

# Sexual Assault and Harassment

## Rules, Regulations, and Laws

### State of Oregon Laws:

**Rape or Sodomy in the 3rd degree:** the victim is under 16 years of age and the attacker is 3 or more years older than the victim. The crime occurs whether or not the activity is consensual. Class C felony.

**Rape, Sodomy, or Unlawful sexual penetration in the 2nd degree:** the victim is under 14 years of age and the attacker is 3 or more years older than the victim. The crime occurs whether or not the activity is consensual. Class B felony.

**Rape, Sodomy, or Unlawful sexual penetration in the 1st degree:** the victim is subjected to forcible compulsion; or the victim is under 12 years of age; or the victim is under 16 years of age and is related to the person as a sibling of whole or half blood or is the person's child, or is the person's stepchild; or the victim is incapable of consent because of mental defect, mental incapacitation, or physical helplessness. Class A felony.

### University of Oregon Student Code of Conduct:

#### Article II: Definitions-

(9) "Contact of a Sexual Nature" for purposes of Sexual Misconduct in the Student Conduct Code means the touching of the genitalia, anus, buttocks or breasts of a person or causing such person to touch the genitalia, anus, buttocks or breasts of another.

(13) "Explicit Consent" for purposes of Sexual Misconduct in the Student Conduct Code means voluntary, non-coerced and clear communication indicating a willingness to engage in a particular act. "Explicit consent" includes an affirmative verbal response or voluntary acts unmistakable in their meaning.

(17) "Harassment" means

(a) Intentionally subjecting a person to offensive physical contact;

(b) Unreasonable insults, gestures, or abusive words, in the immediate presence, and directed to, another person that may reasonably cause emotional distress or provoke a violent response (including but not limited to electronic mail, conventional mail and telephone) except to the extent such insults, gestures or abusive words are protected expression; or

(c) Other types of prohibited discrimination, discriminatory harassment, and sexual harassment as defined by law.

(30) "Sexual Misconduct" means:

# Sexual Assault and Harassment

## Rules, Regulations, and Laws

(a) Unwanted Penetration is Penetration of another person, or causing the Penetration of another person, when one:

(A) Does not first obtain Explicit Consent from that person; or

(B) Knows or should have known the person was incapable of consent by reason of Mental Disorder, Mental Incapacitation, or Physical Helplessness.

(b) Nonconsensual personal contact occurs when a student subjects another person to contact of a sexual nature when a reasonable person would know that such contact would cause emotional distress:

(A) Without having first obtained Explicit Consent; or

(B) When he or she knows or should have known the person was incapable of consent by reason of Mental Disorder, Mental Incapacitation, or Physical Helplessness.

(c) Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that interferes with work or academic performance because it has created an intimidating, hostile, or degrading environment and would have such an effect on a reasonable person of the alleged complainant's status when the conduct is unwelcome and sufficiently severe or pervasive that it deprives that person of benefits of the University's educational environment.

### **Article III: Violations of Community Standards by Individual Students- Section 3**

(h) (D) Consent to one form of sexual activity does not automatically operate as consent to any other form sexual activity. A "no" always means that consent is not present, whereas a "yes" to one act at one time does not mean "yes" to other acts or to the same act at other times. Voluntarily making oneself incapacitated does not mean one is giving consent to any form of sexual activity.

### **Article IV: Violations of Community Standards by Student Organizations**

When members of a Student Organization act together in a way that violates University Student Conduct Code, the Student Organization is expected to hold its members responsible for those violations.

(1) When a potential violation of the Student Conduct Code by a Student Organization comes to the University's attention, the Office of Student Conduct and Community Standards may review the incident to determine the appropriate process for resolution. Generally, the University will expect a Student Organization to hold itself accountable for the acts of its members when those acts are related to the Student Organization's activities.

(b) The University, through the Office of Student Conduct and Community Standards,

# Sexual Assault and Harassment

## Rules, Regulations, and Laws

reserves the right to take immediate jurisdiction at its discretion. The student organization or governing body may still hold its members accountable in the situation, but must do so in conjunction with the Office of Student Conduct and Community Standards..

(4) In deciding whether the group is responsible for the violation, the University will consider whether the following factors are present:

- (a) The violation arises out of a group-sponsored, organized, financed, or endorsed event;
- (b) The organization provides the impetus for the violation;
- (c) The violation occurs on the premises owned or operated by the group;
- (d) A group leader has knowledge of the violation being likely to occur before it occurs and fails to take corrective action; or
- (e) A pattern of individual violations is found to have existed without proper and appropriate group control, remedy, or sanction.