

Victims' Rights Overview

University:

A report of sexual assault to most university employees will trigger a mandatory report to the University Title IX Coordinator, and may require an investigation. Confidentiality cannot be guaranteed, but will be respected if possible. Disclosure of sexual harassment/assault (not involving minors) to a **licensed medical professional/social worker, clergy, lawyer, or confidential advocate** will not trigger a mandatory report to law enforcement or university administration. (See resource page for exceptions.)

University investigation must be prompt, thorough, and neutral (Typically within 60 days). If there is a law enforcement investigation, the University may wait approximately two weeks to start an investigation, but best practice is not to do so and to take interim measures as soon as possible. The University must consider the safety of the victim and campus community.

Intermediary Measures:

- Housing transfers
- No Contact Orders
- Academic and on campus employment accommodations
- Financial aid accommodations

Prompt and Equitable:

- Treatment of both complainant and accused must be equitable.
- Both have same opportunity to an advisor during a conduct hearing.
- Both informed of outcome of conduct hearing.
- Both have the right to appeal

Possible Sanctions for Finding Accused:

- Expulsion from the university
- Suspension
- Exclusion from portions of the university campus, such as student housing
- Trainings and/or educational papers

Criminal:

Criminal Process Starts with a Police Report

Following an Arrest:

- Judge will consider your safety at a pre-release trial release trial hearing.
- You can refuse to speak to an attorney for the defendant.

If Case Goes to Trial & Sentencing:

- You have the right to express your views at sentencing, in person or in writing.
- Rape shield laws may apply in your case.
- If a pre-sentence investigation report is ordered, you can include a statement in it.

Generally:

- You have constitutional & statutory rights that can be asserted by you, your own attorney, or the prosecution, upon request.

Civil:

Victims may be able to pursue these options generally without involvement in the criminal process.

Restraining Order:

- Petition court for protective/restraining order (FAPA, SAPO, Stalking, EPPDAPA).
- An attorney or advocacy service can help you retain an attorney.

Civil Law Suits:

- Sue perpetrator or other responsible parties, including companies, landlords, institutions, etc., for personal injury or other civil claims.
- Contact the Oregon State Bar Associate for a referral to an attorney.
<https://www.osbar.org/public/ris/>

File a complaint with the Department of Education, Office of Civil Rights:

- The Department of Education, Office of Civil Rights (OCR) enforces Title IX of the Education Act of 1972.
- Anyone who believes that an educational institution has discriminated against them on the basis of their sex, gender, color, race, national origin, disability, or age may file a complaint with the OCR.
- Complaints must be filed 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended by OCR for good cause shown under certain circumstances.
- See: <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>

File a complaint with the Federal Department of Justice:

- The Department of Justice enforces federal laws that protect students and employees from harassment and discrimination.
- To file a complaint, see: <https://www.justice.gov/crt/how-file-complaint#thre>

File a complaint with the Oregon Higher Education Coordinating Commission

- Students may file a written complaint to the Oregon Higher Education Coordinating Commission of prohibited discrimination, including sexual harassment or retaliation in post-secondary education programs that receive direct appropriations from the Oregon Legislative Assembly.
- It is the policy of the Commission that students should exhaust all available institutional processes and remedies for complaints against any post-secondary institutional process before filing a formal written complaint with the Commission, unless
 - the student demonstrates an objectively reasonable basis for not exhausting the available process, then the Commission or its designee may receive the complaint.
- To file a complaint, see <https://www.oregon.gov/highered/institutions-programs/public/Pages/university-complaints.aspx>

Employment:

- Can receive unemployment insurance, if you quit for domestic violence, stalking, or sexual assault and safety reasons.
- Employer cannot refuse to make a reasonable safety accommodation
- Employer cannot discriminate or retaliate against victims of domestic violence, stalking, or sexual assault.
- File a complaint with the federal Equal Employment Opportunity Commission (EEOC) or the state Bureau of Labor and Industries (BOLI). A complaint must be filed within 180 days of the alleged discrimination or discriminatory harassment. To file a complaint with the EEOC view: <https://www.eeoc.gov/employees/charge.cfm> or a complaint with BOLI: https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx

Housing:

- Domestic violence, stalking, and sexual assault victims can break a lease and request to have locks changed by the landlord.
- Landlords cannot discriminate or retaliate against domestic violence, stalking, or sexual assault victims.

Immigration:

- Immigration relief available to crime victims in the U.S.

**Some relief may require participation in criminal process.

This document is only meant to highlight some rights found within each of these systems, It is not meant as a comprehensive document and it not intended to provide legal advice. To learn more consider talking with an attorney or your University officials.

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