

Policy: Duty to Report Suspected Child Abuse and Sexual Assault/Harassment



EFFECTIVE DATE: May 9, 2013

SCOPE: Willamette University Faculty and Staff

REGULATORY REFERENCE: ORS 419B.005 (State “child abuse reporting” law)
Title IX of Educational Amendments of 1972 and Implementing
Regulations, Including 2012 “Dear Colleague” guidance.

Background: In 2012, the Oregon legislature amended ORS 419B.005, the Oregon child abuse statute, to address the scope of the requirement that school officials, even in private colleges and universities, report suspected child abuse to the proper authorities. In the same year, the Department of Education’s Office of Civil Rights issued a “Dear Colleague” letter providing guidance for universities in addressing sexual assault on campuses. This guidance included provisions that have been interpreted as requiring all faculty and staff to report claims of sexual assault and harassment made by students to the university Title IX Coordinator, and/or other appointed Title IX officials.

Policy Statement:

Duty to Report Child Abuse

It is the policy of Willamette University, and a requirement of Oregon law, that all faculty and staff report cases of suspected child abuse to the Oregon Department of Human Services, or a law enforcement agency. The obligation to report child abuse applies whether knowledge of suspected abuse comes about as a result of your work for Willamette University, or in the regular course of your daily life, and should also be made even if the child or family member does not wish to file a report.

Suspected abuse of minor children (under age 18) should be reported to the Oregon Department of Human Services by calling (503) 378-6704. During non-business hours, reports should be made by calling law enforcement at 911. Child abuse occurring on Willamette University’s campus, or within Willamette University programs must, in addition to the above, be reported to the Office of Campus Safety in person or by phone at extension 6911, or 503-370-6911.

Duty to Report Suspected Sexual Misconduct (Assault/Harassment)

It is also the policy of Willamette University, and a requirement of the implementing regulations of Title IX, that all faculty and staff report claims of sexual assault or harassment made by Willamette University students to one of the following: Any Deputy Title IX Coordinator identified below; the central Title IX Coordinator (Vice President & Executive Assistant to the President). Reports must be made even if the student does not wish to file a report. Employees in Bishop Wellness Center and the Chaplain and Assistant Chaplain of the University are statutorily exempt from the duty to report.

How to Report

Reports may be made directly to the individuals identified above, or via the online Community Concern Reporting Form. Contact information for reporting follows:

- Community Concern Reporting Form: <http://www.willamette.edu/sexualmisconduct/>
- Deputy Title IX Coordinator, Director of Educational Equity Assurance: (503)375-5361
- Deputy Title IX Coordinator, Director of Residence Life: (503) 370-6212

- Title IX Coordinator, Vice President and Executive Assistant to the President: (503) 375-5474
- Deputy Title IX Officer, Director of Human Resources (if employee involvement): (503) 375-5445

Possible Sanctions

Failure to report suspected abuse, sexual assault, or harassment may subject employees to disciplinary action. Such action would be determined by the appropriate Dean or Vice President in consultation with the Director of Human Resources and carried out based on policies governing disciplinary procedures in the respective Policy Handbooks.

Definitions

1) Child Abuse:

- Any assault, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.
- Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.
- Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest.
- Sexual abuse;
- Sexual exploitation, including but not limited to: Contributing to the sexual delinquency of a minor, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact; and allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize a prostitute.

2) Sexual Misconduct

- Rape** is any nonconsensual penetration including: penile-vaginal, oral/genital, penile-anal, digital-vaginal, digital-anal, object-vaginal, and object-anal.
 - Rape may be accomplished by fear, threats of harm and/or actual physical force. Rape may also include situations in which penetration is accomplished when the victim is unable to give consent for any reason, including but not limited to being intoxicated, drugged, unconscious or asleep.
- Sexual Assault** is a broader term than rape. Sexual assault includes any nonconsensual sexual act. An act is nonconsensual if it is inflicted upon a person unable to grant consent OR is unwanted and compelled through the use of physical force, manipulation, coercion, threats, or intimidation. Sexual assault includes rape as well as various types of unwanted sexual touching, however slight, with any object, by a man or a woman.
- Sexual Harassment** includes unwelcome sexual advances, a request for sexual favors, and any other conduct of a sexual nature when any of the following applies:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement.
 - Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting an individual.
 - Such conduct has the purpose or effect of interfering with an individual's academic performance or creating an intimidating, hostile, or offensive living, working, or academic environment.

- iv. Sexual harassment may occur regardless of whether the alleged harasser and person being harassed are members of the same or opposite sex.
- 3) **Faculty and Staff:** All employees employed by Willamette University, including student employees.
- 4) **Minor Child:** An unmarried person that is under the age of 18.
- 5) **Student:** A person enrolled in a Willamette University educational program, whether full-time, part-time, including programs such as Willamette Academy or summer camps.
- 6) **Title IX Officer(s):** Employees whose duties include responsibility for ensuring required response to reports of sexual assault or harassment. Offices where such responsibilities reside include Campus Life/Residence Life, Human Resources, and the Vice President and Executive Assistant to the President who serves as the University's central Title IX coordinating officer. Relative to student sexual assault claims, the Director of Residence Life is the primary Title IX coordinating officer and complaint recipient.

Additional resources and information related to child abuse reporting are available through the state Department of Human Services website and the following Oregon Statutes:

www.oregon.gov/DHS/children/abuse/cps/report.shtml#question1