

Executive Committee Agenda

1. **Call to Order/Roll/Declaration of a Quorum** (3:00 pm) (5 min) *Chair John Davis*
2. **Training (Continued)**
 - 2.1. **Title IX continued training** (3:05 pm – 3:30 pm) *Dr. Jennifer Wilson, Executive Director of Diversity, Equity, & Inclusion (DICE), Title IX Coordinator*
3. **Other Business/New Business**
 - 3.1. **Discussion of Institutional Goals** (3:30 pm) (30 min) *Chair Davis*
4. **Adjournment** (4:00 pm)

All times are approximate.

The Board of Trustees is a key stakeholder in fostering a campus culture that is safe and equitable for all students, faculty, and staff while also playing a vital role in overseeing the institution’s Title IX compliance efforts. A campus dedicated to the principles of diversity, inclusion, free speech and academic freedom must ensure that all community members, regardless of sex, sexual orientation, race, age, religion, or disability are provided a harassment free environment in which to live, study, and work.

Sexual Misconduct:

This umbrella term is used to describe unwanted conduct of a sexual nature that is committed without consent or with the use of force, coercion, threats, intimidation, or manipulation. This term includes but is not limited to Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Sex and Gender-Based Stalking.

Sexual Harassment: *unwelcome conduct of a sexual nature that can occur in educational or work settings. Sexual Harassment can include unwelcome sexual advances, requests for sexual favors (including Quid Pro Quo), or other verbal, nonverbal, or physical conduct of a sexual nature where such conduct is significantly severe or pervasive that it has the effect, intended or unintended, of reasonably 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.*

- *Deliberate touching, stroking, massaging, or repeated brushing against another’s body.*
- *Invading personal space*
- *Repeated requests or pressure for a date or sexual activity*
- *Written, Verbal, pictorial, or nonverbal communications of a sexual nature not related to work, service, or educational activity*
- *Jokes & offensive comments that are sex-based*
- *Non-consensual sex, sexual activity*
- *Non-consensual recording of sex acts, distribution*
- *Relationship violence(emotional, verbal, physical, financial)*
- *Stalking someone in-person, via third-party, and/or online*
- *Displays of pictures, calendars, cartoons, or other materials with sexually explicit or graphic content*

Federal: Title IX, VAWA, & Clery

Oregon State: HB3415, HB3456, SB4164

Sexual Assault: *Any attempted or actual sexual act, including: vaginal or anal intercourse, anal or oral or vaginal penetration with an object; oral-genital contact; or other sexual contact, directed against a person without their consent.*

Non-consensual sexual contact: *any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person, that is without consent or where the person is unable to give consent **AND/OR** with force.*

Dating Violence: *a form of Relationship violence committed by a person who is or was in a social relationship of a romantic or intimate nature with the person experiencing dating violence.*

- *Determined by: length of relationship, type of relationship, frequency of interactions.*

Domestic Violence: *A form of Relationship violence that is committed by (1) a current or former spouse or intimate partner (2) a person with whom they share a child (3) a current or former cohabitation partner (4) a person similarly situated to a spouse (5) any other person who is protected under Oregon Family violence laws.*

Sexual Intimidation: *sexual harassment conduct that also involves threatening or emotionally distressing conduct based on sex.*

Stalking: *a form of gender-based violence that is intentional **AND** repeated harassment of or following another person that places the person in reasonable fear of intent to injure, intimidate, or harass **OR** where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if there is no such intent.*

Retaliation: *any action (beyond a petty slight or trivial annoyance) taken against a person because of a person’s participation or perceived participation in a protected activity that would discourage a reasonable person from engaging in the protected activity.*

Discrimination: Any act that either in form or operation, and whether intended or unintended, unreasonably target people on the basis of their known or perceived membership in a protected class.

Disparate Treatment: a form of discrimination that occurs when a person suffers less favorable treatment than others because of protected class

Disparate Impact: a form of discrimination that occurs when a policy, although neutral on its face, adversely impacts a person in a protected class.

Things to Note:

1. Any person who is subjected to the behavior because they can see it, hear it, etc. can bring forward a complaint of unwanted behavior.
2. There is not necessarily a requirement for the person to explicitly say the words “no” or “stop” for it to be made clear that the behavior is unwanted.
3. Intent is not required. A person may not intend to sexually harass another, but still violate the policy because their actions meet the definitions of prohibited conduct.

Oregon Tech Policies:

OIT-01-003: Prohibited discrimination and discriminatory conduct policy

OIT-01-004: Sexual misconduct

OIT-01-005: Reporting misconduct policy

Coming Soon: Pregnancy and parenting, Non-discriminatory harassment and bullying

Oregon Tech Resolution Process

1. Claims are taken by TIXC via email, reporting system, in-person
2. TIXC evaluates claim (Jurisdictional memo)
3. Intake with reporting party
4. Intake with responding party
5. Investigator assigned (Grand River Solutions, LLC)
6. Investigation conducted (Grand River Solutions, LLC)
7. Parties review and comment (Grand River Solutions, LLC)
8. Investigative report completed (Grand River Solutions, LLC)
9. Decision-makers review report and determine responsibility
10. Discipline Authority assigns sanctions
11. Appeal opportunity for all parties

Compliance dates to remember:

September/October: Annual Sexual Misconduct training

October 1: Campus Sexual Misconduct Report to HECC

October 15: EADA Report to WESTAT

October 31: EADA Survey completed

Winter/Spring term 2026: Campus Sexual Misconduct Survey administered

Title IX overview

BOARD OF TRUSTEES:
2024

DR. JENNIFER WILSON

Outline of overview objectives

- ▶ Provide understanding of Title IX and Oregon State laws
 - ▶ Purpose, protections afforded
 - ▶ Changes to law and university response to
 - ▶ *University policy*
 - ▶ *University reporting mechanisms*
 - ▶ *University protocol*
 - ▶ Preventative measures and resources
- ▶ Provide a clear understanding of Board of Trustees role.
 - ▶ Governance and oversight
 - ▶ Legal obligations
 - ▶ Legal liability
 - ▶ Recordkeeping and Reporting

A full slide deck has been included in the meeting materials, as some slides were covered in the previous training.

What is the purpose of and the protection afforded by Title IX?

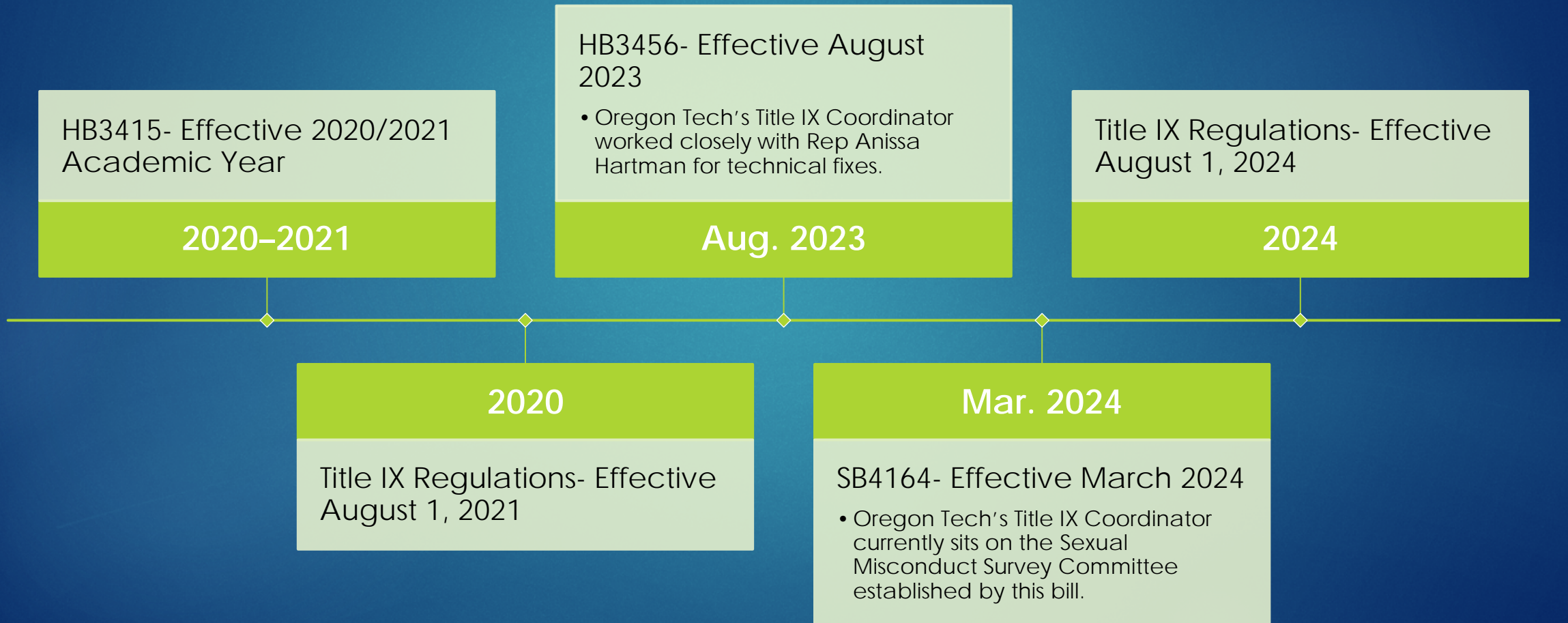
Civil Rights Law that states:

“No person in the United States shall, on the basis of sex*, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

*Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, sexual orientation, gender identity/expression, pregnancy and/or other related conditions, and parenting.

Title IX and Sexual misconduct laws are integral to inclusive campuses and free speech.

Oregon State laws on Sexual Misconduct



Who is protected?

- ▶ All members of the Oregon Tech community.
 - ▶ Male
 - ▶ Female
 - ▶ Gender queer
 - ▶ Student
 - ▶ Staff
 - ▶ Faculty
 - ▶ Third parties.
- ▶ Pregnant and/or parenting students
- ▶ Same-sex dating and domestic violence
- ▶ Same-sex sexual assault
- ▶ Same-sex sexual harassment

Institutions must have culturally responsive, gender responsive practices that meet the needs of LGBTQ+ parties. (HB3415)

What is Oregon Tech required to do under Title IX?

- ▶ Have a named Title IX Coordinator
- ▶ Publish a notice of non-discrimination
- ▶ Institution must take action, whether criminal complaint is filed or not
 - ▶ Can investigate simultaneously
 - ▶ May pause if requested by law enforcement
- ▶ Provide both parties with notice of allegation
- ▶ Must provide services to remedy the effects of harassment
- ▶ Provide a prompt, thorough, and impartial investigation
- ▶ Must choose a standard of evidence
- ▶ Develop informal resolution strategies
- ▶ Act upon a report, without the victim's consent, if ongoing threat.
- ▶ Publish Title IX policies, crimes, and the name/contact info of TIXC

State law requirements

HB3415

- Requirements for policies related to sexual misconduct.
- Established training standards (trauma-informed)
- Established a definition for sexual harassment
- Required response regardless of whether incident occurred on campus.
- Established standards for notice and contact

HB3456

- Requires confidential victim advocates on campus
- Requires MOU with local victim resource or advocacy group
- Campus Sexual Misconduct Report to the HECC by October 1 annually.

SB4164

- Requirements for Sexual Misconduct survey on campus, at minimum every other year beginning in Fall 2025.
- Sets 100% completion goal

HB3415: Sexual Harassment

- ▶ 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.

Parties' rights

- ▶ Both parties must be notified of the allegations received, the institutional response, and their rights.
- ▶ Both parties must be notified of the outcome
- ▶ All parties have the right to file an OCR complaint, a civil lawsuit, or both.
- ▶ Both parties have the right to reach an informal resolution
- ▶ Supportive measures for parties
 - ▶ No Contact Order can be requested
 - ▶ Educational accommodations
 - ▶ Housing accommodations
 - ▶ Schedule change
 - ▶ Security escorts

Legal liability for non- compliance

- ▶ Liberty University: \$14 Million in 2024 (Clery)
- ▶ Thomas Jefferson University: \$15 Million in 2023 (TIX)
- ▶ Pacific University: \$4 Million in 2023 (TIX)
- ▶ University of Southern California: \$1.1 Billion in 2021 (TIX)
- ▶ Dartmouth: \$14 Million in 2020 (TIX)
- ▶ Michigan State: \$500 Million in 2018 (TIX)
- ▶ Penn State: \$109 Million in 2017 (TIX)

Additionally, schools risk losing Title IV Federal Financial Assistance for failing to comply with Title IX Requirements.

What has changed? How has Oregon Tech responded?

Definition

2020: Sex, gender, and student defined more narrowly. Geography limited to the US.

2024: sex and gender expanded to include gender identity, gender expression, sexual orientation, sex stereotypes, sex characteristics, parenting, pregnancy and related conditions. Definition of student broadened. Geography expanded.

OIT: Updated policy, updated training, created pregnancy accommodation process, added lactation spaces across campus

Process

2020: Sexual Misconduct allegations required live hearing due to cross-examination rule, each party advisor, separation of duties.

2024: No cross-examination rule means live hearings are no longer required and less separation of duties.

OIT: Live hearings are not trauma-informed. Opted to remove from process and create a written process with no hearing.

Formal Report

2020: required a signed formal complaint with a claim before the institution could investigate.

2024: a reasonable understanding that the reporting party would like the allegation investigated.

OIT: Removed formal complaint requirement. Conducts an inquiry into all claims to determine if formal investigation is necessary.

2020 Process for Resolution:

34 C.F.R. §106.45

Process A

Reserved for the resolution of claims including allegations of sexual misconduct that is severe, pervasive AND objectively offensive.

- ▶ Prompt, neutral, and equitable investigation.
- ▶ Iterative process with opportunity for evidence and report review
- ▶ Live hearing
- ▶ Opportunity to appeal

Process B

Used for the resolution of claims including allegations of sex/protected class discrimination & any sexual misconduct not considered severe, pervasive, and objectively offensive

- ▶ Prompt, neutral, and equitable investigation
- ▶ Iterative process with opportunity for evidence and report review
- ▶ Opportunity to appeal

2024 Process for Resolution:

34 C.F.R. §106.45

Resolution Process:

Used to resolve all claims including allegations of sex/protected class discrimination & all sexual misconduct that is severe, pervasive, OR subjectively and objectively offensive.

- ▶ Prompt, neutral, and equitable investigation
- ▶ Iterative process with opportunity for evidence and report review
- ▶ Opportunity to appeal

Current resolution process

1. Claims are taken by TIXC via email, reporting system, in-person
2. TIXC evaluates claim (Jurisdictional memo)
3. Intake with reporting party
4. Intake with responding party
5. Investigator assigned (Grand River Solutions, LLC)
6. Investigation conducted (Grand River Solutions, LLC)
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How does Oregon Tech address Sexual Misconduct?

Oregon Tech recognizes sexual misconduct as a form of sex discrimination. Sexual misconduct serves as an umbrella term for behaviors, including, but not limited to: sex and gender-based harassment, sexual exploitation, sexual assault, relationship violence, and sex and gender-based stalking.

OIT-01-003: Prohibited Discrimination

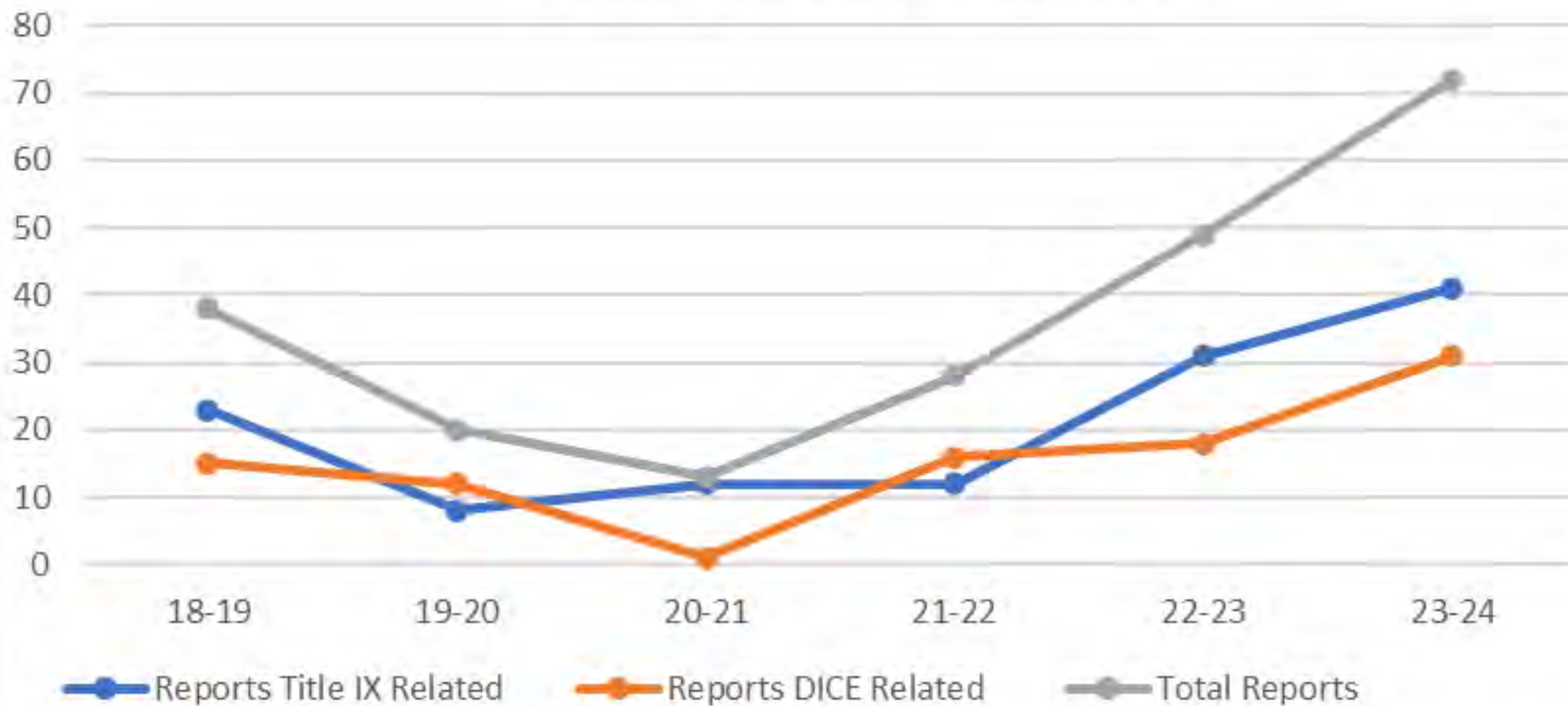
OIT-01-004: Sexual Misconduct

OIT-01-005: Reporting and Prohibited Retaliation

Reporting Discrimination and Sexual misconduct at Oregon Tech

- ▶ We use Maxient (Starting January 2025)
 - ▶ Maxient is utilized by all departments handling conduct related concerns.
 - ▶ Database allows for a better understanding of patterns of conduct, prevalence of offenders, and prevention/education measures needed.
 - ▶ Creates a complete student/employee record of conduct concerns.
- ▶ Website updates are underway (ETA January 2025)
 - ▶ Revised Title IX page
 - ▶ Reporting page added to website
- ▶ QR codes to provide more confidential access to reporting options
- ▶ Posters and Campus ID Stickers

Equity Related Grievances



Meet Oregon Tech's Title IX Team

Title IX Coordinator

- ▶ Dr. Jennifer Wilson

Deputy Title IX Coordinator
for Students

- ▶ Dr. Jennifer James

Deputy Title IX Coordinator
for Athletics

- ▶ Joy Lease

Deputy Title IX Coordinator
for Faculty

- ▶ Dr. Beverly McCreary

Deputy Title IX Coordinator
for Portland-Metro

- ▶ Dr. Lara Pracht

Deputy Title IX Coordinator
for staff

- ▶ Sandi Hanan

Title IX Steering Committee

Compliance plan subcommittee

- Currently creating a four-year compliance plan for the institution

Policy and procedures subcommittee

- Reviews current policy and revises as needed
- Reviewing Resolution Process for compliance, trauma informed principles, and Oregon higher education best practices

Outreach and prevention subcommittee

- Currently creating webpage to raise awareness of Oregon Tech prevention efforts.
- Create schedule for awareness events and education

Education and Training subcommittee

- Reviews training materials and revises as needed
- Creates training plans for campus stakeholders

Current institutional challenges to compliance

Staffing

- Due to the increasing requirements both federal and state the Title IX Coordinator position should be a 1.0 FTE
- In-house investigators allow for timely resolution of claims as third-party investigators have much higher caseloads and the Title IX Coordinator has little control over how work is delegated.

Interference

- Current investigations have been slowed by union challenges
- Union representation has sought additional rights that endanger the neutrality and equity of the investigative process.
- Union representation have conducted themselves in a manner that could have a chilling effect on campus reporting.



Questions?

Agenda Item 3.1

Proposed 2024-25 Institutional Goals

1. Achieve new freshman growth in new freshman in Fall 2025 at a rate at or above the most recent three-year averages (currently at 5%).
2. Achieve a 1% increase in retention of new undergraduate students, from the current level of 70% to 71%.
3. In partnership with Oregon Tech Foundation, raise \$5,000,000 between annual and capital campaign gifts.
4. Conduct a space utilization plan for the university, including repurposing the current residence hall in alignment with the university's Facilities Master Plan.
5. (i) Develop and launch the Health & Wellness initiative and a plan for its long-term sustainability in collaboration with community partners and state agencies and (ii) initiate the concept of a School of Medicine at Oregon Tech.

The above goals are to be pursued while giving continued attention to the following:

- implementing the University's Strategic Plan and Academic Master Plan,
- elevating a healthier and thriving campus culture by implementing the ongoing action steps,
- building strong leadership at all levels,
- elevating the importance of faculty, staff, and student retention at all levels of the university, and
- continuing campuswide engagement among faculty, staff, and students through implementation of shared governance initiatives and collaboration.