



## **Annual Safety & Security Report**

**2017**

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## Table of Contents

Introduction .....	3
Our Facilities and Locations .....	3
Staff Teams .....	4
Interaction with Law Enforcement.....	4
Crime Statistics .....	5
Emergency Notification System, Timely Warning & Response .....	7
Reporting Crimes or Other Emergencies.....	8
Reporting Procedures for Non-discrimination, Sexual Misconduct Violence & Sexual Harassment	9
Anonymous Reporting of Crimes.....	9
Security and Access .....	12
Campus Law Enforcement .....	12
Accurate and Prompt Reporting .....	12
Voluntary Confidential Reporting Procedures .....	13
Programs and Education .....	13
Monitoring and Recording .....	16
Non-Campus Locations of Student Organizations.....	16
Drugs and Alcohol .....	16
College Policy/Standards of Conduct.....	16
Sexual Assault, Domestic Violence, Dating Violence, & Stalking .....	20
Definitions.....	20
Reporting & Response to Victims of Sexual Assault/Sexual Violence, Dating Violence, Domestic Violence, and Stalking.....	21
Emergency Response & Victim Evacuation .....	33
Missing Student Notification .....	34

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## Introduction

In compliance with the Federal Campus Crime Awareness and Campus Security Act of 1999 (Clery Act), Blue Mountain Community College (BMCC/the College) is pleased to present this report on crime awareness and campus public safety. The report is available by October 1 for the prior calendar year and a copy may be obtained from our website (<http://www.bluecc.edu/support-services/safety>) and other locations on the Pendleton campus and each of our centers. This report, along with our College website, provides statistical information that includes reported crimes for the previous three years, as well as information on the role of the Facilities Department, Safety Committee, Incident Command Team, and Behavioral Intervention Team in ensuring the main campus and all centers of the College District are safe, secure, and foster an environment conducive to the pursuit of higher education. The Annual Security Report is prepared yearly by the Safety Officer, in cooperation with other individuals and departments that can contribute pertinent information. Staff preparing this report follow the guidelines established in the Department of Education's Handbook for Campus Safety and Security Reporting, as published each year. Data is provided through the College incident reporting system (MAXIENT), and local fire and law enforcement agencies. An audit process will be conducted each year to ensure data is reported accurately and in compliance with federal law.

## Our Facilities and Locations

BMCC is comprised of one campus in Pendleton and four centers located in Boardman, Hermiston, Milton-Freewater, and Baker City. In addition to the College, the campus community includes Eastern Oregon University in Pendleton and Hermiston, and Oregon State University Extension in Pendleton, which rent space in buildings on our campus and center. Every effort has been made to include these partners in our emergency and safety planning. Fire and safety drills are coordinated with all internal departments as well as with any tenant agencies.

The College includes no on-campus housing or College-owned, operated, or maintained off-campus housing. Classes are conducted primarily on our Pendleton campus and Centers. Occasionally, classes are conducted off-site at pre-determined locations throughout the District. The College District is defined as Umatilla, Morrow, and Baker counties. To serve our wider community, classes are very occasionally conducted outside of the College's official District. These areas may include Grant, Wallowa and Union counties in Oregon. The College operates Centers Out of District (CODs) in Grant and Union counties. Emergency services to any off-site location will be provided by the closest local authorities.

The Pendleton campus of Blue Mountain Community College is located at 2411 NW Carden Ave., Pendleton, Oregon, on a scenic 140-acre hilltop site that includes a 100-acre farm. The campus overlooks Pendleton, a city of 16,800 residents, located 210 miles east of Portland and nearly equal distance from Spokane, Washington, and Boise, Idaho. This campus includes eight buildings that are maintained by the College for instructional and staff purposes, sheds and storage areas. There are also 12 paved parking lots and 2 paved parking areas. The Pendleton campus also includes 1 baseball and 1 softball field on-site. The College baseball field is located south of the main Campus on property owned by the City of Pendleton.

Located 30 miles west of the Pendleton campus, the Hermiston Center (980 SE Columbia Drive) serves the western region of the College District and has two buildings and two paved parking lots. The Milton-

Freewater Center is located five miles south of the Oregon-Washington state line on State Highway 11 (311 N. Columbia). This center occupies one building and one paved parking lot. The Baker County Center, at 3275 Baker Street in Baker City, is located 96 miles east of Pendleton and also has one building and one parking lot. The Workforce Training Center in Boardman (251 Olson Road) is located 45 miles west of Pendleton and also has one building and one parking lot.

## **Staff Teams**

Although each staff and faculty member receives training and guidance on emergency procedures, the departments, committees, and teams that most directly engage with the safety and security aspects of the College are the Safety Officer, the Safety Committee, the Behavioral Intervention Team, and the Emergency Response and Crisis Management team.

The Vice President of Administrative Services also serves as the Safety Officer at this time and reports directly to the President

The Safety Committee is made up of volunteer individuals who each represent different College departments and locations. The Committee reviews incident reports regarding injuries, accidents, and theft, conducts safety reviews, and discuss safety concerns at monthly meetings. A student presence has been asked for at these meetings, but is difficult to maintain.

The Behavioral Intervention Team (BIT) exists to serve as a proactive resource both internally and externally designed to address individuals of concern threats, and/or incidents. The team is designed to be a centralized, coordinated, caring, development intervention, and prevention mechanism. The BIT team is primarily responsible to facilitate threat awareness, assessment, prevention, reporting, and response training for all staff, faculty, and students. The team develops, distributes, and maintains campus safety information, materials, and tools for college wide use. The BIT team is comprised of designated staff which includes the Title IX Coordinator, Health and Wellness Resource Center representatives, and those designated as Student Conduct Officer.

The Emergency Response and Crisis Management (ERCM) team is a group including most of the administrators and directors of the College, along with certain key individuals. In the event of a manmade or natural disaster, or other emergency event, the ERCM team is trained to respond to help coordinate the lockdown, lockout, evacuation, and sheltering of staff, faculty, students, tenant agency personnel, and the public on our campus and centers until local authorities can respond. After authorities respond, the ERCM team is trained to coordinate with those authorities to ensure safety and security of all personnel.

## **Interaction with Law Enforcement**

The Safety Officer enjoys a professional and productive relationship with local law enforcement. Law enforcement services at each of our locations is provided by the city or county in which the building resides. All departments are full-service municipal law enforcement agencies that provide routine patrol in and around the College locations, and have a typical response time to the main campus and centers of 3-5 minutes. The department also cooperates with county, state and federal law enforcement agencies in the investigation of crimes and response to incidents that fall within their jurisdiction. All incidents requiring law enforcement response or investigation are referred to the

appropriate agency by the Safety Officer, or any staff or faculty member who witnesses an incident.

To enhance cooperative efforts and response to incidents on campus, a representative of the Pendleton Police Department is a member of the BIT team and all local police departments are included in the planning and execution of annual staff training.

All departments participate in a variety of College community activities to promote the prevention of crime as well as safety and security principles. Annual trainings are held, the College hosted a regional Safety Summit in January 2016. The College has also offered self-defense training with the Pendleton Police Department for interested employees.

The Vice President of Administrative Services also acts in an advisory capacity to the College by reviewing new construction and other campus building projects to help ensure they meet expected safety and security requirements. Staff are available to conduct safety inspections as well as conduct crime preventive and personal safety presentations to individual departments. The College conducts annual emergency trainings. Trainings to date have included lockdown, fire evacuation, chemical explosion, and tabletop active shooter. All training is conducted in coordination with local police and fire departments. The Safety Officer maintains a record of all trainings. This record included the time and date of the training. Per the advice of our insurance carrier, all drills are announced. According to Administrative Procedure 01-2006-0017, Safety Program, the Safety Officer will be responsible for writing and implementing a safety program. The written program shall include reporting procedures and in-service safety training programs. Section VI: Training and Mock Disasters of the Emergency Response and Crisis Management Plan recommends that the college plan and execute a minimum of one mock disaster each calendar year. The Title IX Coordinators have received training offered on performing investigations by the Oregon Department of Education and the Sexual Assault Task Force. The College also hosts sexual assault and domestic violence awareness month lectures and events on campus each April. Annual training occurs each fall for all employees on sexual assault/harassment and reporting requirements. This training is administered through SafeColleges and completion of the training is documented within the system.

## Crime Statistics

Data for the last 3 academic years is available on the BMCC website at <http://www.bluecc.edu/support-services/safety/annual-security-reports>. This data is gathered from local law/fire enforcement and MAXIENT. The report for each campus and center is separate and includes adjacent public property. Data for the 2014, 2015, and 2016 calendar years is included in the tables below.

2016

Incident Type	Pendleton	Hermiston	Milton-Freewater	Boardman	Baker City
Murder (any degree)	0	0	0	0	0
Manslaughter (any type)	0	0	0	0	0
Sex Offenses (forcible)	0	0	0	0	0
Sex Offenses (non-forcible)	0	0	0	0	0
Robbery	0	0	0	0	0
Assault (aggravated)	0	0	0	0	0

Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Dating Violence	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Stalking	0	0	0	0	0
Hate Crimes	0	0	0	0	0

2015

Incident Type	Pendleton	Hermiston	Milton-Freewater	Boardman	Baker City
Murder (any degree)	0	0	0	0	0
Manslaughter (any type)	0	0	0	0	0
Sex Offenses (forcible)	0	0	0	0	0
Sex Offenses (non-forcible)	0	0	0	0	0
Robbery	2	0	0	0	0
Assault (aggravated)	0	0	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Dating Violence	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Stalking	0	0	0	0	0
Hate Crimes	0	0	0	0	0

2014

Incident Type	Pendleton	Hermiston	Milton-Freewater	Boardman	Baker City
Murder (any degree)	0	0	0	0	0
Manslaughter (any type)	0	0	0	0	0
Sex Offenses (forcible)	0	0	0	0	0
Sex Offenses (non-forcible)	0	0	0	0	0
Robbery	0	0	0	0	0
Assault (aggravated)	0	0	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Dating Violence	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Stalking	0	0	0	0	0
Hate Crimes	0	0	0	0	0

## **Emergency Notification System, Timely Warnings & Response**

### **Emergency Notification System**

BMCC initiates its Emergency Notification System (ENS) to notify the College community upon confirmation of a significant emergency or dangerous situation that involves an immediate threat to the health or safety of students or employees. Examples of significant emergencies or dangerous situations include outbreak of serious illness, approaching extreme weather conditions, earthquake, gas leak, terrorist incident, armed intruder, bomb threat, civil unrest or rioting, explosion, nearby chemical spill, or fire.

Notification of the College community will be authorized by the Vice President of Public Relations in consultation with the Vice President of Administrative Services and the College President. In their absence, the following have the authority to access and initiate the ENS, in consultation with a ranking college officer:

- Director of Marketing
- Director of Facilities
- Director of Human Resources
- Dean of CTE & Community Education
- Dean of Student Student Development & Success

For less serious incidents that pose no immediate threat, the President, any Vice President, or their designee may authorize activation of the ENS and will dictate the contents of the message and to whom the message will be sent.

Standard notification procedures will be issued without delay, but may be altered if emergency response authorities determine it would compromise efforts to assist a victim or compromise efforts to contain, respond to, or otherwise mitigate the emergency.

The ENS consists of text messages, email, voice messages, social media posts, and/or website post simultaneously sent to students and employees. Contact data is taken directly from contact information provided by employees and students in the AIS system. It is imperative students and employees update their contact information on a regular basis should there be any changes.

A separate component of the ENS consists of a notification through a message that overrides all or select computer screens on the College network.

A test of the ENS text messaging system is conducted annually.

## **Timely Warnings**

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and its implementing regulations require colleges to disclose information about crime on and around their campuses. Reports of Clery crimes received by College authorities or local police agencies that occur within the College geography, and are considered to represent a serious or continuing threat to students and employees, constitute the issuance of a Timely Warning. The purpose of the Timely Warning is to enable people to protect themselves and their property. The warning will be issued as soon as pertinent information is available. Warnings may also be issued for crimes that occur outside the College geography that may pose a threat to the College community. The decision on whether a warning will be issued will be determined on a case-by-case basis. The College President, Vice President of Public Relations, and Vice President of Administrative Services or their designees will make the determination as to whether a warning will be issued, which segment(s) of the College community will receive the warning, the content of the warning, and the method of the warning.

## **Dissemination of Information to Individuals Outside the College Community**

Information released to the media and via social media is coordinated by the Vice President of Public Relations. Pertinent information is shared outside the College community utilizing BMCC social media pages, contact with local media, and postings on the BMCC website. The Vice President of Administrative Services coordinates dissemination of pertinent information to local law enforcement and emergency response agencies through the Umatilla County Dispatch Center.

## **Reporting Crimes or Other Emergencies**

Students, staff and visitors are encouraged to report all crimes and occurrences to police and staff, if applicable, in an accurate and prompt manner. If a student, staff member, or visitor reports a crime or occurrence of a serious nature, law enforcement or emergency services will be contacted by the staff member to whom the event was reported. The BIT team, ERCM team, and Safety Committee may also be notified and asked to assess, comment upon, or draft policy changes in response to the event.

All students, staff, and visitors may report incidents of crime using MAXIENT or by notifying any staff member. If necessary, law enforcement or emergency services will be notified. For after-hours concerns, students should notify law enforcement for emergency concerns. All non-emergency situations should be reported via MAXIENT.

Certain crime statistics, as required by the Federal Campus Crime Awareness and Campus Security Act of 1999 (Clery Act), are reported to the United States Department of Education each October 1 and are made available to all students, staff, faculty and visitors through our website and printed materials such as this report. ALL crimes and accidents are to be reported by submitting an accident/incident report by the victim and any witnesses, including staff members to whom the event was reported. Emergencies should first be reported by calling 9-1-1 to alert emergency responders.

The College is authorized for response and investigation of incidents by authority granted by the Board of Education. The Safety Officer and other safety-trained staff actively engage and collaborate with emergency service partners from the local communities of our locations in the response,



investigation and mitigation of crimes and serious incidents throughout the College District. Additional incident-specific response protocols are addressed throughout this report and may also be found in, but not limited to, the following locations:

- [BMCC Emergency Response and Crisis Plan](#)
- [BMCC's Safety webpage](#)

## **Reporting Procedures for Non-discrimination, Sexual Misconduct/Violence and Sexual Harassment**

All new students and employees receive information with regard to Title IX, safe campuses, and reporting concerning behavior as part of their required New Student/Staff Orientation and is included each year in the BMCC Student Handbook. All statistics may be found on the BMCC website at <http://www.bluecc.edu/support-services/safety/annual-security-reports>. Additional information is listed at the following locations:

- <http://www.bluecc.edu/enrollment-services/forms-and.../student-handbook>
- <http://www.bluecc.edu/support-services/safety>
- <http://www.bluecc.edu/support-services/information/public-safety/public-safety-policy-statements/student-right-to-know-information>
- <http://www.bluecc.edu/support-services/information/public-safety/public-safety-policy-statements/affirmative-action-statement>
- <http://www.bluecc.edu/support-services/information/public-safety/public-safety-policy-statements/drug-and-alcohol-statement>
- <http://www.bluecc.edu/support-services/information/public-safety/public-safety-policy-statements/sexual-harassment-policy>
- <http://www.bluecc.edu/support-services/support/student-health-wellness-resource-center>

Incidents may be reported to, but are not limited to the following:

- Local emergency services – 9-1-1
- Safety Officer
- Behavioral Intervention Team
- Safety Committee (names and identifying information are redacted on reports before committee review)
- President's Office
- Dean of Student Development & Success
- Title IX Officer

### **Anonymous Reporting of Crimes**

Crimes and incidents may be reported accurately and promptly without providing identifying information by contacting the Safety Officer via telephone 541-278-5850, email [tparker@bluecc.edu](mailto:tparker@bluecc.edu), or through Maxient.

Please keep in mind that some incidents reported cannot remain confidential due to Clery Act federal mandates. Victims of crimes are offered, and encouraged, to contact the local police department in addition to their report to College authorities. College authorities will report to local law enforcement all mandatory reporting incidents (juvenile victims of abuse or assault) or incidents where

determination has been made that notification of local law enforcement is necessary to maintain the safety, security, and conditions favorable to an educational setting. Additional information on anonymous or confidential reporting of sexual violence, misconduct or harassment may be found in the "Sexual Assault Prevention and Response", sections of this report. As provided under law, anonymous reports of incidents, when applicable, will be included in the statistical data reported in the Annual Security Report (this document).

Not only does BMCC request all crimes to be reported, BMCC requests all Clery Act reportable crimes be given special consideration for reporting in compliance with federal law, timely warnings, and emergency notifications. The following crimes are Clery Act-reportable crimes:

- Criminal Offenses
- Criminal Homicide, including Murder and Non-Negligent Manslaughter, and Manslaughter by Negligence;
- Sexual Assault, including Rape, Fondling, Incest and Statutory Rape;
- Robbery;
- Aggravated Assault;
- Burglary;
- Motor Vehicle Theft;
- Arson
- Hate Crimes
- Any of the prior mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias.
- Arrests and Referrals for Disciplinary Action: Alcohol, Narcotics, & Weapons
- Any unlawful possession or use of weapons and unlawful actions involving alcohol or narcotics.
- Violence Against Women Act (VAWA) Offenses
- Any incidents of Domestic Violence, Dating Violence and Stalking, (note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes).
- Oregon State Laws (Dating Violence, Domestic Violence Sexual Assault and Stalking)
- Stalking (Oregon Revised Statute 163.732)
- A person commits the crime of stalking if:
  - The person knowingly alarms or coerces another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person;
  - It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and
  - The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.
- Domestic Violence/ Dating Violence - The State of Oregon does not have separate laws governing domestic law, but rather they fall under general laws on assault.
- Sexual Assault (Oregon Revised Statutes 163.305 - 163.479)
  - First-degree Rape or Sodomy: forcing another person to have sex, or having sex (or having or causing deviate sex for sodomy) with any of the following: a person under 12 years of age, a person under 16 years of age who is a sibling, of whole or half blood,

or the offender's child or spouse's child, or a person incapable of consent due to mental defect, mental incapacitation, or physical helplessness.

- Second-degree Rape or Sodomy: having sex (or having or causing deviate sex for sodomy) with a person under 14 years of age.
- Third-degree Rape or Sodomy: having sex (or having or causing deviate sex for sodomy) with a person under 16 years of age.
- First-degree Unlawful Sexual Penetration: penetrating the vagina, anus, or penis of another person with any object other than the penis or mouth of the offender, either by force or to a victim under 12 years of age or incapable of consent due to mental defect, mental incapacitation, or physical helplessness.
- Second-degree Unlawful Sexual Penetration: same elements as first degree Unlawful Sexual Penetration but with a person under 14 years of age.
- Purchasing Sex With a Minor: paying, offering, or agreeing to pay to have sex or sexual contact with a person under 18 years of age.
- First-degree Sexual Abuse: forcing another person to have sexual contact or having sexual contact with a person under 14 years of age or a person incapable of consent due to mental defect, mental incapacitation, or physical helplessness, or intentionally causing a person under 18 years of age to touch the mouth, anus or sex organs of an animal to arouse or gratify a person's sexual desires.
- Second-degree Sexual Abuse: having sex or deviate sex, or penetrating the vagina, anus or penis of another person with any object other than the penis or mouth of the offender, without consent, or committing third degree Sexual Abuse (see below) and the offender is 21 years of age or older and was also the victim's coach at any time prior to the crime.
- Third-degree Sexual Abuse: having sexual contact without consent or with a person under 18 years of age, or intentionally propelling any dangerous substance at a victim without the victim's consent to arouse or gratify a person's sexual desires.
- First-degree Online Sexual Corruption of a Child: committing second degree Online Sexual Corruption of a Child (see below) and intentionally taking a substantial step towards physically meeting the child.
- Second-degree Online Sexual Corruption of a Child: the offender is 18 years of age or older and knowingly uses online communication to solicit sexual contact or sexually explicit conduct from a child and offers or agrees to physically meet the child.
- Contributing to Sexual Delinquency of a Minor: the offender is 18 years of age or older and has sex or deviate sex with a person under 18 years of age or causes that person to have deviate sex.
- Sexual Misconduct: having sex or deviate sex with an unmarried person under 18 years of age.
- First-degree Custodial Sexual Misconduct: same elements as second degree Custodial Sexual Misconduct with the addition of deviate sex or penetration of the vagina, anus or penis of another person with any object other than the offender's penis or mouth.
- Second-degree Custodial Sexual Misconduct: having sex with another person, while in a position of supervisory authority, and with knowledge the person is either in legal custody, in a correctional facility, participating in a work program, or on probation, parole, post-prison supervision or other form of conditional or supervised release within the same state agency.
  - Unlawfully Being in a Location Where Children Regularly Congregate: prior designation in a certain class or classes of sex offenders and knowingly entering or remaining in or upon places where persons under 18 years of age regularly gather.

- Unlawful Contact With a Child: prior designation in certain class or classes of sex offenders and knowingly contacting a child with the intent to commit a crime or to arouse or satisfy a person's sexual desires.

ORS Definitions:

A "minor" is a person under 18 years of age.

A "child" is a person under 16 years of age.

## **Security and Access**

Campus buildings contain both public areas, open to public access during open hours, restricted areas, only open to staff and faculty during open or closed hours, and secure areas, only open to facilities staff, College Leadership (President and Executive Leadership Team), or those personnel deemed to have a need to access that area. For example, the Business Services offices are secure areas accessible only by facilities, College Leadership, the AVP of Business and Finance Operations and staff in this Department. Faculty are given access to rooms in the buildings in which they teach. Access, depending on the building, is either by coded key card or key. Law enforcement is supplied with master keys and card keys to aid in access during an emergency.

In the event of a lockdown or lockout event, active shooter situation, or other on-campus emergency that warrants such action, all faculty and staff are trained to secure their offices and classrooms by locking interior doors. Main doors are locked by facilities.

## **Campus Law Enforcement**

None of BMCC's locations have on-campus law enforcement or safety patrol officers. The Safety Officer will be called in the event of an on-campus or center emergency. The Safety Officer takes referrals either on an immediate and emergency basis, to assist while police are on the way, or for general concerns that can be addressed in a non-emergent setting. Local law enforcement, fire, EMT/paramedic/rescue, or other agencies are called immediately in the event of any emergency on campus or at a center. Response time is typically 3-5 minutes. Drills with local law enforcement, fire and rescue have been conducted on a regular basis, as are campus safety and fire drills, in accordance with the College's safety plan and all applicable local, state, and federal ordinances.

In 2017, partly in response to events at Umpqua Community College and other campuses around the nation, BMCC redoubled its effort to have clear guidelines for on-campus incidents that might involve a natural or man-made disaster, active shooter, or other crisis.

## **Accurate and Prompt Reporting**

BMCC encourages all students, staff, faculty, and community members using our campus or centers to report any and all crimes witnessed or experienced on our campus or centers. A list of specific crimes that are Clery Act-reportable is given above in the section titled "Reporting Crimes and Other Emergencies." However, any crime, whether it is Clery Act-reportable or not, will be addressed. A breakdown of incident and accident reporting procedures follows:

- Emergency Crime or Incident/Accident-911 and or emergency response called, Safety Officer called as necessary and appropriate. Incident/Accident reporting through MAXIENT is

required for any staff or faculty involved. If the emergency is the result of a crime that is Clery Act reportable, it will be reported and included in the crime statistics for the appropriate calendar year. Students will be notified in accordance with applicable policies.

- Non-Emergency, Clery Act Reportable-Appropriate health, safety, law, or fire personnel will be contacted, and the Safety Officer will be notified. Incident/Accident reporting through MAXIENT is required for any staff or faculty involved. It will be reported and included in the crime statistics for the appropriate calendar year. Students will be notified in accordance with applicable policies.
- Non-Emergency, Non-Clery Act Reportable-Appropriate health, safety, law, or fire personnel will be contacted, and the Safety Officer will be notified. Incident/Accident reporting through MAXIENT is required for any *staff* or faculty involved. It will not be reported or included in the crime statistics for the appropriate calendar year. Students may or may not be notified in accordance with applicable policies, dependent upon the nature of the crime, incident, or accident, and whether or not the President or designee(s) determine a need-to-know exists for students to maintain safety and security.
- Any crime, incident, or accident that causes an incident/accident report to be filed will be reviewed (names and personally identifiable information redacted) by the Safety Committee, and may be reviewed by BIT (names and personally identifiable information may or may not be redacted) as necessary.

### **Voluntary Confidential Reporting Procedures**

Students are encouraged to view all BMCC employees as safe individuals to whom they can ask for help in addressing criminal or abusive situations in which they may be a victim. In accordance with Oregon mandatory reporting laws (ORS 4198.005), all college staff and faculty are mandatory reporters and will report crimes or incidents that meet the threshold of the mandatory reporting requirements, but all available efforts will be made to protect the student's confidentiality under the Federal Education Rights and Privacy Act of 1974 (FERPA, Buckley Amendment), and the student's wish to remain anonymous and/or protected from their abuser(s). Crimes or incidents that do not meet the threshold of mandatory reporting requirements will be held in confidence, if requested by the student, unless the staff or faculty member perceives an imminent harm to the student, self, or another person.

Crime statistics reported as a part of the Clery Act are "blind statistics," meaning only the number and nature of the crime is reported, not the names of involved parties.

### **Programs and Education**

Every BMCC student must complete the online New Student Orientation. In this, students are informed about Title IV, VaWA, SaveAct, and encouraged to be familiar with their rights and responsibilities as described in the BMCC Student Handbook. They are also encouraged to read through the Emergency Response Manual for the campus or center at which they attend classes, and to view the tips on personal safety and security on the BMCC website. Staff and faculty are required to be familiar with the Emergency Response Manual for the campus or center at which they teach or work.

Awareness posters are distributed in all BMCC buildings on a quarterly basis. These posters include “See Something, Say Something”, “Sexual Assault is a Crime”, and information on sexual assault and how to report is posted at all times in all restrooms. Business size take away cards are included with the restroom informational poster and are available in both English and Spanish

All new students participating in Welcome to the Pack in the fall are provided with a pamphlet that includes the following examples of safe and positive options for bystander intervention that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking (this information is also available on the website):

- Never put yourself in a dangerous situation. Do not try to mediate.
- Call 911 or the BMCC Health & Wellness Resource Center if you witness an assault on college property.
- Encourage friends to report abuse. Be supportive, don’t judge
- Be aware, speak-up and get involved.
- Watch out for your friends.
- If you see someone in trouble, ask if they are OK.
- If you see a friend doing something wrong, speak out.
- Do not laugh at offensive or disrespectful jokes.

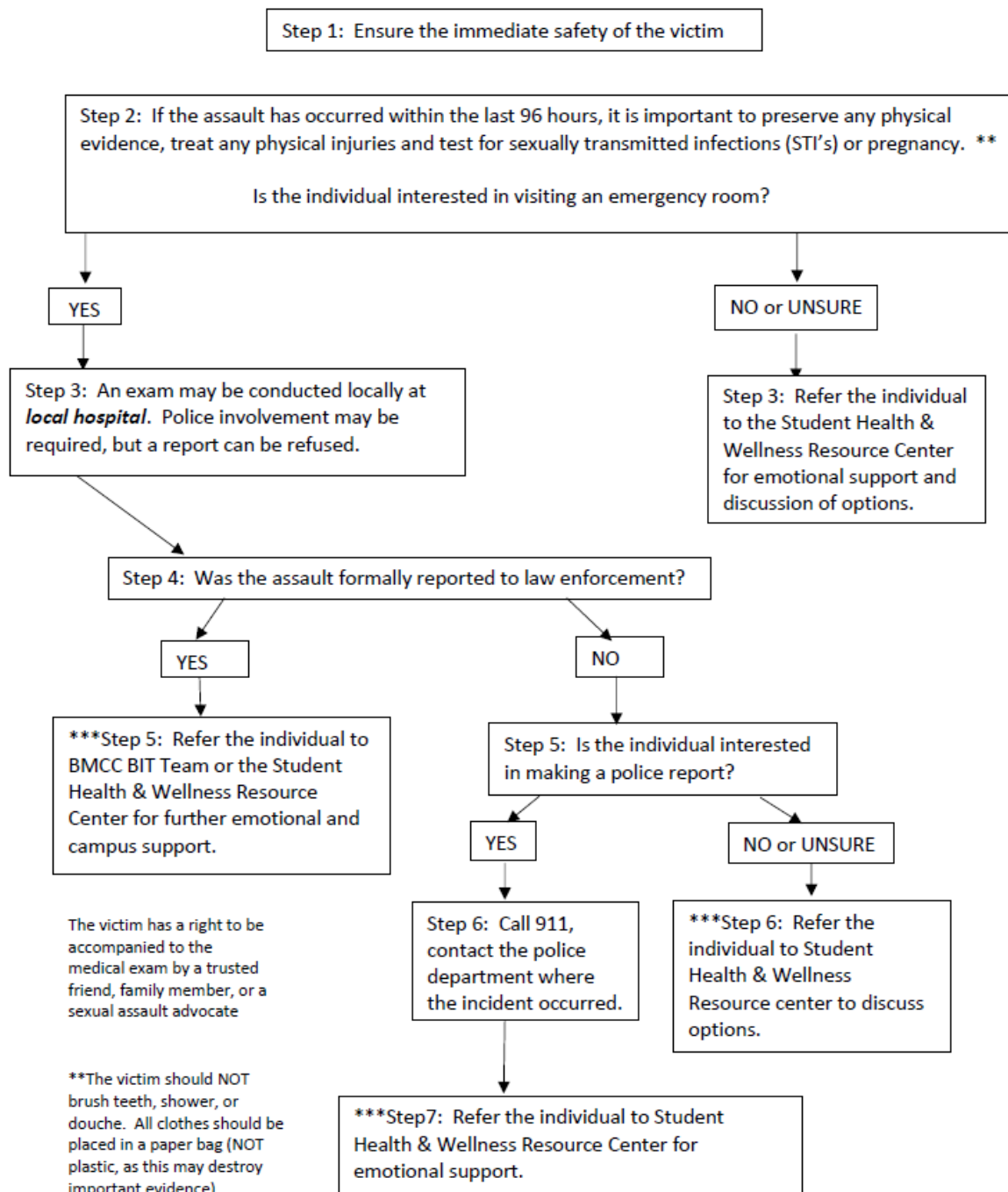
The pamphlet also provides the definitions for sexual assault, domestic violence, dating violence, stalking and consent.

The pamphlet also provides information on risk reduction:

- Avoid traveling alone at night
- Use the “buddy system”
- Report all suspicious persons, vehicles and activities to the BMCC Safety Officer or any BMCC employee
- If you are on an elevator with someone who makes you feel uneasy, get off.
- Trust your instincts. If you think something’s not quite right, go where there are other people.
- Always watch your drink, do not accept beverages from someone you do not know or trust.
- Leave social events with friends, not with someone you just met.
- Look inside your car before you get in.
- Do not hitchhike or pick-up hitchhikers.
- Be aware of your surroundings. Don’t walk and text.
- All staff are provided with an information pamphlet on how to make a referral and how to respond to someone who has been sexually assaulted. This includes the following:
  - Don’t panic. Remain calm and concerned
  - Respect the language the student uses to identify what’s happened.
  - Understand that individuals from different cultural backgrounds may express or experience their reactions to an assault in different ways.
  - Believe and support the student
  - Remind the student that they are not at fault
  - Allow the student to make his/her own decisions.

Additionally, staff are provided with the following quick reference card for assistance:

## Responding to Sexual Assaults Within 96 Hours



The victim has a right to be accompanied to the medical exam by a trusted friend, family member, or a sexual assault advocate

\*\*The victim should NOT brush teeth, shower, or douche. All clothes should be placed in a paper bag (NOT plastic, as this may destroy important evidence).

\*\*\*At this time, you should also be prepared to clarify and explain any reporting mandates for your unit to the student. Follow any required reporting guidelines.

BMCC is an equal opportunity educator and employer.  
For complete EEO disclosure statement please go to [www.bluecc.edu/EEO](http://www.bluecc.edu/EEO)

## **Monitoring and Recording**

BMCC is currently working on integrating additional, mandatory safety training into its online New Student Orientation, which will be required of all incoming students once implemented. Human Resources provides various safety trainings as part of the on-boarding for new staff.

Quarterly reports are provided to the President and Cabinet regarding the number and types of incidents reported.

## **Non-Campus/Center Locations of Student Organizations**

BMCC currently has no non-campus locations for student organizations.

## **Drugs and Alcohol**

Blue Mountain Community College is a drug and alcohol free campus. Tobacco and inhalant delivery systems are prohibited in all enclosed facilities owned by, leased by, and/or under the control of BMCC. Tobacco and inhalant systems are permitted in outdoor areas (unless posted otherwise), except in eating areas and during organized events. The drug and alcohol free statement and administrative procedure can be found on and alcohol abuse and prevention, including health risks, can be found on BMCC's website at <http://www.bluecc.edu/support-services/information/public-safety/public-safety-policy-statements/drug-and-alcohol-statement>

The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) require an institution of higher education (IHE) such as Blue Mountain Community College to certify it has implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs both by BMCC students and employees both on its premises and as a part of any of its activities. BMCC is committed to maintaining a drug-free institution to create a safe and healthy campus and work environment and to assist its students and employees who may have problems with drugs or alcohol. In compliance with the DFSCA, the College provides for the campus community information covering the following areas:

- Standards of conduct related to drugs and alcohol for students and employees
- Disciplinary and legal sanctions for students and employees in violation of policy
- Description of the health risks associated with illicit drug use and alcohol abuse
- Description of drug and alcohol programs that are available to students and employees

## **College Policy/Standards of Conduct**

The College prohibits the unlawful manufacture, distribution, dispensation, possession or use of alcohol or illicit drugs in the workplace. Being under the influence of alcohol or illicit drugs to any degree by any employee or student in or about the College buildings, on the College premises, or while performing any duties for the College is prohibited and is cause for discipline and/or dismissal. Alcohol may be consumed on the campus only upon the written consent, obtained before usage, of the President and in accordance with administrative procedure #01-2005-0001 "Alcohol at BMCC Events". BMCC, as an institution of higher education receiving federal funds or financial assistance must develop and implement a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by employees and students.



Following is BMCC's Administrative Procedure 03-2006-0003 (Drug and Alcohol-Free College):

**Procedure Title: Drug and Alcohol-Free College**

**Procedure Number: 03-2006-0003**

**Board Policy Reference: IV.A.**

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**Purpose/Principle/Definitions:**

In compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and the Drug-Free Schools and Communities Act Amendment of 1989 (Public Law 101-226), it shall be the policy of Blue Mountain Community College to maintain a drug-free college for all employees and students. In accordance with ORS 475.300 -475.346, BMCC's Drug and Alcohol Free College Policy includes prohibiting the use of medical or recreational marijuana on any campus property or for any campus-sponsored class, activity or event regardless of location. It is the responsibility of the College to notify students and staff of college policy. As such, the following policy is in effect:

*The unlawful possession, use, or distribution of illicit drugs and alcohol is prohibited on College property, in all College facilities, or as part of any College-sponsored activity, regardless of where that activity is located. Violators of this policy will be prosecuted to the full extent of State and Federal law and, in addition, there are specific consequences for employees and for students which are also stated in the College Drug and Alcohol-Free College Procedures.*

**Definitions**

- a. "Workplace" shall mean the site for the performance of work done for the College in connection with a federal grant or contract, including any building premises used by the College, any College-owned vehicle (or any other College-approved vehicle used to transport students or fellow employees to and from work-related activities or to transport fellow employees to and from different work sites), and any off-College property used for any College-sponsored or College-approved activity, event or function.
- b. "Drugs" shall include any illegal drug, hallucinogenic drug, prescription drug (in the possession of an individual without a valid prescription), narcotic drug, amphetamine, barbiturate, marijuana, or any other controlled substance (as the same is defined in ORS 475.005 or Schedules I through V under the Federal Controlled Substances Act, 21 U.S.C. Section 812).
- c. "Alcohol" shall include any form of alcohol for consumption, including beer, wine, wine coolers, or distilled liquor.
- d. "Employee" – includes all persons who receive compensation from the College, both full-time and part-time, for work performed as part of the employment memo.
- e. "Student" includes all persons taking courses offered by the College, both full-time and part-time, pursuing credit or non-credit courses or enrolled in any special program approved by the College. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the College may be considered "students."

## **College Policy and Compliance**

The College prohibits the unlawful manufacture, distribution, dispensation, possession or use of alcohol or illicit drugs in the workplace. Being under the influence of alcohol or illicit drugs to any degree by any employee or student in or about the College buildings, on the College premises, or while performing any duties for the College is prohibited and is cause for discipline and/or dismissal.

Alcohol may be consumed on the campus only upon the written consent, obtained before usage, of the President and in accordance with administrative procedure #01-2005-0001 "Alcohol at BMCC Events."

BMCC, as an institution of higher education receiving federal funds or financial assistance must develop and implement a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by employees and students.

### **Guidelines:**

#### **1. College Drug and Alcohol Prevention Program**

The College shall provide notice to all employees and students at least annually of the following:

- a. The College's policy of maintaining an alcohol and drug-free environment.
- b. Conduct standards for employees and students in relationship to the Drug and Alcohol-Free College policy
- c. Description of employee and student sanctions for violating federal, state, local law, and College policy
- d. Description of health risks associated with drug and alcohol abuse.
- e. Information on available alcohol/drug counseling or assistance programs; and
- f. Information on where to find the College's Drug and Alcohol Prevention Program biennial report

#### **2. College Procedure**

Under direction of the Director of Human Resources/Risk Manager and Dean of Student Development and Success, the Wellness Committee and Behavioral Intervention Team (BIT) collaboratively oversee the elements of the College's Drug and Alcohol Prevention Program. They assure the following program elements are in place and in compliance with the state and federal Drug-Free Schools and Campus regulations.

#### **Annual Student & Employee Notification**

Each fall, an email notice is sent to all students and employees of all mandatory consumer notification information. This includes information on BMCC's alcohol and drug and alcohol-free College policy, FERPA, Clery Act and financial aid notification requirements. This information is also published in the BMCC quarterly mailer.

Additionally, all new employees and students are informed as a part of mandatory orientation protocols regarding all mandatory consumer notification information as described above. Orientation protocols include electronic or hard-copy sign off by employees and students indicating receipt and review of this policy information.

### **Alcohol & Drug Policy, Prevention, and Review Information: Campus Dissemination**

BMCC's Drug and Alcohol-Free College Policy, prevention program and effectiveness report is available through numerous locations:

- College website; Staff and Student portals, Student Right to Know web pages
- Printed, hard copies available in the Human Resources Office and Success Center upon request
- College publications include the Catalog, Quarterly Mailer, and Student Handbook

### **3. Standards of Conduct and Sanctions**

Employees are expected to adhere to the College's Drug and Alcohol-Free College policy and administrative procedure as a condition of employment. Disciplinary protocols and/or sanctions are in accordance with established bargaining unit contracts or employment handbook under the purview of the President or her/his designee.

Students are expected to adhere to the College's Drug and Alcohol-Free College policy and administrative procedure as a condition of enrollment. Students who violate the terms of this policy shall be subject to disciplinary protocols and/or sanctions in accordance with student code of conduct as published in Student Rights, Responsibilities, and Conduct under the purview of the Vice President of Student Affairs or her/his designee.

### **4. Conditions**

In accordance with the Drug-Free Workplace Act of 1988, any employee who is engaged in work related to a direct federal grant or contract of \$100,000 or more shall notify their supervisor of their conviction of any criminal drug statute based on conduct occurring in the workplace, no later than five days after such conviction.

The College shall notify the federal granting agency within 10 days after receiving notice of an employee's conviction on any criminal drug violation occurring in the workplace.

### **Legal References:**

ORS 657.176

Drug-Free Workplace Act of 1988, 41 U.S.C. Sections 701-707; 34 CFR Part 85, Subpart F.

Drug-Free Schools and Communities Act Amendment of 1989 (Public Law 101-226)

Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V; 21 CFR 1308.11-1308.15 (2000).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. Sections 7101-7117.

## Sexual Assault, Domestic Violence, Dating Violence, & Stalking

Blue Mountain Community College has no residence halls. BMCC is committed to fostering an educational environment free from discrimination, including sexual misconduct (including sexual violence and sexual harassment), intimate partner violence (including domestic violence and dating violence), and stalking. Unlawful sexual discrimination can interfere with a student's ability to participate in or benefit from college academic and non-academic programs, an employee's ability to function in the workplace, or a campus visitor's ability to utilize college programs and services. The College recognizes its responsibility to increase awareness of sexual misconduct, intimate partner violence, and stalking, and prevent its occurrence, support victim/survivors promptly, and equitably investigate reports of misconduct, and deal fairly and firmly with those who are found in violation of the policy.

Under the College's policy, unlawful discrimination, unlawful harassment, and sexual misconduct will not be tolerated. Management and staff will be held accountable to take reasonable action to bring the matter to the attention of the appropriate authority, who will take action pursuant to BMCC policy in order to maintain work areas and educational environments free from conduct that causes, or reasonably could be considered to cause, intimidation, hostility, or discrimination. Any student or employee who believes they have been discriminated against, harassed, or the victim of sexual misconduct by college employees, campus visitors, or students are encouraged to file a complaint with a Title IX Coordinator in Student Affairs or Human Resources.

*It is the policy of the Blue Mountain Community College Board of Education and School District that there will be no discrimination or harassment on the grounds of race, color, sex, marital status, sexual orientation, religion, national origin, age or disability in any educational programs, activities or employment. Persons having questions about equal opportunity and nondiscrimination should contact the BMCC Title IX Coordinators, Room M-150 or Room M-217, Morrow Hall, Blue Mountain Community College, 2411 NW Carden, Pendleton OR 97801, Phone 541-278-5796 or 541-278-5850, [ddrebin@bluecc.edu](mailto:ddrebin@bluecc.edu) or [tparker@bluecc.edu](mailto:tparker@bluecc.edu). For hearing impaired assistance please call Oregon Relay at 7-1-1*

*Es la póliza de la Mesa Directiva de Blue Mountain Community College y del Distrito Escolar que no habrá discriminación o acoso por motivos de raza, color, sexo, estado civil, orientación sexual, religión, origen nacional, edad o discapacidad en ningún programa educativo, actividades o empleo. Las personas que tengan preguntas acerca de la igualdad de oportunidades y no discriminación, deben comunicarse con los Coordinadores del Título IX del BMCC – en el Cuarto M-150 o Cuarto M-217 en el edificio Morrow Hall, Blue Mountain Community College, 2411 NW Carden, Pendleton, OR 97801, teléfono 541-278-5796 o T 541-278-5850. Correo electrónico [ddrebin@bluecc.edu](mailto:ddrebin@bluecc.edu) o [tparker@bluecc.edu](mailto:tparker@bluecc.edu). Para las personas que necesitan asistencia auditiva por favor llamen al Oregon Relay at 7-1-1."*

### Definitions

*Sexual Assault:* Sexual assault is any sexual contact made without consent. Consent is a clear yes, not an absence of no. All physical contact requires clear verbal consent, even a seemingly innocent hug or kiss.

*Domestic Violence:* Includes asserted violence misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

*Dating Violence:* Means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

*Stalking:* Means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

*Consent:* A knowing, voluntary, and clear mutual agreement to engage in sexual activity. Consent must be freely and actively given, and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. Consent may be withdrawn at any time. Consent to some sexual contact cannot be presumed to be consent for other sexual activity including previous consent or the existence of a current or previous relationship. Silence or the absence of resistance is not the same as consent.

## **Reporting & Response to Victims of Sexual Assault/Sexual Violence, Dating Violence, Domestic Violence & Stalking**

- **Steps a Victim/Survivor May Take Immediately:**
- **Get to a safe place as soon as possible.** Your safety is most important.
- **Seek Medical Attention.** After an incident of sexual assault, dating violence, domestic violence, or stalking the victim/survivor should consider seeking medical attention as soon as possible, even if there are no obvious signs of physical injury. You may wish to consult with medical personnel quickly regarding: prevention of sexual transmitted infections, pregnancy; evidence collection, and toxicology testing if there are signs that drugs or alcohol may have facilitated the assault. Individuals of any gender can be victim/survivor of sexual assault, dating violence, domestic violence and stalking. We encourage victim/survivor to go to the emergency room. In Oregon, evidence may be collected even if you chose not to make a report to law enforcement.
- **Preserve Evidence.** Best practices are to preserve evidence include seeking medical attention shortly after the event.
  - Do not shower, drink, eat, douche, or change your cloths prior to the exam. Do not bathe, wash your hands, brush your teeth, drink, eat, or even use the restroom – all these things can destroy evidence that may be helpful in a criminal investigation; however if you have done any of these things since the attack, evidence can still be collected.
  - Avoid changing your clothes. It is recommended that you bring an extra set of clothes with you to the hospital.
  - Do not clean or remove anything from the location where the attack occurred.
  - You may consider preserving other relevant information such as communications from the perpetrator in the case of stalking such as social media posts, emails, text or other materials.
- As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse

orders related to the incident more difficult. If a victim/survivor chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with law enforcement to preserve evidence in the event that the victim/survivor decides to report the incident or law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order. If you wish to press charges or seek a protective order, it is important to preserve and record evidence, including recording a description of the perpetrator (including type of clothing, race, age, height, weight, hair color, eye color, distinguishing marks, etc.), details of events, where events occurred, and the direction of travel of any vehicle involved. Best practices are to preserve evidence with respect to sexual offenses include seeking medical attention shortly after the event.

### **Local Hospital Emergency Rooms**

#### **CHI St. Anthony Hospital**

2801 St. Anthony Way

Pendleton, OR 97801

<https://www.sahpendleton.org>

541-276-5121

#### **Good Shepherd Medical Center**

600 NW 11<sup>th</sup> St.

Hermiston, OR 97838

<https://www.gshealth.org>

541-567-5305

#### **Providence St. Mary Medical Center**

401 W. Poplar St.

Walla Walla, WA

<https://washington.providence.org>

509-897-3320

#### **St. Alphonsus Medical Center**

3325 Pocahontas Rd.

Baker City, OR 97814

<https://www.saintalphonsus.org>

541-523-6461

- **Report the Alleged Offense to Law Enforcement.** If the victim/survivor of sexual assault/sexual misconduct, dating violence, domestic violence or stalking wishes to have the assistance of law enforcement, the victim/survivor should contact local law enforcement by immediately calling 911 or contact the appropriate law enforcement agency:

#### **Pendleton Police Department**

541-276-4411

#### **Hermiston Police Department**

541-567-5519

#### **Boardman Police Department**

541-481-6071

**Milton-Freewater Police Department**

541-938-5531

**Baker City Police Department**

541-523-3644

**Umatilla County Sheriff's Office**

541-966-3600

**Morrow County Sheriff's Office**

541-676-5317

**Baker County Sheriff's Office**

541-523-6415

- The victim may decline to notify such authorities.
- **Talk with an Advocate or a Counselor.** Talk with an advocate, a counselor or contact someone you trust to be with you and support you. Students have access to counseling and resources through the BMCC Health and Wellness Resource Center, room M-153 in Morrow Hall on the Pendleton campus.

### **Assistance for Victims: Rights & Options**

Regardless of whether a victim/survivor elects to pursue a criminal complaint, report the matter to the Title IX Coordinator, or whether the offense is alleged to have occurred on or off campus, the College will assist the victim/survivors of sexual assault/sexual violence, domestic violence, dating violence, and stalking, and will provide each victim/survivor with a written explanation of their rights and options. Such written information will include:

- Recommended procedures victims/survivors should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred.
- Information about how the College will protect the confidentiality of victims/survivors and other necessary parties, including how BMCC has provided accommodations or protective measures to the victim, provided that the confidentiality doesn't impair BMCC's ability to provide the accommodations or protective measures.
- Written notification about victim/survivor services within the institution and in the community, including short-term counseling and assistance with student financial aid (on campus) and off-campus references for long-term counseling and physical health services, a victim's advocate, legal assistance, visa and immigration assistance, and other services available for victims in the community.
- A statement regarding the institution's provisions about options and assistance for, available assistance in, and how to request interim and protective measures, including how to request changes in academic, and working situations, campus security escorts, and other protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- Explanation of the procedures for institutional disciplinary action against those found responsible for violations of BMCC policy.

Admission to Blue Mountain Community College and participation in all college sponsored activities and curriculum carries with it the presumption that students will conduct themselves

as responsible members of the BMCC community. The term “student” includes all persons taking courses offered by the college, both full-time and part-time, pursuing credit or non-credit classes or enrolled in any special program approved by the college. Persons who are not officially enrolled for a particular term, but who have continuing relationship with the college, may be considered “students.” It is the responsibility of the student to observe campus rules and regulations and to help maintain appropriate conditions in the classroom, on the campus and in the community. A student’s registration obligates him/her to comply with the policies and regulations of the College. Blue Mountain Community College is granted the right by law and approved by the Board of Education to adopt such rules as are deemed necessary to assure the college is a safe and supportive environment for all. Student Rights, Responsibilities, and Conduct may be accessed through the online Academic Catalog or Student Handbook.

The Student Rights, Responsibilities, and Conduct document applies to all immediate and surrounding areas deemed as BMCC property and jurisdiction.

In accordance with BMCC Student Rights, Responsibilities, and Conduct, disciplinary action against those found responsible for violation of BMCC policy is as follows:

The chief administrator responsible for student rights, freedoms, responsibilities, and due process is the Vice President of Student Affairs. Blue Mountain Community College or any other partnering institution by way of consortium agreement or official Memorandum of Understanding will be accountable to conduct standards for each institution. By agreement each may intervene in cases of misconduct, particularly in issues involving health and safety. Students will be given opportunity for due process. Students found in violation of conduct codes may receive sanctions from each institution. Blue Mountain Community College and its partners reserve the option to decide that only one institution will process a case of misconduct. Like other members of the academic community, the student is expected to conduct himself/ herself in accordance with standards of the College that are designed to perpetuate its educational purposes. A charge of misconduct may be made against a student for violating provisions of published College regulations and policies.

Where a student is subject to a charge of misconduct, such charge shall be processed in accordance with the standards of student conduct below.

#### **A. Standards of Student Conduct.**

A student enrolling in Blue Mountain Community College assumes an obligation to conduct himself/herself in a manner compatible with the functions of the College as an educational institution. The following are examples of the categories of misconduct for which students may be subject to disciplinary action:

1. Dishonesty, including but not limited to forgery, changing or misuse of College documents, records of identification, cheating, plagiarism, aiding or abetting cheating or plagiarism, knowingly furnishing false information to the College in written or electronic form or copying College software.
2. Furnishing false information to the College with the intent to deceive the College or any person or agency.



3. Failure to comply with the lawful directions of College personnel acting in performance of their duties (e.g., disrupting class sufficiently to hinder effective instruction).
4. Physical or verbal abuse, or harassment of any person on College owned property or at College sponsored or supervised functions, or conduct which threatens or endangers the health or safety of any such person.
5. Disorderly conduct or lewd, indecent, or obscene conduct or expression as defined by local, state or federal law on College owned or controlled property, or at a College sponsored or supervised activity.
6. Interference by force or by violence (or by threat of force or violence) with any administrator, faculty or staff member, or student at the College who is in the lawful discharge or conduct of his/her duties or studies.
7. Conduct which materially or substantially disrupts the educational process of the College.
8. Failure to disperse when an assembly is ordered to disperse by College officials.
9. Unwanted contact or communication of any nature with another student or a staff member after being advised by a College official or affected student that such contact or communication is unwelcome and disruptive to the education process of the College as determined by a College official.
10. Harassment, sexual harassment, and discrimination. See Sections C, D, E.
11. Theft of, conversion of, or damage to property of the College or of a member of the College community, such as visitors, students, or employees.
12. Abuse or unauthorized use of the College's computer equipment, software, passwords, records, or any violation of the confidentiality or security of passwords, records, or software, including but not limited to networks, Internet, social media, and Email. Fraudulent, harassing or obscene messages and/or materials as defined by contemporary court decisions are not to be viewed downloaded sent or stored.
13. Unauthorized use of snooping or recording devices on College owned property or at College sponsored events. As a means of note taking, students may use recording devices to record lectures. However, this must be previously approved by the instructor and openly displayed during the lecture period.
14. Unauthorized use of College supplies or equipment.
15. Gambling, except as expressly permitted by law.
16. Disobedience of the notice against trespass.
17. Unauthorized entry to or use of the College campus and its facilities.
18. Possession, consumption, being perceptibly under the influence, or furnishing of alcoholic beverages (as identified by federal or state law) on College owned or controlled property or at College or student organization supervised functions.
19. Possession, consumption, being perceptibly under the influence, or furnishing of any narcotic or dangerous drug, as defined by ORS 475 and ORS 167.203 to 167.252 [as now law or herein after amended], except when use or possession is lawfully prescribed by an authorized medical doctor or dentist.
20. Possession or use of firearms, explosives, dangerous chemicals, substances, or instruments or other weapons which can be used to inflict bodily harm on any individual or damage upon a building or grounds of the College. Incendiary devices or any weapon facsimiles are prohibited

on or in College facilities and/or grounds. This includes College owned or controlled property or at College sponsored or supervised functions.

21.All College buildings have been designated as “tobacco free” buildings. No smoking, or tobacco chewing is permitted in any BMCC facility/building including classrooms.

22.Violations of published College procedures, the rules in this section, and any other College procedures which may be enacted.

### **B. Forms of Discipline/Penalties.**

1.Disciplinary Warning. Notice that a student’s conduct in a specific instance does not meet College standards and that continued misconduct may result in more serious disciplinary action by the Vice President of Student Affairs or designated Conduct Officer.

2.Disciplinary Probation. Written notice by the Vice President of Student Affairs or designee that the student found in violation of the College standards may continue to be enrolled under stated conditions. Violations of the stated conditions will be cause for more serious disciplinary action.

3.Suspension. The Vice President of Student Affairs may suspend a student for a fixed period of time. Suspension means imposition of one or more of the following penalties.

- Forfeiture of the right to enter the campus;
- Exclusion from one or more classes;
- Exclusion from classes and/or activities.
- Students may be required to meet with the Vice President of Student Affairs prior to being allowed to enroll at the College after the suspension period has expired.

4. Expulsion. Authority to terminate student status at Blue Mountain Community College (i.e., removal of the privilege to attend Blue Mountain Community College) rests with the College President and is upon recommendation of the Vice President of Student Affairs.

5. Supplemental Sanctions. The Vice President of Student Affairs or designee may impose additional sanctions or requirements which clearly address the issues involved in the misconduct. Any of the following may be imposed in connection with the above, but are not to be limited to:

- Work assignments;
- Service to the College or community;
- Imposed fines; restitution, i.e., compensation for loss, damage, or injury (this may take the form of appropriate service and/or monetary or material replacement);
- Educational sanctions, e.g., decision making skills workshops/peer education, written responses to posed questions;
- Academic sanctions, e.g., revocation of degree, holding transcripts, removal from courses;
- Loss of privileges;
- “No trespassing” order.

The Vice President of Student Affairs and the College President have discretionary power under the above guidelines. If, in their opinion, a deviation from the above process is warranted, any or all steps may be eliminated or postponed and a more or less severe penalty imposed.

Decisions to deviate from established procedure will be well documented and will be made in partnership with at least one of the other administrators.

6. Temporary Exclusion. The Vice President of Student Affairs or an approved designee may suspend a student for up to two class meetings because the student is disrupting the class sufficiently to hinder effective instruction, or when the health and safety of the instructor(s), student(s), or staff is in jeopardy. In rare circumstances it may be necessary to temporarily exclude a student from classes or activities for the rest of a term. The Vice President of Student Affairs will confer with the student and provide the student with an opportunity to explain behavior. The Vice President of Student Affairs may exclude the student when a student's health, behavior, or other actions represent a serious and immediate threat to the ongoing educational activities of the College or the health and safety of any individual.

7. Referral to Outside Authorities. In the case where a student is in violation of federal and state laws on College property, or College sponsored related activities, the College may refer the student to local law enforcement agencies for prosecution.

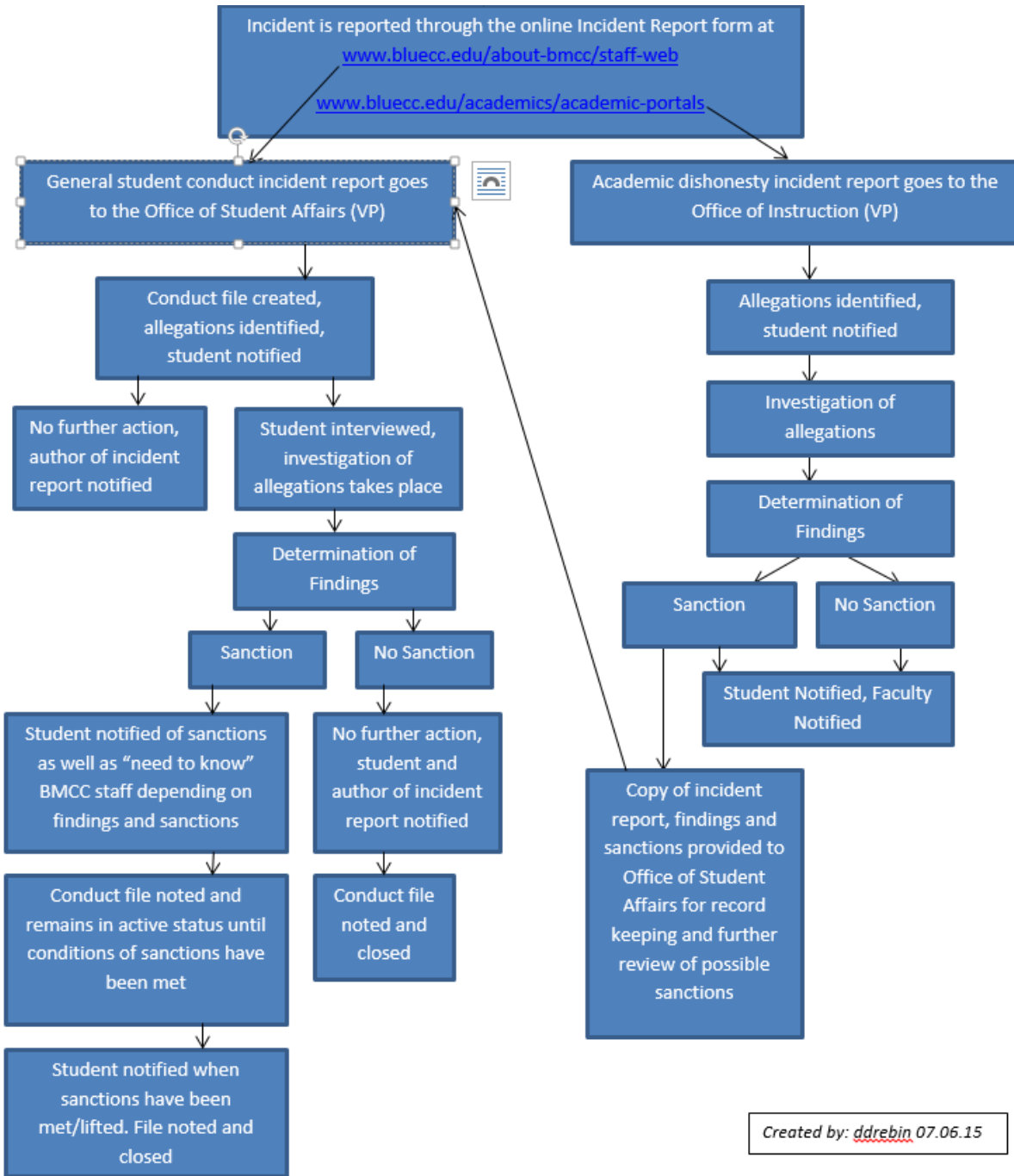
Procedure:

At an initial conference with the Vice President of Student Affairs or designee, the student will be informed in writing of the charges and the penalty which might result from consideration of the disciplinary matter. Failure of the student to attend the conference without good cause and prior notification or a verifiable emergency may constitute a waiver of the student's right to participate and appeal further. The student must submit all supporting evidence within seven (7) calendar days of the initial conference. After considering the evidence in the case and interviewing persons as appropriate, the Vice President of Student Affairs may take one of the following actions:

- a. Terminate the proceedings, exonerating the student;
- b. Dismiss the case after appropriate counseling and advice;
- c. Impose an appropriate sanction as described.

The student will be notified in writing of the decision of the Vice President of Student Affairs or designee. The student may appeal the decision by filing a written appeal with the Vice President of Student Affairs (or designee) within seven (7) calendar days of the decision. The Vice President of Student Affairs (or designee) shall render a decision on the appeal within seven (7) calendar days of its filing. The decision of the Vice President of Student Affairs (or designee) shall be final and not subject to further appeal. In cases where expulsion is the recommended outcome, the College President will make the final decision and no further appeals will be allowed.

## Student Conduct Workflow



## **Protective Orders**

Blue Mountain Community College complies with Oregon law in recognizing Protective Orders, No Contact Orders, Restraining Orders, or other similar lawful orders. If a campus community member or visitor has a valid court order, please inform the Human Resources Office. Bring a copy of the valid order to the Human Resources Office and one to the Title IX Coordinator so that it can be kept on file.

If you need to file a Petition for a Restraining Order, you may do so at the Umatilla County Circuit Court. To learn more about protection orders or to get assistance with filing a request for Petition for a Restraining Order, please contact:

### **Umatilla County Circuit Court**

(for Umatilla and Morrow counties)

216 SE 4<sup>th</sup> St.

Pendleton, OR 97801

541-278-0341

### **Baker County Circuit Court**

1995 3<sup>rd</sup> St., Ste. 220

Baker City, OR 97814

541-523-6305

## **Procedure for Investigation and Resolution of Sexual Assault/Sexual Violence, Domestic Violence, Dating Violence, or Stalking**

The Title IX Coordinator will conduct a prompt, adequate, reliable and impartial investigation of complaints, except in cases where a complainant has requested that the investigation not proceed and the Title IX Coordinator has agreed. During the investigation phase, both the complainant and respondent will have the opportunity to give a statement, present witnesses and provide evidence.

The Title IX Coordinator and, in the case of complaints involving student respondents, the Title IX Coordinator will use the following guiding principles to investigate and resolve each report of a violation as follows:

- The investigation and resolution of reports will be conducted in a manner that will protect the rights of all involved, including providing primary participants with timely and equal information and the opportunity to be heard during the investigation.
- The investigation and resolution of reports will be conducted objectively and impartially. In the event of a conflict of interest, those involved in the investigation or resolution of the complaint will not serve in a decision-making or investigative capacity.
- The investigation and resolution of reports will be conducted promptly.
- The investigation and resolution of reports will be conducted with discretion. The dissemination of information will only be done on a need-to-know basis, thus maintaining privacy for the primary participants.
- The investigation and resolution of reports will be conducted by individuals who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

## Complaints Involving Student Respondents – Investigation and Determination of Policy Violation

### 1. Initial Review

- a. The Title IX Coordinator will meet with the complainant – in person if possible – promptly upon receiving a report that the policy may have been violated. During the initial meeting, the complainant may be accompanied by an advisor of his or her choice (friend, instructor, parent, or attorney). The BMCC Victim Advocate will be notified about all initial meetings and will attend upon request by the complainant.
- b. During the initial meeting, the Title IX Coordinator will assess the situation, gather preliminary information, and provide information to the complainant about available options, services and resources.
- c. The Title IX Coordinator will, during this time, discuss possible interim measures with the complainant. Interim measures are intended to provide additional safety of the complainant and the campus community. Interim measures may be imposed regardless of whether the Title IX Coordinator pursues an investigation. In some cases the College will implement interim measures without request from the complainant. Interim measures may consist of counseling, academic assistance, no contact orders, or other measures deemed appropriate. Determinations about appropriate interim measures will be made on a case-by-case basis by the Title IX Coordinator.
- d. The Title IX Coordinator will also discuss available options with the complainant, including the process for investigation by the Title IX Coordinator, making a police report, and pursuing a civil protection order through the court system. The Title IX Coordinator will also provide information on privacy and limits on privacy of the investigative materials and conversations.
- e. The Title IX Coordinator may determine that a report would not be a violation of the Sexual Harassment policy. If so, the Title IX Coordinator will refer the matter to the Dean of Student Development and Success, or any other appropriate BMCC administrator.
- f. During the initial meeting, or at any time during the course of the investigation, the complainant may request that an investigation not be pursued. If the complainant makes such a request, the Title IX Coordinator will review the severity of the report, the possible safety risks to the campus community, prior reports involving the same respondent, and the specific request by the complainant.
- g. The Title IX Coordinator will make the final determination about whether or not to proceed with the investigation. If determination not to proceed with an investigation is made, the Title IX Coordinator will document the reasons for the determination. The initial report will be maintained and will be included as part of the Annual Campus Security Report statistics.
- h. In the event that a complainant will not meet with the Title IX Coordinator, the Title IX Coordinator will use the evaluation criteria listed in 'e.' to make a determination about whether or not an investigation will go forward. In situations where the respondent has other serious conduct violations pending and the complainant hasn't come forward, the Title IX Coordinator may defer to the Dean of Student Development and Success without an investigation.

### 2. Investigation

- a. After the initial report, the Title IX Coordinator will initiate an investigation, except in cases where the complainant has requested that an investigation not proceed and the Title IX Coordinator has agreed. The Title IX Coordinator will notify the complainant(s) and the respondent(s), simultaneously, of the substance of the complaint. The Title IX Coordinator will

conduct a prompt, complete, and impartial investigation of the complaint, which shall include the opportunity for the parties to provide the names and contact information of witness and provide other information. Investigative protocols will include the following:

- b. The Title IX Coordinator will conduct interview with both the complainant and respondent and any witnesses that may provide relevant information about the complaint. During the interview, the complainant and respondent may be accompanied by a support person of their choice (Friend, instructor, parent, or attorney). In the case of the complainant, the Victim Advocate may attend to offer support if the complainant chooses. In the case of the respondent, the Dean of Student Development and Success may attend to offer support if the student chooses. The role of any person accompanying the student is to support the student through the investigatory process. The support person will not be allowed to participate in the interview by answering or asking questions, making comments, or discussing the subject of the complaint.
- c. The Title IX investigator has the responsibility to gather additional evidence as may be necessary and available to further the investigation.
- d. During an investigation, both the complainant(s) and respondent(s) will have equal rights to:
  - e. Protection under applicable laws
  - f. Information about college policy and procedures related to the investigation
  - g. Updates regarding the status of the investigation
  - h. Ability to name witnesses and evidence relevant to complaint
  - i. Ability to meet with the Title IX Coordinator prior to completion of the investigation to review preliminary report of investigation.
- j. The Title IX Coordinator will provide the complainant and the respondent the opportunity to review the preliminary report of investigation. The Complainant and respondent will have five calendar days in which to respond to the preliminary report.
- k. The Title IX Coordinator will then prepare a final report of investigation that summarizes the information gathered and identifies the areas of agreement and disagreement between the parties and any supporting information or accounts. The Coordinator will not make any modification to the report that wasn't requested by the parties during the review period.

### **3. Determination and Disciplinary Outcome**

- a. The Title IX Coordinator will notify both the complainant and respondent that findings of the investigation have been provided to the Vice President of SA designated conduct officer who will make determination on whether it is more likely than not that the policy has been violated. The notification will also include BMCC's procedures for the complainant and the respondent's right to appeal.
- b. A hearing will be scheduled by designated BMCC conduct officer
- c. Sanctions/outcomes for student respondents will be determined based on severity of the offense and in accordance with BMCC Student Rights, Responsibilities, and Conduct disciplinary sanctions.
  - o Respondents have the right to appeal disciplinary findings by the conduct officer in accordance with BMCC Student Rights, Responsibilities, and Conduct disciplinary procedure. No contact order issued by the College restricting communication and contact between parties
  - o Reassignment of academic courses to avoid contact with the complainant
  - o Probation
  - o Suspension or expulsion from the College in accordance with the Student Code of Conduct

## **Complaints Involving Faculty, Staff and Other Respondents**

The determination about whether it is more likely than not that a faculty, staff, or visitor committed a violation of this policy will be made by the Title IX Coordinator after a review of all the evidence presented.

Complainants and Respondents will have the opportunity to have a support person present during the investigation and appeal process. Complainants and respondents shall be given the same opportunities for notice and support during the investigation and appeal.

Then standard of review and determination of a violation of this policy shall be a preponderance of the evidence or whether the respondent “more likely than not” violated the policy. A preponderance of evidence is therefore defined as “greater than 50%”, which is an allowable standard of evidence based on 2011 and 2017 guidance. Both the complainant and the respondent will be notified in writing of the determination from the Title IX Coordinator. The Title IX Coordinator will recommend sanctions to the President or Vice President to whom the respondent reports. Sanctions may include reprimand, suspension, educational requirements, or termination. Both the complainant and the respondent will be advised simultaneously in writing of the determination of the Title IX Coordinator and of sanctions, if any imposed.

### **Appeal Rights**

In cases involving student respondents, both the complainant and the respondent will have the opportunity to appeal the decisions of the Panel to the President or designee within then (10) calendar days if notification of the decision.

Than complainant and the respondent will be notified simultaneously in writing, of the procedures for the complainant and respondent to appeal the decision of the panel. When an appeal is filed, the complainant and the respondent will be notified simultaneously in writing of any changes to the decision.

### **Prohibition on Retaliation**

Retaliation against an individual for reporting a violation of this policy, supporting a complainant or respondent, or participating in an investigation is a serious violation of this policy and will be treated as another possible instance of harassment or discrimination.

### **Time Frame for Investigation and Resolution**

The College’s disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institutions policy and that is transparent to the complainant and the respondent. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reasons for the delay. College officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and



promotes accountability.

### **Disclosure to Victims of a Crime of Violence**

Blue Mountain Community College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary proceeding conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of a crime or offense, Blue Mountain Community College will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

### **Sex Offender Registration**

In accordance with the Jacob Wetterling Crimes Against Children, Sexually Violent Offender Registration Act, and the Oregon Revised Statutes, the Oregon State Police maintain a registry of sex offenders. The law also requires students who are registered sex offenders to register with the Registrar. Sex offenders who are employed at Blue Mountain Community College must register with the College's Human Resources Office.

BMCC defers to applicable city, county, state and federal laws regarding sex offender registration. BMCC does not have any on-campus housing or off-campus housing owned or maintained by the College. Students concerned about the possibility of sex offenders living nearby should make inquiries of their respective city police department, county sheriff, Oregon State Police, or through the Oregon State Sex Offender Registry (<http://sexoffenders.oregon.gov/>).

Any member of the campus community may call the sex offender registration unit at (503) 378 3720 and ask for a list of sex offenders.

### **Emergency Response & Victim Evacuation**

The Safety Committee revised the Emergency Response and Crisis Management Plan in December of 2015 and posted new emergency procedures signage, conducted staff and faculty emergency training, and conducted regular fire and safety drills with staff, faculty, and students. After-action and drill reports are maintained by the Safety Officer and include a description of the exercise, the date, time, and whether it was announced or unannounced. The procedures provide direction for a variety of natural and person-caused disasters and emergencies. Included in our Emergency Procedures Manual are operational procedures for evacuations. The College has identified strategic locations throughout the Pendleton campus and centers for evacuation assembly areas as well as evacuation operations for students and staff. The manual and maps for all locations are available on the College's Safety page.

Drills with local law enforcement, fire and rescue have been conducted on a regular basis, as are campus safety and fire drills, in accordance with the College's safety plan and all applicable local, state, and federal ordinances. Per the Administrative Procedure 01-2006-0010, the college conducts emergency drills to test the emergency response and evacuation procedures at least on an annual basis. Per advice of our insurance carrier, all drills are announced. The Emergency Procedure plan, which outlines the emergency response and evacuation procedures is publicized in conjunction with all of the drills.

## **Missing Student Notification**

BMCC does not have on-campus housing and is not required to provide missing student notification. However, should we be advised of a missing student, BMCC would work with local authorities to provide any necessary information.