

## **Section 1.2 UNIVERSITY POLICY PROHIBITING DISCRIMINATION AND HARASSMENT AS DEFINED, INCLUDING SEXUAL MISCONDUCT**

### **Table of Contents:**

- 1.2.1 Statement of Policy
- 1.2.2 To Whom This Policy Applies
- 1.2.3 Applicable Procedures Under This Policy
  - A. Where the Respondent is a Student
  - B. Where the Respondent is an Employee
  - C. Where the Respondent is both a Student and an Employee
  - D. Where the Respondent is a Third Party
- 1.2.4 Definitions
- 1.2.5 Prohibited Conduct Under This Policy
  - A. Sexual Misconduct Policy Statement
  - B. Sexual Harassment Policy Statement
    - 1. Definition of *Sexual Harassment*
    - 2. Examples of Prohibited Conduct
  - C. Non-Consensual Sexual Contact Policy Statement
    - 1. Definition of *Non-Consensual Sexual Contact*
    - 2. Examples of Prohibited Conduct
  - D. Non-Consensual Sexual Intercourse Policy Statement
    - 1. Definition of *Non-Consensual Sexual Intercourse*
    - 2. Examples of Prohibited Conduct
    - 3. Suggestions for Survivors of Non-Consensual Sexual Intercourse
  - E. Sexual Exploitation Policy Statement
    - 1. Definition of *Sexual Exploitation*
    - 2. Examples of Prohibited Conduct
  - F. Stalking Policy Statement
    - 1. Definition of *Stalking*
    - 2. Examples of Prohibited Conduct
    - 3. Suggestions for Responding to Stalking Behavior
  - G. Domestic and Dating Violence Policy Statement
    - 1. Definition of *Domestic Violence*
    - 2. Definition of *Dating Violence*
    - 3. Tips for Responding to Domestic Violence or Dating Violence Behavior
  - H. Complicity
  - I. Retaliation Prohibited
  - J. Oklahoma Criminal Law Definitions
    - 1. Definition of *Rape*
    - 2. Definition of *Consent*
    - 3. Definition of *Domestic Abuse/Dating Violence*
    - 4. Definition of *Stalking*

- 1.2.6 Designation of Coordinators
- 1.2.7 Options for Reporting: Responsible Employees and Confidential Disclosure
  - A. Privileged and Confidential Communications
    - 1. Professional and Pastoral Counselors
    - 2. Non-Professional Counselors and Advocates
      - a. Miscellaneous
        - i. “Take Back the Night” and Other Public Awareness Events
        - ii. Anonymous Reporting
    - 3. Off Campus Counselors and Advocates
  - B. Reporting to “Responsible Employees”
- 1.2.8 Requests for Confidentiality
- 1.2.9 Initiating Complaints
- 1.2.10 Anonymous Reports
- 1.2.11 Additional Avenues of Recourse
- 1.2.12 Reporting Time Limit
- 1.2.13 Complainant Amnesty Policy
- 1.2.14 Free Speech and Academic Freedom
- 1.2.13 Prevention and Awareness Programming

**1.2.1 STATEMENT OF POLICY:** The University of Central Oklahoma (“University”), is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities.

This policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 (“Title IX”) or Title VII of the Civil Rights Act of 1964 (“Title VII”). Such behavior also requires the University to fulfill certain obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”).

The University prohibits forms of Sexual Misconduct which includes, but is not limited to, Sexual Harassment, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Sexual Exploitation, Stalking, Domestic Violence, Dating Violence, Complicity in the commission of any act prohibited by this policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, “Prohibited Conduct”). These forms of Prohibited Conduct by any member of the university community may be a violation of federal or state law, as well as Regional University System of Oklahoma’s and University policy, and will not be tolerated.

The University adopts this policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Prohibited Conduct; (2) fostering the University’s Central Six tenets of transformative learning, in which Prohibited Conduct is not tolerated; (3) cultivating a climate where all individuals are well-informed and supported in reporting Prohibited Conduct; (4) providing a fair and impartial process for all parties; and (5) identifying the standards by which violations of this policy will be

evaluated and disciplinary action may be imposed. Employees or Students who violate this policy may face disciplinary action up to and including termination or expulsion. The University will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The University conducts ongoing prevention, awareness, and training programs for Employees and Students to facilitate the goals of this policy.

It is the responsibility of every member of the University community to foster an environment free of Prohibited Conduct. All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. The University will support and assist community members who take such actions.

This policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this policy. Where the date of the Prohibited Conduct precedes the effective date of this policy, the definitions of misconduct in existence at the time of the alleged incident(s) will be used. The procedures under this policy, however, will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred.

**1.2.2 TO WHOM THIS POLICY APPLIES:** This policy applies to Students, University Employees, and Third Parties. This policy pertains to acts of Prohibited Conduct committed by or against Students, Employees and Third Parties when:

- (1) the conduct occurs on University grounds or other property owned or controlled by the University;
- (2) the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, online, or internship programs; or
- (3) the conduct occurs outside the context of a University employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for Students, Employees or Third Parties while on University grounds or other property owned or controlled by the University or in any University employment or education program or activity.

This policy supersedes any conflicting provisions that may exist in policies addressing other forms of discrimination and harassment. Where Prohibited Conduct violates this policy and also violates other policies, the University's response will be governed by the procedures referenced in this policy. Questions about which policy applies in a specific instance should be directed to the University's Title IX Coordinator at (405) 974-3377.

**1.2.3 APPLICABLE PROCEDURES UNDER THIS POLICY:** This policy, along with the applicable procedures, shall constitute the grievance procedures mandated by the regulations that implement Title IX of the Education Amendments of 1972.

- A. WHERE THE RESPONDENT IS A STUDENT: The procedures for responding to reports of Prohibited Conduct committed by Students are detailed in the Code of Student Conduct available online at: <http://online.fliphtml5.com/ekrc/bfru/#p=1>.
- B. WHERE THE RESPONDENT IS AN EMPLOYEE: The procedures for responding to reports of Prohibited Conduct committed by Employees are detailed in the Procedure Related to the Investigation and Resolution of Discrimination and Harassment Complaints Including Sexual Misconduct available online at [http://sites.uco.edu/administration/legal/files-legal/files-policies/1-3\\_DisHar\\_Procedure.pdf](http://sites.uco.edu/administration/legal/files-legal/files-policies/1-3_DisHar_Procedure.pdf).
- C. WHERE THE RESPONDENT IS BOTH A STUDENT & EMPLOYEE: The University's Title IX Coordinator will determine which of the procedures applies based on the facts and circumstances, such as which role predominates in the context of the prohibited conduct. Further, where the Respondent is both a Student and an Employee, the Respondent may be subject to any of the sanctions applicable to Students or Employees.
- D. WHERE THE RESPONDENT IS A THIRD PARTY: The University's ability to take appropriate corrective action against a Third Party will be determined by the nature of the relationship of the Third Party to the University. The Title IX Coordinator will determine the appropriate manner of resolution consistent with the University's commitment to a prompt and equitable process consistent with federal law, federal guidance, and this policy.

**1.2.4 DEFINITIONS:** For the purposes of this policy, the following definitions and provisions apply:

- A. **COMPLAINANT:** A Complainant is any person who believes and claims that he or she has been a target of a crime or policy violation by another person or organization. The Complainant has the right to report violations of law or university policy with law enforcement or the appropriate University official.
- B. **RESPONDENT:** A "Respondent" is any person accused of violating University policy.
- C. **STUDENT:** Any person admitted and/or enrolled at the University, whether full-time, part-time, concurrent, on campus, abroad, online, or any other form of enrollment. Any person not officially enrolled for a particular semester, but who is eligible to enroll or who has a continuing relationship with the University, may be considered a Student.
- D. **EMPLOYEE:** Any person retained by the University to perform services, including, but not limited to, tenured and non-tenured faculty, adjunct faculty, full- and part-time staff, hourly wage staff (including temps), interns, professional research staff, and post-doctoral fellows.
- E. **STUDENT EMPLOYEE:** Any person who meets both the Student and Employee definitions.
- F. **THIRD PARTY:** Any person who is a contractor, vendor, visitor, guest or other third party.

- G. **MANAGING BODY:** The body charged by the Title IX Coordinator to decide the outcome as described in the Procedures of a Formal Resolution (responsibility, sanctions, and other remedial actions, as appropriate). The University Executive is typically selected from those in a supervisory role over the Respondent, such as a Supervisor, Department Director, Department Chair, Dean, or Vice President.
- H. **APPELLATE REVIEWER:** The body charged by the Title IX Coordinator to review an appeal request of a Complainant or Respondent.
- I. **APPELLATE BODY:** The body charged by the Title IX Coordinator to review the decision of the University Executive appealed by a Complainant and/or Respondent. The Vice President of the area presiding over the Respondent is typically selected as the Appellate Executive.
- J. **CONSENT:**
- Consent is a knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity.
  - Silence or passivity is not consent. Consent is not passive, but is active and freely given. 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 clear permission regarding willingness to engage in (and the conditions of) sexual activity.
  - Initiators of sexual activity are responsible for obtaining consent.
  - Consent to one form of sexual activity cannot automatically imply consent to any other forms of sexual activity, nor does it automatically imply consent of any sexual contact in the future.
  - Previous relationships or prior consent cannot automatically imply consent to future sexual acts.
  - Consent granted to one individual does not automatically imply consent to any other parties.
  - Consent can be withdrawn once given, as long as that withdrawal is clearly communicated. Once consent is withdrawn, sexual activity must stop reasonably immediately.
  - Consent cannot be obtained from an individual who is incapacitated due to lack of consciousness, age, disability, or incapacitated due to drugs or alcohol.
  - The use of intimidation, coercion, threats, force, or violence automatically negates any previously obtained consent.
- K. **FORCE:** Force includes any intentional physical violence, restraint, or the presence of a weapon to gain sexual to a person. Force includes threats that overcomes resistance or produces reluctant compliance or acquiescence.
- L. **COERCION:** Coercion is an unreasonable pressure to engage in sexual activity. Coercion is distinguishable from seduction, where sexual advances are welcome and persuasion is reasonable. When an individual verbally and/or physically expresses that they do not want to engage in or continue in a sexual act, continued pressure beyond that point can be coercive. For

the purposes of coercion, determining what is unreasonable may be a function of duration, frequency, isolation, and intensity.

- M. **INCAPACITATION:** Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout. Incapacity may also result from mental disability, sleep, unconsciousness, or from the ingestion of rape drugs. Drinking and/or drug use may render an individual incapable of giving consent for sexual activity. For example, someone who is incapacitated may agree to have sex at the time, but have no memory of the consent. This person may have been functioning in a “blackout” and could not give effective consent.

A policy violation occurs where a person knows or a reasonable person (sober and exercising good judgment) in the situation would have known about the condition of the incapacitated person.

### **1.2.5 PROHIBITED CONDUCT UNDER THIS POLICY**

- A. **SEXUAL MISCONDUCT POLICY STATEMENT:** The University of Central Oklahoma will neither tolerate nor condone any form of sexual misconduct. Sexual misconduct includes, but is not limited to, instances of sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, stalking, domestic violence, and dating violence. The University is committed to an environment for all Students and Employees which is safe, fair, humane, and respectful and which supports and rewards performance on the basis of relevant considerations such as ability and effort. Individuals should enjoy a learning and working environment free of sexual misconduct, including, but not limited to sexual misconduct perpetrated by students, faculty, staff, or non-affiliated third parties. Sexual misconduct by any member of the University community can be a violation of both law and University policy, and will not be tolerated. In instances where there is reason to believe that University policy prohibiting sexual misconduct has been violated, the University will pursue disciplinary action.

Sexual misconduct on campus, at university-related events, and involving Students or Employees constitutes a report to the Title IX Coordinator and/or law enforcement. All Employees (save for Counselors, Pastors, Non-Professional Counselors and Advocates) are responsible for reporting all details of sexual misconduct to the Title IX Coordinator when they know or should know of an incident in violation of these policies (see Section 1.2.7). Individuals may request confidentiality from the Title IX Coordinator, if they wish to make a report without revealing identifying information (see Section 1.2.8).

The University may immediately suspend any Student or Employee reasonably believed to have engaged in sexual misconduct in violation of this policy, with notice and hearing to follow promptly. The University has established procedures for timely reporting, investigation, and resolution of sexual misconduct reports. Even if an individual chooses not to press criminal charges, the option is available to pursue sanctions through the University system. University

sanctions may include, but are not limited to, warning, probation, restrictions, suspension, expulsion, and termination. This policy applies regardless of the sexual orientation, gender identity and/or gender expression of individuals involved.

**B. SEXUAL HARASSMENT POLICY STATEMENT:** The University of Central Oklahoma will neither tolerate nor condone any form of sexual harassment.

1. **DEFINITION OF SEXUAL HARASSMENT:** Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context:

- a. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (often referred to as "*quid pro quo*" harassment); or,
- b. Such conduct creates a hostile environment. A "hostile environment" exists when such conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programs or activities.

Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

2. **EXAMPLES OF PROHIBITED CONDUCT:** Conduct, whether in person, in writing, by telephone, through social media, by electronic means, or otherwise, which is prohibited by this policy includes, but is not limited to:

- a. Unwelcome sexual flirtation, advances, or propositions for sexual activity;
- b. Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes;
- c. Sexually degrading language used to describe an individual;
- d. Remarks of a sexual nature used to describe a person's body or clothing;
- e. Display of sexually demeaning objects and pictures;
- f. Offensive physical contact, such as unwelcome touching, pinching, or brushing the body; and
- g. Actions indicating that benefits will be gained or lost based on response to sexual advances.

**C. NON-CONSENSUAL SEXUAL CONTACT POLICY STATEMENT:** The University of Central Oklahoma will neither tolerate nor condone any form of non-consensual sexual contact.

1. **DEFINITION OF *NON-CONSENSUAL SEXUAL CONTACT*:** Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, with another person without consent of that person.
2. **EXAMPLES OF PROHIBITED CONTACT:** Conduct prohibited by this policy includes, but is not limited to:
  - a. Unwanted sexual contact with a stranger or a friend, acquaintance, spouse, current dating partner, or former intimate partner;
  - b. Unwanted sexual contact committed by force, threat, surprise, coercion, intimidation, or through use of mental or physical helplessness;
  - c. Unwanted sexual contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; and
  - d. Unwanted physical contact, such as touching, brushing, fondling, and groping the body.

**D. NON-CONSENSUAL SEXUAL INTERCOURSE POLICY STATEMENT:** The University of Central Oklahoma will neither tolerate nor condone any form of non-consensual sexual intercourse.

1. **DEFINITION OF *NON-CONSENSUAL SEXUAL INTERCOURSE*:** Non-consensual sexual intercourse is any anal, oral, or vaginal penetration however slight, with any object, with another person without consent of that person.
2. **EXAMPLES OF PROHIBITED CONDUCT:** Conduct prohibited by this policy includes, but is not limited to:
  - a. Unwanted sexual intercourse with a stranger or a friend, acquaintance, spouse, current dating partner, or former intimate partner (including date or acquaintance rape);
  - b. Unwanted sexual intercourse committed by force, threat, surprise, coercion, intimidation, or through use of mental or physical helplessness;
  - c. The use of force, including hitting, pushing, or otherwise acting upon violently to engage in sexual activity;
  - d. The use of force, including holding a person down, restraining, or otherwise preventing a person from leaving, to engage in sexual activity;
  - e. The use of threats, including a direct threat of death, grave bodily injury, or a negative consequence;
  - f. The use of one's size, power or authority to imply a threat, whether communicated verbally or nonverbally and/or physically;
  - g. Ignoring an individual's protest and engaging in sexual activity;
  - h. The use of coercion, including convincing an individual to have sexual intercourse with the use of unreasonable pressure (such as name calling, peer pressure, threats of violence, etc.);
  - i. Passive compliance when consent is not actively communicated;
  - j. Sexual intercourse with an individual who is incapacitated due to alcohol and/or drug use, and that incapacity is known or should have been known;



- k. Sexual intercourse with an individual who is incapacitated due to mental disorder, developmental disability, intellectual disability, physical disability, age (being under 16), or family relations (incest); and,
  - l. Sexual intercourse with an individual who was temporarily incapacitated or unconscious due to sleep or a medical condition such as an epileptic episode, panic attack, and PTSD
3. **SUGGESTIONS FOR SURVIVORS OF NON-CONSENSUAL SEXUAL INTERCOURSE:** If you experience non-consensual sexual intercourse, the most important thing is to know that it was not your fault.
- a. You may preserve available evidence if you do not bathe, change your clothes, douche, or do anything to change your appearance. Some important physical evidence may be gone after forty-eight (48) hours. However, there is not a statute of limitations on filing complaints with the University.
  - b. You may contact Project SPEAK at (405) 974-2224 (if during UCO business hours) or call the 24-hour YWCA hotline at (405) 943-7273. An advocate may accompany you to UCO Police Services or the hospital, but they recognize that this is your decision. The Project SPEAK representative or YWCA advocate will assist you regardless of your decision about reporting. If you elect to go to the police or the hospital, you are urged not to undergo this ordeal alone.
  - c. You may call UCO Police or local law enforcement and report the incident, even if you do not want to prosecute. Your report may help to protect you and prevent future occurrences to others.
  - d. You may go to the nearest hospital emergency room (ER), regardless of whether you have physical injuries resulting from the assault. The ER will provide testing for semen, pregnancy, and sexually transmitted infection (S.T.I.) tests. In addition, this will help if you choose to pursue criminal charges. Even if you do not want to prosecute now, you may change your mind later.
  - e. A follow-up check may be recommended by the health care provider since some S.T.I.'s cannot be detected immediately.

**E. SEXUAL EXPLOITATION POLICY STATEMENT:** The University of Central Oklahoma will neither tolerate nor condone any form of sexual exploitation.

1. **DEFINITION OF SEXUAL EXPLOITATION:** Sexual exploitation is taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit or to benefit a person other than the one being exploited. This policy also covers sexual misconduct which does not otherwise constitute one of the other sexual misconduct definitions.
2. **EXAMPLES OF PROHIBITED CONDUCT:** Conduct prohibited by this policy includes, but is not limited to:
  - a. Sexual voyeurism (such as watching another person undress, use the bathroom, or engage in sexual acts without the consent of the person observed);

- b. Taking pictures or video or audio recording, or providing for the observation by a third-party of another in a sexual act, or in any other personal/private activity without the consent of all involved in the activity;
- c. Disseminating sexual pictures, audio, video, or other media without the depicted person's consent;
- d. Communications that are obscene, lewd, or indecent;
- e. Intentionally or recklessly exposing one's genitals in non-consensual circumstances;
- f. Engaging in prostitution or prostituting another person;
- g. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection; and
- h. Administering alcohol or other drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.

**F. STALKING POLICY STATEMENT:** The University of Central Oklahoma will neither tolerate nor condone stalking.

1. **DEFINITION OF STALKING:** Stalking is the (1) repetitive and (2) menacing (3) pursuit, following, harassing, and/or interfering (4) with the peace and/or safety of another (5) that would cause a reasonable person to fear for their safety or suffer substantial emotional distress.

Two or more acts, including, but not limited to, acts which 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 shall constitute stalking.

2. **EXAMPLES OF PROHIBITED CONDUCT:** Conduct prohibited by this policy includes, but is not limited to:
  - a. Purposefully 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. Threatening or making obscene gestures;
  - e. Unwanted, repeated communication or contact, including personal contact, telephone calls, voice messages, e-mail, instant messaging, written correspondence, social media communication (i.e. Facebook, Twitter, etc.), and unwanted gifts;
  - f. Leaving strange or potentially threatening items;
  - g. Entering a home or car and doing things to frighten or inform an individual that they were there;
  - h. Threats prompting fear for safety or safety of family members, friends, roommates, or others;
  - i. Harassment, either by the individual or through a third party;
  - j. Electronic harassment, such as impersonating an individual online and/or spamming email accounts;

- k. Unauthorized access of personal, academic, medical, financial, and/or other personal identifying information;
  - l. Vandalism; and
  - m. Surveillance or other types of unwanted observation, including use of electronic devices or software to track or obtain private information.
3. **SUGGESTIONS FOR RESPONDING TO STALKING BEHAVIOR:** Stalking is an unpredictable and dangerous behavior. You can increase your safety by considering and implementing some or all the following tips:
- a. Trust your instincts. Do not downplay the danger. If you feel unsafe, you may be unsafe.
  - b. Contact UCO Police Services or other local law enforcement agency for assistance.
  - c. Consult with the Project SPEAK Office for assistance in determining steps you may take, helping you plan for safety, and assisting with on-campus or other available resources.
  - d. Seek support by notifying your Resident Assistant, family member(s), roommates, co-workers, University staff or faculty members, and/or friends about your concerns.
  - e. Change your email address, screen names, and telephone numbers. Furthermore, be selective about to whom these are given. Change passwords and clear your computer of spyware.
  - f. Utilize privacy/security settings on your online social networking pages.
  - g. Use an unlisted telephone number.
  - h. Decide in advance what steps you will take if the stalker appears at your home, work, or class.
  - i. Do not communicate with the stalker or respond to attempts to contact you.
  - j. Change your locks, install deadbolts and/or a security system and ensure that your windows and doors have working locks.
  - k. Consider obtaining a court order that requires the stalker to cease from contacting you and to keep a certain distance away from you.
  - l. Document and/or save contacts, telephone calls, letters, emails, and preserve evidence of harassment.
  - m. Walk with friends and use UCO's Operation Safe Walk, which is available free of charge twenty-four (24) hours a day and 365 days a year, by calling (405) 974-2345.

If you have any reason to believe that you may be in physical danger, call UCO Police Services at (405) 974-2345 or local police immediately.

**G. DOMESTIC AND DATING VIOLENCE POLICY STATEMENT:** The University of Central Oklahoma will neither tolerate nor condone domestic violence and dating violence.

1. **DEFINITION OF DOMESTIC VIOLENCE:** Domestic violence is violence or abuse (verbal, physical, and/or psychological) committed by a current or former spouse of an individual, person with whom an individual shares a child in common, person who is cohabitating with an individual or has cohabitated with as a spouse, or person similarly situated to a spouse of the individual under domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

2. **DEFINITION OF *DATING VIOLENCE*:** Dating violence is violence or abuse (verbal, physical, and/or psychological) committed by a person who is or has been in a social relationship of a romantic or intimate nature with an individual. The existence of such relationship shall be determined based on consideration of the following factors: length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship. Dating partners can be dating each other exclusively or dating other people concurrently. Dating relationships may have a sexual component, but do not have to. Dating violence does not include acts by a person who meets the definition of domestic violence partner (see Section 1.2.5.G.1.).

Dating violence may also occur between individuals who are no longer dating, if the violence or abuse is connected to or predicated upon some aspect of the prior relationship. Prior relationship violence may be evidenced by lingering jealousy, residual anger, resentment, feeling slighted or used, or delayed retribution from a prior relationship.

3. **SUGGESTIONS FOR RESPONDING TO DOMESTIC VIOLENCE OR DATING VIOLENCE BEHAVIOR**

- a. Trust your instincts. Do not downplay the danger. If you feel unsafe, you may be unsafe.
- b. Get medical attention and take photos of injuries.
- c. Contact UCO Police Services or other local law enforcement agency for assistance.
- d. Consult with the Project SPEAK Office for assistance in determining steps you may take, helping you plan for safety, and assisting with obtaining on campus or other resources.
- e. Contact the YWCA Domestic Violence Hotline at (405) 297-1139 for VPO Assistance/Information.
- f. Seek support by notifying your Resident Assistant, family member(s), roommates, co-workers, University staff or faculty members, and/or friends about your concerns.

If you have any reason to believe that you may be in physical danger, call UCO Police Services at (405) 974-2345 or local police immediately.

**H. COMPLICITY:** Any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person. This also includes the failure to report an act of Prohibited Conduct by a Responsible Employee (see Section 1.2.7.B. “Reporting to ‘Responsible Employees’”).

**I. RETALIATION PROHIBITED:** Retaliation against complainants and/or anyone reporting UCO policy violations is prohibited by University policy and federal and state laws. Retaliation includes, but is not limited to, threats, hazing, intimidation, stalking, and reprisals against anyone who reports or files a complaint. This policy also prohibits retaliation against witnesses of alleged policy violations.

**J. OKLAHOMA CRIMINAL 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 in the jurisdiction where the offense(s) occurred. The definitions set forth below are reviewed and verified annually; for a more frequently updated resource, please consult the Oklahoma State Court Network website at <http://www.oscn.net>.

## 1. **DEFINITION OF RAPE**

**Oklahoma Penal Code, 21 O.S. §1111** defines rape as the following:

- 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.*
  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.”*

2. **DEFINITION OF SEXUAL ASSAULT**

**Oklahoma Penal Code, 21 O.S. §112**, defines sexual assault as: “...any type of sexual contact or behavior that occurs without explicit consent of the recipient including, but not limited to, forced sexual intercourse, forcible sodomy, child molestation, child sexual abuse, incest, fondling and all attempts to complete any of the aforementioned acts.”

3. **DEFINITION OF CONSENT**

**Oklahoma Penal Code, 21 O.S. §113**, defines consent as the following:

*“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.”*

4. **DEFINITION OF FORCE**

**Oklahoma Penal Code, 21 O.S. §111**, defines force as: “...any force, no matter how slight, necessary to accomplish the act without the consent of the victim. The force necessary to constitute an element need not be actual physical force since fear, fright or coercion may take the place of actual physical force.”

5. **DEFINITION OF DOMESTIC AND DATING VIOLENCE**

**Oklahoma Penal Code, 21 O.S. §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.”

**Oklahoma Penal Code, 22 O.S. §60.1(5)**, further defines dating violence 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.”

6. **DEFINITION OF STALKING**

**Oklahoma Penal Code, §21-1173**, defines stalking as: “[a]ny person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

- a. *Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and*
- b. *Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested...*”

**1.2.6 DESIGNATION OF COORDINATORS:** Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is an all-encompassing federal law that prohibits discrimination on the basis of sex in educational programs and activities that receive federal financial assistance. Consistent with this obligation, the University of Central Oklahoma prohibits discrimination and harassment on the basis of sex in academics, employment, and all of its programs and activities.

In accordance with Title IX regulations, the University has designated Adrienne Martinez as the University’s Title IX Coordinator. Ms. Martinez is charged with (1) monitoring compliance with these regulations; (2) coordinating compliance with this policy to insure a timely and complete investigation; and (3) resolving complaints arising hereunder. You may contact Ms. Martinez with any questions regarding Title IX, as well as concerns and complaints of non-compliance.

Adrienne Martinez, EEO/Title IX Coordinator  
Office of Legal Counsel  
Lillard Administration Building, Room 114D  
100 N. University Dr., Box 130  
Edmond, OK 73034  
Phone: (405) 974-3377  
Email: [amartinez9@uco.edu](mailto:amartinez9@uco.edu) or [TitleIX@uco.edu](mailto:TitleIX@uco.edu)

The regular office hours are 8:00 a.m. – 5:00 p.m., Monday – Friday. Before or after office hours, on weekends, or during university holidays when offices are closed, persons wishing to report discrimination or harassment may contact University Police Services at (405) 974-2345.

### **1.2.7 OPTIONS FOR REPORTING: RESPONSIBLE EMPLOYEES AND CONFIDENTIAL DISCLOSURE**

The University encourages students, faculty, staff, visitors, and any other individuals who have experienced sexual misconduct to talk to someone about what happened, as well as their rights and options for safety and having the misconduct addressed. The University is responsible for responding reasonably to reduce the likelihood of further incident and support affected community members.

Different employees on campus have different abilities to maintain confidentiality:

- Some employees are required by law to maintain near complete confidentiality. Talking to them is sometimes called a “privileged communication”.
- Some employees may be spoken to in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a University investigation into an incident against the wishes of the person disclosing the incident.

- Some employees are required to report all the details of an incident, including the identities of the person who experienced the misconduct, alleged perpetrator(s), and any known witnesses, to the Title IX Coordinator. A report to these employees (called “Responsible Employees”) necessitates a report to the University and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students, faculty, staff, visitors, and any other individuals who have experienced sexual misconduct aware of the various reporting and confidential disclosure options available to them. The University encourages individuals who have experienced sexual misconduct to talk to someone identified in one or more of these groups. Additionally, this policy is intended to make faculty and staff aware of their reporting obligations when an individual discloses an incident of sexual misconduct. Questions about this policy and your responsibilities as an employee should be directed to your supervisor and/or a Title IX Coordinator.

## **A. PRIVILEGED AND CONFIDENTIAL COMMUNICATIONS**

1. ***PROFESSIONAL AND PASTORAL COUNSELORS.*** Professional, licensed counselors and pastoral counselors who provide mental health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without permission of the individual making the disclosure.

Following is the contact information for these individuals:

**Center for Counseling and Well-Being**  
**405-974-2215**  
**Nigh University Center, Room 402**

**Psychology Clinic**  
**405-974-2758**  
**Education Building, Room 307**

**Employee Assistance Program**  
**1-866-327-2400**  
**<https://www.deeroakseap.com/>**

2. ***NON-PROFESSIONAL COUNSELORS AND ADVOCATES.*** Individuals who work, advise, or volunteer in certain capacities, such as with the Project SPEAK Office, Health Promotion and Outreach, and the Student Alliance for Equality (S.A.F.E.) organization, including front desk staff and students, can generally talk to a person who has experienced sexual misconduct or gender-based discrimination without being required to reveal any personally identifiable information about an incident to the University. A person who has experienced sexual misconduct or gender-based discrimination can seek assistance and support from these individuals without triggering a University investigation that could reveal their identity.



To the extent that personally identifiable details are protected, these individuals or their office must report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report, which includes no information that would directly or indirectly identify the person who has experienced sexual misconduct, helps keep the university in compliance with Jeanne Clery Act reporting requirements and provides the Title IX Coordinator with information concerning the general extent and nature of gender-based discrimination and sexual misconduct on- and off-campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals should consult with the person affected to ensure that no personally identifiable details are shared with the Title IX Coordinator.

Following is contact information for UCO non-professional counselors and advocates:

**Project SPEAK**  
**405-974-2224**  
**Nigh University Center, Room 402**

**Health Promotion and Outreach**  
**Asst. Director Alex Russel ([arussell22@uco.edu](mailto:arussell22@uco.edu), 405-974-3407)**  
**Student Alliance for Equality (S.A.F.E.)**  
**Faculty Advisor: Dr. David Macey ([dmacey@uco.edu](mailto:dmacey@uco.edu), 405-974-5922)**  
**Faculty Advisor: Prof. Charleen Weidell ([cweidell@uco.edu](mailto:cweidell@uco.edu), 405-974-3772)**

Individuals who elect to maintain confidentiality should be advised that the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these counselors and advocates will still assist the person who has experienced sexual misconduct in receiving other necessary protection and support, such as advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.

Individuals who initially request confidentiality may later decide to file a complaint with the University or report the incident to local law enforcement, thus requiring a full investigation. These counselors and advocates will provide assistance, if desired.

**IMPORTANT NOTES:** (1) *While these professional and non-professional counselors and advocates may maintain confidentiality, they may have reporting or other obligations, such as mandatory reporting of abuse to minors and the elderly, imminent harm to self or others, requirement to testify by court order in a criminal case, Jeanne Clery Campus Security Act statistics, etc.* (2) *If the University determines that the alleged perpetrator(s) pose a serious and immediate threat to the University community, the UCO Police Services may be called*

*upon to issue a timely warning to the community. Any such warning will not include any personally identifiable information for the individual who experienced the sexual misconduct.*

**a. MISCELLANEOUS REPORTING METHODS**

- i. **“Take Back the Night” and Other Public Awareness Events.** Public awareness events such as “Take Back the Night”, “The Clothesline Project”, candlelight and “coming out” vigils, protests, panel discussions during S.A.F.E. meetings/events, “Survivor Speak Outs,” “Sex in the Dark,” or other forums in which individuals disclose incidents of sexual misconduct or gender-based discrimination are not considered notice to the University for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts.
- ii. **Institutional Research.** Research involving human subjects conducted at or sponsored by the University is reviewed by the UCO Institutional Review Board (IRB) for compliance with federal regulations and ethical principles. Generally, a disclosure of sexual misconduct or gender-based discrimination is not considered notice to the University for the purpose of triggering its obligation to investigate any particular incident(s). However, the IRB may: require additional information from prospective research investigators, submit an application for further review, require specific disclosures and informed consent, and implement other additional safeguards to minimize risk to participants. The IRB may also consult with the Title IX Coordinator on specific applications for guidance on reporting duties and safeguards available.

**Note:** Any reporting exception for research applies only to disclosures made during the research project. Disclosures made to research personnel outside of the research protocols (e.g., during faculty office hours or while providing academic advising) are NOT excepted from regular duties to report as a Responsible Employee. Reporting duty exceptions may not be granted in certain cases, such as in the duty to report suspected child abuse/neglect, and sexual misconduct or gender-based discrimination potentially perpetrated by an Employee.

- iii. **Academic Assignments.** Generally, a disclosure of sexual misconduct or gender-based discrimination made in academic assignments, including writing assignments and classroom presentations, is not considered notice to the University for the purpose of triggering its obligation to investigate any particular incident(s). However, the instructor may respond to disclosures by referring the student to safety, support and reporting resources. The instructor may also consult with the Title IX Coordinator on specific options for safety, support, and reporting options. Many options for safety, confidential support, and reporting options available on- and off-campus are summarized in a print-friendly document and can be shared with any person here: <http://sites.uco.edu/central/title-ix/files/QuickSupportReportReferenceSheetBigFINAL.pdf>.

- iv. **Anonymous Reporting.** Although the University encourages persons who have experienced sexual misconduct to talk to someone, the University does receive anonymous reports. An anonymous report is an unofficial means to inform the University that an incident has occurred on or near campus or against a University member. This method has been developed to encourage reporting without the risk of identity exposure and the pressures of filing a report with the University administration and/or filing criminal charges with a local law enforcement agency. The anonymous report will provide information to the University which will allow for improved prevention programming and resources for the UCO community.

Please see section 1.2.10 for anonymous reporting options. To keep information anonymous, do not include names of victims or perpetrators. If names are included, this is no longer considered an anonymous report and an investigation may be conducted. Since the anonymous reporting method is unofficial and information may be limited, the University may not be able to take disciplinary action in response to such a report. Anonymous reports will remain confidential to the public, but may be shared for statistical, programmatic, and/or referral purposes.

- 3. OFF CAMPUS COUNSELORS AND ADVOCATES.** Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the disclosure is requested.

Following is contact information for these off-campus resources:

**YWCA Domestic Violence Hotline**  
**(405) 917-YWCA (9922)**

**Sexual Assault Hotline**  
**(405) 943-RAPE (7273)**

**Oklahoma & Statewide Safety Hotline**  
**1-800-522-SAFE (7233)**

**National Information & Referral Hotline**  
**Dial 2-1-1**

**IMPORTANT NOTE:** *While these off-campus counselors and advocates may maintain confidentiality vis-à-vis the University, they may have reporting or other obligations under state law, such as mandatory reporting of abuse to minors and the elderly, imminent harm to self or others, requirement to testify by court order in a criminal case, Campus Security Act statistics, etc.*

**B. REPORTING TO “RESPONSIBLE EMPLOYEES”:** A “Responsible Employee” is a University employee who (1) has the duty to report incidents of sexual misconduct or other policy violations, (2) has the authority to redress sexual misconduct, or (3) an individual could reasonably believe has this duty or authority.

All University faculty and staff not previously identified as “Professional and Pastoral Counselors” or “Non-Professional Counselors and Advocates” are “Responsible Employees”.

When a person who has experienced sexual misconduct informs a Responsible Employee, the individual has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A Responsible Employee must report to the Title IX Coordinator or Deputy Title IX Coordinator all relevant details about the alleged sexual violence shared by the reporting person and that the University will need to determine what happened. This report must include relevant known information about the incident(s), including the name(s) of the person who experienced the sexual misconduct, alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the University’s response to the report.

Before an individual reveals information about sexual misconduct to a Responsible Employee, the employee should ensure that the individual understands the employee’s reporting obligations. If the individual wants to maintain confidentiality, the responsible employee should direct them to confidential resources.

If the person who experienced the sexual misconduct wants to tell the Responsible Employee what happened, but maintain confidentiality, the employee should respond that the University will consider the request, but cannot guarantee that it will be honored. In reporting the details of the incident to the Title IX Coordinator or Deputy Title IX Coordinator, the Responsible Employee will also report any request for confidentiality.

Responsible Employees will not pressure an individual to request confidentiality, but will honor and support the individual’s wishes, including for the University to fully investigate an incident. By the same token, Responsible Employees will not pressure an individual to make a full report if the individual is not comfortable doing so.

**1.2.8 REQUESTS FOR CONFIDENTIALITY:** If a person who experienced sexual misconduct discloses an incident to a Responsible Employee, but wishes to maintain confidentiality or requests that the University not conduct an investigation into a particular incident nor take appropriate disciplinary action, the University must weigh that request against the University’s obligation to provide a safe, non-discriminatory environment for all UCO community members, including the person making the report.

If the University honors the request for confidentiality, all parties must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

There are rare times when the University may not be able to honor a request for confidentiality in order to provide a safe, non-discriminatory environment for all UCO community members.

The University has designated the following individual(s) to evaluate requests for confidentiality:

**Adrienne Martinez**  
**Title IX Coordinator**  
**Lillard Administration Building, Room 114D**  
**405-974-3377**

When weighing a request for confidentiality, or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other misconduct, such as:
  - whether there have been other sexual misconduct complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records indicating a history of violence;
  - whether the alleged perpetrator threatened further sexual misconduct or other violence against the reporting person or others;
  - whether the sexual misconduct was committed by multiple perpetrators;
  - whether the sexual misconduct was perpetrated with a weapon;
  - whether the person who experienced sexual misconduct is a minor;
  - whether the University possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence); and
  - whether the report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the request for confidentiality.

**If the University determines that it cannot maintain confidentiality**, the University will inform the person who experienced the sexual misconduct prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The University will (1) remain ever mindful of the individual's well-being, (2) take ongoing steps to protect the individual from retaliation or harm, and (3) work with the individual to create a safety

plan. Retaliation against a person who has experienced sexual misconduct will not be tolerated. The University will also:

- assist the individual in accessing other available resources, such as advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- provide other security and support, which could include issuing a No Contact Order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation), or adjustments for assignments or tests; and
- inform the individual of the right to report a crime to campus or local law enforcement and provide assistance if desired.

The University may not require a person who has experienced sexual misconduct to participate in any investigation or disciplinary proceeding.

Because the University is under a continuing obligation to address the issue of sexual misconduct, reports of sexual misconduct (including non-identifiable reports) will also prompt the University to consider broader remedial action, such as: increased monitoring, supervision, or security at locations where the reported sexual misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; complete publicly available record keeping for disclosure and awareness (including non-identifiable statistics for the Annual Security or “Clery Act” Report), and/or revisiting its policies and practices.

### **1.2.9 INITIATING COMPLAINTS:**

- A. Any employee, student, applicant for employment or admission, visitor, or other non-affiliated individual may initiate a complaint by contacting the University Title IX Coordinator:

**Adrienne Martinez, EEO/Title IX Coordinator**  
**Lillard Administration Building, Room 114D**  
**100 N. University Drive, Box 130**  
**Edmond, OK 73034**  
**Phone: (405) 974-3377**  
**Fax: (405) 974-3807**  
**Email: [amartinez9@uco.edu](mailto:amartinez9@uco.edu) or [TitleIX@uco.edu](mailto:TitleIX@uco.edu)**

- B. Reports involving a student may be initiated by contacting the Deputy Title IX Coordinator for Students in the Office of Student Conduct:

**Chris Snoddy, Director of Student Conduct**  
**Nigh University Center, Rm. 136**  
**100 N. University Drive, Box 324**  
**Edmond, OK 73034**  
**Phone: (405) 974-5380**

**Fax: (405) 974-3930**

**Email: csnoddy@uco.edu**

- C. Reports involving an employee may be initiated by contacting the Deputy Title IX Coordinator for Employees in the Human Resources Department:

**Erika Cerda, Director of Employee Relations**

**Nigh University Center, Room 323A**

**100 N. University Drive**

**Edmond, OK 73034**

**Phone: (405) 974-2932**

**Fax: (405) 974-3896**

**Email: ecerda@uco.edu**

- D. Reports involving a student athlete, coach or athletic staff member, or gender equity in athletics may be initiated by contacting the Deputy Title IX Coordinator for Athletics:

**Darnell Smith, Assistant Athletic Director for Compliance**

**Hamilton Field House, Room 103**

**100 N. University Drive, Box 190**

**Edmond, OK 73034**

**Phone: (405) 974-3959**

**Fax (405) 974-3820**

**Email: dsmith132@uco.edu**

- E. Reports involving an individual at an off-site location, such as ACM@UCO, may initiate a complaint of discrimination or harassment to any of the offices above as appropriate, or to the on-site director of the program.

- F. To make a report after hours or when offices are closed for university holidays, the individual should contact the University Police Services at (405) 974-2345.

**1.2.10 ANONYMOUS REPORTS:** An anonymous report is an unofficial means to report an incident. This method has been developed to encourage reporting of Sexual Misconduct without the risk of identity exposure and the pressures of filing a report with University administration and/or filing criminal charges with a local law enforcement agency. The anonymous report will provide valuable information to University administration and/or University Police Services, which will allow for improved prevention programming and resources for the University campus community's future.

Anonymous reports involving students may be filed with the Office of Student Conduct, whether or not criminal charges are filed at a later date. The Anonymous Reporting Form can be found and completed online at <http://www.uco.edu/student-affairs/conduct/reportanincident/index.asp>.

The Board of Regents of the Regional University System of Oklahoma, the University's governing body, established a "RUSO Tip Line" as one method for individuals to discreetly and confidentially report activities which they, in good faith, believe may be unethical, illegal or otherwise inappropriate behavior in violation of established policies. The RUSO Tip Line allows concerns to be submitted anonymously to a secure server administered by EthicsPoint.

Any person may report incidents online at [www.ruso.ethicspoint.com](http://www.ruso.ethicspoint.com) or by calling toll-free to 866-898-8438. An EthicsPoint Contact Center Specialist facilitates each telephone call and compiles the required information. The information is forwarded to designated RUSO and University officials, who then conduct an appropriate investigation and resolution.

The RUSO Tip Line allows for ongoing anonymous communication between the University and the reporting party. The reporting party is encouraged to participate in follow-up communication, as needed, in the event more information is needed to address the concern.

To keep information anonymous, do not include names of any person involved. If names are included, this is no longer considered an anonymous report and an investigation may be conducted. Anonymous reports will remain confidential to the public, but may be shared with University Police Services and/or the Center for Counseling and Well-Being for statistical, programmatic, and/or referral purposes.

Since the anonymous reporting method is unofficial, the University may not be able to take disciplinary action in response to such a report.

**1.2.11 ADDITIONAL AVENUES OF RECOURSE:** In addition to filing a complaint under this Policy, individuals may have additional reporting and legal options. Examples of other potential avenues of redress include:

- Oklahoma Attorney General's Office of Civil Rights Enforcement (OCR): <http://www.oag.ok.gov/civil-rights-enforcement-unit>
- Equal Employment Opportunity Commission (EEOC): <https://www.eeoc.gov/field/oklahoma>
- U.S. Department of Justice (DOJ): [www.justice.gov](http://www.justice.gov)
- U.D. Department of Education, Office of Civil Rights (OCR): [www.ed.gov/ocr](http://www.ed.gov/ocr)
- Protective Order: <https://www.oklahomacounty.org/164/Victim-Protective-Orders>
- Local Law Enforcement

**1.2.12 REPORTING TIME LIMIT:** No time limit exists for reporting Prohibited Conduct to the University under this policy; however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the University. If the Respondent is no longer affiliated with the University, the University will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.



**1.2.13 COMPLAINANT AMNESTY POLICY:** The University encourages the reporting of alleged sexual misconduct. The University also recognizes that the potential for disciplinary action by the University may act as a deterrent to reporting. Therefore, the University has implemented an amnesty policy. In these incidents, the primary concern is the well-being, health, and safety of community members. The University will not pursue disciplinary action against Complainants for disclosure of illegal personal consumption of drugs or alcohol where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct.

Pursuant to University policy, most University employees, called “Responsible Employees,” are *required* to report to the Title IX Coordinator all information disclosed to them about an incident of Prohibited Conduct. (See Section 1.2.7.B. “Reporting to ‘Responsible Employees’”). The Code of Student Conduct includes additional information about amnesty for student witnesses of sexual misconduct and alcohol and drug medical emergencies, which is available online at: <http://online.fliphtml5.com/ekrc/bfru/#p=1> (see Section III. L.).

**1.2.14 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. Faculty members are entitled to academic freedom in the classroom in discussing their subject and in research and in the publication of the results. This policy is intended to protect members of the University community from discrimination and is not designed to regulate protected speech or academic freedom. 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. More information concerning academic freedom and responsibility may be found in the [Regional University System of Oklahoma Policy Manual](#), Sections 3.3.1 and 3.3.2, respectively.

**1.2.15 PREVENTION AND AWARENESS PROGRAMMING:**

**Project SPEAK (Support, Promote, Educate, Advocate for Knowledge):** The goal of Project SPEAK is to spread knowledge and develop a campus culture that fosters healthy relationships. Through knowledge, UCO community members will not condone violence or victim blaming, but will provide an environment that is conducive to every individual’s success. In this program, students, staff and faculty are supported by providing a confidential assessment of their needs, free of charge. Project SPEAK promotes awareness of domestic and sexual violence, sexual assault, stalking and bullying are promoted via campus wide activities and class presentations and informs the campus community on the importance of being a proactive bystander as well as providing advocacy for those who need it, all while striving to assist everyone at UCO with a non-judgmental and compassionate demeanor at all times. Project SPEAK helps those who have lost their voice to find their voices again by empowering people to SPEAK and break the silence and informs those that have experienced sexual assault or some form of violence of all the services that are available to them and assists them in exploring the possible options to pursue. Project SPEAK staff advocate for the individual as much, or as little, as is desired. Project SPEAK collaborates with agencies and partners to provide referrals to: obtain a VPO (Victims Protective Order), obtain counseling and additional support services, file a No Contact Order, file a police report on or off campus, assist in

relocation within residence halls, assist with university procedures including student and employee conduct processes, address academic concerns, and assist with schedule changes, if desired.

Campus Advocacy Services in the Center for Counseling & Well-Being:  
Nigh University Center, Room 402  
Phone: (405) 974-2224

Walk-ins are welcomed, if the advocate is available. If there is no one in the office and you need help or just need someone to talk to, please go to the UCO Center for Counseling and Well-Being, Nigh University Center, Room 402.

**For Immediate Threat or Danger:** Call UCO Police Services at (405) 974-2345 or dial 9-1-1.

**Center for Counseling and Well-Being:** The UCO Center for Counseling and Well-Being staff provides students' confidential services throughout their college experiences to resolve emotional difficulties, improve personal skills, overcome the effects of trauma or grief, decrease substance use and achieve their intellectual, personal, and creative potential. For more information, please contact the Center for Counseling and Well-Being, Nigh University Center, Room 402, or call (405) 974-2215. You may also visit <http://www.uco.edu/student-affairs/scc>.

University Police Services can be accessed at any time, during and after business hours, at (405) 974-2345 or by dialing 9-1-1.

**Information on Primary Prevention & Risk Reduction:** The University's campus culture fosters healthy relationships through supportive efforts, promotion, education, advocacy and knowledge. The University focuses on two key components, education and knowledge, to encourage campus community members to act as responsible, engaged and pro-active bystanders. UCO schedules numerous university events, programs and trainings to campus community members throughout the fiscal year to comprehensively and preventatively address different levels violence, including individual, relationship, community and society. Furthermore, the programming is designed to benefit everyone at UCO, regardless of gender identity, sexual orientation, or gender expression.

UCO acknowledges that sexual misconduct on college campuses is a serious issue that can have lasting harmful effects on those that experience it as well as their friends and family members. Thus, one goal of the University to stop those that perpetrate violence on our campus by widely publishing grievance policies and educating about disciplinary and other options available to individuals who may have experienced sexual misconduct.

Another goal of the University is to decrease the number of individuals that experience sexual misconduct on campus. The risk of sexual misconduct is reduced by a variety of efforts which include, but are not limited to: promotion of SafeWalk, My SPEAK plan cards (an informative checklist to prevent sexual misconduct) and understanding consent including: affirmative language, self-defense seminars and bystander intervention techniques adapted from *Bringing in the*

*Bystander™ (BITB<sup>1</sup>)*. UCO does not condone any form of violence or victim blaming and strives to provide an environment that is conducive to every individual's success. Project SPEAK, the Office of Student Conduct, the Title IX Coordinator, Athletics, and many other offices partner to provide ongoing education to students, faculty, and staff and comply with guidelines established by the reauthorization of the Violence Against Women Act and guidance issued by the Department of Education. In addition, trainings are supplemented with educational presentations on topics including: dating violence, domestic violence, stalking, bullying, sexual assault, sexual harassment, bystander intervention, consent, healthy vs. unhealthy relationships, the conduct process, peer advocacy, rape culture/victim blaming, how to support a survivor, and resources available at the university, state, and national level.

**Bystander Intervention:** Bystanders are individuals who witness emergencies, criminal events, or situations that could lead to criminal events or policy violations and by their presence may have the opportunity to provide assistance, do nothing, or contribute to the negative behavior. UCO promotes the development of proactive bystanders, individuals whose behaviors intervene in ways that influence the outcome positively. An active bystander can intervene before, during or after an act of violence or any misconduct has occurred. By being an active bystander, one can provide a positive social support system, which is essential in the resilience and recovery of the individual who has experienced a form of violence, coercion, intimidation, harassment, or any other treatment that causes distress. UCO develops active bystanders via campus-wide implementation of bystander intervention education programming adapted from *Bringing in the Bystander™ (BITB<sup>1</sup>)*.

Bystanders have safe and positive options for intervening effectively. Bystanders can provide a positive social support system, which is essential in the resilience and recovery of the individual who experienced a form of violence, whether through force, coercion, intimidation or harassment. Bystanders can also intervene before, during, or after an act of violence has taken place. ***There are effective measures an individual can take in order to preventing a risky situation from escalating, while at the same time keeping out of harm's way. Active bystanders must (1) notice the event, (2) interpret the incident as an emergency, (3) assume responsibility for intervening, and (4) have the bystander intervention skills to intervene effectively. UCO promotes the "4 Ds" of effective bystander intervention skills, including "Direct, Distract, Delegate, Delay".***

**Ongoing prevention and awareness campaigns:** UCO hosts a series of events, programs and training throughout the year to educate the campus and community about domestic violence, dating violence, sexual assault, sexual harassment, bullying, consent and stalking. Primary focus months are in October (*Domestic Violence Awareness Month*) and April (*Sexual Assault Awareness Month*). UCO also combines campaigns and awareness efforts that are found on local and national levels to develop UCO branded programs, events, and trainings. Some examples include: *Start By Believing*, *Consent is Sexy, Not Alone*, and *It's on US*.

\*Definitions taken, in part, from the model policy of NCHERM: [www.ncher.org](http://www.ncher.org).

*Amendment Approved by President on September 6, 2018.*

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<sup>1</sup> BITB is a registered trademark of the University of New Hampshire Prevention Innovations.