

Challenges in Reporting Sexual Assault Harassment or Misconduct Data

Requests for records and/or information regarding incidents of sexual assault, sexual harassment or sexual misconduct reported on the UO campus or its environs, with and without reference to the Clery Act, present a challenge in terms of response. The following information is intended to clarify what information the UO can provide.

“Sexual assault” is a broad term that is used with different meaning in different contexts. Data collection vary depending on reporting requirements and the purpose for which data is collected.

Some reported incidents may be counted in three reports, while others are counted in only one, based on applicable requirements and the purpose of the report. Translation: accurate understanding of data requires understanding of the purpose for which it was collected and reported.

Federal Clery report:

The Clery Act requires that the UO report specified crimes that occur in Clery-reportable locations. The report is published annually by the UO Police Department (previously the Department of Public Safety). Very generally, Clery-reportable locations include the campus, other locations owned or controlled by the UO, and areas immediately adjacent to the campus.

Type of crime and the location where the alleged crime occurred are the drivers of what gets included in the UO’s Clery report, not who was involved. Note: Clery reports frequently include some incidents involving parties who have no affiliation with the UO but are included because the reported crime occurred within the reportable area.

Campus Student Conduct process:

The UO Student Conduct Code addresses behavior by UO students over which the UO has jurisdiction under the conduct code. This is not a criminal process.

The Student Conduct Code extends jurisdiction off campus when the alleged conduct 1) adversely and significantly affects the learning environment; 2) would have violated the Student Conduct Code if it occurred on campus; and 3) involved violence or produced a reasonable fear of physical harm; or 4) involved academic work or any records, documents, or identifications of the University.

A recent University Senate amendment may extend jurisdiction to any off campus incident involving unwanted sexual penetration or nonconsensual personal contact, as defined in the Code. This amendment has just been passed through the initial stages and a date for implementation has not yet been set.

Also important to note:

- Student conduct data can include incidents that occurred off campus that would not be included in a Clery report based on the location of a reported incident.
- Student conduct data do not include incidents where the person whose behavior is of concern is either unknown or is someone over whom the University has no jurisdiction (not a student) that would be included in a Clery report if the incident occurred in a Clery reportable location.

Central data for students and employees:

Since 2012, the Office of Affirmative Action & Equal Opportunity has served as the central repository of all reports that raise questions of possible discrimination on the basis of sex affecting and/or reported by students, faculty and staff.

“Discrimination on the basis of sex” includes complaints about sexual misconduct (under the Student Conduct Code) and sexual harassment (under the Student Conduct Code and University policy), as well as complaints about domestic or intimate partner violence and gender-based stalking.

- Central repository report includes on- and off-campus incidents; known and unknown alleged perpetrators; UO and non-UO-affiliated alleged perpetrators. The data are not broken out by UO affiliation of the alleged perpetrator.
- Cases included in the central report that involve behavior by students that suggests a violation of the Student Conduct Code are reported to Student Conduct and Community Standards and included in Student Conduct data if Student Conduct and Community Standards determines that there is sufficient evidence to charge a student under the code.
- Clery reports may include incidents not included in the central report if they involve Clery reportable crimes where neither the complainant nor alleged perpetrator has any UO affiliation.