



# Sexual Misconduct Policy

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## Section 1.2 University of Central Oklahoma Policy Prohibiting Discrimination and

# Harassment as Defined, Including Sexual Misconduct

## 1.2.1 Policy Statement

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 in any education program or activity that it operates and it is required by Title IX of the Education Amendments of 1972 ("Title IX") and U.S. Department of Education rules not to discriminate in such a manner. The requirement to not discriminate in its education programs and activities extends to admission and employment. Inquiries about the application of Title IX to the university may be referred to the university's Title IX Coordinator, the Assistant Secretary of the U.S. Department of Education or both. Conduct prohibited by this policy includes, without limitation, sexual harassment, non-consensual sexual contact, non-sexual intercourse, sexual exploitation, complicity in the commission of any act prohibited by this policy and retaliation against a person for the good faith of 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.

This policy is intended to apply when the Title IX Coordinator determines that the RUSO Title IX policy is inapplicable or a complaint involving conduct subject to the RUSO Title IX policy is dismissed by the Title IX Coordinator.

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 take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence and remedy its effects and will support and assist community members who take such actions. Employees or students who violate this policy may face disciplinary action up to and including termination or expulsion.

This policy applies to reports of Prohibited Conduct occurring on or after the effective date of this policy which are not subject to the RUSO Title IX 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) occurs.

## **1.2.2 Scope of Policy**

This policy applies to all university education programs or activities which includes locations, events or circumstances over which the university exercises substantial control over both the respondent and the context in which the alleged discrimination or sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the university.

Where Prohibited Conduct violates this policy and also violates the RUSO Title IX policy, the university's response will be governed by the procedures referenced in the RUSO Title IX policy.

Questions about which policy applies in a specific instance should be directed to the university's Title IX Coordinator at [405-974-2380](tel:405-974-2380).

## **1.2.3 Reporting Procedures**

Procedures for reporting violations of this policy are described in the following sources:

### **WHERE THE RESPONDENT IS A UNIVERSITY STUDENT OR EMPLOYEE**

The procedures for responding to reports of Prohibited Conduct alleged to have been committed by Students or Employees are detailed in the University's Procedure Related to the Investigation and Resolution of Complaints Involving Sexual Discrimination and Harassment, Section 1.3 of the University's Policies and Procedures accessible online.

### **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:

### **COMPLAINANT**

An individual who is alleged to be the victim of any prohibited conduct under this policy.

### **RESPONDENT**

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

### **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.

### **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.

### **STUDENT EMPLOYEE**

Any person who meets both the student and employee definitions set forth in this policy.

## **THIRD PARTY**

Any person who is a contractor, vendor, visitor, guest or other third party.

## **DATING VIOLENCE**

Violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and,
- Where the existence of such relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship;
  - The type of relationship; or,
  - The frequency of interaction between the persons involved in the relationship.

## **DOMESTIC VIOLENCE**

Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

## **SEXUAL ASSAULT**

An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

## **STALKING**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others; or,
- Suffer substantial emotional distress.

## **CONSENT**

- A freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance does not constitute consent. Submission resulting from the use of force, threat of force or placing another person in fear also does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent.
- A sleeping, unconscious or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear or under the circumstances described in subparagraph (B) or (C) of subsection (b)(1).
- All the surrounding circumstances are to be considered in determining whether a person gave consent.

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 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.

## **FORCE**

The use of physical violence and/or physically imposing on someone to gain sexual or nonsexual access to a person or their property. Force includes threats, implied threats, intimidation and coercion that overcome resistance or produce reluctant consent.

## **COERCION**

Unreasonable pressure for sexual activity or any other physical activity. 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.

## **INCAPACITY**

A state of mental being 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.

### **1.2.5 Prohibited Conduct**

The following descriptions represent a non-exhaustive list of discriminatory conduct based on sex that is prohibited in University education programs and activities:

## **SEXUAL HARASSMENT**

The University of Central Oklahoma is committed to an environment for all students and employees which is safe, fair, humane and respectful and which supports and rewards employee and student performance on the basis of relevant considerations such as ability and effort. Behaviors which inappropriately assert sexuality as relevant to employee or student performance are damaging to this environment. In addition, students and employees must refrain from any harassment or discriminatory treatment of students and other employees that creates a hostile environment. Sexual harassment will be dealt with promptly and equitably by the University.

### **Definition of Sexual Harassment**

Sexual harassment shall be defined as conduct on the basis of sex that satisfies one or more of the following:

- An employee of the University conditioning the provision of any aid, benefit or service of the recipient on an individual’s participation in unwelcome sexual conduct (quid pro quo);

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
- Sexual assault as defined in 20 U.S.C. § 1092(f)(6)(A)(v); dating violence as defined in 32 U.S.C. §12291(a)(10); domestic violence as defined in 34 U.S.C. §12291(a)(8); or stalking as defined in 34 U.S.C. §12291(a)(30); or,
- Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct that explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

## **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:

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

## **NON-CONSENSUAL SEXUAL CONTACT**

The University of Central Oklahoma will neither tolerate nor condone any form of non-consensual sexual contact.

### **Definition of Non-Consensual Sexual Contact**

Any intentional sexual touching, however slight, with any object, with another person without consent of that person.

### **Example of Prohibited Conduct**

Conduct prohibited by this policy includes, but is not limited to:

- Unwanted sexual contact with a stranger or a friend, acquaintance, spouse, current dating partner or former intimate partner;
- Unwanted sexual contact committed by force, threat, surprise, coercion, intimidation or through use of mental or physical helplessness;
- Unwanted physical contact, such as touching, brushing, fondling and groping the body;
- Sexual assault and/or battery; and,
- Sexual contact without consent.

## **NON-CONSENSUAL SEXUAL INTERCOURSE**

The University of Central Oklahoma will neither tolerate nor condone any form of non-consensual sexual intercourse.

### **Definition of Non-Consensual Sexual Intercourse**

Any sexual intercourse (anal, oral or vaginal), however slight, with any object, with another person without that person's consent.

### **Examples of Prohibited Conduct**

Conduct prohibited by this policy includes, but is not limited to:

- Unwanted sexual intercourse with a stranger or a friend, acquaintance, spouse, current dating partner or former intimate partner (including date or acquaintance rape);
- Unwanted sexual intercourse committed by force, threat, surprise, coercion, intimidation or through use of mental or physical helplessness;
- Ignoring an individual's protest and engaging in sexual activity;
- Convincing an individual to have sexual intercourse with the use of unreasonable pressure (such as name calling, peer pressure, threats of violence, etc.);
- Passive compliance when consent is not actively communicated;

- Sexual intercourse with an individual whose ability to consent is compromised due to alcohol and/or drug use; or,
- Sexual intercourse with an individual whose ability to consent is compromised due to mental disorder, developmental disability, intellectual disability, physical disability, age (being under 16) or family relations(incest).

## **Suggestions for Survivors of Non-Consensual Sexual Intercourse**

- 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.
- Contact Project SPEAK at (405) 974-2215 (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.
- Call UCO Police Services and report the incident, even if you do not want to prosecute. It is important to report the incident so that the crime can be reported for the protection of others.
- 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.
- A follow-up check may be recommended by the health care provider since some S.T.I.'s cannot be detected immediately. For example, initial tests for syphilis commonly produce false negative results up to six (6) weeks from the date of exposure before producing a positive result.

## **SEXUAL EXPLOITATION**

The University of Central Oklahoma will neither tolerate nor condone any form of sexual exploitation.

### **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 fall within the definitions of sexual harassment, non-consensual sexual contact or non-consensual sexual intercourse.

## **Examples of Prohibited Conduct**

Conduct prohibited by this policy includes, but is not limited to:

- Engaging in sexual voyeurism (such as watching another person undress, use the bathroom or engage in sexual acts without the consent of the person observed);
- 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;
- Disseminating sexual pictures, audio, video or other media without the depicted person's consent;
- Communications that are obscene, lewd or indecent;
- Engaging in prostitution or prostituting another student;
- 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,
- Administering alcohol or other drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.

## **COMPLICITY**

Any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

## **RETALIATION PROHIBITED**

Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint of Prohibited Conduct will be treated as a separate and distinct violation of this policy.

## **1.2.6 Oklahoma Criminal Law Definitions**

In accordance with the Violence Against Women Reauthorization Act of 2013, the following definitions are applicable should a person wish to pursue Oklahoma state criminal or civil actions for violations of state law. 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 courts. The definitions set forth below are subject to change by the Oklahoma Legislature; for a more frequently updated resource, please consult the Oklahoma State Courts Network website.

## **DEFINITION OF RAPE**

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

- Where the victim is under sixteen (16) years of age;
- Where the victim is incapable through mental illness or any other unsoundness mind, whether temporary or permanent, of giving legal consent;
- Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
- Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the priority of the accused as a means of forcing the victim to submit;
- Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
- 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;
- 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 the subcontractor or employee of a

subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision that exercises authority over the victim;

- 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;
- 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; or,
- Where the victim is at least sixteen (16) years of age but less than eighteen (18) years of age and the perpetrator of the crime is a person responsible for the child's health, safety or welfare. "Person responsible for a child's health, safety or welfare" shall include, but not be limited to:
  - A parent;
  - A legal guardian;
  - Custodian;
  - Foster parent;
  - A person eighteen (18) years of age or older with whom the child's parent cohabitates;
  - Any other adult residing in the home of the child;
  - An agent or employee of a public or private residential home, facility or day treatment program as defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or,
  - An owner, operator or employee of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes.

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.

## **DEFINITION OF CONSENT**

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

- Given by an individual who:

- is asleep or is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason; or,
- is under duress, threat, coercion or force.
- Inferred under circumstances in which consent is not clear including, but not limited to:
  - the absence of an individual saying "no" or "stop"; or,
  - the existence of a prior or current relationship or sexual activity

## **DEFINITION OF STALKING**

Oklahoma Penal Code, §21-1173, defines stalking as: "Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

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

## **Designation of Coordinators**

The University has designated the individual named below as the University's Title IX Coordinator. The Title IX Coordinator is charged with (1) monitoring compliance with these regulations; (2) coordinating compliance with this policy to insure a timely and complete investigation; and (3) resolution of complaints arising hereunder. You may contact them with any questions regarding Title IX, as well as concerns and complaints of discrimination or sexual harassment.

Dr. Erin Logan, Director of Student Conduct and Title IX Coordinator

Office of Student Conduct Nigh University Center, Room 323

Box 324 Edmond, OK 73034

Phone: (405) 974- 2793 Email: [elogan4@uco.edu](mailto:elogan4@uco.edu) or [TitleIX@uco.edu](mailto:TitleIX@uco.edu)

The regular office hours are 8 a.m. – 5 p.m., Monday – Friday, by appointment after hours and weekends. 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.

The University has designated the individual named below as the University's Equal Employment Opportunity (Title VII) Coordinator. The EEO is charged with (1) monitoring compliance with these regulations; (2) coordinating compliance with this policy to insure a timely and complete investigation; and (3) resolution of complaints arising hereunder. You may contact them with any questions regarding Title IX, as well as concerns and complaints of discrimination or sexual harassment.

Dr. Erin Logan, Assistant Vice President for Equal Opportunity and Title IX Coordinator  
Office of Equal Opportunity, Bausher Place, Suite 115  
Phone: (405) 974- 2793 Email: [elogan4@uco.edu](mailto:elogan4@uco.edu) or [TitleIX@uco.edu](mailto:TitleIX@uco.edu)

Chloe Freeman, Assistant Director for the Office of Equal Opportunity and Deputy Title IX Coordinator  
Office of Equal Opportunity, Bausher Place, Suite 115  
Phone: (405) 974-2667 Email: [cfreeman23@uco.edu](mailto:cfreeman23@uco.edu) or [TitleIX@uco.edu](mailto:TitleIX@uco.edu)

The regular office hours are 8 a.m. – 5 p.m., Monday – Friday, by appointment after hours and weekends. 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 or by reporting the incident using this online form link.

## **1.2.8 Options for Reporting Alleged Violations**

The University respects the autonomy of Complainants to choose whether, and when they desire to report an incident of sexual harassment while recognizing its obligation to respond promptly and equitably to every allegation of sexual harassment of which the University has actual knowledge as defined by federal law. In light of these objectives, the University believes that its student and employee population is best served by encouraging students, faculty, and University staff to report incidents of sexual harassment of which they become aware to the Title IX Coordinator and/or EEO Coordinator as promptly as possible. Employees are encouraged to report all relevant details about the alleged Prohibited Conduct shared by the reporting person. This report must include the names 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. Before an individual reveals information about alleged Prohibited Conduct to a University employee, the employee should advise the reporting individual of the employee's reporting obligations under this policy. If the reporting individual

expresses a desire to maintain their confidentiality or confidentiality of the involved persons, the employee should direct the reporting individual to available confidential resources.

This policy is intended to make students, faculty, staff, visitors, and any other individuals who have experienced sexual harassment aware of the various reporting options available to them. The University encourages individuals who have experienced Prohibited Conduct 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 options 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.

- Any employee, student, applicant for employment or admission, visitor, or other non-affiliated individual may report discrimination on the basis of sex or an incident of sexual harassment by contacting the University Title IX Coordinator:  
Dr. Erin Logan, Director of Student Conduct and Title IX Coordinator  
Office of Student Conduct Nigh University Center, Room 323  
Box 324 Edmond, OK 73034  
Phone: (405) 974- 2793 Email: [elogan4@uco.edu](mailto:elogan4@uco.edu) or [TitleIX@uco.edu](mailto:TitleIX@uco.edu)
- 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.
- Anonymous Reports: An anonymous report is an unofficial means to report an incident. This method has been developed to encourage reporting of Prohibited Conduct 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. 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 or by calling toll-free to 866- 898- 8438. An EthicsPoint Contact Center Specialists 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.

## **1.2.9 Confidentiality**

If a person who experienced discrimination on the basis of sex or sexual harassment discloses an incident to a University official, but wishes to maintain confidentiality, the University will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination or any respondent, and any witness, except as may be permitted by FERPA, required by law, or as necessary to conduct the grievance process. Due to its obligations under federal law, the University will use its best efforts to meet its obligations while respecting the autonomy of the reporting individual but can make no guarantee of confidentiality of all aspects of a reported incident.

Different employees on campus have different abilities to maintain confidentiality of information related to an incident of Prohibited Conduct:

### **PROFESSIONAL AND PASTORAL COUNSELORS**

Professional, licensed counselors and pastoral counselors who provide mental health counseling to members of the University 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](tel:405-974-2215), Nigh University Center, Room 402
- Psychology Clinic [405-974-2758](tel:405-974-2758), Education Building, Room 307
- Employee Assistance Program, [1-800-272-7255](tel:1-800-272-7255), [www.guidanceresources.com](http://www.guidanceresources.com).

## **NON-PROFESSIONAL COUNSELORS AND ADVOCATES**

Individuals who work or volunteer in the on campus Project SPEAK Office, including front desk staff and students, can generally talk to a person who has experienced sexual misconduct without being required to reveal any personally identifiable information about an incident to the University. A person who has experienced sexual misconduct 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 are encouraged to 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 Prohibited Conduct, helps keep the Title IX Coordinator informed of the general extent and nature of Prohibited Conduct on 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 will 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 [405-974-2215](tel:405-974-2215) Nigh University Center, Room 402

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

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 reporting obligations under state or federal 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. (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.

## **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 not be required to report incidents to 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.

### **1.2.10 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.

## **1.2.11 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.

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://sites.uco.edu/student-affairs/conduct/files/codeofconduct-2018-19-printfile.pdf> (see Section III. L.).

## **1.2.12 Prevention and Awareness Programming**

### **FOR IMMEDIATE THREAT OR DANGER**

Call UCO Police Services at [\(405\) 974-2345](tel:(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](tel:(405)974-2215).

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

### **INFORMATION ON PRIMARY PREVENTION AND 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 year to comprehensively and preventatively address different levels of 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.

Project SPEAK, the Office of Student Conduct, the Office of Human Resources, the Title IX Coordinator, the EEO/ADA 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™ (BITBii).

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**

In furtherance of this policy, the University will host events, programs and training throughout the year to educate the campus and community about avoidance of discriminatory practices, sexual misconduct and sexual harassment.

## **Approvals**

Approved: Nov. 23, 2021

By:

Patti Neuhold-Ravikumar, President

## **SIGNATURE ON FILE IN THE OFFICE OF GENERAL COUNSEL**



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