

# **We are committed to Security, Safety & Equal Opportunity**

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## **Public Notice of Non-Discrimination**

### **Tillamook Bay Community College Board of Education Notice of Non-Discrimination**

Students, their families, employees and potential employees of TBCC are hereby notified that Tillamook Bay Oregon Community College does not discriminate on the basis of race, color, gender, sexual orientation, marital status, religion, national origin, age, disability status, or protected veterans in employment, education, or activities as set forth in compliance with federal and state statutes and regulations. Any persons having inquiries concerning TBCC's compliance with Title II, Title IV, Title VI, or Title IX may contact:

Pat Ryan, Director  
Facilities, Human Resources, Safety  
4301 Third Street, Tillamook, Oregon, Room 122, Phone (503) 842-8222, ext. 1020

Section 504 Coordinator: Rhonda Hanson, Director of Student Services 4301 Third Street, Tillamook, Oregon, Room 116,  
Phone (503) 842-8222, ext. 1110

## **Equal Opportunity**

TBCC subscribes to the terms of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., and Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C 794, as well as laws of the State of Oregon pertaining to affirmative action. Equal employment opportunity and treatment shall be provided in hiring, retention, transfer, promotion, and training of all employees, regardless of age, disability, national origin, race, color, religion, marital status, sexual orientation, or sex. Equal opportunity in hiring and advancement considerations will be based on positive organization needs, and the individual's qualifications for and/or performance of specific duties.

Continuous effort will be devoted to the improvement of human relationships and to elimination of conditions from which discrimination results. For additional information on TBCC's commitments to safety and equality please visit the consumer information section of this catalog.

## **Right to Freedom from Harassment & Discrimination**

The College's goal is to enable students to achieve their education and career goals. Therefore, it is against this policy for any manager, supervisor, faculty, staff, or student to engage in harassment or discrimination of any member of the College community based on his/ her race, color, religion, and ethnicity, use of native language, national origin, age, sex, marital status, height/weight ratio, disability, or sexual orientation. The prohibition against harassment or discrimination based on the use of native language does not require the College to offer courses in any language other than English. Under this policy, harassing or discriminatory behaviors will not be tolerated. The College also prohibits retaliation against any person who makes a good faith complaint of discrimination of harassment and retaliation against any person who in good faith cooperates in an investigation of alleged harassment or discrimination.

Therefore, it is the responsibility of every member of the College community to strictly comply with this Policy. This includes notifying each employee/student of his or her rights and responsibilities under TBCC's Student Rights and Responsibilities and Sexual Harassment Policies. Management staff will be held accountable for taking reasonable action to maintain work areas and educational environments free of conduct that causes, or reasonably could be considered to cause, intimidation, hostility, or discrimination.

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Any person who believes he or she has been discriminated against or harassed by a College employee, representative, or student is encouraged to file a complaint with the Director of Facilities, Safety, and Human Resources. Non-affirmative action complaints are to be filed in accordance with the Student Grievance Procedure.

Type of Grievance	Contact	Contact Information	Steps of Grievance with college employee	Steps for Grievance with a student
Disability Related	Rhoda Hanson	rhodahanson@tillamookbaycc.edu 503-842-8222 ext. 1110	Step 1: Communicate with college representative Step 2: File grievance with Director of Facilities, Safety, and Human Resources	Step 1: Communicate with college representative Step 2: File grievance with Chief Academic Officer Step 3: Appeal to College President
Sexual Harassment	Rhoda Hanson	rhodahanson@tillamookbaycc.edu 503-842-8222 ext. 1110	Step 1: Communicate with college representative Step 2: File grievance with the Director of Facilities, Safety, and Human Resources	Step 1: Communicate with college representative Step 2: File grievance with Director of Student Services Step 3: Appeal to College President
Harassment based on race/ethnicity/national origin	Pat Ryan	patryan@tillamookbaycc.edu 503-842-8222 ext. 1020	Step 1: Communicate with college representative Step 2: File grievance with Director of Facilities, Safety, and Human Resources	Step 1: Communicate with college representative Step 2: File grievance with Director of Student Services Step 3: Appeal to College President
Other Harassment	Rhoda Hanson	rhodahanson@tillamookbaycc.edu 503-842-8222 ext. 1110	Step 1: Communicate with college representative Step 2: File grievance with Director of Facilities, Safety, and Human Resources	Step 1: Communicate with college representative Step 2: File grievance with Director of Student Services Step 3: Appeal to College President
Academic Grievance	Ann Hovey	annhovey@tillamookbaycc.edu 503-842-8222 ext. 1030	Step 1: Communicate with college representative Step 2: File grievance with Chief academic Officer Step 3: Appeal to College President	
Freedom of Expression	Ann Hovey	annhovey@tillamookbaycc.edu 503-842-8222 ext. 1030	Step 1: Communicate with college representative Step 2: File grievance with Chief Academic Officer Step 3: Appeal to College President	
Discrimination	Pat Ryan	patryan@tillamookbaycc.edu 503-842-8222 ext. 1020	Step 1: Communicate with college representative Step 2: File grievance with Director of Facilities, Safety, and Human Resources	Step 1: Communicate with college representative Step 2: File grievance with Director of Student Services Step 3: Appeal to College President
Improper Academic Evaluation	Ann Hovey	annhovey@tillamookbaycc.edu 503-842-8222 ext. 1030	Step 1: Communicate with college representative Step 2: File grievance with Chief Academic Officer Step 3: Appeal to College President	

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## **Smokeless/Tobacco-Free Environment**

TBCC is committed to providing a safe and healthy environment for its employees, students, and visitors. In light of the findings of the U.S. Surgeon General that exposure to second-hand tobacco smoke and use of tobacco are significant health hazards, Tillamook Bay Community College has established smokeless and tobacco-free environment. Consequently, use, distribution, or sale of tobacco, e-cigarettes, any smoking device, or carrying of any lighted smoking instrument, on College premises is prohibited.

## **Copyright Laws**

The TBCC library supports compliance with copyright law for the protection of the institution and of employees as both creators and users of copyright protected works. The college requires TBCC faculty, staff and students to observe federal law regarding the use of copyright protected materials.

The issue of P2P file sharing is receiving increasing attention in the U.S. and around the world. P2P file sharing is not itself illegal. However, it is often used for unauthorized downloading and uploading of copyright-protected material such as music, video games, computer software and photographs. Several courts have determined that substantial P2P file sharing of copyright-protected works generally does not fall within the fair use defense.

Students who engage in substantial P2P file sharing of copyright-protected materials may be subject to serious liability. Colleges are under no obligation to accept responsibility for, or to help defend, the activities of students in illegal file sharing.

Reproducing, republishing or redistributing the work of a copyright holder without permission, you may be violating or infringing on his or her rights under the copyright act.

If the copyright holder has registered the work with the U.S. copyright office prior to the infringement, the copyright holder may sue for compensation. Court-ordered compensation may include damages such as lost profits from the infringing activity or statutory damages ranging from \$250 to \$150,000 plus attorney fees for each infringing copy. Even higher damages may be awarded if the court feels that the infringement was committed "willfully."

## **Acceptable Use of Computing Resources**

The unauthorized use of resources is prohibited and, in many cases, may be violations of the law. Unauthorized use includes, but is not limited to the following types of activities:

### **A. Harassment or threats to specific individuals, or a class of individuals:**

- Transmitting unsolicited information that contains obscene, indecent, lewd, or lascivious material or other material which explicitly or implicitly refers to sexual conduct.
- Using e-mail, newsgroups, or other social media to threaten or stalk someone.
- Transmitting unsolicited information that contains profane language or panders to bigotry, sexism, or other forms of prohibited discrimination.

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## **B. Interference or impairment to the activities of others:**

- Creating, modifying, executing, or retransmitting any computer program or instructions intended to: (a) obscure the true identity of the sender of electronic mail or electronic messages, such as the forgery of electronic mail or the alteration of system or user data used to identify the sender of electronic e-mail; (b) bypass, subvert, or otherwise render ineffective the security or access control measures on any network or computer system without the permission of the owner; or (c) examine or collect data from the network (e.g., a “network sniffer” program).
- Allowing unauthorized persons or organizations to use computer accounts or TBCC network resources. Users are responsible for the appropriate use of all College computer access and accounts assigned them and must take all reasonable precautions, including password maintenance and file protection measures, to prevent unauthorized use. Users must not share passwords with anyone else or provide access to network resources to unauthorized persons.
- Communicating or using any password, personal identification number, credit card number, or other personal or financial information without the permission of its owner.

## **C. Unauthorized access and use of the resources of others:**

- Use of College computer resources to gain unauthorized access to resources of this or other institutions, organizations, or individuals.
- Use of false or misleading information for the purpose of obtaining access to unauthorized resources.
- Accessing, altering, copying, moving, or removing information, proprietary software or other files (including programs, libraries, data, and electronic mail) from any network system or files of other users without prior authorization (e.g., use of a “network sniffer” program).
- Making unauthorized copies of copyrighted materials. Users should assume all software, graphic images, music, and the like are copyrighted. Copying, downloading, or peer-to-peer file sharing of copyrighted materials without the authorization of the copyright owner is against the law, and may result in civil and criminal penalties, including fines and imprisonment.

## **D. Damage or impairment of college resources:**

- Use of any resource irresponsibly or in a manner that adversely affects the work of others. This includes intentionally, recklessly, or negligently (a) damaging any system (e.g., by the introduction of any so-called “virus,” “worm,” or “trojan-horse” program), (b) damaging or violating the privacy of information belonging to others, or (c) misusing or allowing misuse of system resources.
- Use of College resources for non-college related activities that unduly increase network load (e.g., non-business or -education related email, chain mail, network games, and spamming).

## **E. Unauthorized commercial activities:**

- Using College resources for one’s own commercial gain, or for other commercial purposes not officially approved by the college, including web ads.
- Using College resources to operate or support a non-college related business.
- Use of College resources in a manner inconsistent with the College’s contractual obligations to suppliers of those resources or with any published college policy.

## **F. Violation of city, state, or federal laws:**

- Pirating software, music, and images.
- Affecting or receiving unauthorized electronic transfer of funds.

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- Disseminating child pornography or other obscene material.
- Violating any laws or participating in the commission or furtherance of any crime or other unlawful or improper purpose.

## **When inappropriate use of computer resources occurs**

The use of college resources is a privilege. The resources have always been, and will remain, the property of the college.

It is each user's responsibility to promptly report any violation of this policy to the IT director. Reports of unauthorized use or misuse of computer resources will be investigated pursuant to standard college procedures. All illegal activities will be reported to local, state, or federal authorities, as appropriate, for investigation and prosecution. While the College desires to maintain user privacy and avoid the unnecessary interruption of user activities, the College, at the direction of the College President, reserves the right to investigate any suspected unauthorized or improper use of College resources (as described above). As directed by the College President, investigations may be initiated which could include the inspection of data stored or transmitted on the network. In the event that use is determined to be contrary to College Policy or applicable law, appropriate measures will be taken. These measures may include, but are not limited to, permanent or temporary suspension of user privileges, deletion of files, and disconnection from the TBCCnetwork, referral to student or employee disciplinary processes, and cooperating with the appropriate law enforcement officials and government agencies.

## **Information on applicable laws and statutes**

All users of the College computer and information resources are expected to be familiar with and to abide by College Policies, as well as local, state, and federal laws relating to electronic media, copyrights, privacy, and security.

In accordance with civil liability laws, persons found to have committed copyright infringement may be held liable for substantial damages and attorneys' fees. The law entitles a plaintiff to seek statutory damages of \$150,000 for each act of willful infringement. In the cases filed by the riaa against students at Princeton, rpi, and Michigan Tech, the recording industry sued for damages of \$150,000 for each recording infringed.

Copyright infringement also carries criminal penalties under the federal No Electronic Theft Act. Depending on the number and value of the products exchanged, penalties for a first offense may be as high as three years in prison and a fine of \$250,000. TBCC is not the police; however, TBCC will cooperate with the law enforcement agencies when required.

As a condition of being granted internet and network access, employees of the College complete and sign a user agreement affirming an understanding and intention to abide by these acceptable use guidelines. A summary of these guidelines are also posted at various locations across campus where they are freely accessible by students and other non-employee users.

## **Questions relating to this policy**

The examples of unauthorized use set forth above are not meant to be exhaustive. Whenever in doubt regarding an issue of questionable use, it is in the user's best interest to resolve the issue before pursuing any questionable use of college computing resources. Questions of appropriate use should be addressed to the IT department.

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## General Disclosures

### **Affirmative Action**

TBCC Service District subscribes to the terms of Title VI of Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., Title IX of the Education Amendments of 1972, as amended, 29 U.S.C. 1681 et seq., and Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, as well as laws of the state of Oregon pertaining to affirmative action. Equal employment opportunity and treatment shall be provided in hiring, retention, transfer, promotion, and training of all employees, regardless of age, disability, national origin, race, color, relation, marital status, sexual orientation, or sex. Equal opportunity in hiring and advancement considerations will be based on positive organization needs, and the individual's qualifications for and/or performance of specific duties.

Continuous effort will be devoted to the improvement of human relationships and to elimination of conditions from which discrimination results.

### **Provisions**

The Board agrees that the provisions of this Policy statement shall be applied equally to all employees without discrimination as to race, creed, religion, color, national origin, disability, sex, sexual orientation, age, height- weight ratio, marital status, organizational affiliation, or political affiliation.

### **Allegations**

Allegations of discrimination in violation of federal or state statutes shall be excluded from the grievance procedure in Article 317 of the TBCC Policy manual statement. Such complaints shall be processed through College affirmative action channels or the appropriate federal or state agencies, in accordance with procedures in Article 318 Standards of Conduct.

## Disclosure of Information Contacts

The Higher Education Act of 1998, as amended, requires disclosure of campus contacts for specific kinds of information to which students, prospective students, and employees may be entitled. TBCC provides this list with its admission materials, electronically, and in the Student Services Office. In addition, basic answers and contacts for further inquiry can be found on our website or elsewhere in this catalog.

## Disclosure Statement

OAR 589.004.0400 authorizes TBCC to ask you to provide your social security number. The number will be used for reporting, research, and record keeping. Your number will also be provided to the State Department of Community Colleges and Work Force Development and the Oregon Community College Association. Oregon Department of Education gathers information about students and programs to meet state and federal reporting requirements. It also helps colleges plan, research, and develop programs. This information helps the colleges to support the progress of students and their success in the workplace and in other education programs.

The College may provide your social security number to the following agencies or match it with records from the following systems:

- State and private universities, colleges, and vocational schools, to find out how many community college students go on with their education and to find out whether community college courses are a good basis for further education.

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- The Oregon Employment Department, which gathers information, including employment and earnings, to help state and local agencies plan education and training services to help Oregon citizens get the best jobs available.
- The Oregon Department of Education to provide reports to local, state and federal governments. The information is used to learn about education, training and job market trends for planning, research and program improvement.
- The Oregon Department of Revenue and collection agencies, only for purposes of processing debts, and only if credit is extended to you by the College.
- The U.S. Department of the Treasury, Internal Revenue Service, for the purpose of reporting tuition and related fees in compliance of the Tax Relief Act of 1997.
- American College Testing Services, if you take a placement test for educational research purposes.

State and federal law protects the privacy of your records. Your number will be used only for the purposes listed above.

## **Confidentiality**

TBCC follows all applicable state and federal laws, rules and regulations that apply to student records. All information that is personally identifiable to any student will be kept confidential and will not be released, except upon prior written consent of the subject student or other order of a court of competent jurisdiction upon the lawful subpoena. Student information may be shared among college faculty and staff on an official (need to know) basis.

Students have certain rights with respect to student records under Public Law 93-380. These include:

- The right to inspect the educational records of the student.
- The right to challenge the accuracy of the records if they are believed to be misleading or to violate privacy or other rights of the student.
- Except as may be provided by law, the right to prevent the release of any or all information from the records to any other party. The college will not send transcripts or copies of other educational records to any other school, prospective employer, or other person without written request of the student.

## **Solomon Act**

Federal law requires the College to provide student name, address, and telephone number to the military for recruiting purposes. If you would like your name withheld, call Student Services at 503.842.8222 ext. 1100.

## **Family Educational Rights & Privacy Act**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records:

1. The right to inspect and review the student's education records within 45 days of the day the College receives a request for access.
  - Students should submit to the registrar, dean, or head of the academic department (or appropriate official) written requests that identify the record(s) they wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes is inaccurate or misleading.

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- Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write the College official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is defined as a person employed by the College in an administrative, supervisory, academic or support staff position (including law enforcement unit and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Education; or assisting another school official in performing his or her tasks.
  4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: **Family Policy Compliance Office**, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

## **Buckley Amendment**

The Family Educational Rights and Privacy Act of 1974 (Statute: 20 1232g; Regulations: 34CFR Part 99) also known as the Buckley Amendment is a Federal Law which states (a) that a written institutional policy must be established and (b) that a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution will maintain the confidentiality of student education records. Certain directory information is excluded from this law and may be disclosed at the discretion of the College.

## **Directory Information**

At its discretion Tillamook Bay Community College may provide Student Directory Information in accordance with the provisions of the Family Education Rights and Privacy Act. Directory Information is defined as that information which would not generally be considered harmful or an invasion of privacy if disclosed.

The following Directory Information may be released by the Director of Student Services or the Chief Academic Officer at their discretion:

Name  
Enrollment status  
Dates of previous enrollment  
Participation in officially recognized activities  
Date & type of certificate, degree, honors & awards received  
Address  
E-mail address Telephone number Pictures

Students may request that Directory Information not be disclosed by filing a "Restriction of Directory Information" form, available in Student Services. The request to withhold information will remain in effect (even after you have stopped attending or have graduated from TBCC) until you request, in writing, that it be removed. Students who sign the request will not be listed in news releases concerning honor rolls, or in commencement related publications.



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The College assumes that failure on the part of any student to specifically request the withholding of Directory Information indicates individual approval of disclosure.

## **Student Right-to-Know**

### **Gainful Employment**

In order to be eligible for funding under the Title IV programs, an educational program must lead to a degree (associate, bachelor's, graduate, or professional) or prepare students for "gainful employment in a recognized occupation." The Federal Government requires TBCC to disclose information related to TBCC's certificate programs that are not part of an associate degree program and lead to gainful employment in a recognized occupation. Information includes Standard Occupational Classification (SOC) codes, graduation rates, tuition and fees, typical costs for books and supplies, job placement rates for students completing the programs, and median loan debt incurred by students completing the programs. For Gainful Employment program information visit [www.tillamookbaycc.edu](http://www.tillamookbaycc.edu).

### **Graduation and Transfer Rates**

TBCC's graduation rate, as reported to US Department of Education (pursuant to 34CFR 668.45) in the Graduation Rate Survey 2013, was 31%. This is the percentage of first time, full-time students who started college at TBCC in fall of 2010 and completed an intended degree here within three years, or 150% of the standard time. The successful transfer rate was 18% (not counting completers). Similar 2010 statistics for Oregon community colleges for all students as a whole had a graduation rate of 17.9%, and a transfer rate of 20.6%. TBCC's four-year averages are: graduation rate 38%; transfer rate 18%.

### **Annual Security Report**

TBCC's annual security reports from 2014 back to 2005 included no reportable offenses. The 2004 annual security report included one unlawful entry and burglary. The 2002 and 2003 annual security reports included no reportable offenses. The 2001 annual security report included two burglaries and one attempted arson. There were no reportable offenses for 2000, 1999, or 1998. For further information on reporting categories or policies, contact Pat Ryan, Director of Facilities, Human Resources, and Safety (503) 842-8222, ext. 1020.

## **SAVE Act Policies & Procedures**

### **Campus Security Service**

It accordance with its policy Tillamook Bay Community College and its Board prohibits discrimination, harassment, or acts of bodily injury to any person in which the victim is intentionally targeted because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim. In addition, Tillamook Bay Community College prohibits sexual assault, domestic violence, dating violence and stalking.

The office of Facilities, Human Resources and Safety, is responsible for all safety activities on campus and will provide appropriate assistance as needed. All Tillamook Bay Community College employees have the authority to ask persons for identification and to determine whether

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individuals have lawful business at TBCC. Criminal incidents are referred to the Tillamook Police Department who has jurisdiction on the campus.

For the purpose of campus security policies, all criminal actions occurring on campus property will be investigated by the Tillamook Police Department, including sex offenses. TBCC maintains a highly professional relationship and works closely with Tillamook Police when incidents arise that require joint investigative efforts, resources, crime related reports, and exchanges of information, as deemed necessary. Tillamook Police Department regularly cruises the campus both during operational hours and after hours. They can be reached at 503-842- 2522. General facilities questions may be answered by the Director of Facilities, Human Resources, and Safety Pat Ryan 503-842-8222 ext. 1020 (office) or 503-812-6404 (cell).

## Crime Reporting

All employees, students, community members, crime victims and witnesses are strongly encouraged to immediately report crimes and campus safety related incidents occurring on property owned, leased, or otherwise controlled by TBCC to College authorities and the appropriate local law enforcement agency depending on where the crime/incident occurs. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics. **To report an emergency dial 911** or Campus Safety at extension 1020 using any phone on campus. After receiving your call, Campus Safety will take the necessary action required to respond to the specific situation such as calling police, fire, or ambulance. All information of criminal actions will be forwarded to Tillamook Police Department.

To report a non-emergency, security or public safety related matter, call The Office of Facilities, Human Resources, and Safety at 503-842-8222 ext. 1020. Tillamook Police may be reached at 503-842-2522.

An Incident Report should be completed and returned to the Director of Facilities, Human Resources, and Safety in Room 122 within 24 hours of an incident. Incident Report forms are available on the TBCC website; Campus Safety page. Campus safety requires the combined efforts of staff, students and the community. Do your part by immediately reporting suspicious behavior, activity, or crimes to the Director of Facilities, Human Resources, and Safety. Any suspicious activity or person seen in parking lots, or on campus, should be reported to Tillamook Police at 911 or 503-842-2522 (non- emergencies), or Campus Safety at extension 1020. Criminal offenses may also be reported to one of the following authorities on campus who will in turn contact Tillamook Police Department or the appropriate local law enforcement.

Campus Safety	Pat Ryan	(cell) 503-812-6404 (office) 503-842-8222 ext.1020
Director of Student Services	Rhoda Hanson	(office) 503-842-8222 ext. 1110

TBCC encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the Police Department cannot hold reports of crime in confidence. Violations of the law will be referred to Tillamook Police and when appropriate, to the Director of Student Services or the Director of Facilities, Safety, and Human Resources for review.

***It is a victim's right to choose whether or not to notify and seek assistance from law enforcement or campus authorities as described above, but is highly encouraged to do so.***

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## Obtaining Sex Offender Information

Under current Oregon law, sex offender's information can be obtained through the State of Oregon Sex Offender Inquiry System at <http://www.oregon.gov/OSP/SOR/>

Information on offenders registered in Tillamook County can be obtained also from the Tillamook County Community Corrections website at <http://www.tillamooksheriff.org/>

## Sexual Assault, Domestic Violence, Dating Violence, and Stalking Prevention and Response

TBCC prohibits sexual assault, domestic violence, dating violence & stalking. Sexual Assault is defined as any offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the FBI.

Domestic Violence is defined as a felony or misdemeanor crime of violence committed by:

1. a current or former spouse or intimate partner of the victim,
2. a person with whom the victim shares a child in common,
3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA), or
5. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating violence means violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - the length of the relationship;
  - the type of relationship; and
  - the frequency of interaction between the persons involved in the relationship.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Although the State of Oregon does not define "consent" in reference to sexual activity, below are boundaries to adhere to when engaging in sexual activities:

- Both parties show a clear and mutual understanding of exactly what they are consenting to.
- There is no coercion, force, threats, intimidation, or pressuring.
- Both parties express in words or actions a clear willingness to do the same thing, at the same time, in the same way, with each other.
- **Silence does not equal consent.**
- Consent is not indefinite and consent may be withdrawn at any time.  
At any time sexual activity must cease unless and until additional effective consent is given.

If you are a survivor of domestic violence, dating violence, stalking, or a sexual assault at this institution, your first priority should be to get to a

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place of safety. You should then obtain necessary medical treatment. TBCC strongly advocates that a survivor of the above crimes report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Any of the crimes listed above should be reported directly to one of the following:

1. Call Tillamook Police by dialing 911
2. You may also contact Campus Safety by using one of the emergency phones located in classrooms and throughout the campus and dialing 1020. After receiving your call, Campus Safety will take the necessary action required to respond to the specific situation.

In the event a survivor is unable to report a sexual assault, domestic violence, dating violence or stalking crime, TBCC Safety will ensure that the survivor has available the necessary care deemed appropriate. TBCC Safety will also work with the appropriate law enforcement agency to ensure accurate and prompt reporting of the incident.

Filing a report with the above staff will not obligate the victim to prosecute; however, this will result in Campus Safety filing a report with the Tillamook Police Department.

## **Filing a police report will ensure that:**

1. a survivor of sexual assault receives the necessary medical treatment and tests (at no expense to the survivor) providing the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a survivor of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)
2. assure the survivor has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

If an offense occurs, these services are available for survivors:

### **Counseling & Survivor Advocacy:**

Tillamook County Women's Resource Center	503- 842-9486
Tillamook Family Counseling Center	503-842-8201
Tillamook Department of Human Services	503-842-4453
<b>National Domestic Violence Hotline</b>	<b>1-800-799-7233</b>

### **Health Care:**

Tillamook County Health Department	503-842-3922	Tillamook Regional Medical Center	503-842-4444
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### **Mental Health:**

Tillamook Family Counseling Center	503-842-8201
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***It is a survivor's right to choose whether or not to notify and seek assistance from law enforcement or campus authorities as described above, but is highly encouraged to do so.***

Students or employees who report they have suffered sexual assault, domestic violence, dating violence or stalking shall be provided with a written explanation of their rights and options at the time of an incident. They will receive written notification of available counseling, health,

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mental health, victim advocacy, and other services which may be available—whether they are part of the on-campus community or live in the community.

The College will change a survivor's academic situation after an alleged offense listed above, if requested by the survivor and the changes are reasonably available regardless of whether the survivor chooses to report the crime to Campus Safety or local law enforcement. Options could include enrollment in a different section of a class, withdrawal without penalty, or other reasonable accommodations.

## **Bystander Assistance Guidelines**

If you are a bystander to a domestic violence, dating violence, sexual assault or stalking incident, in order to try to prevent harm or intervene during such an incident, you should immediately call Tillamook Police at 911 or Campus Safety (Dial 1020 from any campus phone or 503-842-8222 ext.1020). If you witness something that does not look or sound right, don't hesitate to call. Even if the situation resolves before Police or Campus personnel arrive, it still needs to be documented. If, on the other hand the situation continues to escalate, Police or Campus Safety needs to be notified as soon as possible. Do not get yourself involved in a suspicious or threatening situation; immediately call and indicate that it is an emergency.

## **Recognizing Abusive Behavior**

Domestic violence and abuse can happen to anyone. If you or if you suspect someone you know suffers abuse, contact Tillamook Police, Campus Safety, or Chief Student Services Officer.

Tactics abusers may use towards victims can include the following:

- Blaming the victim or others and making the victim feel it is the victim's fault for the abuser's violent behavior. Many abusers also deny that the abuse even occurred.
- Dominating the relationship including making all decisions, treating you like a child or his/her property.
- Intimidating the victim by using threatening looks or gestures. May also include smashing/breaking things in front of victim. May show victim weapons abuser has, implying that there will be violent consequences.

Abusers are selective about whom they will abuse. They have the power to stop their abusive behavior, but choose not to do so unless it suits their purposes. They are also selective about the type of physical abuse they inflict so that it is on body parts that will not show.

If you suspect that someone you know is being abused, call Tillamook Police, Campus Safety or the Chief Student Services Officer. By speaking with the police or designated TBCC staff, they will be able to offer help to victims of abuse. If you are being abused, please contact any of the above staff. There is help and resources available to support you in this process.

Students or staff who have orders of protection, no contact orders, restraining orders, or similar lawful orders are encouraged to contact Campus Safety or the Director of Student Services who will then be better able to respond in the event of an incident.

## **Victim's Rights**

A student or employee who reports to TBCC that they suffered domestic violence, dating violence, sexual assault, or stalking incident, whether or not the offense occurred on or off campus, will be provided with a written explanation of victim rights outlining the following:

- Possible sanctions or protective measures that may be imposed following the final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.
- Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking incident has occurred

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including:

- evidence preservation;
- to whom to report the alleged offense;
- notification of proper law enforcement authorities, including local police;
- assistance available from campus authorities in notifying law enforcement;
- declination of notifying authorities;
- orders of protection, no contact orders, restraining orders, or similar lawful orders.

Procedures for TBCC disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, including:

- prompt, fair, impartial investigation/resolution;
- training officials have received who conduct investigations/hearing;
- accuser and accused rights, including:
  - who may accompany either party to meetings/proceedings;
  - being simultaneously informed of outcomes that include
- appeal procedures
- changes in hearing results prior to finalization of results;
- when results become final.

Information about how TBCC will protect the confidentiality of survivors, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by the law.

Notification to victims about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both on campus and in the community.

If requested, options and assistance for changing academic situations may be available.

## **Standards for Investigation & Disciplinary Action in Alleged Sex Offenses, Domestic Violence, Dating Violence & Stalking**

TBCC disciplinary action in cases of domestic violence, dating violence, sexual assault or stalking shall be prompt and fair, with an impartial investigation and resolution. Conduct hearings shall be conducted by the Director of Facilities, Human Resources, and Safety; and Director of Student Services who have been trained on issues related to these crimes and how to conduct a hearing process that protects the safety of victims and promotes accountability. The standard of evidence used during conduct proceedings will be a reasonable preponderance of evidence gathered during the investigation of an incident.

In cases of alleged offenses, both accuser and accused are entitled to have others present during a conduct proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. Both accuser and accused will be simultaneously informed in writing of the outcome of any campus conduct hearing brought alleging any of the above offenses.