APPENDIX I
UNIVERSITY OF CENTRAL OKLAHOMA
EQUAL OPPORTUNITY POLICY:
PROHIBITING DISCRIMINATION AND HARASSMENT AS DEFINED, INCLUDING SEXUAL HARASSMENT
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I.1 EQUAL OPPORTUNITY STATEMENT

The University of Central Oklahoma (University) is committed to an inclusive educational and employment environment that provides equal opportunity and access to all qualified persons. The University will continue its policy of fair and equal employment and educational practices without discrimination or harassment because of actual or perceived 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 expression, or any other characteristic protected by applicable federal, state, or local law. Discrimination or harassment in violation of this policy should be reported to the Affirmative Action Officer (Office of Legal Counsel) in person at 114D Lillard Administration, or by phone at (405) 974-3377 or fax at (405) 974-3807. After office hours or on holidays, the report may be made by contacting University Police Services at (405) 974-2345.

Approved by Cabinet & President February 19, 2013.

I.2 UNIVERSITY OF CENTRAL OKLAHOMA
EQUAL OPPORTUNITY POLICY: PROHIBITING DISCRIMINATION AND HARASSMENT AS DEFINED, INCLUDING SEXUAL HARASSMENT

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I.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.

I.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. (Section 5.6.1 RUSO)

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. (Section 5.6.1 RUSO)

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. (Section 5.6.1 RUSO)

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. (Section 5.6.1 RUSO)

I.2.3 SANCTIONS
Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion. (Section 5.6.1 RUSO)

I.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.

I.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.”

I.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
100 N. University Drive
Edmond, OK 73034
Phone: (405) 974-3377
Fax: (405) 974-3807
Email: ekerr@uco.edu.

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, 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:

   Director of Human Resources Department
   Room 204, Lillard Administration Building
   100 N. University Drive
   Edmond, OK 73034
   Phone: (405) 974-2366
   Fax: (405) 974-
   Email: dfeinberg@uco.edu

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.

I.2.7 CONFIDENTIALITY

A. Every reasonable effort will be made to protect the privacy and confidentiality of all parties during the investigation, consistent with and subject to the University’s
need to investigate the complaint and/or implement decisions made in order to resolve the complaint. It must be understood that in order to permit the University to carry out its obligation to investigate all complaints fairly, and to ensure that non-discrimination is a reality within the University community, no representative of the University is authorized to promise complete confidentiality to any person who possesses information relevant to the investigation of a complaint, including the complainant.

B. Any individual who requests confidentiality before disclosing a complaint must be informed that because any apparent violation of University policy must be addressed, complete confidentiality may not be possible. An individual who insists on confidentiality as a condition of disclosing a complaint may be advised of the opportunity to consult with the Employee Assistance Program (EAP) or Student Counseling Center, with whom such matters may be discussed in confidence. Consulting with EAP or the Student Counseling Center does not constitute the initiation of a complaint. Medical and mental health professionals are not representatives of the University for this purpose and are not authorized to investigate or respond to complaints.

I.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.

I.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.

I.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.

I.2.11 MANDATORY REFERRAL

Persons who wish to initiate a complaint should be referred to one of the individuals responsible for receiving or investigating such complaints as listed above.

A. Any employee of the university who receives a complaint is responsible for directing the complainant or otherwise referring the complaint to an appropriate individual in a timely manner. Any employee who receives a complaint against a faculty member shall refer the complaint to the Dean of the faculty member’s college, or to the Coordinator or Deputy Coordinator. Any employee who receives a complaint against a staff member shall refer the complaint to the Human Resources Department, or to the Coordinator or Deputy Coordinator.

B. A failure to so direct or refer shall, in and of itself, constitute a violation of this policy and subject to the same range of disciplinary actions.
I.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.
C. 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.

Approved by Cabinet & President February 19, 2013.

I.3 SEXUAL RELATIONSHIP POLICY
1.3.1
The University affirms its commitment to the fair exercise of academic and employment power and adequate protection of individuals with limited power. University employees, including administrators; faculty; coaches; extracurricular, extramural, and intramural activities supervisors; graduate assistants; and staff should demonstrate respect for students as individuals and adhere to their proper roles as academic guides, counselors, and facilitators. Employees must refrain from any exploitation of students and other employees. Such use of power to create sexual relationships will be dealt with promptly and confidentially by the university administration.

1.3.2 SEXUAL CONDUCT WITH STUDENTS PROHIBITED
No employee shall engage knowingly or attempt knowingly to engage in consensual or non-consensual sexual conduct with any student whom the employee supervises, acts as academic advisor for, or over whom the employee has any power to determine the student’s grade; honors; discipline; research opportunity; scholarship opportunity; acceptance in a graduate or other program of study; participation in arts, athletic, academic, or extracurricular competition; work-study assignment; or similar education-related matter. University employees’ sexual liaisons with students in such situations exploit position, abuse power, and fundamentally harm the academic relationship. Voluntary intoxication with drugs, alcohol, or other substances shall not negate knowledge. (Section 5.6.2 RUSO)

1.3.3 SEXUAL CONDUCT WITH SUPERVISEE PROHIBITED
Supervisors’ sexual liaisons with their supervisees may exploit position, abuse power, and funda-
mentally harm the working environment. No supervisor may engage knowingly or attempt knowingly to engage in consensual or nonconsensual sexual conduct with any employee, not his or her spouse, whom he or she supervises, directly or indirectly. Voluntary intoxication with drugs, alcohol, or other substances shall not negate knowledge. (Section 5.6.2 RUSO)

1.3.4 DEFINITION OF SEXUAL CONDUCT
“Sexual conduct” includes, but is not limited to, any act, erotic touching, romantic flirtation, conversation of a carnal nature, advance or proposition for sensual activity, erotically explicit joke, remark of a carnal nature describing a person’s body or clothing, display of an erotic object or picture, and physical contact reasonably believed to be of a sensual or flirtatious manner.

“Sexual conduct” does not include reasonable use or delivery of bona fide lecture and/or instructional acts, statements, or materials. (Section 5.6.2 RUSO)

1.3.5 SANCTIONS
Sexual conduct with students or employees in violation of this policy will not be tolerated. Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion. (Section 5.6.2 RUSO)

1.3.6 EXCEPTIONS
Exceptions to sexual conduct prohibitions consistent with state and federal law may be granted in appropriate circumstances by the University president. The President shall notify the Board of Regents of the Regional University System of Oklahoma of any such exceptions in a written, confidential personnel record at least one week prior to the next Board meeting. Exceptions involving the president may be granted by the Board only.

Approved by Cabinet & President February 19, 2013.

1.4 STUDENT GRIEVANCE PROCEDURE IN CASES OF ALLEGED DISABILITY DISCRIMINATION AND/OR HARASSMENT
1.4.1
Students who require accommodations must provide sufficient documentation to the University’s Disability Support Services (DSS) office located in 309 Nigh University Center.

1.4.2
Any student who believes that he or she has been harassed or discriminated against as a result of a disability by any UCO department or organization, or faculty or staff member working in and for the university, may register a grievance by submitting an Incident Report Form to the Disability Support Services Department (DSS). DSS will furnish the Incident Report Form upon request.
1.4.3

This policy does not regulate curricular modifications, which are subject to policies contained in the Academic Policy Manual found online at www.uco.edu/academic-affairs.

1.4.4

This policy regulates allegations of discrimination or harassment as a result of a disability as the allegations regard:

A. Physical, programmatic, or attitudinal barriers;
B. Disputed requested accommodations;
C. Contested recommended accommodations; or
D. Similar incidents which the student alleges to constitute discrimination or harassment by any UCO department or organization, or faculty or staff member working in and for the university.

1.4.5

DSS shall forward the Incident Report Form to the Section 504 Coordinator or Deputy Coordinator identified in section II above. The allegations of the Incident Report Form shall be investigated by the Section 504 Coordinator or Deputy, who will provide findings and conclusions in writing to the following University officials:

A. Matters involving academic accommodations, or allegations of discrimination or harassment by faculty members, shall be forwarded to the University Provost. The Provost shall determine what action, if any, is appropriate.
B. Matters involving physical barriers, or allegations of discrimination or harassment by staff members, shall be forwarded to the Executive Vice President. The Executive Vice President shall determine what action, if any, is appropriate.
C. All other matters shall be submitted to the Vice President for Student Affairs for decision and action as is appropriate.

1.4.6

Any party who disagrees with the decision and action taken under paragraph X.E. above shall have an appeal to the Disabilities Appeal Board (Board). The Board shall hear the appeal in accordance with its policies and procedures. The decision of this Board is final.
1.4.7

A student may also file a complaint with any of the following agencies:

A. Oklahoma Office of Disability Concerns, 2401 NW 23rd, Suite 90, Oklahoma City, OK 73107-2423. Phone: (800) 522-8224 (V/TTY). Fax: (405) 522-6695.

B. U.S. Department of Education, Office for Civil Rights, 8930 Ward Parkway, Suite 2037, Kansas City, Missouri 64114-3302; Telephone: (816) 268-0550. Fax: (816) 823-1404. Email: OCR.KansasCity@ed.gov.

C. Office of the Americans with Disabilities Act, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Ave. N.W., Washington, DC 20530. Phone: (800) 514-0301 (V) and (800) 514-0383 (TTY).

1.4.8

Any faculty member who believes an accommodation requested by Disabilities Support Service is not reasonable may file an appeal with the Section 504 Coordinator or Deputy Coordinator.

A. The office address of the Senior Legal Counsel and Legal Counsel, who serve as Section 504 Coordinator and Deputy Coordinator, 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.

B. 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.

Approved by Cabinet & President February 19, 2013.
1.5 PROCEDURE RELATED TO THE INVESTIGATION AND RESOLUTION OF DISCRIMINATION AND HARASSMENT COMPLAINTS

1.5.1

The individuals and offices designated to receive discrimination and/or harassment complaints under the University’s Equal Opportunity Policy were selected to give all members of the University community the opportunity to initiate a complaint in a place in which they will feel comfortable doing so. These individuals and offices have the responsibility, after speaking with the complainant and/or reviewing a written complaint, to ensure that the complaint is directed to the proper office or individual for investigation.

1.5.2

The University has designated the Senior Legal Counsel to serve as Title IX Coordinator, Title VII Coordinator, and Section 504 Compliance Coordinator (Coordinator). The University has also designated the Legal Counsel to serve as Deputy Title IX Coordinator, Deputy Title VII Coordinator, and Deputy Section 504 Compliance Coordinator (Deputy Coordinator). The Coordinator or Deputy Coordinator are responsible to insure that all complaints of discrimination and/or harassment are appropriately investigated and resolved. They may investigate complaints of unlawful discrimination and/or harassment, or who may designate an appropriately trained individual or individuals to perform such investigations.

1.5.3

If the individual accused of engaging in discrimination or harassment is a student, the complaint will be investigated and resolved by the Office of Student Conduct.

1.5.4

Notice of the complaint and an opportunity to respond will be given to all persons alleged to have violated the University’s policies regarding discrimination and/or harassment. The investigation may otherwise involve meeting with the parties, interviewing witnesses, and requesting written statements from the parties.
1.5.5

The investigation should be completed promptly so that a decision can be rendered within 60 days of receipt of the complaint. If this is not possible, the investigator will inform the complainant of the status of the investigation within 60 days, the reason(s) for delay, and an estimated completion date for the investigation.

1.5.6

A confidential record of all complaints, including their disposition, will be maintained by the investigating unit. The Coordinator or Deputy Coordinator shall be informed of, and maintain a confidential record of, the nature of all complaints of discrimination or harassment investigated, the names of complaining parties and respondents, and the final disposition of all complaints.

1.5.7

In cases involving complaints against faculty members, the investigator will provide findings and conclusions in writing to the University Provost, and the Coordinator or Deputy Coordinator. The Provost will determine what action, if any, is appropriate.

1.5.8

In cases involving complaints against staff members, the investigator will provide findings and conclusions in writing to the Executive Vice President and the Coordinator or Deputy Coordinator. The Executive Vice President will determine what action, if any, is appropriate.

1.5.9  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.

Approved by Cabinet and President February 19, 2013.