

FREEDOM TO REPORT

University of Oregon makes changes to sexual and gender-based harm reporting policy

DARCI HEROY, UO TITLE IX COORDINATOR

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After years of debate, protests and nationwide conversations, the University of Oregon has implemented a new policy for reporting gender or sexual discrimination and violence against students.

According to the new policy, the changes are intended to encourage conversations and reporting by students, and make all employees part of the solution to prohibited conduct — such as gender discrimination, sexual harassment and sexual violence — by giving employees different responsibilities when supporting students who come forward.

Title IX Coordinator Darci Heroy says the decision to make a new policy came after years of local and national debate over having all university employees designated reporters — employees who are required to share any information about sexual or gender-based harassment or violence to the Title IX coordinator for further action to be taken.

Title IX is a U.S. federal law that says all members of the UO community are protected from gender discrimination, sexual harassment and sexual violence.

OLD POLICY LEFT VICTIMS BEHIND

Heroy says that under the previous policy people frequently argued that having all employees be designated reporters led to a lack of trust and confidence when students wanted to confide in a faculty member.

“Students would feel safe going to an employee with whom they’ve formed a relationship with to share and seek advice, but they lost confidence when the reporting was mandatory, even if that was outwardly declared,” she says. “They felt blindsided, and that trust was gone.”

Laura Hanson — a survivor of a sexual assault that occurred during her time at the UO — was a victim not only of sexual assault, but also an “infuriating and disturbing way of handling it by the university.”

After Hanson’s assault was relayed by mandatory reporters to the Title IX office, the system failed to respond effectively. It was almost a year after the assault occurred that the UO finally reached out to her perpetrator, and more

than another year later when she settled with the university.

“I don’t have a lot of confidence in the UO, but I do hope this is a positive change,” Hanson says.

Heroy was approached by then UO Senate president Bill Harbaugh around a year ago to create a new policy, and she worked with a team of students and staff for more than eight months to write the new policy — after a unanimous vote by the UO Senate, the policy went into effect Sept. 15.

UO’s Sexual Wellness Advocacy Team (SWAT) is in full support of the new policy, UO senior and SWAT intern Molly Zanninovich says. SWAT strives to educate students about sexual wellness, consent, healthy relationships and sexual assault support through interactive workshops and activities.

“In an act of sexual violence, all of the autonomy and personal choice is taken away from somebody, so it’s key to let the help received afterward be in their control,” Zanninovich says. “Saying, ‘This is up to you’ and ‘It is your choice to have this or that’ puts the situation in the student’s hands, which is important.”

DEFINING ROLES FOR FACULTY AND STAFF

The new policy gives all university employees one of three specific titles and responsibilities: designated reporter, student-directed employee or confidential employee.

Designated reporters are employees who have the authority to address prohibited conduct and whom students would reasonably expect to have the authority to remedy prohibited conduct. They are obligated to report student disclosures to the Title IX office if they have “reportable evidence” — direct disclosure from a student, observed conduct or information from a third party — of gender or sexual violence or discrimination.

The two other responsibilities given to faculty will offer different options for students, unlike the setup in the past. “We realized if we want to create a place of trust where students will get help, we needed to create the policy for that,” Heroy adds.

Student-directed employees are required to offer students information, resources, support and the ability to report, but only if that is the student’s choice. They do not have the ability to address the discrimination or to implement corrective measures. These employees include most faculty, staff, administrators and student-staff.

Finally, confidential employees are those with a professional commitment and/or legal privilege that may enable them to oppose a court order seeking disclosure of communications. They have the same obligation as student-directed employees in terms of offering students information, resources, support and the ability to report, but their professional obligations to confidentiality provide an additional layer of confidentiality for students.

Confidential employees include UO professionals working in health care, counseling and mental health clinics, professionals working in Crisis Intervention and Sexual Violence Support Services, attorneys working with the student survivor legal services, attorneys working in the office for student advocacy and ASUO legal services, and others.

POLICY CHANGES AIM TO INSPIRE TRUST

The policy — available online — outlines where each faculty member falls among the three responsibilities. Among the designated reporters are members of the Board of Trustees, the president, vice presidents, associate and assistant athletic directors, all coaches of NCAA intercollegiate sports, the Title IX Coordinator and more.

“We have still obligated everyone with something, and we believe the changes will lead to more students feeling safe to share, and even make reports,” Heroy says. “We want all employees to engage with students and be a part of the solution.”

Hanson says she is encouraged that student experiences shared in the classroom are now an exception to required reporting. “In class students often bring up their experiences and want to be able feel comfortable talking about it,” she says. “It’s a good step for teachers to know they won’t be forced to share everything.”

Other exceptions for designated reporting include experiences shared during public awareness events — including SWAT presentations and “survivor speak-outs” — and during institution-reviewed research studies focused on prohibited discrimination.

Zanninovich says SWAT feels that educating students on the changes in the policy is key, and so they plan to add information about the new policy into their workshops and scripts.

“This new policy will only be good for students if they are aware of it. It won’t do what people wanted if it isn’t shared,” she says.

“The old policy was well-intended and wanted to get students help, but the ‘have to’ with reporting wasn’t good for everybody who experienced some form of sexual misconduct,” Zanninovich says. “Now, this policy seems student-centered and we have hope it will lead more students to feel safe to share at any level and get support — and at the end of the day, that is the most important thing.” ■

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