



OHSU POLICY MANUAL

Policy Number: 07-30-025

Policy Title: INVESTIGATION OF POTENTIALLY CRIMINAL CONDUCT

Effective Date: June 4, 2018

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1. **Generally**

OHSU is committed to maintaining a safe and secure environment for all OHSU Members, patients, visitors and the public. The OHSU Department of Public Safety (Public Safety) has primary responsibility for ensuring a safe environment at OHSU. Any person who engages in criminal conduct at OHSU or affecting OHSU may be subject to arrest, criminal prosecution, employment or academic discipline, termination or dismissal, and/or removal and exclusion from OHSU owned or controlled property. Nothing in this policy prevents Public Safety or other OHSU Members from taking reasonable action to prevent the imminent commission of a crime, imminent harm to any person, or imminent destruction of property. Nothing in this policy shall supersede or alter reporting and/or investigation requirements under existing policies, regulations or laws.

2. **Definitions**

- A. ***Criminal Conduct Affecting OHSU:*** Any conduct that potentially violates applicable local, state, or federal criminal law that affects OHSU, including but not limited to the following matters when they potentially could impact OHSU's missions: (i) the conduct took place on OHSU owned or controlled property; (ii) OHSU, an OHSU department, or OHSU Member is the victim or potential victim of the conduct; (iii) the suspect engaged in the conduct is an OHSU Member; and/or (iv) the conduct involves an OHSU Member acting in his or her official OHSU capacity.
- B. ***Investigation Advisory Team:*** A group comprised of appropriate representatives from: Human Resources, the Provost's office, the Administrator on Duty, Patient Advocate's Office, Affirmative Action and Equal Opportunity (AAEO), Integrity, Title IX Coordinator, Risk Management, Responsible Vice President(s), affected healthcare, research or academic departments or others as appropriate. Legal will be included and advise the team. The size of the team should be sufficient to notify relevant stakeholders and gather appropriate input while balancing the sensitivity or confidentiality of the matter to be discussed.

- C. **Investigative Lead:** The unit, department or designated individual(s) of a unit or department within or external to OHSU with primary responsibility for the investigation.
- D. **Other Authorized Report Recipient:** OHSU Integrity Hotline, Director of AAEO/Title IX Coordinator, Vice President of Campus Safety, General Counsel, Director of Public Safety, Director of the Research Integrity Department, Vice President of Human Resources, Chief Integrity Officer, Clinical Enterprise Integrity Officer or Vice President of Risk Management.
- E. **Responsible Vice President:** If the suspect is an OHSU Member, the Vice President, or closest equivalent OHSU Member, who has supervisory responsibility over the potential suspect. If the victim is OHSU or an OHSU Member, the Vice President, or closest equivalent OHSU Member, who has supervisory responsibility over the OHSU department or OHSU Member identified as the potential victim. Absent either of the two circumstances described herein, the Vice President of Campus Safety.

3. Reporting

Any OHSU Member or department that becomes aware of Criminal Conduct Affecting OHSU should immediately report the incident to Public Safety or other authorized report recipient. Emergencies may be initially reported to Public Safety for issues occurring on Marquam Hill or South Waterfront Campuses, or to local law enforcement via 911 or by other means as appropriate. Any Criminal Conduct Affecting OHSU that was not initially reported to Public Safety should be reported to Public Safety or other authorized report recipient as soon as practical.

Nothing in this policy requires a crime victim to report their involvement or the circumstances to OHSU. Rather, this policy seeks to encourage such disclosure by any OHSU Member with knowledge of the conduct in order to provide support and resources, and allow OHSU to appropriately address institutional concerns such as the safety of the OHSU campus and community. The OHSU Code of Conduct specifically prohibits retaliation for reporting in good faith.

Reporting Criminal Conduct Affecting OHSU to Public Safety or other authorized report recipient per this policy does not mean that a criminal investigation or any adverse consequences to those involved will necessarily follow. This policy seeks to encourage the reporting of criminal conduct affecting OHSU to ensure OHSU Members involved are supported, information may be escalated to an appropriate level for institutional decision-making, and, if warranted, investigations consistently and appropriately conducted. Reporting also allows accurate data to be collected in order to drive prevention, safety and improved processes.

4. Responsibilities of Public Safety and Investigation Advisory Team

Public Safety will develop policy guidelines in cooperation with Investigation Advisory Team stakeholders for receiving reports of criminal conduct affecting OHSU, and referring such reports to an Investigation Advisory Team to determine if an investigation is appropriate, what type of investigation should be conducted, and identifying an investigative lead. The Investigative Advisory Team may also make ongoing recommendations and decisions consistent with the Investigatory Advisory Team Policy regarding the institutional response.

5. Matters involving potentially criminal sexual contact or conduct

Matters involving alleged inappropriate sexual contact or conduct that is potentially criminal in nature may be received by any number of OHSU Members or departments. OHSU Members shall interact with the reporting party with professionalism and empathy, and may interact with the reporting party to the extent reasonable in order to gain a basic understanding of the allegation. The OHSU Member should then notify Public Safety or other authorized recipient per this policy as soon as possible. In all cases, consideration should be given to offering and allowing an initial or subsequent report to be taken by a state certified Sexual Assault Nurse Examiner along with a Sexual Assault Forensic Exam as appropriate.

Related Procedures and Forms:

Workplace Violence

Law Enforcement Relations

Investigation Advisory Team Public Safety Policy

Responsible Office: Public Safety