Institutional Equity Office

Who Are We?

The Board of Regents created the Institutional Equity Office on January 24, 2012, in response to ever-increasing state and federal regulations governing equity issues. There are two offices within the Institutional Equity Office, each with executive officers who report to the President and Board of Regents. The Equal Opportunity and Affirmative Action Office handles discrimination claims, as well as affirmative action plans. The Institutional Equity and Title IX Office handles claims involving the Sexual Assault, Discrimination and Harassment Policy and gender equity issues related to athletics.

What Is Title IX?

Title IX is a federal statute prohibiting sex discrimination. Gender cannot be a basis for a person’s exclusion from participation in, denial of benefits, or subjecting him or her to discrimination under any education program or activity, including employment. This includes: admissions, financial aid, academic advising, housing, athletics, recreational services, college residential life programs, health services, counseling and psychological services, registrar’s office, classroom assignments, grading and discipline, recruiting for employment or the benefits of employment. The statute applies equally to men and women.

When Do I Report a Potential Policy Violation?

Anytime you receive a report from a faculty, staff or student regarding a violation of the Sexual Assault, Discrimination and Harassment Policy. Policy violations include:

- Gender discrimination (adverse actions taken by a faculty, staff or student against another faculty, staff or student because of their gender)
- Sexual harassment (adverse actions or the creation of a hostile environment by someone in a position of real or perceived authority over another that are sexual in nature and are severe and pervasive such that it affects an individual’s ability to work, or receive an education or any educational benefits)
- Sexual violence (nonconsensual sexual acts)
- Sexual exploitation (taking abusive sexual advantage of another, e.g. non-consensual video-taping of another in any form of sexual activity or the nonconsensual viewing of their private body parts, etc.)

It is not your obligation to determine whether a policy violation actually occurred. If you receive a report of any sexual violence or harassment, you should notify the Institutional Equity Office
immediately. In certain types of cases, the University is under an obligation to begin an investigation immediately upon receipt of such information.

Where Can I Report a Potential Policy Violation?

If you have a report of a potential policy violation, you should report it directly to the Sexual Misconduct Officer: Amy O’Neill (405) 325-2215, 301 David L. Boren Blvd, Four Partners Place, Suite 1000, Norman, Oklahoma 73019; or you may report it to the Title IX Coordinator: Bobby Mason (405) 325-3549, 660 Parrington Oval, Room 102, Norman, Oklahoma 73019, or the Associate Title IX Officer for the Health Sciences Center Campus: Faustina Layne (405) 271-2110, 1105 N. Stonewall Avenue, Room 164H, Oklahoma City, Oklahoma 73117.

You should also encourage the person making the report to report their issue to any of the above individuals directly.

What If I Am Asked to Keep the Information Confidential?

Unless you are a licensed counselor, attorney or priest or clergy and are seeing the person in your private capacity as such, the information he or she provides to you is not confidential; however, it is private. The distinction is that although you can agree to maintain the person’s privacy (by ensuring any documents are secured, not sharing the information with officials other than the police, the Sexual Misconduct Officer and/or the Title IX Coordinator), you cannot agree that you will not report it to appropriate University officials.

As University employees, we each have an obligation under Title IX not only to protect the wishes of the reporting party, but also to stop the harassment/discrimination and remedy the situation for the present complainant as well as the University community as a whole. The Department of Education requires prompt reporting and investigation of all such reports.

If the person making the report asks you not to utilize his or her name, you may tell them that you will do your best to keep names private, but if the Sexual Misconduct Officer and/or Title IX Coordinator determine that the matter is of a serious nature, you may be required to identify the person making the report, the potential victim and/or the alleged perpetrator.

Can I Be Held Liable for Failing to Report?

Yes. The failure to do so can result in legal liability not only for the institution, but also individually for those who knew about the issue but did not report it to the appropriate University officials.
What If the Reporting Party Refuses to File a Complaint about the Incident, but I Now Have Facts Leading Me to Believe There Is a Policy Violation?

This is known as the reluctant complainant. The University must still investigate the report and you must report it to the Sexual Misconduct Officer or Title IX Coordinator or Associate Title IX Officer immediately. You should encourage the person to file a report. If they are concerned about retaliation, the University can assist in avoiding retaliatory acts and any such acts will be punished as additional charges of misconduct.

If the person declines to personally file a report, the extent of the investigation may differ, however, where a reluctant complainant is involved. For example, if a complainant indicates she does not wish to move forward with any complaint but has briefly indicated she was inappropriately fondled by an fellow student in her rotation. The Title IX office may conclude that a simple training session on professionalism and the sexual assault policy is required for the groups as a whole, along with moving the complainant and or potential respondent to another rotation. The potential respondent need not know the particular reason why.

What If the Report is based upon Other Discriminatory Acts?

There are additional University policies that apply for the investigation of discrimination based upon race, ethnicity, age, sexual orientation, national origin, religion, political beliefs and are handled by the Equal Opportunity Officer: Bobby Mason (405) 325-3546. Additionally, the Equal Opportunity Office may handle purely employment-related sexual harassment and gender discrimination claims in conjunction with the Title IX Office.

What If There is a Complaint about the Investigation Process?

If you hear of any complaints about the manner in which an investigation is handled by the Sexual Misconduct Officer, please report it to the Title IX Coordinator (405) 325-3546 and/or the Associate Title IX Officer (405) 271-2110.

What Happens After an Investigation?

Once the Sexual Misconduct Officer has interviewed the relevant individuals and gathered the relevant evidence, she will issue a report to the Title IX Coordinator who will review the report and determine whether it complies with Title IX requirements and whether additional action needs to be taken. If additional action is needed and the alleged respondent is a student, the matter will be referred to Student Conduct for official charges to be filed. Depending on the severity of the issue, Student Conduct, in consultation with the Title IX Coordinator, may seek expulsion as a maximum penalty to a written reprimand as the least penalty.
If the person is an employee, the Title IX Coordinator will discuss appropriate disciplinary action with the Executive Officer over the area. If the person is a faculty member, the Title IX Coordinator, in consultation with the Provost, shall recommend appropriate discipline and whether any faculty appeals board process should be initiated, up to and including abrogation of tenure.

**What Actions Can Be Taken to Assist the Complainant?**

There are several actions the University may be able to take to ensure a complainant is able to work or receive an education outside the context of an investigation and administrative process. For example, if the complainant and respondent are in the same classes, scheduling arrangements may be made; if they share the same on-campus housing, the University may move the alleged respondent; if they wish to have no-contact orders in place, the University may impose those. All of these actions may occur prior to the completion of any investigation.

Potential complainants should never be discouraged from seeking law enforcement assistance and should be advised of the services offered by the OU Advocates (405) 615-0013. This telephone is answered 24/7.

**What If the Individual Indicates He/She Has Already Filed a Police Report-Do I Still Need to Report It to University Officials?**

Yes. The Department of Education requires universities to commence the investigation of reports concerning sexual assault, discrimination and harassment within 10 business days of receiving the complaint regardless of whether a police investigation is on-going. The Department of Education through the Office of Civil Rights has determined that these matters should reach a conclusion (to include the final disciplinary action) within approximately 60 days of the complaint.

**Where Do I Report a Potential Crime?**

As University officials, you are likely considered a “campus security authority” under the Clery Act. Generally, these individuals include campus law enforcement, most University officials, athletic directors, coaches and assistant coaches, faculty or staff advisors of student organizations, most Student Affairs staff and others with significant student interaction.

As a campus security authority, if you receive notice of certain crimes, e.g. murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug abuse
violations and weapons (illegally carrying and possessing), which occur on campus, in or on non-campus buildings or property owned or controlled by our institution, and public property within or immediately adjacent to our campus, you must report this as a statistic to HSC campus police at: (405) 271-4300.

What If I am Aware of Abuse of a Minor?

You have a statutory obligation to directly contact DHS at 1-800-522-3511.

If the incident occurred on campus or involved someone affiliated with campus, you must also contact the Sexual Misconduct Officer at (405) 325-2215, and HSC police at (405) 271-4300.

What Other Areas Are Affected by Title IX?

Some Issues to Consider:

- Consensual Relations-although consensual relationships are not prohibited, where one person is in a position of real or apparent authority over the other, the superior must notify his/her supervisor so that arrangements can be made to ensure he/she no longer supervises them (this includes teaching assistants and students)
- Pregnancy-although pregnancy is not considered a disability under the ADA, it is considered gender-related. Accordingly, similar types of reasonable accommodations must be made. Please contact Suzette Dyer in the Disability Resource Center to discuss further.
- Minors on Campus-officials should be aware that they may be held responsible for the harassment of minors on campus even if the harassment occurs between two minors or between a minor and someone not affiliated with the campus. You must ensure you have procedural safeguards in place to ensure the safety and security of minors (e.g. chaperones required at all times, sufficient adult to child ratio supervising the group, no university employee, student or volunteer is to be alone with a child)

Where Can I Learn More About University Policies in These Areas?

www.ou.edu/home/eoo.html
www.ou.edu/home/misc.html