

SEXUAL MISCONDUCT, DISCRIMINATION, AND HARASSMENT POLICY

The University is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free from all forms of harassment, exploitation, or intimidation. The University condemns discrimination based on sex or gender, sexual harassment, sexual assault, sexual orientation discrimination, discrimination based on gender identity or expression, and sexual misconduct, including but not limited to dating violence, domestic violence, and stalking. Any such activity committed by a member of the University community may subject the individual to University sanctions as well as civil and criminal penalties.

Persons who have complaints alleging discrimination based upon sex or gender, which may include sexual harassment, sexual assault, sexual orientation discrimination, discrimination based on gender identity or gender expression, and sexual misconduct may file their complaints with the University's Equal Opportunity Officer / Institutional Equity and Title IX Coordinator or the University's Sexual Misconduct Officer identified below. The University reserves the right to independently address known concerns falling under this policy, regardless of whether a complaint has been filed, in order to end the discrimination, prevent its recurrence, and remedy its effects.

This policy covers unwelcome conduct of a sexual or gender-based nature, whether committed on-campus, or off-campus where the University has control over the perpetrator or the context of the harassment. Consensual romantic relationships between members of the University community are subject to other University policies, but alleged violations of such policy are investigated under this process and procedure. See Section 5.23 of the Staff Handbook: (<http://hr.ou.edu/documents/files/handbook.pdf>), and Section 3.2.7 of the Regents' Policy Manual, as well as the respective campus Faculty Handbooks.

I. Prohibited Conduct

Conduct prohibited under the University's policy include, but are not limited to sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), sexual harassment, non-consensual sexual intercourse (or attempts to commit same), non-consensual sexual contact (or attempts to commit same), dating violence, domestic violence, stalking, sexual exploitation, retaliation, and any attempts to commit the same.

A. Sex Discrimination includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include

acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

B. Pregnancy Discrimination: The University prohibits discrimination on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom. Discrimination on the basis of pregnancy should be reported in accordance with this policy. Employees with questions regarding accommodations during pregnancy are encouraged to contact the Office of Human Resources (<http://hr.ou.edu>), students and visitors with questions regarding accommodations during pregnancy are encouraged to contact the Disability Resource Center (<http://www.ou.edu/drc/home.html>). For complaints arising under this policy, please report to the EOO or the Sexual Misconduct Officer.

C. Sexual Harassment is a form of sex discrimination. Sexual harassment is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students, employees, and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s).

1. Hostile Environment Sexual Harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:

- a. the frequency of the conduct;
- b. the nature and severity of the conduct;
- c. whether the conduct was physically threatening;
- d. whether the conduct was deliberate, repeated humiliation based upon sex;
- e. the effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
- f. whether the conduct was directed at more than one person;
- g. whether the conduct arose in the context of other discriminatory conduct;
- h. continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
- i. whether the speech or conduct is constitutionally protected.

2. **Quid Pro Quo Sexual Harassment** exists when individuals in positions of authority over the reporting party:

- a. make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- b. indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the reporting party's submission to such activity.

Examples of Harassment:

- A professor insists that a student have sex with him or her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually-oriented jokes in a group text to numerous other students even when asked to stop, causing one recipient to avoid the sender on campus.
- Explicit sexual pictures are displayed on an exterior door or on a computer monitor in a public place.
- Two supervisors frequently "rate" employees and comment on their appearance within their earshot.
- A professor engages students in discussions in class about their past sexual experiences, yet the conversation is not in any way relevant to the subject matter of the class.
- An ex-girlfriend widely spreads false stories about the sex life of her former boyfriend to his clear discomfort, making him a social outcast on campus.

D. **Sexual Violence** means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion

- **Non-Consensual Sexual Intercourse** is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will.
- **Non-Consensual Sexual Contact** is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts

(primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice.

- **Sexual Coercion** is unreasonable pressure for sexual activity by using pressure (including physical or emotional pressure, intimidation, or threats), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.

E. Sexual Exploitation occurs when a person takes non-consensual, unjust or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior may not otherwise constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- non-consensual video or audio-taping of any form of sexual activity going beyond the boundaries of consent (such as letting a person or people hide in the closet to watch you having consensual sex without your partner's knowledge or consent);
- engaging in non-consensual voyeurism, such as observing sexual acts or body parts of another from a secret vantage point;
- knowingly transmitting a sexually transmitted disease or illness to another;
- exposing one's genitals in a non-consensual circumstance, or inducing another to expose his or her genitals;
- prostituting another person;
- other forms of invasion of sexual privacy.

F. Relationship Violence includes assault, battery or other physical abuse between those in an intimate, dating, or romantic relationship with each other

1. Dating violence is violence between individuals in the following circumstances:

- a. The party is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. The existence of such a relationship shall be determined based on a consideration of the following factors:

- Length of the relationship
- Type of relationship
- Frequency of interaction between the persons involved in the relationship

2. **Domestic violence** means violence committed by:

- a. Current or former spouse of the victim;
- b. A person with whom the victim shares a child in common;
- c. A person who is cohabitating with or has cohabitated with the victim as a spouse;
- d. A person similarly situated to a spouse of the victim under Oklahoma domestic or family violence laws;
- e. Any other person against an adult or youth victim who is protected from that person's acts under Oklahoma domestic or family violence laws

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

- a. Fear for the person's safety or the safety of others, or
- b. Suffer substantial emotional distress

For the purposes of this definition,

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.

Emotional distress means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling.

H. **Other Misconduct**

1. Other forms of misconduct based on one's gender also constitute violations of this policy including: threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;

2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender
3. Harassment, defined as unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or that is sexual in nature that has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities
4. Gender-based intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another
5. Gender-based hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining or other group-affiliation activity (as defined further in the Student Conduct Hazing Policy)
6. Gender-based bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the First Amendment)

I. **Retaliation** is any attempt to penalize or take an adverse employment, educational or institutional benefit action, including but not limited to making threats, intimidation, reprisals, or other adverse action, against a person because of participation in a complaint or the investigation of discrimination, sexual harassment or sexual misconduct.

II. **Consent** is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and the absence of "No" may not mean "Yes".

- Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
- Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- Previous relationships or consent does not imply consent to future sexual acts.
- Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion.

Examples of when a person should know the other is incapacitated and may be unable to give valid consent include, but are not limited to:

- the amount of alcohol, medication or drugs consumed
- imbalance or stumbling
- slurred speech
- lack of consciousness or inability to control bodily functions or movements
- vomiting
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- Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

III. Sanctions

Students and employees who have been deemed to have violated the Sexual Misconduct, Discrimination, and Harassment Policy, are subject to in accordance with this policy, as well as the Student Code of Rights and Responsibilities found at www.ou.edu/studentconduct and the Faculty and Staff Handbooks. The following are typical sanctions that may be imposed.

- A.** Sanctions for students can include verbal warning, written warning, disciplinary probation, educational sanctions, restitution, administrative fee, University-owned housing reassignment or termination, administrative trespass, suspension, expulsion, restriction or denial of University services, or delayed conferral of degree. Sanctions not listed may be issued when deemed appropriate by the University.
- B.** Sanctions for employees can include verbal/written reprimands, required counseling/training, community service, administrative leave with or without pay, removal of supervisory or other roles/duties, conduct agreements, other sanctions as deemed appropriate, up to and including abrogation of tenure and termination of employment.

IV. State Law Definitions

In accordance with the Violence Against Women Reauthorization Act of 2013, please be advised that the following definitions are applicable should you wish to pursue Oklahoma state criminal or civil actions. These definitions may differ from the University's

administrative policy definitions noted above. The University's administrative system and disciplinary procedures are separate and distinct from those available to someone in a state civil or criminal action. Individuals may seek administrative remedies in accordance with this policy and also may seek state or federal civil or criminal remedies for the same incident through the applicable systems. The definitions set forth below are reviewed and verified annually; for a more frequently updated resource, please consult Oklahoma's State Court Network site: <http://www.oscn.net>.

Consent

The term "**consent**" means the affirmative, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter which can be revoked at any time. **Consent** cannot be:

1. Given by an individual who:

a. is asleep or is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason, or

b. is under duress, threat, coercion or force; or

2. Inferred under circumstances in which **consent** is not clear including, but not limited to:

a. the absence of an individual saying "no" or "stop", or

b. the existence of a prior or current relationship or sexual activity.

21 O.S. § 113 (effective June 6, 2016)

Sexual Assault

a. rape, or rape by instrumentation, as defined in Sections 1111, 1111.1 and 1114 of this title, or

b. forcible sodomy, as defined in Section 888 of this title.

21 O.S. § 142.20

Rape

A. Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:

1. Where the victim is under sixteen (16) years of age;
2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;
7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim;
8. Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system; or
9. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant.

B. Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.

21 O.S. § 1111

Rape by Instrumentation

A. Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person.

B. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of the same school system, or where the victim is under the legal custody or supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, consent shall not be an element of the crime.

C. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is nineteen (19) years of age or younger and in the legal custody of a state agency, federal agency or tribal court and engages in conduct prohibited by this section of law with a foster parent or foster parent applicant.

21 O.S. § 1111.1

Rape in First Degree - Second Degree

A. Rape in the first degree shall include:

1. rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age; or
2. rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or
3. rape accomplished where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit; or
4. rape accomplished where the victim is at the time unconscious of the nature of the act and this fact is known to the accused; or
5. rape accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the person committing the crime; or

6. rape by instrumentation resulting in bodily harm is rape by instrumentation in the first degree regardless of the age of the person committing the crime; or

7. rape by instrumentation committed upon a person under fourteen (14) years of age.

B. In all other cases, rape or rape by instrumentation is rape in the second degree

21 O.S. § 1114

Forcible Sodomy

B. The crime of forcible sodomy shall include:

1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age;

2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime;

3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime;

4. Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state;

5. Sodomy committed upon a person who is at least sixteen (16) years of age but less than twenty (20) years of age and is a student of any public or private secondary school, junior high or high school, or public vocational school, with a person who is eighteen (18) years of age or older and is employed by the same school system;

6. Sodomy committed upon a person who is at the time unconscious of the nature of the act, and this fact should be known to the accused; or

7. Sodomy committed upon a person where the person is intoxicated by a narcotic or anesthetic agent administered by or with the privity of the accused as a means of forcing the person to submit.

21 O.S. § 888

Dating Violence

Dating violence is not defined under Oklahoma law; however, the law does provide that any act of physical harm, or the threat of imminent physical harm against a person with

whom a perpetrator was or is in a dating relationship is considered domestic violence, which defined below. The law defines dating relationship as: a courtship or engagement relationship. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship.

22 O.S. § 60.1 (1), (5)

Domestic Violence

Domestic violence is not defined under Oklahoma law; however, the law does provide that: any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse.

21 O.S. § 644 (C)

Stalking

Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

1. Would cause a reasonable person or a member of the immediate family of that person to feel frightened, intimidated, threatened, harassed, or molested; and
2. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

For purposes of this section:

1. "Harasses" means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable person to suffer emotional distress, and that actually causes emotional distress to the victim. Harassment shall include harassing or obscene phone calls as prohibited by Section 1172 of this title and conduct prohibited by Section 850 of this title. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;
2. "Course of conduct" means a pattern of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct";
3. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;

4. "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:

- a. following or appearing within the sight of that individual,
- b. approaching or confronting that individual in a public place or on private property,
- c. appearing at the workplace or residence of that individual,
- d. entering onto or remaining on property owned, leased, or occupied by that individual,
- e. contacting that individual by telephone,
- f. sending mail or electronic communications to that individual, and
- g. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual; and

5. "Member of the immediate family", for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months.

21 O.S. § 1173

V. **Risk Reduction Tips**

With no intention to blame victims, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help reduce the risk of experiencing a non-consensual sexual act:

- Trust your intuition. If you feel a person or a situation is unsafe, act on those feelings and leave the situation or person. You are probably right.
- When you attend parties, bring your own drinks and don't accept drinks from someone you don't know well and trust.
- Avoid drinking pre-made punches; they often contain high amounts of alcohol.
- Use the buddy system when going out. Make sure someone in your group is sober and keeping track of others.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.

- Take care of your friends or colleagues and ask that they take care of you. A good friend will step in when they see potentially risky situations.
- Utilize a mobile safety app such as the OU Crimson Guardian app: http://www.ou.edu/web/news_events/articles/news_2016/crimson-guardian-app.html

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to one form of sexual behavior does not automatically imply consent to other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

VI. Reporting Sexual Misconduct, Discrimination, and Harassment

A. Filing a Complaint

The Sexual Misconduct Officer has primary responsibility for investigations, education and training associated with this Policy and for such other duties as assigned by the Title IX Coordinator, and reports directly to the Title IX Coordinator. Persons who have complaints alleging violations of this policy may file their complaints with the Sexual Misconduct Officer, the Title IX Coordinator or an Associate Title IX Coordinator. Generally, complaints should be filed as quickly as possible to facilitate the ability to gather facts and evidence; however,

all complaints will be reviewed regardless of when an incident occurred. Complaints concerning actions governed by this Policy can be submitted using the online form found at

https://cm.maxient.com/reportingform.php?UnivofOklahoma&layout_id=10.

Online complaints can be made anonymously.

For the Norman campus or Norman-campus based programs, contact:

Sexual Misconduct Officer, (405) 325-2215, Four Partners Place, 301 David L. Boren Blvd., Suite 1000, Norman, Oklahoma 73019, or smo@ou.edu

For Oklahoma City Health Sciences Center based programs, contact:

Associate Equal Opportunity and Title IX Officer, Faustina Layne, (405) 271-2110, 1105 N. Stonewall Avenue, LIB 164H, Oklahoma City, OK 73117, faustinalayne@ouhsc.edu; Associate Title IX Coordinator – Student Affairs, Kate Stanton, (405) 271-2416, David L. Boren Student Union, Ste. 300, 1106 Stonewall Avenue, Oklahoma City, Oklahoma, 73117, Kate-Stanton@ouhsc.edu; or the Sexual Misconduct Officer, (405) 325-2215 or smo@ou.edu

For Tulsa programs, contact:

Associate Equal Opportunity and Title IX Officer, Faustina Layne, (405) 271-2110, 1105 N. Stonewall Avenue, LIB 164H, Oklahoma City, OK 73117, faustinalayne@ouhsc.edu; Associate Title IX Coordinator – Student Affairs, Josh Davis, (918) 660-3107, 4505 E. 41st Street 1C76, Founders Student Center, Tulsa, Oklahoma 74135 or jmdavis@ou.edu or the Sexual Misconduct Officer, (405) 325-2215 or smo@ou.edu

Alternatively, for all campuses, any person may contact Bobby Mason, Title IX Coordinator, (405) 325-3546, 660 Parrington Oval, Evans Hall 102, Norman, Oklahoma 73019, or bjm@ou.edu

Depending on the nature of the issues involved, the Sexual Misconduct Officer or other designated official will advise the reporting party about the applicable investigative process and disciplinary procedures. Details regarding the investigative process and disciplinary procedures are found in the *Investigative Process for Internal Complaints under the Sexual Misconduct, Discrimination, and Harassment Policy*. All reporting parties will be informed of their options for reporting or not reporting an incident to law enforcement. Reporting parties are not required to report an incident to law enforcement (campus or local), but have the right to report to either, both, or neither. Campus authorities will also assist a reporting party in making a report with local law enforcement if he or she wishes

to do so. Where applicable, reporting parties will also be advised on the preservation of evidence that may be useful to a criminal proceeding and their right to seek a court-issued order of protection.

Reporting parties will also be advised about interim measures, as well as the University's policies regarding maintaining confidentiality of a reporting party's identity and/or the reported incident.

A reporting party has the right, and can expect, to have reports taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these procedures. The University's ability to investigate and take action to address discriminatory conduct may be limited if a reporting party insists his or her name not be disclosed to the alleged perpetrator. The University must weigh such requests for privacy against its duty to provide a safe and nondiscriminatory environment. In cases indicating pattern, predation, threat, weapons and/or violence, the University will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action.

B. Interim Measures

Complaining parties may request certain interim measures from the Sexual Misconduct Officer or the Title IX Coordinator. No formal complaint or investigation, civil or criminal, need occur before these options are available. The University will maintain confidentiality to the fullest extent possible in implementing these measures. Examples of interim measures include:

- Assistance in filing a complaint with the University and/or appropriate law enforcement agencies
- Assistance in filing for an Emergency Protective Order
- No Contact Order
- Change of class schedules and academic support
- Alternate housing arrangements
- Transportation arrangements and campus escorts
- OU Advocates
- Counseling services
- Blocking emails
- Other measures, as discussed

C. Confidential Reporting

On campus, some resources may maintain confidentiality with regard to reports of sexual misconduct and harassment. These resources can offer options and advice without an obligation to inform University officials unless you request that the information be shared. Parties wishing to report confidentially, may do so by contacting:

- **OU Advocates:** HSC/Norman (405) 615-0013 - provides referral and support; Tulsa OU Advocates (8 a.m. – 5 p.m.): (918) 660-3163 (after hours: 918-743-5763)
- **Goddard Health Center:** (405) 325-2911 - provides counseling/medical services
- **OU Psychology Clinic:** (405) 325-2914 - provides counseling services
- **Employee Assistance Program:** (800) 327-2513 (Norman / HSC); (918) 587-9471 (Tulsa) – provides counseling services and referrals for University faculty/staff
- **HSC Student Counseling Services:** (405) 271-7336 - provides counseling services
- **OU-Tulsa Student Counseling:** (918) 660-3109 - provides counseling services
- **University of Oklahoma Ombudsperson:** Gloria White (405) 325-3297 - provides referral and resource information for University faculty/staff

D. Mandatory Reporting

With limited exceptions, every university employee *must* report conduct that could constitute sexual misconduct, discrimination, harassment, or other prohibited conduct under this policy. Attorneys, clergy members, licensed counselors or physicians who are engaged in such capacity may keep such reports confidential.

Supervisors, managers and faculty members with administrative duties or student supervisory duties are responsible for taking all appropriate action to prevent sexual misconduct, discrimination and harassment, to correct it when it occurs, and *must* promptly report it to the Sexual Misconduct Officer, (405) 325-2215 or other appropriate University official (e.g. the Title IX Coordinator/Equal Opportunity Officer, Bobby Mason, (405) 325-3546 or any of the University’s Associate Title IX Coordinators).

E. Reports Concerning Minors

Members of the University community should be aware that the University often has minors on its campus for a variety of reasons, including field trips, tours, course credit, and camps. There are specific best practices with respect to hosting minors on campus: <http://www.ou.edu/web/landing/policy.html>.

Should you have a reasonable suspicion of any abuse or neglect of a minor while on University property, or where the minor is in your care at a University-related event, but the abuse may have occurred off-campus, irrespective of whether you are a mandatory reporter for Title IX purposes, you have an independent obligation under Oklahoma state law to notify the Oklahoma Department of Human Services immediately (1-800-522-3511) and local law enforcement and/or OUPD (405-325-1911), OUHSC PD (405-271-4911), or OU-Tulsa Police Department (918-660-3900). If any incidents also involve violations of the Sexual Misconduct, Discrimination and Harassment policy, you must contact DHS, law enforcement, and the University's Sexual Misconduct Office (405-325-2215).

F. Immunity Policy

The safety of students, employees, and the campus community are of utmost importance to the University. In order to encourage reporting of incidents of sexual assault, dating violence, domestic violence, stalking or other sexual misconduct, no reporting party or witness will be referred for disciplinary action if they engaged in the unlawful or prohibited use of alcohol and/or drugs when the reported incident occurred. Responding parties will not be referred for disciplinary action if they personally engaged in the unlawful or prohibited use of alcohol or drugs during the incident where an alleged policy violation occurred. Provided however, that a responding party may be held responsible for providing alcohol or drugs to the reporting party as a means of facilitating an alleged violation. Additionally, the use of alcohol or drugs will not excuse behavior by a responding party that constitutes a policy violation.

VII. Education, Training, and Resources

The University requires volunteers who will be providing volunteer services for (four) 4 or more days within a calendar year to take the following educational-training courses on an annual basis, and all other employees must take the course at least once during their career, usually within 30 days of service at the University (<https://onpoint.ou.edu>). Employees may be required to be recertified on demand. Failure to have a certification of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and on request. Where University employees are also students, they will be required to also take the mandatory online training provided to students. For

those without access to a computer or in need of additional assistance, please contact the University's Human Resources Department to take the training in an alternate format.

A. For students, the University offers:

- Mandatory online training for students through: <http://onpoint.ou.edu>. Where students are also University employees, they will be required to take both the faculty/staff training and the student online training.
- Training on sexual harassment/discrimination/violence is included in the University's mandatory alcohol training program (in-person and online).
- In-person training for student groups and students through courses, orientations, and other meetings.
- In-person training for Active Bystander Intervention skills: www.ou.edu/notonourcampus/.
- On-going campus campaigns and information at a variety of events concerning the policy and appropriate behaviors regarding sexual assault, dating violence, domestic violence, stalking, and other sexual misconduct.
- Informational website and brochures devoted to educating students at <https://www.ou.edu/content/eoo/policies.html>.
- In-person training (*Step In, Speak Out and LGBTQ Ally*) prevention workshops.
- OU Advocates available 24/7 to discuss all available resources on and off campus: (405)615-0013. For Tulsa-based programs (8 a.m. – 5 p.m.) (918) 660-3163; after hours: (918) 743-5763.

B. For employees, the University offers:

- Mandatory online training for employees through: <http://onpoint.ou.edu>.
- In-person training on sexual harassment/discrimination/violence and mandatory reporting through new employee orientations, foundations in management, and other periodic training opportunities and upon request.
- In-person training for Active Bystander Intervention skills: www.ou.edu/notonourcampus/.
- Ongoing campus campaigns and information at a variety of events, concerning the policy and appropriate behaviors, regarding sexual assault, dating violence, domestic violence, stalking, and other sexual misconduct.

- Informational website and brochures devoted to educating employees at: www.ou.edu/sexualmisconduct.
- In person training (*LGBTQ Ally*) prevention workshops.
- OU Advocates available 24/7 to discuss all available resources on and off campus confidentially: 405-615-0013. For Tulsa-based programs (8 a.m. – 5 p.m.): (918) 660-3163 or after hours (918) 743-5763.
- University Ombudsperson: Gloria White (405) 325-3297 to discuss available resources and options for faculty/staff confidentially

C. Other resources available to the University community:

- **OU Advocates (24/7):** (405) 615-0013 - provides advocates and referrals to other resources on-campus and off-campus. For Tulsa-based programs (8 a.m. – 5 p.m.) (918) 660-3163; after hours: (918) 743-5763
- **Gender + Equality Center:** (405) 325-4929 – provides information and referrals
- **OUPD:** emergencies (405) 325-1911; non-emergencies (405) 325-2864 -provides law enforcement support
- **Goddard Health Center:** (405) 325-2911 - provides confidential counseling/medical services on the Norman campus
- **OU Psychology Clinic:** (405) 325-2914 - provides confidential counseling services on the Norman campus
- **Employee Assistance Program:** (800) 327-2513 - confidential resources for HSC and Norman employees; (918) 587-9471 for OU-Tulsa employees
- **Norman Police Department:** 911 for emergencies; (405) 321-1600 non-emergencies - provides law enforcement support
- **Norman Rape Crisis Center-Women’s Resource Center:** (405) 701-5660 - confidential off-campus resource
- **Norman Domestic Violence Crisis Line:** (405) 701-5540 - provides confidential resources off campus
- **OUHSC-PD:** (405) 271-4300 - provides law enforcement support
- **HSC Student Counseling Services:** (405) 271-7336 - provides confidential counseling services on the HSC campus
- **OKC Rape Crisis/YWCA:** (405) 943-7273 - provides confidential resources off campus
- **OKC Police Department:** 911 for emergencies; (405) 231-2121 non-emergencies

- **Call Rape/Tulsa Rape Crisis:** (918) 585-3143 - provides confidential resources off-campus
- **OU Tulsa Counseling:** (918) 660-3109 - provides confidential counseling services on the Tulsa campus
- **Tulsa Police Department:** 911 for emergencies; (918) 596-9222 for non-emergencies - provides law enforcement support
- **Tulsa 211 Helpline:** (918) 836-4357

- **Oklahoma Coalition Against Domestic Violence and Sexual Assault:** (405) 524-0700 - provides confidential resources off campus
- **Oklahoma Safeline:** (800) 522-7233 - provides confidential resources off campus
- **Heartline Health:** (800) 273-TALK - provides referral and support
- **University Ombudsperson:** (405) 325-3297 - provides confidential guidance and referrals for University faculty/staff

D. Bystander Intervention

Bystander intervention is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention. If you witness a policy violation, or behaviors that may lead to a policy violation, there are a variety of things you can do as a bystander, such as:

- Divert the intended victim (e.g. “help me out of here; I don’t feel well”)
- Distract the perpetrator (e.g. “looks like your car is being towed”)
- Confront the perpetrator (e.g. “don’t speak to him/her in that manner; you are going to get yourself into trouble”)
- Call for law enforcement assistance
 - Emergencies: 911
 - Non-emergencies:
 - OUPD (405) 325-2864
 - OUHSCPD (405) 231-4300
 - OU-Tulsa PD (918) 660-3900
- Educate your community (www.ou.edu/notonourcampus/)
- Attend bystander intervention work-shops for students through the Gender + Equality Center or for employees through the Institutional Equity and Title IX Office / Sexual Misconduct Office

VIII. Intentionally False Reports

Individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action up to and including termination or expulsion. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

IX. Free Speech and Academic Freedom

Members of the University community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the University community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

X. Availability of other Complaint Procedures

In addition to seeking criminal charges through local law enforcement, members of the University community may also file complaints with the following entities irrespective of whether they choose to file a complaint under this procedure:

Office of Civil Rights:

- Kansas City Field Office:
OCR.KansasCity@ed.gov | 1-816-268-0550
- Washington D.C.:
OCR@ed.gov | 1-800-421-3481

Equal Employment Opportunity Commission:

- Oklahoma City Field Office:
1-800-669-4000
- Washington D.C.:
1-800-669-4000 | Eeoc.gov/contact/

State of Oklahoma Attorney General's Office:

- Office of Civil Rights Enforcement:
405-521-2029 | OCRE@oag.gov

Federal funding agencies:

e.g. NASA:1-866-654-1440 | LEP@NASA.gov

*Definitions taken, in part, from the model policy of NCHERM: www.ncherm.org.

Effective March 8, 2017