

DEFINITIONS

Actual Knowledge: Notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the recipient.

Amnesty: A student making a report to the Title IX Coordinator, or someone who assists another in making a report, may be eligible for Amnesty for drug or alcohol related violations or violations related to trespassing or unauthorized entry of school facilities, or other violations of the Student Code of Conduct that occurred on or around the same time as the incident or that was in connection with the incident, unless that misconduct threatens the health or safety of another or constitutes an egregious violation. A student will not be disciplined for violations of the University's drug and alcohol policies that occurred in connection with the disclosed prohibited conduct that were discovered as a result of a prohibited conduct disclosure or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Coercion/Force: Consent cannot be procured by physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. Coercion can involve pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.

Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

Complainant: Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this policy, and who was participating in a University program or activity at the time of the alleged misconduct.

Confidential Resources: any individual identified by the University who receives information about conduct prohibited under this policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

Consent: Knowing, voluntary and mutual decision among all participants to engage in sexual activity, expressed in words or actions. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct with that person or people.

Individuals may experience the same interaction in different ways. Therefore, each party is responsible for determining that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word

or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Past consent does not imply future consent. A current or previous dating relationship is not sufficient to constitute consent.

The existence of consent is based on the totality of the circumstances, evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred. Silence or the absence of resistance alone is not consent. In Oregon, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity except in limited circumstances dictated by law.

Consent can be withdrawn at any time during sexual activity through reasonable and clear communications through words or actions. When consent is withdrawn, sexual activity must stop.

Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

Days: Business days when the University is open.

Decision-maker: Trained professional designated by the University to decide responsibility, sanction, or appeals. A Decisionmaker may be one person, or a panel of multiple people as determined by the University.

Employee: A part-time or full-time faculty member, instructor, administrative staff member, or hourly staff member. For this policy's purposes, full-time or part-time students working in a student employment job at the University are defined as students rather than employees.

Education Program or Activity: University's "education program or activity" includes all campus operations, including off-campus settings that are operated or overseen by the University, including, for example, field trips, online classes, and athletic programs; conduct subject to the University's disciplinary authority that occurs off-campus; conduct that takes place via University-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, the University. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

Finding: A written conclusion by a preponderance of the evidence, issued by an Investigator, that the conduct did or did not occur as alleged.

Formal Complaint: A document filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that Linfield University initiate a resolution process under this policy.

Incapacitation: Occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

Under this policy, the University will consider whether a Respondent knew or should have known the Complainant to be incapacitated, based on an objective, reasonable person standard that assumes the reasonable person is both sober and exercising sound judgment. The fact that the Respondent was unaware of the Complainant's incapacity due to the Respondent's own drug or alcohol use shall not be considered as an excuse.

No-Contact Directive: A No-Contact Directive is a document issued by a University administrator that is designed to limit or prohibit contact or communications between the Parties. A No-Contact Directive will be mutual between Parties.

Notice: All notices under this policy are written and sent to the student or employee's assigned University email address.

Party/Parties: Referring to Complainant (s), Respondent(s), or both/all Complainant (s) and Respondent(s).

Process Advisor: Each party has the right to choose and consult with a Process Advisor of their choice at their own expense. The Process Advisor may be any person, including a friend, family member, therapist, union representative, or an attorney. The University will not limit their choice of Process Advisor. Parties in this process may be accompanied by a Process Advisor of choice to any meeting or proceeding to which they are required or are eligible to attend.

Except where explicitly stated by this policy, Process Advisors shall not participate directly in the process. University will provide the Parties equal access to Process Advisors; any restrictions on Process Advisor participation will be applied equally.

The Process Advisor may not represent, advocate, or speak on behalf of a Complainant or Respondent. A Process Advisor may not disrupt or impede any resolution proceeding.

Remedies: Measures provided, as appropriate, to a Complainant or any other person the University identifies as having had their equal access to the University's education program or activity limited or denied by sex discrimination or other prohibited conduct covered by this policy. These measures are provided to restore or preserve that person's access to the education program or activity after a University determines that sex discrimination occurred. Only the Complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for the implementation of remedies.

Report: A report of an alleged incident of Prohibited Conduct to the Title IX Coordinator or an official of the University with authority to institute corrective measures on behalf of the University.

Respondent: an individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

Sanctions: One or more of the sanctions or disciplinary steps listed here may be imposed on a Respondent who is found responsible for a violation of University's policies. Sanctions or disciplinary steps not listed here may be imposed in consultation with the Title IX Coordinator.

The form of sanction or discipline used depends on the offense and any prior disciplinary history. Such discipline or sanction will be imposed

pursuant to and in accordance with all applicable University rules, policies, and procedures. Factors considered when determining a sanction/responsive action may include:

The nature, severity of, and circumstances surrounding the violation.

- An individual's disciplinary history.
- Previous resolutions or allegations involving similar conduct.
- The need for sanctions/responsive actions to bring an end to the sex discrimination or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination or retaliation.
- The need to remedy the effects of the sex discrimination or retaliation on the victim and the campus community.

Student: All persons taking courses at Linfield, either full-time, part-time or online. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with Linfield, or who have been notified of their acceptance for admission are considered "students" as are persons who are living in Linfield University Housing, although not enrolled in Linfield.