

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 in writing with the University Equal Opportunity Officer (EEO), the Institutional Equity and Title IX Coordinator, or the University's Sexual Misconduct Officer(s) identified below (collectively referred to as the "Sexual Misconduct Officer"). The EEO will work in conjunction with the Institutional Equity and Title IX Office to implement this policy.

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 campuses Faculty Handbooks.

I. Definitions

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

- **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.

B. Sexual Harassment: 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 witnesses 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 deserves constitutional protections.

2. **Quid Pro Quo Sexual Harassment** exists when individuals in positions of authority over the complainant:
- 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 complainant's submission to such activity.

Examples of Harassment: Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions, or privileges of employment or education. For example, a mere utterance of a gender-based epithet which creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or education.

- A professor insists that a student have sex with him/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 around in an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed on an exterior door, or on a computer monitor in a public place
- Two supervisors frequently "rate" several employees' bodies and sex appeal, commenting suggestively about their clothing and 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 germane to the subject matter of the class. The professor probes for explicit details, and demands that students respond to her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the his clear discomfort, making him a social pariah on campus

- C. **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.

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, sexual misconduct and sexual coercion.

1. **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. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.
2. **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. This definition includes sexual battery and sexual misconduct.
3. **Sexual Coercion** is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), 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/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:

1. non-consensual video or audio-taping of any form of sexual activity;
2. 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);
3. sexually-based stalking or bullying;
4. engaging in non-consensual voyeurism, such as observing sexual acts or body parts of another from a secret vantage point;
5. knowingly transmitting a sexually transmitted disease or illness to another;
6. exposing one's genitals in a non-consensual circumstance, or inducing another to expose his or her genitals;

7. prostituting another person;
8. other forms of invasion of sexual privacy.

F. 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);
7. Violence, including assault, battery or other physical abuse between those in an intimate or dating or romantic relationship with each other, e.g.

Dating violence is violence between individuals in the following circumstances:

- The party is or has been in a social relationship of a romantic or intimate nature with the victim; and
- 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

Domestic violence under University policy means violence committed by:

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

8. Stalking, which is defined as:

1. 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

2. For the purposes of this definition,
 - a. 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.

G. Consent

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".

1. 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.
2. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
3. Previous relationships or consent does not imply consent to future sexual acts.
4. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.

5. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent (e.g. to understand the “who, what, when, where, why or how” of their sexual interaction). Incapacity may result from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication. It is less severe than alcohol poisoning or overdose. Whether a person is incapacitated is a subjective determination that will be made after the incident and in light of all facts available. Individuals reach incapacitation at different points and as a result of different stimuli [and] exhibit incapacity in different ways. Note, that indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

Examples of when a person should know the other is incapacitated include, but are not limited to:

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

H. 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>.

1. Oklahoma Criminal Law Definition of Rape

Oklahoma Penal Code, §21-1111:

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; or
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.

- 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.

2. Definition of Consent under Oklahoma Criminal Law

Oklahoma Penal Code, §21-1114A, provides lack of consent in rape cases where:

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.

3. Definition of Domestic/Dating Violence under Oklahoma Criminal Law

Oklahoma Penal Code, §21-644 defines domestic and dating violence as 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.

4. Definition of Stalking under Oklahoma Criminal Law

Oklahoma Penal Code, §21-1173, defines stalking as:

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.

II. Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. 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 you reduce your risk of experiencing a non-consensual sexual act.

- Make your limits known as early as possible.
- Be aware of your alcohol intake. 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.

Potential Aggressor

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.

III. Reporting Sexual Misconduct, Discrimination, and Harassment

A. Mandatory Reporting

With limited exceptions, every university employee *must* report conduct that could constitute sexual harassment/sex discrimination/sexual misconduct under this policy. Additionally, 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, Kathleen Smith, (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). Failure to do so may result in disciplinary action up to and including termination.

B. 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:

- field trips
- tours
- course credit
- camps

There are specific best practices with respect to hosting minors on campus:

For Norman-based programs: <http://www.ou.edu/web/landing/policy.html>.

For HSC-based programs: http://risk.ouhsc.edu/Minors_On_Campus.htm

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)/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, OUPD or OU-Tulsa Police Department (918-660-3900) and the University's Sexual Misconduct Office (405-325-2215).

C. Confidential Reporting

On campus, some resources may maintain confidentiality with regard to reports of sexual harassment or discrimination. 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:

- **Goddard Health Center:** (405) 325-2911 - provides counseling/medical services
- **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)
- **University of Oklahoma Ombudsperson:** Gloria White (405) 325-3297 - provides referral and resource information for University faculty/staff
- **OU Psychology Clinic:** (405) 325-2914 - provides counseling services
- **HSC Student Counseling Services:** (405) 271-7336 - provides counseling services
- **OU Tulsa Counseling:** (918) 660-3109 - provides counseling services

D. 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 in writing with the Sexual Misconduct Officer, the Institutional Equity and Title IX Coordinator or an Associate Title IX Coordinator. Generally, complaints should be filed within 365 calendar days of the act of alleged sexual discrimination, harassment or misconduct to facilitate the ability to gather facts and evidence; however, complaints which exceed this time-frame will be reviewed as well. Complaints concerning actions governed by this Policy can be submitted online at <http://www.ou.edu/eoo/policies> or in person to the following:

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

Sexual Misconduct Officer, Kathleen Smith, (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 Title IX Coordinator, Kate Stanton, (405) 271-2110, David L. Boren Student Union, Ste. 300, 1106 Stonewall Avenue, Oklahoma City, Oklahoma, 73117, [Kate-Stanton @ouhsc.edu](mailto:Kate-Stanton@ouhsc.edu) or the Sexual Misconduct Officer, Kathleen Smith, (405) 325-2215 or smo@ou.edu

For Tulsa programs, contact:

Associate Title IX Coordinator, 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, Kathleen Smith, (405) 325-2215 or smo@ou.edu

Alternatively, any person may contact Bobby Mason, Title IX Coordinator, (405) 325-3546, Four Partners Place, 301 David L. Boren Blvd., Suite 1000, 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 complainant 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. 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. Complainants will also be advised about interim measures, as well as the University's policies regarding maintaining confidentiality of a complainant's identity and/or the reported incident.

The University's ability to investigate and take action to address discriminatory conduct may be limited if a complainant 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 and, in some circumstances, 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, but will not otherwise pursue formal action.

E. 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 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
 - Norman/HSC - 24/7 (405) 615-0013
 - Tulsa - 8:00 a.m. to 5:00 p.m. (918) 660-3163
 - After Hours: (918) 743-5763
- Counseling services
- Blocking emails
- Other measures, as discussed

IV. 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 Gateway 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; 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 free 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
- **University Ombudsperson:** (405) 325-3297 - provides confidential guidance and referrals for University faculty/staff
- **OUPD:** emergencies 405-325-1911; non-emergencies (405) 325-2864 - 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

- **Employee Assistance Program:** (800) 327-2513 - confidential resources for HSC and Norman employees
- **Norman Police Department:** 911 for emergencies; (405) 321-1600 non-emergencies - provides law enforcement support
- **Goddard Health Center:** (405) 325-2911 - provides confidential counseling/medical services on the Norman campus
- **Heartline Health:** 1-800-273-TALK - provides referral and support
- **OU Psychology Clinic:** (405) 325-2914 - provides confidential counseling services on the Norman 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
- **OU Tulsa Counseling:** (918) 660-3109 - provides confidential counseling services on the Tulsa campus
- **Employee Assistance Program:** (918) 587-9471 - provides confidential resources for Tulsa employees
- **OU-Tulsa Police Department:** (918) 660-3900 - provides law enforcement support
- **Call Rape/Tulsa Rape Crisis:** (918) 585-3143 - provides confidential resources off-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

D. Bystander Intervention

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:

- 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”)
- Educate your community (www.ou.edu/notonourcampus/)

- Bystander intervention work-shops conducted through the Women's Outreach Center (405) 325-5352 and the Institutional Equity and Title IX Office (405) 325-2215
- Sexual Misconduct, Discrimination and Harassment training provided through the Institutional Equity Office (405) 325-2215 or (405) 325-3546
- Call for law enforcement assistance
 - Emergencies-911
 - Non-emergencies-(405) 325-2864

V. 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.

VI. 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.

VII. 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.ncherp.org.

Effective July 1, 2015