1.2 UNIVERSITY OF CENTRAL OKLAHOMA EQUAL OPPORTUNITY POLICY: PROHIBITING DISCRIMINATION AND HARASSMENT AS DEFINED, INCLUDING SEXUAL HARASSMENT

1.2.1 Discrimination and Harassment Policy.
1.2.2 Sexual Harassment Policy.
1.2.3 Sanctions.
1.2.4 Retaliation Prohibited.
1.2.5 Designation of Coordinators.
1.2.6 Initiating Complaints of Discrimination and/or Harassment, including Sexual Harassment.
1.2.7 Confidentiality.
1.2.8 Appeals of Code of Student Conduct Complaints.
1.2.9 RUSO Tip Line (EthicsPoint).
1.2.10 Investigation and Resolution of Complaints.
1.2.11 Mandatory Referral.
1.2.12 Required Procedures.

1.2.1 DISCRIMINATION AND HARASSMENT POLICY: The University of Central Oklahoma is committed to an inclusive educational and employment environment that provides equal opportunity and access to all qualified persons. Therefore, it is the policy of the university to provide and maintain fair and equal employment and educational practices. Discrimination or harassment because of race, creed, color, religion, alienage or national origin, genetic information, ancestry, citizenship status, age, disability or handicap, gender, marital status, veteran status, sexual orientation, gender identity, or any other characteristic protected by applicable federal, state, or local law, is prohibited.

1.2.2 SEXUAL HARASSMENT POLICY: The University of Central Oklahoma is committed to an environment for all employees and students 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. Sexual harassment by any member of the university community is a violation of law, Board of Regents’, and university policy and will not be tolerated. Employees must refrain from any harassment or discriminatory treatment of students and other employees. Sexual harassment will be dealt with promptly and confidentially by the university administration.

A. 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:
1. When submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic standing;

2. When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or

3. When such conduct has the purpose of effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

B. 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:

1. Unwelcome sexual flirtation, advances, or propositions for sexual activity;

2. Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes;

3. Sexually degrading language used to describe an individual;

4. Remarks of a sexual nature used to describe a person’s body or clothing;

5. Display of sexually demeaning objects and pictures;

6. Offensive physical contact, such as unwelcome touching, pinching, or brushing the body;

7. Coerced sexual intercourse;

8. Sexual assault; or

9. Actions indicating that benefits will be gained or lost based on response to sexual advances.

C. SEXUAL VIOLENCE: Sexual violence is a particularly pernicious form of sexual harassment. Sexual violence on campus, at university-related events, and against students or employees constitutes an emergency that will be reported to proper law enforcement authorities. The university may immediately suspend any employee or student reasonably believed to have committed sexual violence against a person 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 violence incidents.
D. DEFINITION OF SEXUAL VIOLENCE: Sexual violence includes, but is not limited to:

1. Rape as defined by 21 Okla.Stat. §1111.1;

2. Rape by instrumentation as defined by 21 Okla.Stat. §1111.1;

3. Forcible sodomy as defined by 21 Okla.Stat. §888;

4. Assault as defined by 21 Okla.Stat. §641 when committed in a sexual context, in furtherance of sexual demands, or because of a person’s sex or sexual orientation;

5. Battery as defined by 21 Okla.Stat. §642 when committed in a sexual context, in furtherance of sexual demands, or because of a person’s sex or sexual orientation;

6. Aggravated assault and battery as defined by 21 Okla. Stat. §646 when committed in a sexual context, in furtherance of sexual demands, or because of a person’s sex or sexual orientation;

7. Stalking as described by 21 Okla. Stat. §1173 when committed in a sexual context, in furtherance of sexual demands, or because of a person’s sex or sexual orientation;

8. Sexual battery as defined by 21 Okla. Stat. §1123(B);

9. Any sexual act involving a child as described in 21 Okla. Stat. 1123(A);

10. Maliciously intimidating or harassing or attempting to maliciously intimidate or harass another person because of that person’s sex or sexual orientation; or

11. Inciting others, or attempting to incite others to maliciously intimidate or harass another person because of that person’s sex or sexual orientation.

1.2.3 SANCTIONS: Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.

1.2.4 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 discrimination and/or harassment, sexual harassment, sexual conduct with a student or employee, sexual violence, or other sexual harassment will be treated as a separate and distinct violation of this policy.
1.2.5 DESIGNATION OF COORDINATORS: The University’s Senior Legal Counsel and Legal Counsel are designated to coordinate compliance with this policy and to insure a timely and complete investigation and resolution of complaints arising hereunder.

A. The University’s Senior Legal Counsel is appointed as the Title IX Coordinator, Title VII Coordinator, and as coordinator of Section 504 of the Rehabilitation Act of 1974 compliance.

B. The University’s Legal Counsel is appointed as the Deputy Title IX Coordinator, Deputy Title VII Coordinator, and as Deputy Coordinator of Section 504 of the Rehabilitation Act of 1974 compliance.

C. The office address of the senior Legal Counsel and Legal Counsel is Room 114 Lillard Administration Building, 100 N. University Drive, Edmond, OK 73034. The telephone number is (405) 974-3377. The fax number is (405) 974-3807. The email address for the Senior Legal Counsel is bmorelli@uco.edu. The email address for the Legal Counsel is ekerr@uco.edu.

D. 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 the university Police Services office at (405) 974-2345.

E. Hereinafter, these individuals are referred to as the "Coordinator" and "Deputy Coordinator."

1.2.6 INITIATING COMPLAINTS OF DISCRIMINATION AND/OR HARASSMENT, INCLUDING SEXUAL HARASSMENT:

A. Any employee, student, applicant for employment or admission, visitor, or other non-affiliated individual may initiate a complaint by contacting either of the following:

Brad Morelli, Senior Legal Counsel
Room 114, Lillard Administration Building
100 N. University Drive
Edmond, OK 73034.
Phone: (405) 974-3377
Fax: (405) 974-3807
Email: bmorelli@uco.edu

-or-

Elizabeth H. Kerr, Legal Counsel
Room 114, Lillard Administration Building
B. Students wishing to initiate a complaint should contact the Coordinator and/or Deputy Coordinator using the contact information listed in Section A above.

1. In addition, students may initiate a complaint of discrimination or harassment against another student by contacting the Office of Student Conduct as follows:

   Office of Student Conduct
   Room 213, Lillard Administration Building
   100 N. University Drive
   Edmond, OK 73034
   Phone: (405) 974-3516
   Fax: (405) 974-3817
   Email: amartinez9@uco.edu

   In the case of complaints against students, the process for appeal is governed by The Code of Student Conduct found here: www.uco.edu/studentaffairs/conduct/forms-and-publications/code.asp.

2. Students may initiate a complaint of discrimination or harassment against a University employee, whether faculty or staff member, by contacting the Dean’s office of the college where the harassment or discrimination is alleged to have occurred. The contact information for each college is as follows:

   College of Business Administration, Office of the Dean
   Room 100, Business Building
   100 N. University Drive
   Edmond, OK 73034.
   Phone: (405) 974-2426
   Fax: (405) 974-3821

   College of Education & Professional Studies, Office of the Dean
   Room 213, Education Building
   100 N. University Drive
   Edmond, OK 73034.
   Phone: (405) 974-5701
   Fax: (405) 974-3851
C. Employees, whether faculty or staff, wishing to initiate a complaint should contact the Coordinator and/or Deputy Coordinator using the contact information listed in Section A above.

1. In addition, faculty or staff members may initiate a complaint of discrimination or harassment against a student by contacting the Office of Student Conduct.

2. Faculty or staff members may initiate a complaint of discrimination or harassment against an employee by contacting the Director of the Human Resources Department. Employees in academic units, both faculty and staff, may initiate a complaint of discrimination or harassment against an employee by contacting the Dean’s office of the college where the discrimination or harassment is alleged to have occurred. The contact information for the Dean’s offices can be found in Section B.2 above. The contact information for the Director of the Human Resources Department is as follows:
D. Any 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.

E. After-Hours or Holiday Complaints: In the event any individual wishes to initiate a complaint of discrimination or harassment after regular university office hours, or when offices are closed for university holidays, the individual should contact the University of Central Oklahoma Police Services. Their telephone number is 405-974-2345.

1.2.7 OPTIONS FOR REPORTING AND CONFIDENTIAL DISCLOSURE:

The University encourages students, faculty, staff, visitors, and any other individuals who have experienced sexual misconduct to talk to somebody about what happened and 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”) constitutes 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.

The Options

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:

Student Counseling Center
405-974-2215
Nigh University Center, Rm. 402

Psychology Clinic
405-974-2758
Education Building, Rm. 307

Employee Assistance Program
314-729-4650
1-800-413-8008 (Option #2)

2. Non-professional Counselors and Advocates
Individuals who work or volunteer in the on-campus Violence Prevention Project and Women’s Outreach Center, including front desk staff and students, can generally talk to a person who has experienced sexual misconduct without being required to reveal any personally identifying 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,

While maintaining confidentiality, 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 Title IX Coordinator informed of the general extent and nature of 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 will consult with the person affected to ensure that no personally identifying details are shared with the Title IX Coordinator.

Following is contact information for these non-professional counselors and advocates:
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 at first request confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide assistance, if desired.

NOTE: 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, Campus Security Act statistics, etc.

ALSO NOTE: If the University determines that the alleged perpetrator(s) pose a serious and immediate threat to the University community, the UCO Police Department may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the person who experienced sexual misconduct.

Miscellaneous

Take Back the Night and other public awareness events
Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which individuals disclose incidents of sexual misconduct, 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.

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-campus, 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 1.2.9 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.

**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:

Call SAM (Student Assistance by Mercy)  
1-855-225-2SAM (2726)

Mercy Clinic Primary Care UCO  
Wellness Center, Rm. 105  
405-974-2317

National Information & Referral Hotline  
Dial 2-1-1

**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 has the duty to report incidents of sexual misconduct or other policy violations, who has the authority to redress sexual misconduct, or who an individual could reasonably believe has this duty or authority.

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 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 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.

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.

**All University faculty and staff not previously identified as “professional and pastoral counselors” or “non-professional counselors and advocates” are “responsible employees”.

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, the responsible employee will also inform the Coordinator of the 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 APPEALS FOR CODE OF STUDENT CONDUCT COMPLAINTS:**

- A. In the event that either the complainant or accused believe that the resolution of the complaint has not rectified the situation, an appeal may be made.

- B. In the case of complaints against students, the process for appeal is governed by The Code of Student Conduct found here: www.uco.edu/studentaffairs/conduct/forms-and-publications/code.asp.

**1.2.9 RUSO TIP LINE:** In addition to the above methods to report discrimination or harassment, the Board of Regents of the Regional University System of Oklahoma, which governs the university, has established a “RUSO Tip Line” which is managed by EthicsPoint. The RUSO Tip Line allows concerns to be submitted anonymously.

- A. An employee, student, applicant for employment or admission, visitor, or other non-affiliated individual may report incidents of discrimination or harassment online using the RUSO Tip Line. The complaining party should
visit www.ruso.ethicspoint.com which is a secure server administered by EthicsPoint.

B. An employee, student, applicant for employment or admission, visitor, or other non-affiliated individuals may also report incidents of discrimination or harassment by calling toll-free 866-898-8438. An EthicsPoint Contact Center Specialist will facilitate the call and compile the required information from the complaining party.

C. EthicsPoint will forward the required information to designated RUSO and university officials who will then conduct an appropriate investigation and resolution.

D. An employee, student, applicant for employment or admission, visitor, or other non-affiliated individual is also encouraged to continue communicating any concerns directly to appropriate campus offices, as listed above.

1.2.10 INVESTIGATION AND RESOLUTION OF COMPLAINTS: All complaints of discrimination and/or harassment will be investigated and resolved in accordance with university procedure located at section 1.5 of University Policies.

1.2.11 REQUESTS FOR CONFIDENTIALITY

If a person who has experienced sexual misconduct discloses an incident to a responsible employee, but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, 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, it must be understood that the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are 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 once a responsible employee is on notice of alleged sexual misconduct:

**Dr. Brad Morelli**  
**Title IX Coordinator**  
**Lillard Administration Building, Rm. 114**  
**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);
- 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 remain ever mindful of the individual’s well-being, will take ongoing steps to protect the individual from retaliation or harm, and 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-identifying 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; and/or revisiting its policies and practices.

**If the University determines that it can respect a request for confidentiality**, the University will also take immediate action as necessary to protect and assist the person who experienced sexual misconduct.

1.2.12 REQUIRED PROCEDURES:

A. This policy, along with the procedures located at Section 1.5 of University Policies shall constitute the grievance procedure mandated by the regulations that implement Title IX of the Education Amendments of 1972. For employees, this policy, along with the procedures located at Section 1.5 of University Policies shall constitute the grievance procedure mandated by the regulations implementing Section 504 of the Rehabilitation Act of 1973.

A. The policy located at Section 1.4 of University Policies, and the procedures located at Section 1.5 of University Policies, shall constitute the student grievance procedure required for students under Section 504 of the Rehabilitation Act of 1973.

This policy was approved by the President and Cabinet this 8th day of September, 2014.

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Don Betz, PhD, President