the college programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used

during any in any RCC proceeding arising from such a report. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking.
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported.
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities.
- Information about how RCC will protect the confidentiality of victims.
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance, or other services for victims.
- Written notification of victims about options for, and available assistance in, changing academic and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
 - Such proceedings shall provide a prompt, fair, and impartial resolution.
 - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
 - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any chances to the results that occurs prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act (FERPA). For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Education and Prevention Information

The Director of Risk Management and the Title IX Coordinator shall:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, and stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations and shall include the RCC sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

College Administrative Procedures related to Harassment, Sex Discrimination, and Sexual and other Assaults on Campus After August 1st, 2024.

AP 3433 Prohibition of Sex Discrimination Under Title IX

Rogue Community College ("RCC") is committed to providing an academic and work environment free of unlawful sex discrimination, including sex-based harassment, under Title IX. This procedure defines sex discrimination and sex-based harassment.

This procedure and the related policy protect students, employees, applicants for admission or employment, and other individuals participating or attempting to participate in RCC's education program or activity.

Definitions

Sex Discrimination: Any discrimination based on sex, including, but not limited to, sex-based harassment. Sex discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Sex-based Harassment under Title IX: A form of sex discrimination that includes sexual harassment and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity. Sex-based harassment includes the following:

- Quid pro quo harassment. An RCC employee, agent, or other person authorized by RCC to provide an aid, benefit, or service under the RCC's education program or activity explicitly or impliedly condition the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- Hostile environment harassment. Unwelcome sex-based conduct that, based on a totality of the circumstances, is subjectively and objectively offensive and is so severe, or pervasive that it limits or denies a person's ability to participate in or benefit from, RCC's education

program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the Complainant's ability to access the RCC's education program or activity.
- The type, frequency, and duration of the conduct.
- The parties' ages, roles within the RCC's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct.
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the RCC's education program or activity.
- Sexual assault, including the following:
 - Sex Offenses. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - Rape (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - Statutory Rape. Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
 - Sexual Assault with an Object. To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
 - Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - Incest. Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Dating violence. Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Domestic Violence. Violence committed:
 - By a current or former spouse or intimate partner of the victim.
 - By a person with whom the victim shares a child in common.
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.

- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of Oregon; or
- By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of Oregon.
- Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

AP 3434 Responding to Sex Discrimination Under Title IX

Introduction

Rogue Community College ("RCC") encourages members of the RCC community to report sex discrimination including sex-based harassment. This procedure only applies to conduct defined as sex discrimination under Title IX and applicable federal regulations and that meets Title IX jurisdictional requirements. RCC will respond to sex discrimination including sex-based harassment that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using State law and applicable RCC policies and procedures. In implementing these procedures discussed below, RCC will also provide supportive measures, training, and resources in compliance with State law, unless they are preempted by the Title IX regulations.

Title IX Coordinator

Questions concerning Title IX may be referred to RCC's Title IX Coordinator whose contact information is below:

RCC's Title IX Coordinator is Lucia Bartscher and the Title IX Coordinator's contact information is:

Redwood Campus – L Bldg. Rm 1

Table Rock Campus – A Bldg. Rm 131

Phone: 541-956-7124

Email: LBartscher@rogucecc.edu

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

A report of sex discrimination including sex-based harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will evaluate a Complaint to determine whether to investigate a Complaint pursuant to these procedures.

Jurisdictional Requirements – Application of Procedures

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

- The conduct took place in the United States.
- The conduct meets the definition of Title IX sex discrimination and
- The conduct took place in a RCC “education program or activity.” This includes locations, events, or circumstances over which RCC exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off-campus property and buildings RCC owns, or controls or student organizations officially recognized by RCC; or
- The conduct contributes to a hostile environment in RCC’s education program or activity in the United States.

Definitions

Process Advisor: Throughout the grievance process, both the Complainant and Respondent have a right to a Process Advisor of their choice. RCC may establish restrictions regarding the extent to which the Process Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties.

Parties have the right to consult with an attorney, at their own expense, at any stage of the grievance process if they wish to do so. An attorney may serve as an advisor.

Complainant: A Complainant is (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in RCC’s education program or activity at the time of the alleged sex discrimination.

Complaint: An oral or written request to the recipient that objectively can be understood as a request for RCC to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Consent: Consent means an affirmative, conscious, and voluntary agreement to engage in sexual activity.

Decision-Maker: The person, or group of people, who will question the parties and witnesses, conduct a live hearing (if offered), and make a determination of whether sex discrimination occurred. RCC may have one Decision-Maker determine whether the Respondent is responsible for sex discrimination and another Decision-Maker determine the appropriate level of disciplinary sanctions for the conduct.

Disciplinary sanctions: Consequences imposed on a respondent following a determination under Title IX or its regulations that the Respondent violated RCC’s prohibition on sex discrimination.

Parties: As used in this procedure, this means the Complainant and Respondent.

Relevant: Related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when the question seeks evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged sex discrimination occurred.

Remedies: Measures provided, as appropriate, to a complainant or any other person the RCC identifies as having had their equal access to RCC's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to RCC's education program or activity after RCC determines that sex discrimination occurred.

Respondent: A Respondent is a person who is alleged to have violated RCC's prohibition on sex discrimination.

Retaliation: Intimidation, threats, coercion, or discrimination against any person by RCC, a student, or an employee or other person authorized by RCC to provide aid, benefit, or service under RCC's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based Harassment under Title IX: A form of sex discrimination. Sex-based harassment includes sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity that satisfies one or more of the following:

- Quid pro quo harassment. An employee, agent, or other person authorized by RCC to provide an aid, benefit, or service under RCC on a participation in unwelcome sexual conduct.
- Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe, or pervasive, that it limits or denies a person's ability to participate in or benefit from RCC's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the Complainant's ability to access RCC's education program or activity.
 - The type, frequency, and duration of the conduct.
 - The parties' ages, roles within RCC's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct.
 - The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in RCC's education program or activity.

- Sexual assault, including the following:
 - Sex Offenses. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - Rape (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - Statutory Rape. Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
 - Sexual Assault with an Object. To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
 - Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - Incest. Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Dating violence. Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Domestic Violence. Violence committed:
 - By a current or former spouse or intimate partner of the victim.
 - By a person with whom the victim shares a child in common.
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of Oregon; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of Oregon.
- Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Supportive measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- Restore or preserve that party's access to RCC's education program or activity, including measures that are designed to protect the safety of the parties or RCC's educational environment; or
- Provide support during RCC's grievance procedures or during an informal resolution process.

Grievance Procedures for Complaints of Sex Discrimination under Title IX

(For Complaints of sex-based harassment involving students, see the section entitled, "Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties.")

Who May File a Complaint

The following people have a right to make a Complaint of sex discrimination, including Complaints of sex-based harassment, requesting that RCC investigate and make a determination about alleged discrimination under Title IX:

- A "complainant," which includes:
 - A student or employee of RCC who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - A person other than a student or employee of RCC who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in RCC's education program or activity.
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The **RCC** Title IX Coordinator.

With respect to Complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any student or employee of RCC; or
- Any person other than a student or employee who was participating or attempting to participate in RCC's education program or activity at the time of the alleged sex discrimination.

Consolidation of Complaints

RCC may consolidate Complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Removal of Respondent Pending Final Determination

Upon receiving a report of sex discrimination, the Title IX Coordinator, in consultation with appropriate campus partners, will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. RCC has the right to order emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

Emergency Removal

RCC may remove a non-employee Respondent from RCC's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other individual arising from the allegations of sex discrimination justifies removal.

RCC's Title IX Coordinator, or designee, in consultation with appropriate campus partners, will conduct the individualized safety and risk analysis.

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

Administrative Leave

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

Basic Requirements of Title IX Grievance Procedures for Complaints of Sex Discrimination

RCC will treat complainants and respondents equitably.

RCC requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. As long as there is no conflict of interest or bias, a decision-maker may be the same person as the Title IX Coordinator or investigator.

RCC presumes that the Respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Timeframes and Extensions

RCC has established the following timeframes for the major stages of the grievance procedures:

- **Complaint evaluation:** RCC will determine whether to dismiss or investigate a Complaint within 10 business days.
- **Complaint investigation:** RCC will complete an adequate, reliable, and impartial investigation of Complaints within 120 calendar days.
- **Questioning the Parties and Witnesses:** RCC will complete the process that enables the Decision-Maker to question the Parties and Witnesses no later than 30 calendar days after the date that the investigation concludes.
- **Determination Whether Sex Discrimination Occurred:** RCC will issue a written determination whether sex discrimination occurred no later than 20 business days after the date that the Decision-Maker completes the process that enables the Decision-Maker to question the Parties and Witnesses.
- **Appeal (if any):** A Complainant or Respondent may submit a written appeal no later than 10 business days from the date of the notice of determination whether sex discrimination occurred or from the date of RCC's notice of dismissal of a Complaint or any allegations. If a Complainant or Respondent submits an appeal to RCC, the Appeal Decision-Maker or designee will notify the other Party in writing within 5 business days of receiving a Party's appeal and allow the non-appealing Parties at least 5 business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome. The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 calendar days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the timeline(s) identified in the preceding paragraph to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for RCC breaks or vacations, or due to the complexity of the investigation. RCC will provide notice of this extension to the Parties in writing and include the reason for the delay and anticipated timing of completion.

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

Privacy

RCC will take reasonable steps to protect the privacy of the Parties and Witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or process advisors; or otherwise prepare for or participate in the grievance procedures. The Parties cannot engage in retaliation, including against Witnesses.

Evidence

RCC will objectively evaluate all evidence that is relevant and otherwise permissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by RCC to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether the evidence or question is relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- A Party's or Witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or Witness, unless RCC obtains that Party's or Witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations

Upon initiation of these grievance procedures, RCC will notify the Parties of the following with sufficient time for the Parties to prepare a response before any initial interview:

- RCC's Title IX grievance process.
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s).
- Retaliation is prohibited; and
- The Parties are entitled to an equal opportunity to access the relevant and otherwise permissible evidence.

If, in the course of an investigation, RCC decides to investigate allegations of sex discrimination by the Respondent toward the Complainant that are not included in the written notice provided or that are included in a consolidated Complaint, RCC will provide notice of the additional allegations to the Parties.

Dismissal of a Complaint

RCC may dismiss a Complaint of sex discrimination if:

- RCC is unable to identify the Respondent after taking reasonable steps to do so.
- The Respondent is not participating in RCC's education program or activity and is not employed by RCC.
- The Complainant voluntarily withdraws in writing any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and the **RCC** determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- RCC determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the Complaint, RCC will make reasonable efforts to clarify the allegations with the Complainant.

If RCC dismissed the Complaint or any allegations, the Title IX Coordinator shall simultaneously provide the Parties with written notice of the dismissal and reason. RCC will also notify the Parties of their right to appeal. Upon dismissal, RCC will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then RCC will notify the Parties of the dismissal and the basis for the dismissal simultaneously in writing.

RCC may commence proceedings under other policies and procedures after dismissing a formal Complaint.

RCC will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then RCC will also notify the Respondent that the dismissal may be appealed.

Appeal of Dismissal of Complaint

A Complainant may appeal the dismissal of a Complaint or any allegations on the following bases no later than **10 business days from the date of RCC's notice of dismissal of a Complaint or any allegations**:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when **RCC dismissed the Complaint**; and
- The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

If the Complainant appeals the dismissal of the Complaint or any allegations, RCC will:

- Notify the Parties of any appeal within 5 business days of receiving the Complainant’s appeal, including notice of the allegations, if notice was not previously provided to the Respondent.
- Allow the Respondent at least 5 business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome.
- Implement appeal procedures equally for the Parties.
- Ensure that the Decision-Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint.
- Ensure that the Decision-Maker for the appeal has been trained consistent with the Title IX regulations; and
- Notify the Parties of the result of the appeal and the rationale for the result within 45 calendar days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

If a Complaint is dismissed, the **RCC** will:

- Offer supportive measures to the Complainant as appropriate.
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within RCC’s education program or activity.

Role of Process Advisor

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

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

Investigation

RCC will provide for adequate, reliable, and impartial investigation of Complaints.

Burden of Gathering Evidence

The burden is on RCC—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Opportunity to Present Witnesses and Evidence

RCC will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and otherwise permissible.

Evidence

RCC will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

RCC will provide each Party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and otherwise permissible, in the following manner:

- RCC will provide an equal opportunity to access either the relevant and otherwise permissible evidence, or an accurate description of this evidence.
- RCC will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- RCC will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses

RCC will provide a process that enables the Decision-Maker to question Parties and Witnesses to adequately assess a Party's or Witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

RCC will use the following steps to complete this process: The Decision-Maker will request the Parties participation in meetings to question the Party and invite the Parties to submit questions for the Decision-Maker's consideration when meeting with the Parties. The Decision-Maker will schedule and conduct separate meetings with the Parties. The meetings will be in-person or with technology enabling the Party and Decision-Maker to see and hear each other in real time. During each meeting, the Decision-Maker will ask questions of the Party and allow the Party to comment on the evidence collected during the investigation. The Decision-Maker may meet with a Party more than once, based on the Decision-Maker's judgment. The Decision-maker will meet with other witnesses, if needed based on the Decision-Maker's judgment.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and otherwise permissible evidence, RCC will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the Decision-Maker to evaluate relevant and otherwise permissible evidence for its persuasiveness. If the Decision-Maker is not persuaded by a preponderance of the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the Decision-Maker will not determine that sex discrimination occurred.
- Notify the Parties simultaneously in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal.

- Not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to the Complainant and other people RCC identifies as having had equal access to RCC's education program or activity limited or denied by sex discrimination.
 - Coordinate the imposition of any disciplinary sanctions on the Respondent, including notification to the Complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within RCC's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against the Respondent; and
- Not discipline a Party, Witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations

A Party may appeal the determination of a Complaint on the following bases no later than 10 business days from the date of RCC's **notice of determination whether sex discrimination occurred**:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available at the time of RCC's determination; and
- The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

If a Party appeals the determination whether sex discrimination occurred, RCC will:

- Notify the Parties of any appeal within 5 business days of receiving the Party's appeal.
- Allow the non-appealing Party at least 5 business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the determination.
- Implement appeal procedures equally for the Parties.
- Ensure that the Decision-Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint.
- Ensure that the Decision-Maker for the appeal has been trained consistent with the Title IX regulations; and
- Notify the Parties of the result of the appeal and the rationale for the result within 45 calendar days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

Informal Resolution

In lieu of resolving a Complaint through RCC's Title IX grievance procedures, the Parties may instead elect to participate in an informal resolution process. RCC does not offer informal resolution to resolve a Complaint when such a process would conflict with Federal, State, or local law. RCC will inform the Parties in writing of any informal resolution process it offers and determines is appropriate, if any. Before the initiation of an informal resolution process, RCC will explain in writing to the Parties:

- The allegations.
- The requirements of the informal resolution process.
- That any Party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution.
- That if the Parties agree to a resolution at the end of the informal resolution process, the Parties cannot initiate or resume grievance procedures arising from the same allegations.
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information RCC will maintain and whether and how RCC could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures

RCC will offer and coordinate supportive measures as appropriate for the Complainant and Respondent to restore or preserve that person's access to RCC's education program or activity or provide support during RCC's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class or work locations, or extracurricular or any other activity, regardless of whether there is a comparable alternative; and training and education programs related to sex-based harassment.

Disciplinary Sanctions and Remedies

Following a determination that sex discrimination occurred, RCC may impose disciplinary sanctions or any other actions that are not supportive measures against the Respondent. The action will be prompt, effective, and commensurate with the severity of the offense.

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

RCC may also provide remedies, which may include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities.

- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area.
- Providing counseling services or a referral to counseling services.
- A referral to medical services.
- Providing academic support services, such as tutoring.
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant’s academic record; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant’s discipline.

Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties

(For complaints of sex discrimination not including sex-based harassment involving students or complaints of sex-based harassment not involving students, see the preceding section entitled, “Grievance Procedures for Complaints of Sex Discrimination under Title IX.”)

Introduction

RCC has adopted the following Title IX grievance procedures that provide for the prompt and equitable resolution of complaints of sex-based harassment involving a student complainant(s) or a student respondent(s).

Who May File a Complaint

The following people have a right to make a Complaint of sex-based harassment, requesting that RCC investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant,” which includes:
 - A student or employee of RCC who is alleged to have been subjected to conduct that could constitute sex-based harassment under Title IX; or
 - A person other than a student or employee of RCC who is alleged to have been subjected to conduct that could constitute sex-based harassment under Title IX at a time when that individual was participating or attempting to participate in RCC’s education program or activity.
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or
- RCC’s Title IX Coordinator.

Note that a person is entitled to make a Complaint of sex-based harassment only if they are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint consistent with Title IX regulations.

Consolidation of Complaints

RCC may consolidate Complaints of sex-based harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another

party, when the allegations of sex-based harassment arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Emergency Removal

RCC may remove a non-employee Respondent from the District's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other individual arising from the allegations of sex-based harassment justifies removal.

RCC's Title IX Coordinator or designee, in consultation with appropriate campus partners, will conduct the individualized safety and risk analysis.

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

Administrative Leave

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

Basic Requirements of Title IX Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties

RCC will treat complainants and respondents equitably.

RCC requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. As long as there is no conflict of interest or bias, a decision-maker may be the same person as the Title IX Coordinator or investigator.

RCC presumes that the Respondent is not responsible for the alleged sex-based harassment until a determination is made at the conclusion of its grievance procedures.

Timeframes and Extensions

RCC has established the following timeframes for the major stages of the grievance procedures:

- Complaint evaluation: RCC will determine whether to dismiss or investigate a Complaint within 10 business days.

- Complaint investigation: RCC will complete an adequate, reliable, and impartial investigation of Complaints within 120 calendar days.
- Questioning the Parties and Witnesses: RCC will complete the process that enables the Decision-Maker to question the Parties and Witnesses no later 30 calendar days after the date that the investigation concludes.
- Live Hearing (if any): RCC will conduct a live hearing no later than 30 calendar days after the date that the Decision-Maker completes the process that enables the Decision-Maker to question the Parties and Witnesses.
- Determination Whether Sex-Based Harassment Occurred: RCC will issue a written determination whether sex-based harassment occurred no later than 20 business days after the date that the Decision-Maker completes the process that enables the Decision-Maker to question the Parties and Witnesses or the date that the live hearing (if any) concludes, whichever occurs later.
- Appeal (if any): A Complainant or Respondent may submit a written appeal no later than 10 business days from the date of the notice of determination whether sex-based harassment occurred or from the date of RCC's notice of dismissal of a Complaint or any allegations. If a Complainant or Respondent submits an appeal to RCC, the Appeal Decision-Maker will notify the other Party in writing within 5 business days of receiving a Party's appeal and allow the non-appealing Parties at least 5 business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome. The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 calendar days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the timeline(s) identified in the preceding paragraph to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for **RCC** breaks or vacations, or due to the complexity of the investigation. RCC will provide notice of this extension to the Parties in writing and include the reason for the delay and anticipated timing of completion.

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

Privacy

RCC will take reasonable steps to protect the privacy of the Parties and Witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to Witnesses; consult with their family members, confidential resources, or process advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Evidence

RCC will objectively evaluate all evidence that is relevant and otherwise permissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by RCC to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether the evidence or question is relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- A Party's or Witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or Witness, unless **RCC** obtains that Party's or Witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations

Upon initiation of these Title IX grievance procedures, **RCC** will notify the Parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- RCC's Title IX grievance procedures.
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s).
- Retaliation is prohibited.
- The Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the Parties will have an opportunity to present relevant and otherwise permissible evidence to a trained, impartial decision-maker.
- The Parties may have a Process Advisor of their choice who may be, but is not required to be, an attorney.
- The Parties are entitled to an equal opportunity to access the relevant and otherwise permissible evidence or an investigative report that accurately summarizes this evidence; and

- Any provision in RCC’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, RCC decides to investigate additional allegations of sex-based harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated Complaint, RCC will provide written notice of the additional allegations to the Parties.

Dismissal of a Complaint:

RCC may dismiss a Complaint of sex-based harassment involving student parties if:

- RCC is unable to identify the Respondent after taking reasonable steps to do so.
- The Respondent is not participating RCC’s education program or activity and is not employed by RCC.
- The Complainant voluntarily withdraws in writing of any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and **RCC** determines that, without the Complainant’s withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex-based harassment under Title IX even if proven; or
- RCC determines the conduct alleged in the Complaint, even if proven, would not constitute sex-based harassment under Title IX. Before dismissing the Complaint, RCC will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, RCC will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then RCC will notify the Parties of the dismissal and the basis for the dismissal simultaneously in writing. RCC will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then RCC will also notify the Respondent that the dismissal may be appealed. For more information on the right to appeal, see the Appeals section below.

If a Complaint is dismissed, RCC will:

- Offer supportive measures to the Complainant as appropriate.
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex-based harassment does not continue or recur within RCC’s education program or activity.

Investigation

RCC will provide for adequate, reliable, and impartial investigation of Complaints.

Burden of Gathering Evidence

The burden is on RCC—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether sex-based harassment occurred.

Participation

RCC will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate. RCC will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the process advisor of their choice, who may be, but is not required to be, an attorney.

- RCC will not limit the choice or presence of the process advisor for the Complainant or Respondent in any meeting or proceeding.
- RCC may establish restrictions regarding the extent to which the process advisor may participate in these grievance procedures, as long as the restrictions apply equally to the Parties.

RCC will provide the Parties with the same opportunities, if any, to have people other than the process advisor of the Party's choice present during any meeting or proceeding involving the Party.

Opportunity to Present Witnesses and Evidence

RCC will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and otherwise permissible. RCC has discretion to determine whether the Parties may present expert witnesses as long as the determination applies equally to the Parties.

Evidence

RCC will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is permissible regardless of relevance.

RCC will provide each Party and the Party's process advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and otherwise permissible, in the following manner:

- RCC will provide an equal opportunity to access either the relevant and otherwise permissible evidence, or the same written investigative report that accurately summarizes this evidence.
- RCC will provide the Parties with a reasonable opportunity to review and respond to the evidence or the investigative report. If RCC conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing. RCC may decide whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing; and
- RCC will take reasonable steps to prevent and address the Parties' and their process advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning the Parties and Witnesses

RCC will provide a process that enables the Decision-Maker to question Parties and Witnesses to adequately assess a Party's or Witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

If RCC chooses not to conduct a live hearing, RCC's process for proposing and asking relevant and otherwise permissible questions and follow-up questions of the Parties and Witnesses, including questions challenging credibility, will:

- Allow the Investigator or Decision-Maker to ask such questions during individual meetings with a Party or Witness.
- Allow each Party to propose such questions that the Party wants asked of any Party or Witness and have those questions asked by the Investigator or Decision-Maker during one or more individual meetings, including follow-up meetings, with a Party or Witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each Party with an audio or audiovisual recording or transcript with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

If RCC chooses to conduct a live hearing, the RCC's process for proposing and asking relevant and otherwise permissible questions and follow-up questions of Parties and Witnesses, including questions challenging credibility, will allow the Decision-Maker to ask such questions, and either:

- Allow each Party to propose such questions that the Party wants asked of any Party or Witness and have those questions asked by the Decision-Maker, subject to the procedures for evaluating and limiting questions discussed below; or
- Allow each Party's process advisor to ask any Party or Witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a Party personally. If RCC permits advisor-conducted questioning and a Party does not have a process advisor to ask questions on their behalf, RCC will provide the Party with a process advisor of RCC's choice, without charge to the Party, for the purpose of advisor-conducted questioning. In those instances, RCC will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

Procedures for the Decision-Maker to evaluate the questions and limitations on questions.

The Decision-Maker will determine whether a proposed question is relevant and otherwise permissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the Party or Witness being questioned will not be permitted. The Decision-Maker will give a Party an opportunity to clarify or revise a question that the Decision-Maker determines is unclear or harassing. If the Party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions.

The Decision-Maker may choose to place less or no weight upon statements by a Party or Witness who refuses to respond to questions deemed relevant and permissible. The Decision-Maker will not draw an inference about whether sex-based harassment occurred based solely on a Party's or Witness's refusal to respond to such questions.

Procedures for a Live Hearing, if offered

RCC will conduct a live hearing with the Parties physically present in the same geographic location or, at RCC's discretion or upon the request of either Party, will conduct the live hearing with the Parties physically present in separate locations with technology enabling the Decision-Maker and Parties to simultaneously see and hear the Party or Witness while that person is speaking.

RCC will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

Determination Whether Sex-Based Harassment Occurred

Following an investigation and evaluation of all relevant and otherwise permissible evidence, RCC will:

- Use the preponderance of the evidence standard of proof to determine whether sex-based harassment occurred. The standard of proof requires the Decision-Maker to evaluate relevant and otherwise permissible evidence for its persuasiveness. If the Decision-Maker is not persuaded by a preponderance of the evidence that sex-based harassment occurred, whatever the quantity of the evidence is, the Decision-Maker will not determine that sex-based harassment occurred.
- Notify the Parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment.
 - Information about the policies and procedures that RCC used to evaluate the allegations.
 - The Decision-Maker's evaluation of the relevant and otherwise permissible evidence and determination whether sex-based harassment occurred.
 - When the Decision-Maker finds that sex-based harassment occurred, any disciplinary sanctions RCC will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the RCC to the Complainant, and, to the extent appropriate, other students identified by RCC to be experiencing the effects of the sex-based harassment; and
 - RCC's procedures and permissible bases for the Complainant and Respondent to appeal.
- RCC will not impose discipline on the Respondent for sex-based harassment prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited sex-based harassment.
- If there is a determination that sex-based harassment occurred, as appropriate, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to the Complainant and other people RCC identifies as having had equal access to RCC's education program or activity limited or denied by sex-based harassment.
 - Coordinate the imposition of any disciplinary sanctions on the Respondent, including notification to the Complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex-based harassment does not continue or recur within RCC's education program or activity.

- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a Party, Witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex-based harassment occurred.

The determination regarding responsibility becomes final either on the date that RCC provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

Appeals

A Party may appeal the dismissal of a Complaint or any allegations or the determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

If a Party appeals a dismissal or determination whether sex-based harassment occurred, RCC will:

- Notify the Parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent.
- Implement appeal procedures equally for the Parties.
- Ensure that the Decision-Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint.
- Ensure that the Decision-Maker for the appeal has been trained consistent with the Title IX regulations.
- Communicate to the Parties in writing that RCC will provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the Parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal RCC offers will be equally available to all Parties.

Informal Resolution

In lieu of resolving a Complaint through RCC's Title IX grievance procedures, the Parties may instead elect to participate in an informal resolution process. RCC will not offer informal resolution to resolve a Complaint when such a process would conflict with Federal, State, or local law. RCC will inform the Parties in writing of any informal resolution process it offers and determines is appropriate, if any. Before the initiation of an informal resolution process, RCC will explain in writing to the parties:

- The allegations.
- The requirements of the informal resolution process.

- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution.
- That if the Parties agree to a resolution at the end of the informal resolution process, the Parties cannot initiate or resume grievance procedures arising from the same allegations.
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information RCC will maintain and whether and how RCC could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures

RCC will offer and coordinate supportive measures as appropriate for the Complainant and Respondent to restore or preserve that person's access to RCC's education program or activity or provide support during the RCC's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class or work locations, or extracurricular or any other activity, regardless of whether there is a comparable alternative; and training and education programs related to sex-based harassment.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, RCC may impose disciplinary sanctions on a student respondent including written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Following a determination that sex-based harassment occurred, RCC may impose disciplinary sanctions on an employee respondent including written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

RCC may also provide remedies, which may include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities.
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area.
- Providing counseling services or a referral to counseling services.
- Providing medical services or a referral to medical services.
- Providing academic support services, such as tutoring.
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

Dissemination of Policy and Procedures

RCC will provide its policy and procedures related to Title IX on its website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining, or professional agreements with RCC.

Training

RCC will provide training to all employees on the RCC's obligation to address sex discrimination in its education program or activity, the scope of conduct that constitutes sex discrimination including sex-based harassment under Title IX, and all applicable notification and information requirements under Title IX regulations. RCC will ensure that its Title IX Coordinator(s), investigators, Decision-Makers, facilitators of an information resolution process, and other persons who are responsible for implementing the RCC's grievance procedures or have the authority to modify or terminate supportive measures, have training on topics required by Title IX regulations. RCC will make these training materials available upon request for inspection by members of the public.

File Retention

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

- For each complaint of sex discrimination: records documenting the informal resolution process (if any) or the grievance procedures, and the resulting outcome.
- For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or this part, including notifications under 106.44(c)(1) or (2), records documenting the actions RCC took to meet its obligations under Title IX regulations.
- All materials used to provide training pursuant to Title IX regulations.

AP 3435 Discrimination and Harassment Complaints and Investigations

For sex discrimination under Title IX, Complainants must proceed under BP 3433 Prohibition of Sex Discrimination under Title IX, AP 3433 Prohibition of Sex Discrimination under Title IX, and AP 3434 Responding to Sex Discrimination under Title IX. For other forms of discrimination and harassment, Complainants should use this procedure.

Complaint: Any person who has suffered harassment, discrimination, or retaliation may file a complaint of harassment, discrimination, or retaliation. Complainants are encouraged to report harassment before it becomes severe or pervasive. Rogue Community College ("RCC") strives to stop harassment before it rises to the level of a violation of state or federal law.

Jurisdiction: RCC is required under Oregon law to respond to any complaint received by the college, regardless of whether the incident occurred on the campus or elsewhere, that relates to: (A) Sexual harassment; (B) Sexual assault; (C) Domestic violence; (D) Dating violence; or (E) Stalking.

Retaliation: Persons who make complaints of harassment or provide information related to such complaints will be protected against retaliation. RCC will take all reasonable steps to protect the Complainant from further harassment or discrimination.

Employment-Related Complaints: The Chief Human Resources Officer (CHRO) is the person charged with receiving complaints of discrimination or harassment and coordinating their investigation. The actual investigation of complaints may be assigned by the CHRO to other RCC staff or to outside persons or organizations under contract with RCC. At a minimum, the investigation will be assigned to other RCC staff or outside investigators whenever the CHRO is named in the complaint or implicated by the allegations in the complaint.

Who May File a Complaint: Any student, employee, or third party who believes they have been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

Where to File a Complaint: An employee who believes they have been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing.

A Complainant may file a complaint against RCC with any of the following:

- The Chief Human Resources Officer (CHRO)
- The Title IX Coordinator
- Students may discuss their report confidentially with an RCC Counselor who is generally not obligated to disclose the information.
- Employees may file a report with their supervisor.

Complainants filing employment-related complaints shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or through the Oregon Bureau of Labor and Industries (BOLI) complaint resolution process.

An employee or claimant must provide advance notice of a claim against the employer as required by the Oregon Tort Claims Act (ORS 30.275).

Any RCC employee who receives a harassment or discrimination complaint shall notify the CHRO immediately.

Filing a Timely Complaint: Since failure to report harassment and discrimination impedes RCC's ability to stop the behavior, RCC strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. RCC also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes RCC's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination, the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

RCC will investigate complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

Communicating that the Conduct is Unwelcome: RCC further encourages, but does not require, students and employees to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste or inappropriate.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the CHRO shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work or academic schedules, obtaining apologies, providing informal counseling, training, etc.
- Advise all parties that they need not participate in an informal resolution of the complaint, as described above, and they have the right to end the informal resolution process at any time.
- Advise student Complainants that they may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employee Complainants may file a complaint with the Oregon Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC). All Complainants should be advised that they have a right to file a complaint with local law enforcement, if the act complained of is also a criminal act. RCC must investigate even if the complainant files a complaint with local law enforcement. In addition, RCC should ensure that Complainants are aware of any available resources, such as counseling, health, and mental health services.
- Take interim steps to protect a Complainant from coming into contact with the alleged perpetrator, especially if the Complainant is a victim of sexual violence. The CHRO, or designee, should notify the complainant of their options to avoid contact with the alleged perpetrator. For instance, RCC may prohibit the alleged perpetrator from having any contact with the Complainant pending the results of the investigation. When taking steps to separate the Complainant and the alleged perpetrator, RCC shall minimize the burden on the Complainant.

Investigation of the Complaint: RCC shall conduct a prompt, thorough, and impartial investigation into every complaint and claim of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of RCC, whether those programs take place in RCC facilities, on an RCC vehicle, or at a class or training program sponsored by RCC at

another location. RCC shall promptly investigate complaints of harassment or discrimination that occur off campus if the alleged conduct creates a hostile environment on campus.

RCC will keep the investigation confidential to the extent possible but cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation. When determining whether to maintain confidentiality, RCC may weigh the request for confidentiality against the seriousness of the alleged harassment, the Complainant’s age, whether there have been other harassment complaints about the same individual, and the alleged perpetrator’s rights to receive information about the allegations if the information is maintained by RCC as an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. RCC will inform the Complainant if it cannot maintain confidentiality.

Investigation Steps: RCC will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how RCC’s grievance procedures operate. The investigator cannot have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interviewing the Complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each Party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of RCC’s no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved Parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When RCC evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, RCC will decide whether it is more likely than not that discrimination or harassment has occurred.

If there are conflicting versions of relevant events, RCC’s investigator will weigh each Party’s credibility. Factors that will be considered in determining credibility include inherent plausibility; demeanor; motive to falsify; corroboration; and past record.

Timeline for Completion: RCC will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps and prepare a written report within 120 calendar days of RCC receiving the complaint.

Cooperation Encouraged: All employees will cooperate with an RCC investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of RCC to investigate thoroughly and respond effectively. However, lack of cooperation by a Complainant or witnesses does not relieve RCC of its obligation to investigate. RCC will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

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

- A description of the circumstances giving rise to the complaint.
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed.
- A summary of the testimony provided by each witness the investigator interviewed.
- An analysis of relevant evidence collected during the course of the investigation including a list of relevant documents.
- A specific finding as to whether there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each allegation in the complaint.
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by RCC.

Reaching a Determination: Once the appropriate person receives the investigative report, they will make a determination as to whether harassment or discrimination occurred. The following people may make determinations of responsibility following these procedures:

- The Chief Human Resources Officer
- The Director of Risk Management
- The Dean of Student Success
- In particular circumstances outlined above, a third-party firm (hired for the purpose of investigating cases subject to this procedure) or College President

Discipline and Corrective Action

If harassment, discrimination or retaliation occurred in violation of the policy or procedure, RCC shall take disciplinary action against the alleged perpetrator and any other remedial action it determines to be appropriate consistent with State and federal law. The action will be prompt, effective, and commensurate with the severity of the conduct. Remedies for the Complainant might include, but are not limited to:

- providing an escort for the Complainant between the parking lot and their workplace or classroom office.
- ensuring that the Complainant and alleged perpetrator do not attend the same classes or work in the same work area.

- preventing offending third parties from entering campus.
- providing counseling services or a referral to counseling services.
- providing medical services or a referral to medical services.
- providing academic support services, such as tutoring.
- arranging for a student-Complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant being disciplined.

If RCC imposes discipline, the nature of the discipline will not be communicated to the Complainant. However, RCC may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the Complainant; for example, RCC may inform the Complainant that the harasser must stay away from the Complainant.

In the case of a crime of violence or a non-forcible sex offense, and the alleged perpetrator is a student, the final results of any disciplinary proceeding conducted by RCC against the alleged perpetrator may be disclosed to the complainant, if RCC determines as a result of the disciplinary proceedings, the student violated RCC rules or policies. The final results of any disciplinary proceeding include only the name of the student, the violation committed, and any sanction imposed by the institution on that student.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

RCC will ensure that Complainants and witnesses know how to report any subsequent problems, and the CHRO, or designee, should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred.

If RCC cannot take disciplinary action against the accused individual because the Complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

Appeals

If RCC imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the Complainant is not satisfied with the results of the administrative determination, they may, within 10 business days, submit a written appeal to the CHRO, or designee. The CHRO, or designee, shall review the original complaint, the investigative report, the administrative decision, and the appeal. The CHRO, or designee, shall issue a final decision in the matter as promptly as possible after receiving the appeal. A copy of the decision rendered by the CHRO, or designee, shall be forwarded to the Complainant. The complainant shall also be notified of their right to appeal this decision.

File Retention

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

- the original complaint.
- the investigatory report.
- the summary of the report if one is prepared.
- the notice provided to the Parties, of RCC's administrative determination and the right to appeal.
- any appeal; and
- RCC's final decision.

Dissemination of Policy and Procedures

RCC's board policy and administrative procedures related to harassment will include information that specifically addresses sexual violence. RCC's board policy and administrative procedures will be provided to all students, faculty members, members of the administrative staff, and members of the support staff, and will be posted around campus and on RCC's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the RCC's course catalogs and orientation materials for new students.

Training

RCC will provide training to all employees. This includes counselors, faculty, health personnel, law enforcement officers, coaches, and all staff who regularly interact with students. Training for

academic staff should emphasize environmental harassment in the classroom. RCC will also provide training to students who lead student organizations. RCC should provide copies of the sexual harassment policies and training to any RCC law enforcement unit employees regarding the grievance procedures and any other procedures used for investigating reports of sexual violence.

In years in which a substantive policy or procedural change has occurred, all RCC employees will attend a training update or receive a copy of the revised policies and procedures.

Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and RCC's potential liability, or that they did not understand the policy and desire further training.

Education and Prevention for Students

In order to take proactive measures to prevent sexual harassment and violence toward students, RCC will provide preventive education programs and make victim resources, including comprehensive victim services, available. RCC will include such programs in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, RCC policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate RCC and law enforcement authorities. Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of RCC or campus rules were involved, RCC will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, RCC will address such violations separately from an allegation of sexual violence. RCC will grant amnesty for other rule violations (unless there is a health or safety concern) that are reported as part of a report under this procedure.

AP 3540 Sexual and Other Assaults on Campus

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, whether committed by an employee, student, or member of the public, occurring on Rogue Community College ("RCC") property, in connection with all the academic, educational, extracurricular, athletic, and other programs of RCC, whether those programs take place in RCC's facilities or at another location, or on an off-campus site or facility maintained by RCC, or on grounds or facilities maintained by a student organization, is a violation of RCC policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (Also see AP 5500 Standards of Student Conduct.)

“Sexual assault,” “dating violence,” “domestic violence,” and “stalking” are defined in Administrative Procedure 3434 – Responding to Sex Discrimination under Title IX.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, also see AP 3500 Campus Safety, AP 3510 Workplace Violence, and AP 3515 Reporting of Crimes.)

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on RCC property shall be provided with information regarding options and assistance available to them. Information shall be available from the Risk Management Office and The Title IX Coordinator, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Director of Risk Management and/or the Title IX Coordinator are authorized to release such information.

The Director of Risk Management and/or the Title IX Coordinator shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following:

- A copy of RCC’s policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking.
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents.
- Information about the importance of preserving evidence and the identification and location of witnesses.
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:
 - Counseling by RCC Counseling Staff or the College Employee Assistance Program, or referral to a counseling center.
 - a list of other available campus resources or appropriate off-campus resources.
- The victim’s option to:
 - notify proper law enforcement authorities, including on-campus and local police.
 - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - decline to notify such authorities.
- The rights of victims and the institution’s responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court.
- Information about how RCC will protect the confidentiality of victims; and
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- A description of each of the following procedures:

- criminal prosecution.
- civil prosecution (i.e., lawsuit).
- RCC disciplinary procedures, both student and employee.
- modification of class schedules.
- tutoring, if necessary.

The Director of Risk Management and/or the Title IX Coordinator should be available to provide assistance to RCC law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

RCC will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3434 – Responding to Sex Discrimination under Title IX, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on RCC property shall be kept informed, through the Risk Management Office and/or the Title IX Coordinator of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality consistent with State and federal law.

A Complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of RCC's student conduct policy at or near the time of the incident, unless RCC determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

RCC shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on RCC property, as defined above, in confidence consistent with State and federal law, unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on RCC property shall be referred to the Community and Government Relations Coordinator, which shall work with the Risk Management Office and/or Title IX Coordinator to assure that all confidentiality rights are maintained consistent with State and federal law.

Additionally, the Annual Security Report will include a statement regarding RCC's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any in any RCC proceeding arising from such a report. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking.
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported.
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities.
- Information about how RCC will protect the confidentiality of victims.
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance, or other services for victims.
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
 - Such proceedings shall provide a prompt, fair, and impartial resolution.
 - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
 - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occurs prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act (FERPA). For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Education and Prevention Information

The Director of Risk Management and the Title IX Coordinator shall:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, and stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations and shall include RCC's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

Redwood Campus – Grants Pass, Oregon Crime Statistics

Offense	Year	On Campus	Public Property	Non-Campus
Murder/Non-negligent Manslaughter	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Fondling	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Incest	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Statutory Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Aggravated Assault	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Burglary	2023	0	0	0
	2022	1	0	0
	2021	0	0	0
Motor Vehicle Theft	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arson	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Robbery	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Domestic Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Dating Violence	2023	0	0	0

	2022	0	0	0
	2021	0	0	0
Stalking	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arrest for Weapons Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arrest for Drug Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arrest for Liquor Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Referral for Weapons Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Referral for Drug Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Referral for Liquor Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

- 2023 – No Hate Crimes were reported
- 2022 – No Hate Crimes were reported
- 2021 – No Hate Crimes were reported
- There were no unfounded crimes in 2021, 2022 or 2023.
- There were no Timely Warnings or Emergency Notifications issued in 2023.
- No Clery Reportable Crimes were reported to Title IX, Student Conduct, or a Campus Security Authority in 2023.

Riverside Campus – Medford, Oregon Crime Statistics

Offense	Year	On Campus	Public Property	Non-Campus
Murder/Non-negligent Manslaughter	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Fondling	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Incest	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Statutory Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Aggravated Assault	2023	0	1	0
	2022	0	0	0
	2021	0	0	0
Burglary	2023	0	0	0
	2022	0	0	2
	2021	1	0	0
Motor Vehicle Theft	2023	0	2	0
	2022	0	0	0
	2021	0	0	0
Robbery	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arson	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Domestic Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Dating Violence	2023	0	0	0

	2022	0	0	0
	2021	0	0	0
Stalking	2023	0	0	0
	2022	1	0	0
	2021	0	0	0
Arrest for Weapons Violations	2023	0	1	0
	2022	0	0	0
	2021	0	0	0
Arrest for Drug Violations	2023	0	6	0
	2022	0	3	0
	2021	0	2	0
Arrest for Liquor Violations	2023	0	1	0
	2022	0	0	0
	2021	0	0	0
Referral for Weapons Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Referral for Drug Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Referral for Liquor Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

- 2023 – No Hate Crimes were reported
- 2022 – No Hate Crimes were reported
- 2021 – No Hate Crimes were reported
- There were no unfounded crimes in 2021, 2022 or 2023.
- There were no Timely Warnings or Emergency Notifications issued in 2023.
- No Clery Reportable Crimes were reported to Title IX, Student Conduct, or a Campus Security Authority in 2023.

Table Rock Campus – White City, Oregon Crime Statistics

Offense	Year	On Campus	Public Property	Non-Campus
Murder/Non-negligent Manslaughter	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Fondling	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Incest	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Statutory Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Aggravated Assault	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Burglary	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Motor Vehicle Theft	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Robbery	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arson	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Domestic Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Dating Violence	2023	0	0	0

	2022	0	0	0
	2021	0	0	0
Stalking	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arrest for Weapons Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arrest for Drug Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arrest for Liquor Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Referral for Weapons Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Referral for Drug Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Referral for Liquor Violations	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

- 2023 – No Hate Crimes were reported
- 2022 – No Hate Crimes were reported
- 2021 – No Hate Crimes were reported
- There were no unfounded crimes in 2021, 2022 or 2023.
- There were no Timely Warnings or Emergency Notifications issued in 2023.
- No Clery Reportable Crimes were reported to Title IX, Student Conduct, or a Campus Security Authority in 2023.