



**CORBAN**  
UNIVERSITY

**Campus  
Safety**

# State of Oregon Sexual Misconduct Annual Report: 2023-24 Academic Year



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# **SEXUAL MISCONDUCT ANNUAL REPORT**

## **INTRODUCTION AND PURPOSE**

The Corban University campus is located in the city of Salem, Oregon. The Sexual Misconduct Annual Report provides statistical information in an effort to satisfy ORS 350.345.

## **DISCRIMINATION AND HARASSMENT PREVENTION AND TITLE IX**

### POLICY STATEMENT

Corban University employees and students have the right to work and study in an environment that is free from discrimination or harassment based on race, color, national or ethnic origin, age, or physical disability. As followers of Christ, we are commanded to have a sincere, fervent, and honoring love for one another (I Peter 1:22; I Peter 2:17), an expectation that does not leave room for words or behaviors that will demean, diminish, or demoralize a brother or sister. Similarly, as members of the Body of Christ, looking out for one another's best interests is a Scriptural command (James 2:1; John 2:7-11; Philippians 2:1-4; Matthew 22:34-40).

The policies and procedures that follow represent the University's compliance with mandates coming from the federal government (including Title IX of the Educational Amendments of 1972, a federal civil rights law that prohibits discrimination based on sex or gender in educational programs and activities); the Department of Education's Title IX Regulations, published May 19, 2020, the state of Oregon (via ORS 350.253, ORS 350.255, and ORS 350.257), and our own community standards, which are articulated within the Employee Handbook and throughout the Community Life Walkthrough.

These procedures apply to all complaints of discrimination and discriminatory harassment including sexual harassment, sexual assault, dating violence, domestic violence and stalking on the basis of sex as defined by this Policy.

The University will have the discretion to refer complaints of misconduct not covered by this Policy for handling under any other applicable University policy or code.

The effective date of these procedures is August 14, 2020. These procedures will apply in all cases where a Formal Complaint of Prohibited Conduct under these procedures is made on or after August 14, 2020.

If you are unclear about any of the provisions below and would like to get more

information, you may speak on a non-confidential basis with the Title IX Coordinator (Brian Jaworski, [bjaworski@corban.edu](mailto:bjaworski@corban.edu)). If you would like to have more information, but prefer to speak with someone confidentially, you may speak with a confidential resource, as listed in the resources section.

## RESOLUTION OPTIONS

If you believe that you have been subjected to discriminatory or harassing behaviors, there are a variety of available resolutions strategies.

### **Options for seeking resolution on your own**

In some cases, it may be appropriate to confront the problem yourself. However, it should never be assumed that you must. You may be familiar with the Matthew 18 passage where Jesus tells his disciples to begin corrective actions through relational avenues. This is good direction for us when we are working through non-safety-related disagreements or hurts. However, when an interaction (or interactions) cross over into potential harassment or violence within the academic program or workplace, it is recommended for individuals to seek formal assistance.

That said, if it feels safe to do so, you may choose to inform the offending person that their behavior is unwelcome, offensive, or inappropriate and that it must stop. You can confront this person on your own, in the company of a trusted friend, or with a written letter that outlines these concerns and your preferences. It is helpful to document (including dates and details) any attempts that you make in case the behavior continues, and you need formal support from University officials. If the offender does not agree that a violation has taken place, do not attempt to convince them. Simply work to get them to understand that you are asking them to cease the offending behavior.

### **Options for seeking resolution with institutional assistance**

If seeking resolution on your own is not appropriate or effective, various University personnel can help you to seek resolution. The information sets forth the University's procedures that guide them in responding to students and employees who share information regarding experiences of discrimination, discriminatory harassment and sexual violence.

### **Appropriate Official**

For the 2024-2024 academic year, the campus official with the chief responsibility to respond to instance of sex or gender-related discrimination, discriminatory harassment and violence is:

- Reports of sex or gender-based Prohibited Conduct:
  - Brian Jaworski, Ph.D.; Vice President for Student Life and Dean of Student; University Title IX Coordinator [bjaworski@corban.edu](mailto:bjaworski@corban.edu) 503.375.7138

- Unlawful and unsafe Prohibited Conduct:
  - Mike Roth; Director of Campus Safety [mroth@corban.edu](mailto:mroth@corban.edu) / 503.375.6430

### JURISDICTION OF CORBAN UNIVERSITY

This policy applies to educational programs and activities the University. The conduct must occur on either the campus or property owned or controlled by the University, at a University-sponsored event, or at a building owned or controlled by a recognized University student organization. At the time of filing a complaint, a student or employee must be participating in an educational program or activity of the University for these policies to apply.

In the event the Respondent is unknown or not a student or employee of the University, appropriate supportive measures will be discussed with the complainant. These resources will include both campus and local resources, and including contacting local law enforcement should the complainant desire to do so.

### PROHIBITED CONDUCT

Corban University students and employees [should expect](#) to be able to study and work in an environment where they are treated with dignity and respect.

#### **Discrimination and Harassment**

Actions that constitute discrimination and harassment can be verbal, non-verbal, physical, electronic, and/or visual. It should be stressed that while some behaviors may be offensive, unprofessional and/or against University policy, they may not necessarily be considered discrimination or harassment. However, these behaviors are likely addressed within other policies in this guide and the University encourages individuals to seek support and resources.

#### **Sex and Gender-Based Misconduct**

As a Christ-centered institution with a baptistic heritage, Corban's Board-approved statements on marriage, sexual orientation, and gender identity inform how complaints of harassment or discrimination are handled when it comes to issues of sexual and/or gender identity. That said, sex or gender-related discrimination is not limited to opposite-gender interactions and when same-gender complaints are received, they will be investigated/responded to with the same attention, care, and impartiality as complaints across-gender groups.

Corban's standards related to the expected sexual behaviors of its membership are based in the belief that all people are made in God's image (Genesis 1:26-27); that we have an obligation to treat one another with honor at all times and in all circumstances (Philippians 2:3; 1 Peter 5:5); and that our attitudes, actions, and bodies are designed for worship (Romans 12:1-2). Engaging in sexually harassing behaviors speaks to what has become an all-too familiar scenario of perceiving other individuals as objects of self-gratification. This

clearly conflicts with the commands that we, as Christ-followers, have been given.

*Note: Misconduct is referred to collectively in this policy as “Prohibited Conduct”. For a full description, refer to the tables in [Section Two](#).*

### SEEKING HELP

If you have experienced any form of Prohibited Conduct, you are encouraged to seek help immediately. A variety of options are available to you (see below). If the behavior you experienced occurred within the past 72 hours and could be described as dating or domestic violence, stalking, or sexual assault, you are urged to contact local law enforcement and/or Campus Safety immediately.

#### **On Campus, Non-Confidential Resources**

- Brian Jaworski, Vice President for Student Life and Dean of Students; Title IX Coordinator, [bjaworski@corban.edu](mailto:bjaworski@corban.edu); 503.375.7010
- Mechelle Garrett, Associate Vice President for Community Belonging and Global Engagement, [mgarrett@corban.edu](mailto:mgarrett@corban.edu), 503.375.8189
- Bethany Bigelow, Senior Human Resources Generalist, [bbigelow@corban.edu](mailto:bbigelow@corban.edu), 503.375.7198
- Mike Roth, Director of Campus Safety, [mroth@corban.edu](mailto:mroth@corban.edu), 503.510.6430
- Bill Pilgeram, Athletic Director, [bpilgeram@corban.edu](mailto:bpilgeram@corban.edu)
- Raylynn Scott, Area Coordinator, [rscott@corban.edu](mailto:rscott@corban.edu)
- Zach Fuller, Area Coordinator, [zfuller@corban.edu](mailto:zfuller@corban.edu)
- Meredith Pinkerton, Resident Director/Head Women’s Lacrosse Coach, [mpinkerton@corban.edu](mailto:mpinkerton@corban.edu)

#### **Local and/or On-Campus Confidential Resources**

- Corban’s Counseling Center [counseling@corban.edu](mailto:counseling@corban.edu) (Director: Lori Schelske)
- Tanni Swisher – Confidential Advocate, [tswisher@corban.edu](mailto:tswisher@corban.edu), 503.375.7038
- Center for Hope and Safety 503.399.7722 (24-hour hotline)
- Marion County Sheriff nonemergency 503.588.5094
- Marion County Victim Assistance 503.588.5265
- Salem Hospital emergency room 503.561.5200
- Salem Police non-emergency number 503.588.6123
- Santiam Hospital emergency room 503.769.2175

### REPORTING OBLIGATIONS AND OPTIONS

All campus leaders (student and employee) possess certain reporting obligation depending upon their roles. It is the [Appropriate Officials’](#) responsibility to determine the appropriate response strategy based on federal, state, and institutional guidelines.



## **Duty to Report Allegations of Prohibited Conduct**

Any University employee, student leader or volunteer (other than the Student Health and Counseling Center staff working within the scope of their employment) who observes Prohibited Conduct, who knows, or with the exercise of reasonable care should have known, about Prohibited Conduct occurring at the University or in any of its programs, or is informed of alleged Prohibited Conduct must promptly notify the Appropriate Official of the allegation.

## **Campus Security Authorities (CSA)**

In addition to their general responsibilities listed within the Clery Act, Campus Security Authorities have specific obligations when it comes to complaints of Prohibited Conduct and other possible crimes. At the point that a CSA becomes aware of potential Prohibited Conduct or other Clery crimes, in addition to reporting this to Campus Safety (as per Clery), they must also report it to the Appropriate Official, who will work in conjunction with other relevant University administrators.

The University encourages individuals who believe they are experiencing Prohibited Conduct to report the Prohibited Conduct. Prior to reporting, individual's may first seek support and information from a confidential staff or community member in considering whether to file a formal or alternative report (see below for definitions and procedures for formal and alternative report). In some circumstances, however, when the information indicates a threat to the health and safety of the individual or community, University administrators may need to move forward with an investigation against the wishes, and even without the participation of, the Complainant.

Those who are aware or reasonably believe that another person is experiencing Prohibited Conduct may also file a complaint through this process or seek support from confidential resources.

## **Confidential Resources**

- Students who are thinking about or wanting to report Prohibited Conduct are encouraged to meet with personnel from either the University's Confidential Advocate, a member from the Counseling Center, or a medical care facility. These individuals are trained to review options and provide support. Information shared with these professionals are governed by their unique licensure and ethical requirements.
- Employees may seek out confidential resources through the Employee Assistance Program, or the University's Confidential Advocate. Generally, information shared with a licensed confidential resource cannot be revealed to any other person or office unless written permission is granted by the individual to share their information.

## Considerations for Reporting Incidents of Prohibited Conduct

The University encourages individuals to report incidents involving [Prohibited Conduct](#) and other potential violations of this policy. The University does not limit the timeframe for reporting an incident regardless of when the incident occurred. However, individuals are encouraged to report as soon as practical as memories may fade, and evidence may be lost over time.

Reports of potential violations of this policy will be kept private to the extent possible for the University to respond to the report, but reports made to the above officials are not confidential.

Upon being notified of a report, the appropriate official will reach out to the individual to schedule an Intake Interview and will also provide the individual with information regarding resources, rights, [Supportive Measures](#), and reporting options, with or without filing a Formal Complaint.

Once the individual has shared their experience with the University official, the next steps will be determined based on the stated needs, preferences, and the official's assessment of campus safety needs. In many cases, the next steps can be mutually designed and range from support strategies designed just for the reporting individual (e.g. Campus Safety escorts, class or work schedule adjustments, mentoring, etc.), to a full-scale investigation designed to determine if there is sufficient evidence to demonstrate that a policy violation occurred.

## Amnesty Principles

If an individual (e.g., bystander, complainant, witness, etc.) expresses reluctance to participate in a Prohibited Conduct investigation because of illicit behaviors engaged in simultaneous to, or as part of the incident/relationship under investigation, it is the general practice for these violations to be met with non-punitive (discipline-free) measures. Non-punitive measures may include, but are not limited to, regular conversations with Student Life and/or Campus Safety personnel and could also include a requirement to sign a covenant regarding future behavior commitments.

However, if the illicit behaviors violate local, state, or federal law, or are assessed to represent an on-going risk to campus safety, University officials *may* be obligated to report the behavior to the appropriate agency or campus partners.

In all cases, if individuals in an investigation have questions or concerns about disclosing self-incriminating information, they are invited and empowered to interrupt investigatory efforts by asking to talk theoretically or hypothetically about amnesty policies. Requests will be responded to on a case-by-case basis within a framework of care, compassion, and constructive assistance. The officials involved in these processes are comfortable with and committed to the complex and nuanced work of separating peripheral conduct violations

with those violations that originated, exacerbated, or are central to the complaint.

### **Anonymity**

If the individual requests anonymity (i.e. for the Respondent to not be informed of the complaint), he or she should be aware that the University's ability to act on their behalf may become limited. In other words, although multiple support resources will be made available to the disclosing individual, no actions may be taken against the accused individual that could be considered punitive or would interfere with his or her right to access the University's education programs and activities. University personnel will honor requests for anonymity except in cases where a Risk Assessment results requires institutional action.

### **Confidentiality and Privacy**

Confidentiality and Privacy have distinct meanings under this Policy.

- "Confidentiality" generally means that information shared with a licensed confidential resource cannot be revealed to any other person or office unless written permission is granted by the individual to share their information.
- "Privacy" generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who "need to know" in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the University's FERPA and Student Information policies that may be located in the University Catalog. The privacy of an individual's medical and related records may be protected by the Health Insurance Portability and Accountability Act ("HIPAA"), excepting health records protected by FERPA. Access to a Campus Safety and employee's personnel records may be restricted by applicable state and federal law.

While there are certain limitations on privacy, the University generally will not release the names of the individuals involved to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including the Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

In addition, no information will be released from a proceeding to enforce this Policy except as required or permitted by law and University Policy.

Throughout these procedures, various University officials are assigned responsibility for

performing specific functions. Named officials are authorized to delegate responsibility to other appropriate University officials and non-university consultants except where such delegation contravenes University policy. Additionally, named officials and their designees may consult with appropriate University officials, non-university consultants and subject matter experts.

### **No Conflict of Interest or Bias**

Any individual carrying out this Policy will be free from any actual conflict of interest or demonstrated bias that would impact the handling of this matter. Should any member of the Title IX associated with an investigation of a complaint demonstrate a conflict of interest, appropriate steps will be rendered to mitigate the conflict of interest.

## RIGHTS AND RESPONSIBILITIES

Individuals making a complaint to the University ("Complainant") and individuals responding to a complaint ("Respondent") each have rights throughout the complaint resolution and adjudication process, and may expect a fair, neutral process that will follow this policy.

### **Complainant and Respondent Rights**

- Be treated with respect by all University officials throughout this process;
- Be informed of the available support resources or measures available;
- Be free of any form of retaliation and free to report such retaliation for disciplinary action;
- Obtain a mutual no contact directive with the other party upon request;
- Be accompanied by one [Advisor](#) throughout the process, including at any interviews or hearing;
- An adequate, reliable, impartial and prompt investigation of the allegations conducted within a reasonable period of time after a [Formal Complaint](#) is filed;
- Receive written notice of the date, time and location of any interview scheduled with the investigator;
- Be informed of the status of the investigation, to the extent possible;
- Review all evidence which is directly related to the allegations prior to the conclusion of the investigation;
- Meet with the investigator and present information on their own behalf, identify witnesses or other third parties who might have relevant information, and identify or provide relevant documents or other information that may be helpful to the investigation;
- Have past unrelated behavior excluded from the investigation process;
- Question the selection of the investigator or Hearing Officer on the basis of an actual conflict of interest or demonstrated bias;
- Personally select, or have a Hearing Advisor of the University's choosing provided, at no charge, for purposes of asking questions of the other party or witnesses during the hearing proceeding, if applicable;

- Be notified of the hearing outcome and any sanctions applied, if applicable;
- Initiate and participate in an appeal process;
- Waive any of the rights contained herein.

Communication will frequently occur through campus email and meeting invites will include both in-person and remote options. Various campus services will be made accessible to address each participant's well-being. These may include, but are not limited to mentoring, counseling, medical services, safety planning, academic accommodations, connection with local law enforcement, etc. A campus official will be designed to regularly inquire as to participant needs.

### **Respecting Privacy**

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. With respect to any report under this Policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. All University employees who are involved in the University's response to Prohibited Conduct receive specific instruction about respecting and safeguarding private information.

### **Presumption of Non-Responsibility**

The decision to proceed with an investigation is not in and of itself a determination that the Respondent has engaged in the conduct as alleged. Any Respondent is presumed not responsible for the conduct that is the subject of the investigation, unless and until a decision of responsibility has been made upon the completion of the adjudication process.

### **Requests for Delays, and Extensions of Time**

The University may extend any deadlines within this Policy, for good cause. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.

## **MAKING A REPORT TO THE INSTITUTION**

Reporting to the University does not necessarily guarantee a Complainant any particular response option. Rather, it provides University personnel with an opportunity to clarify relevant rights and opportunities and understand the preferences of the Complainant. In most cases, an individual who reports Prohibited Conduct has a high degree of control over the University's actions. If an individual requests anonymity or asks that a concern not be investigated, the [Appropriate Official](#) will evaluate this request in the context of their ability to preserve a safe and nondiscriminatory environment for the rest of its students and employees.

*Note: Students and employees should be aware that complaints of sex- or gender-related harassment and discrimination may result in response protocols that are more formal*

*than those complaints unrelated to either sex or gender.*

### **Outreach and Intake Interview**

Upon receipt of information alleging a potential violation of this [Policy](#), the Appropriate Official will reach out to the Complainant to schedule an intake or informational interview and provide a copy of this policy and the following information:

- The Complainant's rights and the University's responsibilities.
- Availability of [Supportive Measures](#) with or without filing a Formal Complaint;
- Availability of Alternative Resolution options without filing a Formal Complaint;
- If requesting an investigation and hearing, how to file a [Formal Complaint and what to expect in an investigation and hearing](#);
- Right to notify law enforcement and the right to decline;
- When applicable, information about seeking a personal protection order from the local courts and/or the importance of preserving evidence;
- Resources for counseling, health care, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, mentor/support person, and other available services; and,
- Right to an [Advisor](#) of choice, should the complaint result in a [Live Hearing](#) decision.

A Complainant may choose to receive [Supportive Measures](#) without filing a Formal Complaint. This choice, however, will be subject to the successful completion of any Risk Assessment work by the Appropriate Official. If a Complainant chooses to pursue an investigation and hearing, a Formal Complaint will be required.

For those Complainants who wish to proceed with a resolution process, the official will also assess the facts as presented to determine whether the information provided aligns with the jurisdiction scope of this Policy or will be referred as a result of a [Mandatory or Discretionary Dismissal](#).

### **Risk Assessment**

Where a Complainant declines to participate, requests that no action be taken or to retain anonymity, the Appropriate Official will attempt to honor the Complainant's request but this request will be evaluated based on the University's responsibility to provide a safe and nondiscriminatory environment for its employees and students. The factors that the University may consider in this regard include, but are not limited to, the nature and seriousness of the alleged Prohibited Conduct; whether there have been other complaints or reports of Prohibited Conduct against the alleged harasser; the nature of the allegations such as use of weapons, drugs or intoxicants; serial violations or other threats to the Complainant or the community; all which are evaluated through use of a formal Risk Assessment and could result in a Formal Complaint being signed by the Appropriate Authority.

*Note: When the University official signs a Formal Complaint, that official does not*

*become the “Complainant” for purposes of this Policy.*

### **Supportive Measures**

When the University is made aware of possible Prohibited Conduct, they are required to provide support to both the Complainant and Respondent (if notified). Supportive measures must be designed to restore or preserve equal access to the University’s educational program or activity (unless a Risk Assessment dictates otherwise), be classified as non-disciplinary or non-punitive, be provided without fee or charge where reasonably available, and protect the safety of all of the parties or the educational environment and deter Prohibited Conduct. Such measures may include but are not limited to:

- Counseling
- Extension of deadlines
- Modifications of work or class schedules
- Campus safety planning
- Campus escort services
- No contact orders
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of campus

Supportive Measures are equally available to both the Complainant and the Respondent, as well as affected third-parties when appropriate and reasonably available.

**Emergency Removal Provisions:** If at any time the University determines (through a Risk Assessment) that the conduct, as alleged, poses a risk of physical harm to one or more members of the University community or to the University’s educational environment, the University may:

- Instruct that a student Respondent be suspended, on an interim basis, from specific programs or activities. Any such assessment will be made on a case-by-case basis based on an individualized safety and risk analysis. If the University determines that an immediate threat to the health or safety of students or others justifies removal from campus, then a Respondent may be suspended on an interim basis. The decision to do so will be provided to Respondent in writing with an immediate opportunity to challenge the decision (however, removal will not be delayed until the outcome of an appeal). The decision to place any Respondent on an interim suspension will not be considered as evidence that any determination has been made regarding potential responsibility for violating this Policy.
- Place any employee Respondent (including student employees) on an administrative leave of absence, with or without pay, pending the outcome of an investigation and hearing so long as doing so does not violate other regulatory requirements (e.g. Section 504 or ADA rights). The decision to place any Respondent on an interim suspension or administrative leave will not be considered as evidence that any



determination has been made regarding potential responsibility for violating this Policy.

**Opportunity to Challenge Decision to Suspend or Remove:** A Respondent will have an opportunity to immediately challenge the decision of suspension or removal, but a challenge will not delay the suspension or removal. In other words, once informed of the suspension or removal, the Respondent must immediately comply and submit their challenge remotely. To challenge suspension or removal, the Respondent should contact the Appropriate Official within five (5) business days of the interim suspension, who will explain the University's process for challenging the emergency removal.

### FILING A FORMAL COMPLAINT

Anyone who wishes to discuss their options prior to filing a Formal Complaint is encouraged to do so by contacting the relevant Appropriate Authority.

In the case of a Sexual Harassment claim, a Formal Complaint must be filed and signed by either Complainant or the University. Other complaint types (i.e. harassment based on factors other than sex or gender) can result in an investigation and resolution process as per the Appropriate Official's discretion.

*Note: A Formal Complaint has a very specific definition under this policy and differs from solely making a report to the University.*

Unless otherwise specified, filing a Formal Complaint will result in written notification to the Respondent and the commencement of a Resolution Plan.

At the time of filing a Formal Complaint involving Sexual Harassment, the Complainant must be participating in or attempting to participate in a University program or activity (i.e. enrolled or employed, and attempting to access a program or activity).

A Formal Complaint may be made by:

- requesting a form by email from the relevant [Appropriate Authority](#)
- downloading a form from the Campus Safety webpages

Completed documents can be submitted by US Mail, Email, or in person). Mailed documents can be sent to 5000 Deer Park Drive SE Salem OR 97317, with attention to the relevant Appropriate Authority.

*Note: In general, a Formal Complaint may not be filed anonymously.*

### **The Formal Complaint includes**

The Complainant's digital or physical signature, or an indication that the Complainant is the person filing the Formal Complaint



- An allegation of prohibited conduct as defined under this Policy. This may include:
  - Where the incident(s) occurred
  - What incident(s) occurred
  - When the incident(s) occurred
- Identity of Respondent, if known
- A request for an investigation

If a complaint is submitted in a form that does not meet this standard, the appropriate official will contact the Complainant to confirm a Complainant's intent to file a Formal Complaint. Further, if the Formal Complaint does not have sufficient information to determine whether the conduct as alleged will fall under this policy, the appropriate official may contact the Complainant to schedule a preliminary interview.

Reports of potential violations of this policy will be kept private to the extent possible for the University to respond to the report, but reports made to appropriate official are not confidential.

### **Formal Resolution Options**

For those individuals in pursuit of formal intervention by the University, generally either one or two investigators will be appointed and will conduct interviews with the Complainant, Respondent, and any relevant witnesses.

- If the Formal Complaint meets the definition of Title IX Sexual Harassment (a federal standard) there are two formal resolution options: a [Live Hearing](#), or an [Alternative Resolution](#) model. Both require a notice of investigation to be issued to both parties and are described in detail below.
- If the Formal Complaint of sexual harassment does not meet the definition of sexual harassment as per federal standards but meets standards outlined by the state of Oregon or Corban University, a similar investigation process will still proceed as described in these procedures below, but the case will be determined by a [Hearing Review Panel](#) instead of a Live Hearing, and will be conducted by either the Vice President for Student Life and Dean of Students or the Director of Human Resources depending on whether the situation involves an employee of the University.

### ALTERNATIVE RESOLUTION

Either party may request, in writing, to proceed with an Alternative Resolution. Participation in the Alternative Resolution process is voluntary for both Complainant and Respondent and both parties and the Appropriate Official must agree to the use of Alternative Resolution to resolve the complaint. The Appropriate Official may determine that Alternative Resolution is not appropriate, for example, where other formal action may be reasonably necessary to prevent continuing or future Prohibited Conduct, where there is a threat to the safety of the complainant or campus community, or where multiple

reports have occurred against the same Respondent.

When the parties request an Alternative Resolution, the Appropriate Official will provide the Complainant and Respondent written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The requirements of the Alternative Resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible, unless and until, at the conclusion of the formal investigation and adjudication processes, there is a determination of responsibility;
- An explanation that each party may be accompanied by an [Advisor](#) (or support person) of their choice, who may be a parent, friend, or attorney, but this person's role will be specific and limited to that which is agreed upon by both Parties and the Appropriate Official;
- The date and time of the initial meeting with the appropriate official,
- Information regarding [Supportive Measures](#), which are available equally to the Respondent and to the Complainant.

If either party does not voluntarily agree in writing to pursue an Alternative Resolution, or if the Complainant, Respondent, or Appropriate Official, at any time, determines that Alternative Resolution is no longer appropriate, the Appropriate Official will promptly inform the Complainant and Respondent in writing that the complaint will proceed through the Investigation and Hearing Process.

Once the final terms of an Alternative Resolution have been agreed upon by both parties in writing, the matter will be considered closed and no further action will be taken.

The Alternative Resolution process is generally expected to be completed within thirty (30) and may be extended for good cause by the appropriate official. Both parties will be notified in writing of any extension and the reason for the extension.

Records of any Alternative Resolution will be maintained and can be shared with other offices as appropriate.

### NOTICE OF INVESTIGATION

Within a reasonable period of time from the filing of a [Formal Complaint](#) and prior to the start of an investigation, the Respondent and Complainant will be provided, in writing, with a Notice of Investigation. Such notice will include:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The identity of the Complainant;
- The date and location (if known) of the conduct that is alleged to have occurred;

- A description of the process that will be followed, including an explanation that each party will have the right to inspect and review all evidence prior to the completion of the investigation;
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible, unless and until, at the conclusion of the process below, there is a determination of responsibility;
- An explanation that each party may be accompanied by an [Advisor](#) of their choice, who may be a parent, friend, or attorney;
- The date and time of the initial interview with the investigator(s);
- Information regarding any applicable amnesty granted during this process;
- The name and contact information for the assigned case manager and investigators;
- Information regarding [supportive measures](#).

### **Consolidation of Cases**

In the event that the allegations under this policy also involve additional allegations of the same policy, or allegations of a violation of a separate policy, the Appropriate Official will have the discretion to consolidate those other allegations within one investigation and/or hearing. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this policy.

### **DISMISSAL AND REFERRAL**

At any time prior to the commencement of a hearing, any harassment allegations proceeding under this policy will be dismissed, either in whole or in part, if it is determined that the conduct at issue does not meet the definitional or jurisdictional requirements of this policy. The conduct did not occur in an educational program or activity controlled by the University. Did not occur within the United States. The complainant, at time of filing, is not participating in or attempting to participate in an educational program or activity of the University.

### **Discretionary Dismissal**

At any time during an investigation, live hearing or review panel, any case may be dismissed when the:

- Complainant notifies the University in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint;
- Respondent is no longer enrolled or employed at the University; or
- Circumstances prevent the University from gathering evidence sufficient to reach a determination.

### **Referral**

If the alleged conduct would, if true, support a finding that another University policy or code has been violated, the University may, in its sole authority, continue or transfer the case for further handling as appropriate. The University may use evidence already

gathered during the formal process for the further handling of the complaint. Upon dismissal, both parties will be notified in writing of the decision and the rationale for the decision. The decision to dismiss is subject to [appeal](#). Both parties will be notified in writing of any determination made following the appeal.

### PARTICIPANT RESPONSIBILITIES

The University expects that all individuals who participate in the investigation process to do so truthfully and that all who have a responsibility for carrying out one or more aspects of the investigation and hearing process do so fairly and without prejudice or bias.

#### **False Evidence and Good Faith Testimony**

Each party and every witness is expected to provide truthful information to the Investigator, Hearing Officer, and the Appeals Officer. Examples of protected activities, however, include reporting (internally or externally) a complaint of Prohibited Conduct in good faith, assisting others in making such a report, participating in a grievance process, acting in good faith to oppose conduct that constitutes a violation of this Policy, honestly participating as an investigator, witness, decision maker, or otherwise assisting in, an investigation or proceeding related to an alleged violation of this Policy.

#### **Conflict of Interest or Bias**

After a Formal Notice of Investigation is issued to Complainant and Respondent, each party may object to the appropriate official or designated investigator on the grounds of a demonstrated bias or actual conflict of interest. Both parties will have five (5) business days from the date of the Notice of Investigation to object, and information regarding how to object will be included in the Notice of Investigation.

### INVESTIGATIVE PROCESS

#### **Appointment of the Investigator and/or Case Team**

Investigations will be conducted by an individual or team appointed by the Appropriate Official.

#### **Timeline**

The University strives to complete the investigation and hearing process in a timely fashion and will strive to do so within 60-90 days, which may be extended for good cause by the appropriate official. Both parties will be notified in writing of any extension granted, the reason for the extension, and the new anticipated date of conclusion of the investigation.

#### **Interviews**

The investigator(s) will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference, and individual parties may be interviewed once or on multiple occasions. Interviews may be recorded.

Each party will be provided with an opportunity to offer relevant witnesses and evidence.

Information or evidence that is not provided to the investigator will not be allowed during the Hearing unless it can be clearly demonstrated that such information was not reasonably known to or available to the parties at the time of the investigation.

### **Evidence Review and Investigation Report**

At the conclusion of all interviews and fact gathering, and before the Investigation Report is finalized, the Investigator will provide each party and their Advisor (should the party choose to have one), the opportunity to review all of the evidence gathered that is directly related to the allegation(s). This will include both inculpatory and exculpatory evidence - meaning both evidence that tends to prove or disprove the allegations.

Given the sensitive nature of the information provided, the information will be provided in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal or with other safeguards such as an opportunity to review the information in person). Neither the Complainant nor the Respondent (nor their Advisors) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate the information provided. Any student or employee who fails to abide by this Policy may be subject to discipline. Any Advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process.

Each party may respond to the evidence gathered. Each party will have up to ten (10) business days in which to respond to the evidence. Each may provide a response in writing to the investigator of generally no more than ten (10) pages. Exceptions to the page limit can be requested for good cause. The Investigator will incorporate any response provided by the parties into the Investigation Report.

### **Request for Additional Interviews**

Along with their response to the evidence, each party may also submit a written request for additional investigation, such as a request for a follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the Investigator to pose to witnesses or to the other party. This response may include written questions that a party would like the Investigator to ask of any party or witness. If any of the questions posed will be excluded as not relevant, or not likely to lead to relevant information, the Investigator will explain to the party who proposed the questions any decision to exclude a question.

Upon receipt of each party's response to the evidence reviewed, the Investigator will determine if any additional investigation is needed.

### **Request for New Witnesses or Evidence**

In addition, either party may offer new witnesses or other new evidence. If approved, the

Investigator will take into account the responses provided, will pose questions to parties or witnesses as appropriate, and interview new relevant witnesses, and accept new, relevant, evidence.

If new relevant evidence is provided by either party or is gathered by the Investigator, the newly-gathered evidence (including answers to clarifying questions) will be made available for review by each party. Each party will have up to ten (10) business days in which to respond to the new evidence. Each may provide a response in writing to the Investigator. The Investigator will incorporate any written response provided by the parties into the [Investigation Report](#).

Any evidence to be considered by the Hearing Officer must be provided to the Investigator. Information that was not provided to the Investigator will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably known or available to the parties at the time of the investigation. Should new evidence be presented at the hearing, the Hearing Officer will have the authority to either exclude the evidence or to send the matter back for further, limited investigation.

### **Exclusion of Questions Re: Complainant's Past Sexual Behavior/Predisposition**

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant and will not be permitted unless such questions and evidence about the Complainant's prior sexual behavior are offered for one of two reasons: to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

### **INVESTIGATION REPORT**

Once the investigation and evidence review are complete, the investigator(s) will prepare a written report summarizing all of the relevant evidence gathered and all investigative steps taken to-date. Each party, as well as their Advisor, will be provided with a copy of the Investigation Report.

### **Conclusion of Investigation, Threshold Review**

Prior to issuing the Investigation Report to the parties, the Appropriate Official will, in consultation with the Investigator, review the Investigation Report and again make a determination regarding [Mandatory or Discretionary Dismissal](#) for all or certain allegations within the Formal Complaint. If dismissal is not appropriate, the appropriate official will issue a Notice of Hearing.

Dismissal is appropriate only when required as previously described. A dismissal may be appealed within 2 (two) business days.

## HEARING PROCESS

If the Investigation Report does not result in dismissal, each party will be provided with a Notice of Hearing, which will include information regarding the date of the hearing, type of hearing (Live or Panel Review), the identity of the Hearing Officer (or Hearing Review Panel Members), and any deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Officer to ensure relevance. The Hearing will be scheduled no less than ten (10) business days from the date of the Notice of Hearing.

Within five (5) business days of receipt of the Notice of Hearing, either party may object to the Hearing Officer or Hearing Review Panel on the basis of a demonstrated bias or actual conflict of interest. Any objection is to be in writing and sent to the appropriate official. If the official determines that there is an actual bias or conflict of interest, the official will remove the Hearing Officer or Panel Member and appoint another.

### **Violation Resolution Options**

When a case proceeds to the Hearing phase, the parties will receive a Notice of Hearing with an attached Violation Agreement from the Appropriate Official within five (5) business days of receiving the Final Investigative Report. The parties will be required to select one of the following options within five (5) business days of the Notice of Hearing:

- Resolution by Violation Agreement: Agree to acknowledge the violation(s) occurred, accept the Appropriate Administrator's proposed sanction or discipline, and waive the option of a Hearing through a Violation Agreement.
- Resolution by Violation Agreement with Appeal: Agree to acknowledge the violation(s) occurred, appeal the sanction or discipline (in writing), and waive the option of a Hearing through a Violation Agreement (either Party can appeal the sanction).
- Hearing: Proceed to a Hearing where a Decision-maker or Panel will make a finding regarding the alleged violation and, if applicable, impose a sanction or discipline.

If the Respondent agrees to acknowledge the violation(s) occurred by choosing option 1 or 2, and neither party chooses option 3, the Appropriate Official will send a Notice of Resolution by Violation Agreement to both Parties, which includes the Final Investigative Report and the Action Plan. This Notice of Resolution will also describe any limited right to appeal.

If Complainant does not respond to the Notice, the appropriate official will choose option 2 on the Complainant's behalf, therefore retaining a limited right of appeal to challenge the discipline or sanction.

### LIVE HEARING PROCEDURES (FOR TITLE IX COMPLAINTS ONLY)

As described previously, the Appropriate Official is responsible to determine the correct decision-making format for each complaint. In the case of Sexual Harassment, the Title IX Coordinator will determine if federal or state law require a Live Hearing or if the decision



can be rendered by a Hearing Review Panel.

#### Hearing Advisor for Title IX, Live Hearings Only

Each party is entitled to one [Advisor](#) at the hearing which will be referred to as the Hearing Advisor. The role of the Hearing Advisor is to ask questions of the other party and of witnesses, but not to advocate for, or otherwise speak on behalf of, the advisee during the hearing. No party will be permitted to ask questions of the other party, or of a witness. A Hearing Advisor of the University's choosing will be provided for any party who does not have a Hearing Advisor.

There will be a mandatory pre-hearing meeting between the [Hearing Officer](#) and each party and their Hearing Advisor. If either the Complainant or Respondent does not have a Hearing Advisor, one will be assigned.

#### **Live Hearing for Title IX Cases Only**

Hearings will be scheduled as far in advance as possible. The Hearing Officer will provide three possible hearing dates to the Parties and their Advisors; one of those dates must be chosen. Exceptions may be granted for good cause.

Hearings may be conducted in person or via videoconferencing as per the Hearing Officer's discretion. If by videoconference, the Hearing Officer will provide the participants instructions on how to participate in the video-conference hearing.

No Complainant or Respondent or witness will be compelled to participate in the hearing. However, the University may choose to continue with the hearing in the absence of the Complainant, Respondent or any witness. If any party chooses to not participate, the Hearing Officer will not take into consideration (in either the hearing or in their final determination) any of that individual's statements collected during the investigation. The Hearing Officer will not draw any inference regarding responsibility based solely on a party's non-appearance at the hearing or refusal to answer questions.

Each hearing will be recorded by the Hearing Officer and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the University but will be available to the parties and their Hearing Advisor by contacting the Appropriate Official who will determine if they will receive a recording or transcript.

The Complainant, Respondent, and the Hearing Officer all have the right to call witnesses. Witnesses must have information relevant to the incident. No party will be permitted to call as a witness anyone who was not interviewed by the investigator as part of the University's investigation. Each party will submit to the Hearing Officer the names of witnesses they would like to call no less than five (5) business days in advance.



Three (3) business days prior to the hearing, each party should submit to the Hearing Officer a preliminary list of questions they wish to pose to the other party, or to a witness. If the Hearing Officer determines that any are not relevant, the Hearing Officer will explain the reason for the exclusion of the question at the hearing. Each party, through their Advisor, will also be permitted to present additional questions to the Hearing Officer who will make an immediate decision regarding the question's relevancy. If approved, the Advisor will be allowed to ask the question.

*Note: In the event that a party does not appear for the Hearing, the Advisor for that party must still appear and question the other party, and witnesses.*

The Hearing Officer will have the authority to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. Any such limitation will be communicated to the parties no later than three (3) business days before the hearing.

The Hearing Officer will have the authority to maintain order and decorum at the hearing. The Hearing Officer also has the authority to determine whether any questions are irrelevant, abusive, intimidating, or disrespectful, and will not permit such questions. Any party or witness who is disruptive may, in the discretion of the Hearing Officer, be removed and directed to continue their participation via video conferencing. Any Hearing Advisor who is disruptive may be removed, and the Hearing Officer will appoint another Advisor for the remainder of the hearing.

### **Final Determination for Title IX, Live Hearings Only**

Following the appropriate hearing, the Hearing Officer or appropriate official will then prepare a written report which is the Final Determination. To the extent credibility determinations need to be made, they will not be based on a person's status as Complainant, Respondent, or witness.

The Final Determination will include:

- The allegations;
- Description of all procedural steps;
- Findings of fact;
- Conclusion of application of facts to the Policy; and
- Rationale for each allegation.

The Final Determination will be provided to the appropriate official. If there is no finding of responsibility, the Hearing Officer will communicate the findings to the parties, together with [procedures for appeal](#).

If there is a finding of responsibility, the Hearing Officer will contact the appropriate sanctioning or disciplinary officer who will determine the sanction and notify the Hearing Officer of the sanction or discipline determination. The Hearing Officer will then provide

each party with the Final Determination, including the determination of the appropriate sanction or discipline. The Complainant will be informed of any appropriate remedies and both parties will be advised regarding their opportunity to [appeal](#).

#### HEARING REVIEW (FOR NON-TITLE IX SEXUAL HARASSMENT COMPLAINTS)

Each party may respond to the Final Investigation Report but may only do so in writing. Each party will have five (5) business days in which to provide a written response to the Hearing Review Panel of generally no more than ten (10) pages. Exceptions to the page limit can be requested for good cause.

This response may include a personal statement to the Hearing Review Panel, impact or mitigation information, and relevant questions that a party would like the Hearing Review Panel to ask of any party or witness.

Upon receipt of each party's response to the Final Investigation Report, the Hearing Review Panel will determine if it has any requests for clarification from the Investigator, a party or witness. The Hearing Review Panel will not accept new information unless the party provides good cause such as that the information was not previously available.

#### **Final Determination for Non-Title IX Sexual Harassment Complaints**

Following the review, the Hearing Review Panel will then prepare a written report which is the Final Determination. To the extent credibility determinations need to be made, they will not be based on a person's status as Complainant, Respondent, or witness.

The Final Determination will include:

- The allegations;
- Description of procedural steps;
- Findings of fact;
- Conclusion of application of facts to the Policy; and
- Rationale for each allegation.

The Final Determination will be provided to the appropriate official. If there is no finding of responsibility, the Hearing Officer will communicate the findings to the parties, together with [procedures for appeal](#).

If there is a finding of responsibility, the Hearing Panel will contact the appropriate sanctioning or disciplinary officer who will determine the sanction and notify the Hearing Panel of the sanction or discipline determination. The Hearing Panel will then provide each party with the Final Determination, including the determination of the appropriate sanction or discipline, will inform the Complainant of any appropriate remedies, and will inform both parties of the [procedure for appeals](#).

## **Sanctions and Remedies for Non-Title IX Sexual Harassment Complaints**

Upon conclusion of the adjudicating process, the Complainant will be offered such remedies designed to restore or preserve equal access to the institution's education program or activity. The Appropriate Official is responsible for ensuring implementation of remedies. A wide range of strategies can be employed including, but not limited to restructured work/class schedules and living arrangements being adjusted.

Where there is a finding of responsibility, sanctions or discipline may include limitations on access to certain campus facilities or events; adjustments to living arrangements; restructured work/class schedules; changes in supervision; demotion or transfer; educational activities; assigned mentoring, counseling, testing, or evaluations. Under certain circumstances, an individual found responsible for having engaged in prohibited conduct may be recommended for suspension, expulsion or termination. This is more likely where the underlying incident includes aggravating factors such as demonstrated patterns of behavior, use of weapons or violence.

### OPPORTUNITIES TO APPEAL

Appeals may be filed by either party within five (5) business days of receipt of the Final Determination. Appeals will be sent to the appropriate official, who will then send the appeal to the Appeals Officer. When an appeal is filed, the other party will be notified, in writing, within one (1) business day, and will then have five (5) business days to respond to the appeal. Any party's decision to decline the opportunity to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal. Each party will be allowed to meet with the appeals officer.

The Appeals Officer will not have any actual conflict of interest or bias. Within five (5) business days of the assigned Appeals Officer, either party may object to the assigned individual on the basis of an actual bias or conflict of interest. Any objection is to be in writing and sent to the appropriate official designated in the Notice of Final Determination. Should the official determine that there is an actual bias or conflict of interest, the official will appoint a different Appeals Officer.

Appeals May be Filed Only on the Following Grounds:

- Procedural Error: A procedural error occurred that significantly impacted the outcome of the investigation or hearing.
  - A description of the error and its potential impact on the outcome of the case must be included in the written appeal.
- New Evidence: New evidence or information has arisen that was not available or known to the party during the investigation or hearing, and that could significantly impact the findings. Information that was known to the Appellant during the investigation or hearing but which they chose not to present is not new information.

- A summary of this new evidence and its potential impact on the outcome of this case must be included in the written appeal.
- Actual Conflict of Interest or Demonstrated Bias: The Title IX Coordinator, Investigator, or Decision-maker had an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.
  - A summary of the conflict or bias and its potential impact on the outcome of this case must be included in the written appeal.
- Disproportionate to the Violation or previous disciplinary measures. The sanction is not appropriate to the violation and/or inconsistent with prior practices.
  - A rationale for the disproportionality of the sanction and its potential impact on the outcome of this case must be included in the written appeal.

If an individual has exhausted University appeal processes and still feels that a decision is unfair or inappropriate, they may still have appeal opportunities available to them through the Department of Education or other agencies. For more information, see the “Student Complaint Resolution” portion of the University catalog.

## SECTION TWO: DEFINITIONS AND DESCRIPTIONS

For the purposes of responding to complaints of Prohibited Conduct at Corban University, the following definitions will be used:

### *Policy-Specific Definitions*

Advisor	All persons who are a Complainant or a Respondent are permitted to bring an Advisor of their own choosing to any meeting or interview to provide support. The advisor may be any person, including a family member or an attorney. The Advisor may accompany the student Party to any and all portions of the grievance process. Although reasonable attempts will be made to schedule proceedings consistent with an Advisor's availability, the process will not be delayed to schedule the proceedings at the convenience of the Advisor. The University has the discretion to remove the Advisor from the proceedings if the Advisor interferes with the proceedings. For any Complainant or Respondent who does not have an advisor but desires one, the University can provide recommendations.
Advisor for Hearing (Hearing Advisor)	<p>Each party is entitled to one Hearing Advisor at the hearing. The Hearing Advisor may be the same person who serves as the Advisor during the investigation process. The role of the Hearing Advisor is to ask questions of the other Party and of witnesses, but not to advocate for, or otherwise speak on behalf of, the advisee during the hearing. Neither the Complainant nor the Respondent will be permitted to directly ask questions of the other Party, or of a witness. The Hearing Officer has the discretion to remove the Advisor from the proceedings if the Advisor interferes with the proceedings.</p> <p>An advisor of the University's choosing will be provided for any party who does not have an advisor for the purpose of asking questions of the other party and witnesses at the hearing.</p>
Burden of proof	The standard that a party seeking to prove a fact must satisfy to have that fact established. The burden of proof in these procedures is on the institution to produce or discover information to establish facts.
Complainant	An individual (enrolled student or University employee) who files a complaint to report a violation of this policy. It also includes any person who is reported to have experienced a violation of this policy in cases where some other person has

	made a report on that person's behalf.
Consent	A free and willing agreement to engage in a sexual act, provided without force or coercion, between individuals who are of sufficient age and are not mentally incapable, mentally disabled, mentally incapacitated or physically helpless, or incapacitated by drugs or alcohol. Consent is a clear and unambiguous agreement, expressed outwardly through mutually understandable words or actions, to engage in a particular activity. Consent must be voluntarily given and cannot be obtained through coercion or force, and the person initiating a specific sexual activity is responsible for obtaining consent for that activity. Consent is not to be inferred from silence, or a lack of resistance. Consent is not to be inferred from an existing or previous dating or sexual relationship. Consent to engage in one sexual activity at one time is not consent to engage in a different sexual activity or to engage in the same sexual activity on a later occasion. Consent can be withdrawn by any party at any point. Once consent is withdrawn, the sexual activity must cease immediately. For purposes of this Policy, in evaluating whether consent was freely sought and given, the issue is whether the Respondent knew, or reasonably should have known, that the activity in question was not consensual or that the Complainant was unable to consent due to incapacitation.
Business days	Any reference to business days within this Policy will be counted as the University business days unless otherwise specified.
Formal Complaint	<p>The term "Formal Complaint" has a very specific definition within this Policy. Whether one is filed does not depend on the label applied, but instead on whether certain specific elements listed above are met. A Formal Complaint is the act that initiates an investigation. Individuals who would like more information about filing a Formal Complaint are invited to contact the Title IX Coordinator for additional information.</p> <p>In the event that the Title IX Coordinator signs the Formal Complaint, this act does not make the Title IX Coordinator the "Complainant" for purposes of this Policy.</p>
Hearing: Live or Hearing Panel Review	Live Hearing: A live hearing, held in person or virtually, that provides each party with the opportunity in real time to respond to the Investigation Report, ask questions of the other

	<p>party, witnesses and Hearing Officer. After the Live Hearing, the Hearing Officer will make the final determination.</p> <p>Hearing Panel Review: A panel comprised of trained individuals that reviews the Investigation Report, may request additional information from the parties, witnesses or Investigator, and makes the final determination.</p>
Hearing Officer	<p>A trained and impartial person or persons designated by the University to conduct the Live Hearing or Panel Review, make a decision regarding the alleged violations based upon a preponderance of the evidence, and impose sanctions, if applicable. Also called a Decision-maker.</p> <p><b>In cases that involve Title IX Sexual Harassment including VAWA defined Sexual Violence as detailed below, the Hearing Officer/Decision-maker will not be the same person as the Investigator.</b></p>
Incapacitation	<p>A state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. An individual asleep or unconscious is considered to be incapacitated and unable to consent to sexual activity. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition. Incapacitation may result from the use of alcohol, drugs, or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation.</p> <p>The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's: (A) decision-making ability; (B) awareness of consequences; (C)</p>

	<p>ability to make informed judgments; or (D) capacity to appreciate the nature and the quality of the act.</p> <p>It will not be a valid excuse that the Respondent believed that the Complainant consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; (c) the Complainant was unable to communicate due to a mental or physical condition.</p> <p>Whether the Respondent reasonably should have known that the Reporting Party was incapacitated will be evaluated using an objective reasonable person standard. The fact that the Respondent was actually unaware of the Complainant's incapacity is irrelevant to this analysis, particularly where the Respondent's failure to appreciate the Complainant's incapacitation resulted from the Respondent's failure to take reasonable steps to determine the Complainant's incapacitation or where the Respondent's own incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant's incapacity.</p> <p>It is the responsibility of the individual initiating the sexual activity to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity</p>
Investigator	A trained and impartial person designated by the University to investigate allegations of Discriminatory Misconduct (e.g. gather relevant information and conduct interviews).
Mandatory reporter	As educational officials, all Corban employees are responsible to report to public agencies (e.g. local or federal law



	enforcement or the Department of Human Resources) whenever they suspect any case of child abuse or neglect, regardless of whether that individual is part of the Corban community. This is true if the victim is under the age of 18 or is a member of a vulnerable population.
Party	A Complainant or Respondent in a case.
Preponderance of evidence	The greater weight of evidence. The evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The standard of evidence utilized in both student and employee complaints to determine whether the alleged conduct occurred and/or this policy was violated.
Protected Activity	Exercising any right or privilege under this policy. Examples of protected activities include reporting (internally or externally) a complaint of Prohibited Conduct in good faith, assisting others in making such a report, participating in a grievance process, acting in good faith to oppose conduct that constitutes a violation of this Policy, honestly participating as an investigator, witness, decision maker, or otherwise assisting in, an investigation or proceeding related to an alleged violation of this Policy.
Respondent	Individual against whom a complaint is filed.
Retaliation	Retaliation is prohibited under this policy. Retaliation is defined as any materially adverse action against a person who reports, complains about, or who otherwise participates in good faith in any manner related to this policy. Materially adverse action includes conduct that threatens, coerces, harasses, harms, improperly influences, or in any other way seeks to discourage participation in or activity under this policy. This can be through direct or indirect contact, contact by third-parties or on social media. Retaliation does not include good-faith actions lawfully pursued in response to a report of Prohibited Conduct. Any person who believes they have experienced retaliation under this policy should contact the Title IX Coordinator.
Supportive Measures	Non-disciplinary, non-punitive, free of charge individualized services offered to a Complainant and/or the Respondent by the University as appropriate and reasonably available. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party. Supportive measures are also available whether or not a <a href="#">Formal Complaint</a> has been filed. Supportive measures may include,

	<p>but are not limited to: academic support, class and work schedule changes, mutual ban on contact (no-contact directive), increased security, or other measures as determined on a case-by-case basis.</p> <p><i>Note: Any Supportive Measures put in place will be kept confidential, except to extent that doing so impairs the ability of the institution to provide the Supportive Measures.</i></p>
Third-party Reporter	A person other than the Complainant who reports an incident or allegation of Prohibited Conduct.

*Prohibited Conduct: Discrimination and Discriminatory Harassment Definitions*

Prohibited Discrimination	Prohibited Discrimination occurs when an employment or academic decision results in negative and/or different treatment of an individual based upon their membership in a protected class.
Discriminatory Harassment	Discriminatory Harassment occurs when an individual is targeted with verbal, written, visual or physical conduct based on that person's protected class status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile or offensive working or learning environment. This includes where submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University program or activities, or used as the basis for decisions affecting the individual (often referred to as quid pro quo harassment).

Corban University is committed to responding to complaints of sexual harassment in a culturally and gender-responsive manner that is trauma-informed and promotes principles of anti-oppression. As per state of Oregon regulations, these principles have been defined in conjunction with Corban's Student Government Association (SGA).

*Definitions Developed in Conjunction with SGA*

Anti-oppression	<b>Anti-oppression</b> means having an experience that is equal, open-minded, non-prejudicial, fair and is free of bias.
Culturally responsible	<b>Culturally responsive</b> means recognizing and responding in equitable ways when appropriate, based on cultural knowledge, linguistic background, prior experiences, and communication styles of diverse

	students to provide an inclusive environment.
Gender responsive	<b>Gender-responsive</b> means understanding by taking into account the differences in characteristics and life experiences that women and men bring to a situation with the goal of creating an environment (physical, social, emotional) that is responsive to the issues and needs of all parties or genders involved.
Trauma informed	<b>Trauma-informed</b> includes incorporating the research on the impact of trauma (acute, chronic or complex) on an individual, and intentionally seek to provide safety, choice, collaboration, trustworthiness, empowerment and without (re)traumatizing or triggering the individual.

As members of the Corban community, treating one another with honor and as image bearers of has specific implications as it pertains to our legal and institutional response to complaints of sexual harassment, sexual assault, dating violence, domestic violence, and/or stalking (collectively referred to within this policy as Prohibited Behaviors). Each of these terms have definitions that have been prescribed by various federal (Violence Against Women Act or VAWA, the Clery Act, and/or Title IX) or state of Oregon regulatory sources (ORS 350.253, ORS 350.255, and ORS 350.257). If definitions are not prescribed by either of these two entities, an institutional definition has been identified.

The University recognizes community members' right to the free expression of ideas including those that may be controversial or unpopular. Nothing in this definition is intended to conflict with an individual's First Amendment rights.

#### *Prohibited Conduct: Sexual Harassment Definitions*

Dating violence (Source: VAWA)	Violence committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
Domestic violence (Source: VAWA)	Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence

	laws of Oregon, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Oregon.
Sexual assault (Source: Clery)	<p><i>Sexual Offenses, Forcible:</i> Any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent:</p> <ul style="list-style-type: none"> <li>i. 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 Complainant.</li> <li>ii. Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensual), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.</li> <li>iii. The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.</li> <li>iv. The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.</li> </ul> <p><i>Sex Offenses, Non-forcible:</i></p> <ul style="list-style-type: none"> <li>v. Incest: Non-forcible sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by Oregon Law.</li> <li>vi. Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 16 years of age.</li> </ul>

Sexual exploitation	Occurs when an individual takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited, and the behavior does not otherwise constitute one of the other sexual misconduct offenses.
Title IX Sexual Harassment (Source: Federal)	<p><b>Sexual misconduct that is subject to the Title IX Rulemaking at 34 CFR section 106.</b></p> <p>This includes the below conduct when 1) that conduct that occurred in the United States, and 2) occurred either on campus, in a building controlled by an officially recognized University organization, and/or in a University program or activity:</p> <p>Conduct on the basis of sex committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved which is one of the following:</p> <ul style="list-style-type: none"> <li>a. When a University employee conditions the provision of an educational benefit or service on an individual's participation in unwelcome sexual conduct (quid pro quo); and/or</li> <li>b. Unwelcome conduct<sup>1</sup> determined by a reasonable person to be so severe, and pervasive, and objectively offensive, that it effectively denies a person equal access to an educational program or activity of the University.</li> <li>c. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).</li> </ul>

<sup>1</sup> Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Sexual harassment (Source: Oregon)	"Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created an intimidating, hostile or offensive environment and would have such an effect on a reasonable person."
Stalking (Source: VAWA)	Engaging in a course of conduct on the basis of sex 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. The policy covers instances of stalking based on sex, including stalking that occurs online or through messaging platforms, commonly known as cyber-stalking, when it occurs in the school's education program or activity.

### PREVENTION AND EDUCATION STRATEGIES

We live in a culture that has engendered the false belief that others' actions are "none of our business," and so we are reluctant to call our brothers and sisters into account when we observe their behaviors to be out of line. Scripture, however, clearly calls us to something higher: As members of the body of Christ we are to confront brothers and sisters regarding their sin (Matthew 18:16); correct others with gentleness and humility (II Timothy 2:24-26); and be active agents of restoration (Galatians 6:1-2). Scriptures that talk about not judging one another (Matthew 7:5); keeping the peace (Romans 12:18); and/or overlooking offenses (Proverbs 19:11) should not be confused as permissions for allowing sin to continue. Rather these Scriptures remind us of *how* to act as we engage in the difficult work of living in confrontation, correction, and restoration.

An active bystander is someone who intervenes to interrupt behavior in situations that could lead to sexual misconduct, assault, or violence. Effective intervention is the community responsibility of every person. Individuals are encouraged to speak out against attitudes that promote sexual misconduct and are supportive of victims. There are essentially five stages to effective and safe bystander intervention:

1. Be aware of your surroundings and notice potential problems;
2. Understand that the problem demands action;
3. Feel the responsibility to act, just as you hope others would if you were the person in the problem situation;
4. Choose what form of safe assistance to provide; and
5. Respond.

Remember intervention does not have to be confrontational. Simply honking your car horn, turning on the lights, or turning off the music at a party can call attention to a situation. Every member of the University community plays a role in intervention. If you do not speak up and challenge inappropriate behavior, you are, in a sense, helping to perpetuate the problem. Other tips include, but are not limited to:

- Remain calm and speak up, say something like... "You need to just ease up" or; "he/she already said no to you once, so why don't you just stop".
- Remain calm and ask the perpetrator "Is there a problem here?" or "What are you doing to this person?" or "You should really stop and think about what you're doing here".
- Ask others in the area to help to intervene as a group.
- Assist the person by walking them to their car or to a safe area until assistance arrives if authorities have been contacted.
- Call Campus Safety or 911 if not on campus.
- Do not be afraid to tell a friend when they are acting inappropriately.
- Be willing to challenge inappropriate conversation or jokes directed at sexual misconduct, assault, or violence.

### **Risk Reduction**

Here are some tips to consider when you go out:

- Communicate with your partner.
- Know that drinking and drug use will impair your judgment. If you drink, do so legally, responsibly, and with great discernment.
- Know where you are going and speak up if you are uncomfortable.
- Use the buddy system and look out for each other. Do not go anywhere with someone you do not know very well.

### **Primary prevention and awareness programs for students and employees**

All employees, Student Life student leaders, and new students go through annual sexual harassment and violence prevention training. Local resources can be found online:

- <https://www.corban.edu/student-life/counseling-services/>
- <https://www.corban.edu/student-life/health-resources/>
- <https://www.corban.edu/safety/>

*For more information regarding Title IX and the federal standards, please read the following:*  
[https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

*Information regarding sexual harassment and Oregon state standards can be located at:*  
<https://www.oregonlaws.org/ors/350.253>.

*Tip: From Prov. 28:1 - "The wicked flee when no one pursues, but the righteous are bold as a lion."*

# OREGON SEXUAL MISCONDUCT REPORTING

## OVERVIEW

Pursuant to House Bill 3456 of the Oregon Legislature, the following categories and statistical information is provided.

As found defined in 350.335(4), Sexual misconduct means an incident of sexual harassment, sexual violence, intimate partner violence, domestic violence, sexual exploitation, stalking, harassment or violence based on sexual orientation or gender identity or expression, or other gender-based harassment or violence.

Category	2023-24
Reported allegations of sexual misconduct reported	4
Law Enforcement Investigations	1
Found Responsible	1
Academic or Employment Discipline	0
Not Responsible	0
Students Requesting Supportive Measures	6
Number of Requested Supportive Measures	
- One supportive measure requested	3
- Two supportive measures requested	2
Students on leave	0
Students who transferred	1
Students who withdrew	0
Declined participation / Requested No Investigation	
- Students	6
- Employees	0