



VICTIMS' RIGHTS OVERVIEW

UNIVERSITY:

A report of sexual assault to most university employees will trigger a mandatory report to the University Title IX Coordinator or the Dean of Student Life office. To view who has reporting obligations please review **PSU Policy on Prohibited Discrimination & Harassment**, *Section V. 2*. Confidentiality cannot be guaranteed, but the matter will be kept private and only those with a need to know will be informed.

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 complaint process must be prompt, thorough, and neutral (Typically within 120 days). If there is a law enforcement investigation, the University may wait approximately two weeks to start an investigation.

SUPPORTIVE MEASURES:

Victims are entitled to supportive measures irrespective of whether the matter is reported to University Officials or whether there is an administrative or law enforcement investigation. The University must consider the safety of the victim and campus community.

Supportive measures include:

- academic support or adjustments, extensions of deadlines, or other course/program-related;
- class schedule modifications, withdrawals, or leaves of absence;

- referral to counseling, medical, and/or other healthcare services at Student Health and Counseling (SHAC);
- referral to the Employee Assistance Program;
- student financial aid counseling;
- altering campus housing assignment(s);
- altering work arrangements for employees or student-employees;
- safety planning;
- providing campus safety escorts;
- providing transportation accommodations; or
- implementing contact limitations (no contact orders) between the Parties.

The survivor has right to have the University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the University's ability to provide the supportive measures.

PROMPT AND EQUITABLE COMPLAINT PROCESS:

- Treatment of both complainant and accused must be equitable.
- The right to have University policies and procedures followed without material deviation. Please see the **PSU Policy on Prohibited Discrimination & Harassment (including Sexual Harassment)** and **Title IX Sexual Harassment** for specific information about procedures.
- The right to request alternative dispute resolution, but the right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving sexual violence.
- The right not to be discouraged by University officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by the University of options to notify law enforcement authorities, including on-campus and local police, and the option(s) to be

assisted by University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.

- The right to have an Advisor of their choice to accompany the party in all meetings and/or interviews associated with the resolution or complaint process.
- The right to have the ability to review evidence, as specified by the PSU policies and complaint process.
- The right to petition that any University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an advisor during a conduct hearing.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to be informed of the outcome of conduct investigation or hearing.
- The right to be informed of the opportunity to appeal, and the procedures for doing so in accordance with the standards for appeal established by the University.

Possible Sanctions for Finding Against the Accused:

- Expulsion/termination from the university
- Permanent notation to student record
- Revocation of degree for students whom have graduated from PSU
- Suspension
- Exclusion form portions of the university campus, such as student housing
- Oral or written reprimand (for employees)
- Probationary suspension (for students)
- Trainings and/or educational papers

Anti-Retaliation

PSU's Student Code of Conduct, Prohibited Discrimination and Harassment Policy, and Title IX Sexual Harassment Policy prohibited retaliation. Retaliation is defined as any adverse treatment that is taken because a person has opposed an act or practice, made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing concerning their protected rights and that would discourage a reasonable person from engaging in those protected activities.

Retaliation also means coercing, intimidating, threatening, interfering or discriminating against any person for the purpose of interfering with any protected right, because they have exercised any protected right or aided or encouraged another person to exercise any protected right. Respondents, Complainants, and witnesses participating in a complaint process or any one reporting sexual harassment or discrimination is protected from retaliation.

Should you believe that you are the subject of an act of retaliation as a result of being named in a report or participating in the resolution process, please contact PSU's **Title IX Coordinator** or the investigator assigned to your complaint.

CRIMINAL:

The 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.

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.

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.

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.

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.

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 is available to crime victims in the United States.

**Some relief may require participation in criminal process.

NOTES:

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.

Created by Portland State University & Oregon Department of Justice, April 2015 & January 2016 and PSU's Title IX Coordinator May 2016, revised November 2020.