



## CAMPUS SECURITY REPORT 2023

Campus security and safety is an important feature of education, and East West College (EWC) is committed to providing students a safe environment in which to learn and to keep students and employees well informed about campus security. These goals are advanced by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. It is the policy of the College to provide a safe, healthy, and productive educational and work environment for its students and employees. This report explains how the College reports and handles crime and emergency situations on or near College property. The report contains information about crimes committed on or near campus during the last three years, and about the school's policies regarding campus security.

### CAMPUS SECURITY PRACTICES

EWC encourages students to be alert and safety-conscious, and to use common sense in keeping themselves and their belongings secure. Students should avoid leaving personal belongings unattended. Lockers are available for students, and students are encouraged to lock up valuables while on campus. Bikes should be locked to racks with heavy-duty locks at all times, and vehicles should also remain locked with valuable items out of sight.

The College takes security of and access to all campus facilities seriously. To this end, the College employs the following security methods:

- a. There is a staffed security desk in the first-floor lobby of the building in which East West College is located.
- b. Building security personnel conduct complete walk throughs of the building at night, and are available throughout the day as needed.
- c. Access to the school after 6pm and on weekends is limited to individuals who have signed in with the building security desk on the first floor.
- d. Access to the school via stairwells is limited by a keypad lock.
- e. Access to the classroom areas is limited by a keypad lock after 7:30pm and on weekends.
- f. Each school area is individually keyed.
- g. All file cabinets are secured with locks.
- h. All keys issued to employees are signed out and authorized.
- i. Protocols for assessing and responding to dangerous or potentially dangerous situations (including emergency contact numbers) have been distributed to all Faculty and Staff.

### CRIME PREVENTION PROGRAMS

At orientation, students receive information about personal safety and theft prevention. Students who wish to have additional information about crime prevention strategies or referrals to crime prevention workshops should contact the Dean of Students.

### CAMPUS LAW ENFORCEMENT

As the campus is generally very safe, EWC does not employ campus security personnel, however, crimes are promptly reported to the local or state police authorities as appropriate.

### CRIME REPORTS

Any crimes occurring on or near the EWC campus should be reported as quickly as possible to the Dean of Students, either in person, by emailing [yvleer@eastwestcollege.edu](mailto:yvleer@eastwestcollege.edu) or at 503-233-6500 x214. If you observe or are a victim of a crime, please report the (a) type of incident, (b) location of incident, (c) description of the person or person's clothing and physical features, (d) the person's direction of travel and description of any vehicle, and (e) date and time of the incident. EWC supports confidential reports made by victims or witnesses, and reporters can be assured that their reports will remain confidential.

To report a crime in progress or any other emergency occurring on the EWC campus or its surrounding areas to local law enforcement, call 911 from any private or pay phone. City of Portland emergency dispatchers are available 24 hours a day, and will send the appropriate law enforcement or emergency personnel to all reported criminal, fire, or ambulance calls.

### **TIMELY WARNING**

The College provides timely warnings to alert the campus community about crimes that pose a serious or continuing threat to safety. These warnings are posted in the faculty room and on the bulletin board in the student lounge. Additionally, notifications are sent via email to students, staff, and faculty (or put in student mail folders where email permission has not been obtained).

### **ANNUAL DISCLOSURE**

The disclosure of crime statistics for crimes that are reportable under the Clery act that took place on and near the campus are distributed annually to the college community via an online Campus Security Report. A link to the annual Campus Security Report is available on the school's website and is emailed to all students, staff, and faculty (or put in student mail folders where email permission has not been obtained). Hard copies of the report are available by request from the Dean of Students who compiles the data and serves as the official Campus Security Officer. The report is published on October 1 of each calendar year, and includes confidential reports made by victims or witnesses. For a full list of definitions of reportable crimes see Appendix A.

### **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

EWC has developed an emergency response and evacuation procedure for significant emergencies or dangerous situations occurring on campus which pose an immediate or on-going threat to the health or safety of students, faculty and staff. Emergencies or dangerous situations include but are not limited to: gas leaks, fires, earthquakes, severe weather, accidents or violent or criminal behavior.

All members of the EWC community are urged to call 9-1-1 in case of any situation or incident on campus that involves a significant emergency or dangerous situation which poses an immediate or on-going threat to the health or safety of students, faculty or staff. In addition, this information should also be communicated to the Emergency Response Team (ERT), which includes the Director of Operations and the Director of Education. When possible, the Reception Desk should also be notified.

Upon receiving information regarding an emergency or dangerous situation that poses an immediate or on-going threat to the health and safety of students and/or employees on campus, the ERT will convene and conduct an assessment to verify the situation and determine the level of severity. Following this assessment, the ERT will determine who to notify (the entire EWC community or just an affected portion), determine the content of the notification and begin the notification process. As appropriate, the ERT will contact the Portland Police Bureau and/or the Portland Fire Department for assistance in responding to the situation. The ERT will, without delay and taking into account the safety of the EWC community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the ERT, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In case of an emergency or dangerous situation, students, faculty and staff will be immediately notified through some or all of the following methods: fire alarms, network emails, on-campus voicemails and postings on the EWC website (<http://www.eastwestcollege.edu>).

Emergency evacuation procedures and exit routes are posted throughout the EWC building. The EWC Emergency Response and Evacuation Plan is posted on the EWC website and distributed to all members of the EWC community on an annual basis as part of the Campus Security Report.

The building in which EWC is located tests the fire alarm system annually. EWC tests the emergency response and evacuation procedures on an annual basis. EWC maintains records of these tests, which detail the date, time and description of the test, and whether it was announced or unannounced.

## **ALCOHOL AND DRUG PREVENTION PROGRAM**

EWC publishes the East West College Drug and Alcohol Prevention Program, which it distributes to students within the first week of school to new students, annually to all students and upon hiring to new employees. This report is also available to current and prospective students and to current employees upon request.

### **Alcohol and Drug Support and Programs**

Drug and alcohol-abuse educational program information is available from the following resources:

- 24-Hour Addiction Referral Network (1-800-577-4393)
- Alcohol and Drug Helpline (503-244-1312)
- National 24-Hour Help and Referral Network (1-800-996-DRUG)
- Lifeworks Northwest (503-645-9010)

## **VIOLENCE AGAINST WOMEN ACT (VAWA) PREVENTION AND AWARENESS PROGRAM Standards of Conduct**

East West College prohibits sexual assault, dating violence, domestic violence, and stalking by students and employees on College property or as any part of any College activity.

### **The VAWA Prevention and Awareness Program**

The College's prevention and awareness program includes the following:

- Orientation: At new student orientation, the college states the importance of professionalism, appropriate boundaries, respect, and safety. Students learn about the College's policies regarding harassment, sexual harassment and physical safety; procedures to report concerns; and non-academic probation.
- Therapeutic Relationships Course: All first-term students are required to take Therapeutic Relationships. This is a co-requisite for Foundations of Massage, which is students' first hands-on course. Therapeutic Relationships prepares students to create a safe and professional relationship with clients. It includes coursework on building trust and rapport, ethics, boundaries, communication skills, power differential, conflict resolution, etc. Students are explicitly instructed to apply what they learn to the relationships they are developing with classmates right away. The importance of creating safety, getting explicit consent, and carefully managing the power differential are covered extensively throughout this course. Additionally, the course stresses the importance of keeping sexual relationships completely separate from professional ones. The course also discusses factors that compromise clients' ability to freely give consent (e.g., being under the influence of drugs or alcohol, fear of speaking up due to the implicit power differential, etc.).
- VAWA Prevention and Awareness Program report: EWC distributes this report within the first week of school to new students, annually to all students and upon hiring to new employees. This report is also available to current and prospective students and to current employees upon request. The report includes:
  - The College's standards of conduct related to sexual assault, dating violence, and stalking.
  - Definitions of the offenses of sexual assault, dating violence, domestic violence and stalking.
  - A definition of consent, in reference to sexual activity.
  - A description of safe and positive options for bystander intervention.
  - Information on risk reduction.
  - The College's policies and procedures after a VAWA offense occurs.
  - A description of the College's on-going prevention and awareness campaigns for students and employees.

## **Procedures Victims Should Follow if a Crime of Sexual Assault, Domestic Violence, Dating Violence or Stalking Has Occurred**

If a VAWA offense occurs on campus or as part of any College activity, the victim should:

- Go to a safe place.
- Call someone to be with you; you should not be alone.
- Preserve any evidence, as it may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.
- Save text messages, instant messages, social networking pages, pictures and other communications.
- Refrain from showering, bathing or destroying any of the clothing worn at the time of the attack.
- Seek medical attention as soon as possible. Even if you decide not to have medical professionals obtain forensic evidence, you still need to have injuries treated and be evaluated for the risk of pregnancy and/or sexually transmitted diseases.

The victim should contact the Dean of Students, who is the Title IX coordinator, in person or by telephone (503-233-6500 x214) or email ([yvleer@eastwestcollege.edu](mailto:yvleer@eastwestcollege.edu)) as quickly as possible.

If victims or witnesses wish to make an anonymous report, they may complete an Anonymous Crime Report. These forms are located in the student library and near the student mail folders. Detailed procedures for anonymous reporting are included in the VAWA Awareness and Prevention Program and on the form itself.

Victims are encouraged to report incidents of sexual assault, domestic violence, dating violence and stalking to the local police. However, it is their choice whether or not to make a report; victims have the right to decline to notify local police. The Dean of Students will assist students in notifying these authorities if requested.

Victims may choose to seek orders of protection, “no-contact” orders, restraining orders or similar lawful orders issued by a criminal, civil or tribal court. If such orders are granted, victims should provide this information to the College and request a FERPA block. The College will withhold directory information for these individuals. In the case that any of these orders are against current students, the College will adjust class schedules as necessary to adhere to these orders.

The Dean of Students will assist the victim with accessing community resources and will offer short-term support in the interim to ensure the victim has adequate support. The College will make reasonable attempts to adjust class schedules to minimize or eliminate contact between the victim and the accused.

Victims are also encouraged to contact one of the sexual abuse crisis or support agencies listed below for support,

- Portland Women’s Crisis Line (1-888-235-5333)
- National Rape/Sexual Assault Hotline (1-800-656-HOPE)
- Sexual Assault and Trauma Resource Center (1-800-494-8100)

## **Confidentiality**

The College will protect the confidentiality of victims and any other associated individuals through:

- Informing victims that the College cannot promise complete confidentiality when investigating allegations.
- Referring victims who want complete confidentiality to outside resources for counseling and support.
- Completing publicly available record keeping (such as the Clery Act reporting) without the inclusion of personally identifying information.
- Limiting access to information (including the identity of the victim, the identity of the accused, identities of witnesses, and the timing and nature of the alleged offense) during investigations and disciplinary proceedings to College staff directly involved in the investigation and/or disciplinary proceeding.
- Limiting information regarding accommodations or protective measures provided to the victim to staff who are involved in implementing these accommodations or protective measures.

- During and after any disciplinary proceedings or actions, reminding College staff, the victim, the accused and any witnesses of the importance of maintaining confidentiality to protect the rights of all involved.

### **Disciplinary Action**

In cases of alleged dating violence, domestic violence, sexual assault, or stalking, individuals may file a disciplinary complaint by contacting the Dean of Students or the Director of Education. Complaints may be filed on behalf of themselves or another and can be completed anonymously if desired. Anonymous complaints should be submitted on an Anonymous Crime Report (available in the student library and near the student mail folders).

In the case of allegations of dating violence, domestic violence, sexual assault, or stalking, the College will provide a prompt, fair, and impartial disciplinary proceeding in which:

- Officials conducting any disciplinary proceedings receive annual training on issues related to dating violence, domestic violence, sexual assault, stalking, and how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability.
- Officials conducting any disciplinary proceedings do not have a conflict of interest or bias for or against the accuser or accused.
- The accuser and the accused have equal opportunities to have others present, including an advisor of their choice.
- The accuser and the accused received simultaneous notification, in writing, of the result of the proceeding, and any available appeal procedures.
- The proceeding is completed in a reasonably prompt time frame.
- The accuser and accused are given timely notice of meetings at which one or the other or both may be present.
- The accuser, the accused, and appropriate officials are given timely and equal access to information that will be used during disciplinary proceedings.

Upon receipt of a complaint, regardless of whether or not the victim chooses to report the incident to law enforcement, the College will take action to investigate the allegations. The Dean of Students investigates all complaints within five business days.

The Dean of Students meets with the person reporting the possible violation to take and record their statement, or reviews reports that are submitted via the Anonymous Crime Report form. If the report was filed on behalf of another, the Dean of Students then meets with the alleged victim to take and record their statement. During meetings with the alleged victim, the Dean of Students outlines protective measures available to the victim, including changing schedules, taking a leave of absence, and limiting access to directory information.

The Dean of Students then meets with the person about whom the complaint was filed to obtain their statement about the possible violation. If necessary, the Dean of Students may interview other individuals (including teachers, staff or students) in the investigation of the complaint.

The nature of the concern or complaint may have to be disclosed to witnesses, to persons who may have pertinent information, to persons involved in the matter such as any person accused of wrong doing, and to persons or entities determined by the College to have a legitimate interest in being informed. Any such disclosure takes into consideration issues of confidentiality. However, confidentiality cannot be guaranteed.

The Dean of Students then meets with the Director of Education to present the information gathered at these meetings plus any additional available evidence about the situation. The standard of evidence used in determining whether a violation has occurred is preponderance of the evidence. This is a burden of proof in which it is determined to be more likely than not that the violation has in fact occurred.

Based on a review of the evidence, the Director of Education determines whether to dismiss the complaint, place the student on Non-academic Probation, or recommend the student's dismissal from the College to the EWC Oversight Committee.

The decision of the Director of Education is communicated in writing simultaneously to the accuser and the accused. Either party may appeal this decision by completing an Academic Appeal form and submitting it to the EWC Oversight Committee within five business days. Academic Appeal Forms are available in the Student Services Office and can be submitted to the EWC Oversight Committee via the Student Services Office Administrative Coordinator or the Dean of Students.

The EWC Oversight Committee will review the evidence, the recommendation of the Director of Education, and any appeals that were submitted. The EWC Oversight Committee's review will be completed within thirty days.

The EWC Oversight Committee may decide to:

- Act on the recommendation of the Director of Education.
- Amend the Director of Education's decision.

The EWC Oversight Committee has the authority to:

- Place the student on Non-academic Probation or extend the period of Non-Academic Probation.
- Dismiss the student from the College and allow the student to apply for re-admittance after having met specific conditions.
- Dismiss the student from the College without any possibility of re-admittance to the College.

The decision of the Oversight Committee is final and will be communicated to the accuser and the accused simultaneously in writing.

### **Victim Rights**

Students or employees who report being victims of dating violence, domestic violence, sexual assault or stalking will be provided with a written explanation of their rights and options, regardless of whether the offense occurred on campus. This written notification of rights and options includes:

- Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community.
- A reminder that accommodations or protective measures are provided if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.
- The availability of changes to the academic or working situation
- Accommodations and protective measures available.
- Suggestions for how to make changes in living or transportation situations. (Note: the College does not provide housing or transportation for students or employees.)
- The disciplinary procedure used by the College in cases of alleged dating violence, domestic violence, sexual assault or stalking.

### **Sexual Assault Law Enforcement Information**

Law enforcement agency information concerning registered sex offenders who might be present on campus or in the area is available from the Oregon State Police, Sex Offender Registration Unit in Salem at 503-378-3725, extension 44429.

## Crime Statistics 2020 - 2022

Offenses	Year	On Campus	Residential	Non-Campus	Public Property	Total
Murder / Non-Negligent Manslaughter	2022	0	n/a	n/a	0	0
	2021	0	n/a	n/a	0	0
	2020	0	n/a	n/a	0	0
Negligent Manslaughter	2022	0	n/a	n/a	0	0
	2021	0	n/a	n/a	0	0
	2020	0	n/a	n/a	0	0
Forcible Sex Offenses	2022	0	n/a	n/a	0	0
	2021	0	n/a	n/a	0	0
	2020	0	n/a	n/a	0	0
Non-Forcible Sex Offenses	2022	0	n/a	n/a	0	0
	2021	0	n/a	n/a	0	0
	2020	0	n/a	n/a	0	0
Robbery	2022	0	n/a	n/a	0	0
	2021	0	n/a	n/a	0	0
	2020	0	n/a	n/a	0	0
Aggravated Assault	2022	0	n/a	n/a	0	0
	2021	0	n/a	n/a	0	0
	2020	0	n/a	n/a	0	0
Burglary	2022	0	n/a	n/a	0	0
	2021	1	n/a	n/a	0	1
	2020	0	n/a	n/a	0	0
Motor Vehicle Theft	2022	0	n/a	n/a	0	0
	2021	0	n/a	n/a	0	0
	2020	0	n/a	n/a	0	0
Arson	2022	0	n/a	n/a	0	0
	2021	0	n/a	n/a	0	0
	2020	0	n/a	n/a	0	0
Liquor, Drug and Weapons Possession Arrests	2022	0	n/a	n/a	0	0
	2021	0	n/a	n/a	0	0
	2020	0	n/a	n/a	0	0
Liquor, Drug and Weapons Possession Disciplinary Action	2022	0	n/a	n/a	0	0
	2021	0	n/a	n/a	0	0
	2020	0	n/a	n/a	0	0

Hate/Bias Crimes						
	<b>2022</b>	<b>0</b>	<b>n/a</b>	<b>n/a</b>	<b>0</b>	<b>0</b>
Race	0	0	n/a	n/a	0	0
Gender	0	0	n/a	n/a	0	0
Religion	0	0	n/a	n/a	0	0
Sexual Orientation	0	0	n/a	n/a	0	0
Ethnicity	0	0	n/a	n/a	0	0
Disability	0	0	n/a	n/a	0	0
	<b>2021</b>	<b>0</b>	<b>n/a</b>	<b>n/a</b>	<b>0</b>	<b>0</b>
Race	0	0	n/a	n/a	0	0
Gender	0	0	n/a	n/a	0	0
Religion	0	0	n/a	n/a	0	0
Sexual Orientation	0	0	n/a	n/a	0	0
Ethnicity	0	0	n/a	n/a	0	0
Disability	0	0	n/a	n/a	0	0
	<b>2020</b>	<b>0</b>	<b>n/a</b>	<b>n/a</b>	<b>0</b>	<b>0</b>
Race	0	0	n/a	n/a	0	0
Gender	0	0	n/a	n/a	0	0
Religion	0	0	n/a	n/a	0	0
Sexual Orientation	0	0	n/a	n/a	0	0
Ethnicity	0	0	n/a	n/a	0	0
Disability	0	0	n/a	n/a	0	0
Domestic Violence						
	<b>2022</b>	0	0	0	0	0
	<b>2021</b>	0	0	0	0	0
	<b>2020</b>	0	0	0	0	0
Dating Violence						
	<b>2022</b>	0	0	0	0	0
	<b>2021</b>	0	0	0	0	0
	<b>2020</b>	0	0	0	0	0
Stalking						
	<b>2022</b>	0	0	0	0	0
	<b>2021</b>	0	0	0	0	0
	<b>2020</b>	0	0	0	0	0
Unfounded Crimes						
	<b>2022</b>	0	0	0	0	0
	<b>2021</b>	0	0	0	0	0
	<b>2020</b>	0	0	0	0	0



# Appendix A

## Definitions

### General Terms

**Advisor:** Any individual who provides the accuser or accused support, guidance, or advice.

**Awareness Programs:** Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Bystander Intervention:** Safe and positive actions that employees and students may take to prevent harm or to intervene when there is a risk of sexual harassment, sexual assault, dating violence, domestic violence or stalking. Bystanders may also get help for people who have already been victimized. The goal of bystander intervention is to aid in the prevention of violence without causing further harm, threat or damage.

**Consent:** Voluntary, non-coerced, clear and positive agreement between the participants to engage in a specific sexual activity. Valid consent cannot be granted if a person is asleep, mentally or physically incapacitated (either through the use of drugs or alcohol or for any other reason).

**Ongoing Prevention and Awareness Campaigns:** Ongoing prevention and awareness campaigns consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing prohibited conduct.

**Primary Prevention Programs:** Programming, initiatives, and strategies that are intended to stop prohibited conduct before it occurs through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

**Proceeding:** All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations form or informal meetings, and hearings.

**Result:** Any initial, interim, and final decision made by any official or entity authorized to resolve disciplinary matters within the institution.

**Risk Reduction:** Options designed to decrease perpetration and bystander inaction and to increase empowerment in an effort to promote safety and to help individuals and communities address conditions that facilitate violence.

### Reportable Crimes

**Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Sex Offenses, Forcible:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. **Rape**

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

B. **Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

C. **Date Rape Drug**

Under Clery, the administration of a date rape drug in an unsuccessful attempt to incapacitate and sexually assault the victim, and investigation determines that the perpetrator's attempt was to commit a sex offense, is a sexual assault. Administration of a date rape drug in which intent cannot be proven is an Aggravated Assault.

**Sex Offenses, Non-forcible:** Unlawful, non-forcible sexual intercourse.

A. **Incest**

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. **Statutory Rape**

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Domestic Violence**

A. **State Definition**

Domestic Violence: Abuse between family or household members.

Family or household members: Spouses or former spouses; adults related by blood, marriage or adoption, persons cohabitating or who have cohabitated; persons in a past or present sexually intimate relationship; unmarried parents of a child.

Abuse: The occurrence of one or more of the following acts within a domestic relationship:

- a. Attempting to cause or intentionally, knowingly or recklessly causing bodily injury.
- b. Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury.
- c. Causing another to engage in involuntary sexual relations by force or threat of force.

B. **Federal Definition**

A felony or misdemeanor crime of violence committed

- a. By a current or former spouse or intimate partner of the victim
- b. By a person with whom the victim shares a child in common
- c. By a person who is cohabitating with or has cohabitated with the victim as a spouse or a partner
- d. By a person similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime of violence occurred, or
- e. By 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 in which the crime of violence occurred.

**Dating Violence**

A. **State Definition**

There is no state definition for Dating Violence.

B. **Federal Definition**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- a. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- b. For purposes of this definition
  - i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - ii. Dating violence does not include acts covered under the definition of domestic violence.
    1. For the purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## Stalking

### A. State Definition

A person commits the crime of stalking if:

- a. The person knowingly alarms or coerces another person or a member of that persons immediate family or household by engaging in repeated and unwanted contact with the other person;
- b. It is objectively reasonable for a person in the victims situation to have been alarmed or coerced by the contact; and
- c. 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.

### B. Federal Definition

- a. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  - i. Fear for the person's safety or the safety of others; or
  - ii. Suffer substantial emotional distress
  - iii. For the purposes of this definition
    1. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
    2. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
    3. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed. Aggravated assault includes poisoning (date rape drug, etc.)

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned – including joy riding).

**Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

**Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

(Crime definitions are from the [Uniform Crime Reporting Handbook](#). Sex offense definitions are from the National [Incident-Based Reporting System](#) edition of the Uniform Crime Reporting Program).

### **Clery Act Hate/Bias Crimes**

A hate crime is defined as any crime that manifests evidence that a victim was selected because of his/her actual or perceived race; gender; gender identity; religion; sexual orientation; ethnicity; national origin or disability. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's perceived race; gender; gender identity; religion; sexual orientation; ethnicity; national origin or disability, the crime is classified as a hate crime. For more information on the definition and classification of hate/bias crimes, see: <http://www.fbi.gov/about-us/cjis/ucr/data-collection-manual>

### **Bias**

Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity or national origin.

Although there are many possible categories of bias, under Clery, only the following eight categories are reported:

### **Race**

A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

### **Gender**

A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

### **Gender Identity**

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

### **Religion**

A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

### **Sexual Orientation**

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived sexual orientation.

### **Ethnicity**

A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

### **National Origin**

A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and/or traditions.

### **Disability**

A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

The University of Oregon Police Department is required to report statistics for hate/bias crimes by the type of bias for the prior listed offenses (see definitions above) as well as the crimes of larceny, simple assault, intimidation and vandalism (see definitions below). The below listed crimes are not Clery reportable crimes unless the crime was motivated by bias.

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Note: Constructive possession is defined by Black's Law Dictionary, 6th ed. as "where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.")

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property (Except "Arson"):** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person

having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

If a hate crime occurs during an incident involving larceny, simple assault, intimidation or vandalism, Clery law requires that the statistic be reported as a hate crime even though these four crime classifications by themselves are not Clery-reportable crimes.

A hate crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's race, religion, ethnicity, national origin, gender, gender identity, sexual orientation, or disability, the crime is classified as a hate crime.

**Unfounded Crimes:** An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement may “unfound” a crime report for purposes of reporting under this section.