

TITLE IX POLICY

I. Policy Statement

The University of Tulsa ("university") is committed to maintaining an educational and work environment in which no member of the University community is, on the basis of sex, excluded from participation in, denied the benefits of, or subjected to discrimination in any University Education Program or Activity. The University of Tulsa does not discriminate on the basis of sex and prohibits such discrimination, including with respect to recruitment, admissions, employment, retention, and other aspects of the University's operations. In compliance with Title IX of the Education Amendments of 1972, and all other applicable federal and state laws and regulations, this Policy provides a prompt and equitable response to allegations of sex discrimination.

II. Application

This Policy applies to Prohibited Conduct, as defined herein, committed within the United States by or against Students, Employees, or Invitees whenever the conduct occurs:

1. On University property; or
2. Off University property, if the conduct occurred in a University Education Program or Activity.

A University Education Program or Activity means all the operations of the University and specifically includes Prohibited Conduct occurring in locations, events, or circumstances in which the University exercised substantial control over both the Respondent and the context in which the Prohibited Conduct occurred. It also includes Prohibited Conduct occurring in any building owned or controlled by a student organization that is officially recognized by the University (such as a fraternity or sorority house). This Policy can also apply to the effects of off-campus misconduct denies a person's access to the University's Education Programs or Activities.

For disciplinary action to be issued under this Policy, the Respondent must be a University Student or Employee at the time of the report of an alleged violation. If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator will offer to assist the Complainant with available Supportive Measures and/or remedial actions.

III. Definitions

Advisor: A person chosen by a Party to accompany them to interviews and meetings related to the resolution process and to conduct questioning for the Party at a hearing, if any. An Advisor may also be a person appointed by the University at a Party's request to conduct questioning for the Party at a hearing

Appeal Officer: The person who accepts or rejects a submitted appeal request; determines whether an error occurred that substantially affected the investigation or original determination regarding responsibility for a violation of this Policy; and directs corrective action, if applicable

Complainant: An individual who is alleged to have been subjected to conduct that could constitute a violation of this Policy

Confidential Resource: An Employee or external resource who is not required to report potential Prohibited Conduct to the University.

Consent: Knowing, voluntary, and clear permission by word or action to engage in sexual activity. Consent can be withdrawn once given through word or actions. Silence or passivity alone is not valid consent. Sexual access gained through the use of physical violence, direct or implied threats, or unreasonable pressure renders such access non-consensual and/or negates any consent given. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances.

Day: A business day when the University is in normal operation, excluding weekends.

Education Program or Activity: Locations, events, or circumstances over which the University exercise substantial control over both the Respondent and the context in which the sexual harassment and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.

Employee: All full-time, part-time, and temporary faculty members, adjuncts, administrative/professional personnel and hourly workers employed by the University. Student workers, whether paid hourly or through a stipend, are not "Employees" under this Policy.

Formal Complaint: A document filed by a Complainant alleging that a Respondent engaged in Prohibited Conduct and requesting that the University investigate the allegations in accordance with applicable procedures. A "document filed by a Complainant" means a document or electronic submission that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint. The Title IX Coordinator may also sign a Formal Complaint.

Formal Resolution Process: The administrative process for determining whether this Policy has been violated, including an investigation and live hearing.

Hearing Officer: The person appointed or retained by the University who hears evidence, determines relevance, and makes the final determination of whether this Policy has been violated and assigns sanctions, as applicable.

Incapacity: The physical, mental, and/or legal inability to make informed, rational judgments. An individual may lack capacity if they are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or drug consumption. Incapacitated individuals cannot give valid consent to sexual activity. Incapacitation is determined through consideration of all relevant indicators of an individual's state.

Invitees: Business invitees, vendors, visitors, and guests of any Student or Employee of the University.

Mandatory Reporter: An individual required to share knowledge of Prohibited Conduct with the Title IX Coordinator. All Employees, except Confidential Resources, are Mandatory Reporters. Students working as resident assistants and graduate teaching assistants are also Mandatory Reporters.

Party/Parties: The Complainant(s) and Respondent(s).

Relevant Evidence: Evidence that tends to prove or disprove an issue in a Formal Complaint.

Remedies: Typically, post-resolution actions directed to the Complainant and/or the University community as mechanisms to address safety, prevent recurrence of sexual harassment, and restore access to the University's Education Programs or Activities.

Respondent: An individual who is alleged to have engaged in conduct that could constitute violation of this Policy.

Student: Any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing educational relationship with the University.

Title IX Coordinator: An official designated by the University to ensure compliance with Title IX and the University's Title IX program. References to the Title IX Coordinator throughout this Policy may also encompass a designee of the Coordinator for specific tasks. The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest.

IV. Prohibited Conduct

Members of the University community are entitled to an employment and educational environment that is free of discrimination and harassment. The following describes the specific conduct prohibited under University Policy. All offense definitions include actual and/or attempted offenses.

A. Sex Discrimination

1. an intentional act of disparate treatment on the basis of sex;
2. a facially neutral act that has a disparate impact on members of one sex; and
3. Sexual Harassment.

B. Sexual Harassment

Sexual Harassment includes conduct on the basis of sex or that is sexual in nature, which satisfies one or more of the following:

1. Quid Pro Quo:

- an Employee of the University,
- conditions the provision of an aid, benefit, or service of the University,
- on an individual's participation in unwelcome sexual conduct.

2. Sexual Harassment (Hostile Environment):

- unwelcome conduct,
- determined by a reasonable person,
- to be so severe, and
- pervasive, and
- objectively offensive,
- that it effectively denies a Complainant equal access to the University's Education Programs or Activities.

3. Sexual Assault:

- a. Penetration, no matter how slight, of the vagina or anus of a person, with any body part or object, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- b. Oral penetration of a sex organ of the Complainant, or by the Respondent's sex organ, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- c. The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent, without the consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation OR the intentional touching by the Complainant of the Respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts, without the consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- d. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law of the state where the sexual intercourse occurs.
- e. Sexual intercourse with a person who is under the statutory age of consent as defined by the law of the state where the sexual intercourse occurs.

4. Dating Violence:

- violence,
- committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

5. Domestic Violence:

- a felony or misdemeanor crime of violence,
- committed by a current or former spouse or intimate partner of the Complainant,
- by a person with whom the Complainant shares a child in common, or
- by a person who is cohabiting with or has cohabited with the Complainant as a spouse or intimate partner, or
- by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Oklahoma, or
- by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Oklahoma.

6. Stalking:

- engaging in a Course of Conduct,
- directed at the Complainant,

- that would cause a reasonable person to fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

Course of Conduct is defined as two or more acts, including, but not limited to, acts which the Respondent 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.

Substantial Emotional Distress is defined as significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

Prohibited Conduct definitions encompass actual and/or attempted offenses. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. This Policy is interpreted broadly to include online manifestations of Prohibited Conduct, when those behaviors occur in or have an effect on the University's Education Programs and Activities and/or when they involve the use of University networks, technology, or equipment.

This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matter protected by academic freedom. When speech or conduct is protected by academic freedom and/or freedom of speech, it will not be considered a violation of University Policy.

This Policy and its procedures set forth the exclusive process for determining whether alleged conduct constitutes Prohibited Conduct. However, conduct not specifically prohibited by this Policy may nevertheless constitute a violation of other University policies or regulations. The University retains discretion to utilize other applicable policies and regulations in addressing such conduct.

V. Reporting Prohibited Conduct

Reports of sex discrimination, sexual harassment, and/or retaliation may be made using any of the following options:

- Report to the Title IX Coordinator at any time in person, by mail, by telephone, or by any other means that results in the Title IX Coordinator receiving the verbal or written report.
 - Kathleen Smith
Equal Opportunity Officer and Title IX Coordinator
The University of Tulsa
800 S. Tucker Drive
Fisher East, Suite 104
Tulsa, OK 74104
[918-631-2321](tel:918-631-2321)
TitleIX@utulsa.edu
- Report online using the [CaneCares](#) reporting form. Anonymous reports are accepted but can limit the University's ability to respond to affected persons, including the ability to offer/provide Supportive Measures. Measures intended to protect the University community may be enacted.
- Individuals are encouraged to utilize Confidential Resources when they are unsure about whether they want to report Prohibited Conduct to the University. Confidential Resources are not obligated

to report potential instances of discrimination or harassment to the Title IX Coordinator. Confidential Resources include:

- Counseling and Psychological Services (students): [918-631-2200](tel:918-631-2200)
 - UTulsa Student Advocate: [918-631-3502](tel:918-631-3502)
 - Employee Assistance Program (employees): [1-888-293-6948](tel:1-888-293-6948)
 - Hurricane Health Center: [1-800-993-8244](tel:1-800-993-8244)
 - On-Campus Clergy and Chaplains: [918-631-2546](tel:918-631-2546). For a list of Campus Ministries visit utulsa.edu/campus-ministries.
- All Mandatory Reporters, as defined herein, are required to report knowledge or disclosures of sex discrimination to the Title IX Coordinator. Mandatory reports will prompt outreach to potential Complainants from the Title IX Coordinator regarding Supportive Measures and the option of filing of a Formal Complaint. Although Students and Invitees are not Mandatory Reporters under this Policy, the University strongly encourages them to report Prohibited Conduct to the Title IX Coordinator.
 - Reports of sex discrimination as well as concerns about the University's application of this Policy may also be addressed to:
 - Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. [20202-1100](tel:20202-1100)
Customer Service Hotline #: [\(800\) 421-3481](tel:800-421-3481)
Facsimile: [\(202\) 453-6012](tel:202-453-6012)
TDD#: [\(877\) 521-2172](tel:877-521-2172)
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

VI. Time Limit on Reporting

There is no time limit on reporting potential violations of this Policy, although the University's ability to respond fully may be limited with the passage of time. If the Respondent is no longer affiliated with the University (e.g., a report is made after a Student has left or graduated from the University or an Employee no longer works for the University), the University will still provide reasonably available Supportive Measures, assist the Complainant in identifying external reporting options, and may take other appropriate action.

VII. Amnesty

To encourage reporting of potential violations of this Policy, the University will not pursue disciplinary action against Students for disclosure of personal consumption of alcohol or other drugs in violation of the Code of Student Conduct when the disclosure is made in connection with a good faith report of Prohibited Conduct. At the discretion of the University, Employees may be offered amnesty from minor violations of other policies related to a reported incident.

VIII. Supportive Measures

The university will offer and implement appropriate and reasonable Supportive Measures to the Complainant upon notice of alleged sex discrimination, sex-based harassment, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge, to restore or preserve access to the University's Education Programs or Activities, including measures designed to protect the safety of all Parties and/or the University's educational environment and/or to deter sex discrimination, sex-based harassment, and/or retaliation.

Supportive Measures may include, but are not limited to: referral to counseling and/or health care services; academic support, extensions of deadlines, or other course/program-related adjustments; class schedule modifications; implementing No Contact Orders; withdrawals or leaves of absence; altering campus housing assignments; altering work arrangements; safety planning; providing campus safety escorts; financial aid assistance; visa and immigration assistance; education to the institutional community or community subgroups; or any other actions deemed appropriate by the Title IX Coordinator.

The University will provide similar Supportive Measures to Respondents when reasonable and appropriate under the circumstances. The Title IX Coordinator has the discretion to determine the appropriateness of any measure.

Supportive Measures will be implemented in a manner that does not unreasonably burden the other Party. The University will maintain the confidentiality of the Supportive Measures, provided that confidentiality does not impair the university's ability to provide those measures.

The University will also provide reasonably available supportive measures for an Invitee, provided that such measures are within the scope of that individual's relationship to the University.

IX. Interim Removal and Leave

At any time after receiving a report of Prohibited Conduct, the University may remove a Respondent who is a Student from the University's Education Programs and Activities - partially or entirely - on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct justifies removal. The University will offer an opportunity for the Respondent to challenge the removal in accordance with applicable provisions of the Title IX Procedures.

In the case of a Respondent who is an Employee, and in its discretion, the University may place the Respondent on administrative leave at any time after receiving a report of Prohibited Conduct, including the pendency of a resolution process.

For all other Respondents, the University retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Prohibited Conduct or otherwise.

When the conduct referenced in a report of Prohibited Conduct could constitute a violation of another applicable policy or standard, irrespective of whether it constitutes Prohibited Conduct under this Policy, the University retains full discretion to take interim measures under those policies or standards.

X. Formal Complaints

If the Complainant wishes to proceed with a resolution process, they must submit a Formal Complaint to the Title IX Coordinator. A Complainant must be participating in or attempting to participate in the University's Education Programs or Activities at the time of the filing of the Formal Complaint. Upon receipt of a Formal Complaint, the Title IX Coordinator will be responsible for making the following determinations:

1. Whether the alleged conduct occurred in the United States and occurred on University property or off University property in a University Education Program or Activity; and
2. Whether the facts set forth in the Formal Complaint, if substantiated, would constitute a violation of this Policy.

If any factor above is not met, the Title IX Coordinator will dismiss the Formal Complaint in accordance with the dismissal provisions of the Title IX Procedures referenced below. The Complainant will be offered support and, if appropriate, the Complaint may be referred to other University processes for assessment. If all the above factors are met, the Title IX Coordinator has the authority to initiate a resolution process pursuant to this Policy.

Reporting potential Prohibited Conduct carries no obligation to submit a Formal Complaint. However, there are circumstances in which the Title IX Coordinator may be required to sign a Formal Complaint even if a Complainant does not do so, such as when there is a compelling threat to the health and/or safety of the University community. If the Title IX Coordinator files a Formal Complaint, the privacy of the information will be maintained to the greatest extent possible. The Title IX Coordinator has ultimate discretion over whether the University proceeds with a Formal Complaint.

A Formal Complaint may contain allegations that do not meet the jurisdictional requirements of this Policy and/or are not specifically prohibited by this Policy but may implicate other University policies and regulations. The University retains discretion to utilize other applicable policies and regulations to address such conduct.

The University may consolidate Formal Complaints as to allegations of Prohibited Conduct by more than one Respondent, or by more than one Complainant against one or more Respondents, or a Counter-Complaint, where the allegations of Prohibited Conduct arise out of the same facts or circumstances. When the investigation and resolution process involves more than one Complainant or more than one Respondent, references in this Policy to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

XI. Applicable Procedures

The University has developed Title IX Procedures to address reports of Sexual Harassment and resolve Formal Complaints under this Policy. The Title IX Procedures are located [here](#). Disparate treatment and disparate impact sex discrimination complaints are addressed according to the procedures of the [Non-Discrimination and Harassment Policy](#).

XII. Standard of Proof

The University uses the preponderance of the evidence standard of proof. This means that a determination will be made, based upon the available information at the time of the decision, whether it is more likely than not that the Respondent is in violation of the Policy as alleged.

XIII. Sanctions and Remedies

A Student or Employee determined to have committed an act of Prohibited Conduct in violation of this Policy is subject to disciplinary action. Sanctions imposed as a result of a finding of responsibility depend upon such factors as the nature and gravity of the misconduct and/or any record of prior discipline. The range of possible sanctions for a Student includes, but is not limited to reprimand, probation, education, community service, loss of privileges, suspension, or expulsion from the University. The range of possible sanctions for an Employee includes, but is not limited to coaching, written warning, probation, suspension

without pay, and termination of employment. To the full extent permitted by federal law, the Complainant has the right to know any disciplinary sanctions the University imposes on the Respondent, including that those sanctions were enforced by the University and complied with by the Respondent.

If the Respondent is found Responsible for Prohibited Conduct, the University will provide remedies to the Complainant, as appropriate. Remedies are reasonably designed to maintain the Complainant's equal access to Education Programs and Activities.

If a Student withdraws from the University after an investigation of Prohibited Conduct has begun but prior to a resolution, in appropriate circumstances as determined by the University, a notation may be made on the Student's transcript indicating that the Student withdrew with an investigation pending.

If an Employee voluntarily separates from the University after an investigation of Prohibited Conduct has begun but prior to a resolution, in appropriate circumstances as determined by the University, an entry may be made in the Employee's personnel file indicating that employment terminated with an investigation pending.

Invitees who violate this Policy may have their relationship with the University terminated and/or their privilege of being on University premises withdrawn. The University reserves the right to take action against any individual or organization that commits a violation of another University policy.

XIV. False Allegations and Evidence

The University prohibits making deliberately false allegations. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a Policy violation determination. Additionally, knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation, hearing, or informal resolution is also prohibited. Individuals found to have violated this provision can be subject to disciplinary action under applicable University processes.

XV. Non-Retaliation

The University and all members of the University community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedures. Disciplinary action under appropriate University processes will be taken with regard to any individual who engages in Retaliation as defined in this Policy or encourages others to retaliate.

XVI. Confidentiality and Privacy

Every effort is made by the University to preserve confidentiality of reports and Formal Complaints. The University will not share the identity of any individual who has made a report of sex discrimination; any Complainant; any individual alleged to have engaged in Prohibited Conduct; any Respondent; or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA) or its implementing regulations; or as otherwise required by law.

The University will maintain the privacy of information to the extent possible while fulfilling its obligation to address Prohibited Conduct. In a formal resolution process, information will be shared as necessary with the Parties, Advisors, witnesses, investigators, and the Hearing Officer, but the number of people with whom information is shared will be kept as small as possible to preserve the Parties' rights and privacy.

XVII. Violations of State Law

Conduct that violates this Policy may also violate the laws of the local jurisdiction in which it occurred. An individual can choose to make a report to law enforcement at any time and doing so does not preclude the individual from pursuing a resolution process under this Policy. The University will assist an individual in making a report to law enforcement, if requested.

XVIII. Federal Reporting Obligations and Timely Warnings

The University has a legal duty to report certain crimes, including sexual assault, dating violence, domestic violence, and stalking for federal statistical purposes under the Jeanne Clery Campus Safety Act (Clery Act). All personally identifiable information is kept private, but statistical information must be shared with the campus safety officer regarding the type of incident and its general location for publication in the Annual Security Report and the daily campus crime report.

Under the Clery Act, the University must issue timely warnings for reported incidents that pose a serious or continuing threat of harm to members of the campus community. The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

XIX. Related Policies

[Title IX Procedures](#)

[Non-Discrimination and Harassment Policy](#)

This Policy is not a contract. The University of Tulsa reserves the right to modify, revise, rescind or grant exceptions to this Policy.



Policy Management

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