



15.2.3 SEXUAL MISCONDUCT, DISCRIMINATION, AND HARASSMENT POLICY (for incidents occurring on or after August 14, 2020)

I. Purpose:

The University is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free from discrimination and harassment.

II. Definitions

1. Title IX Coordinator means refers to the Institutional Equity Officer and Title IX & RRUGLQDWRU ZKR RYHUVHHV WKH LPSOHPHQW DWLRF 'LVFULPLQDWLRQ DQG +DUDVVPHQW -Discrimination DV ZHO Policy and Affirmative Action Plan and as used herein may also include an Associate Title IX Coordinator or other member of the Title IX Team under the supervision of the Title IX Coordinator.
2. Complainant means any individual who is alleged to be the victim of conduct that could constitute Prohibited Conduct.
3. Respondent means any individual who is reported or alleged to be the perpetrator of conduct that could constitute Prohibited Conduct.

III. Scope:

This policy applies to all university faculty, staff, and students

IV. Responsible Office:

The Office of Institutional Equity is responsible for this Policy.

V. Policy Statement:

The University prohibits discrimination based on sex or gender, which includes discrimination and harassment on the basis of pregnancy, sexual orientation, gender identity or expression, and all forms of sexual harassment, r asprotatement, ti79.48 328.05 Td [(p)violen()- C7(a)-3 violen()- C7(JTJ ET Q q 0 0 612 792 re W* n BT /TT0 12 Tf 142.68 287.53 Td [(e)-20 (,) -30 (a)-

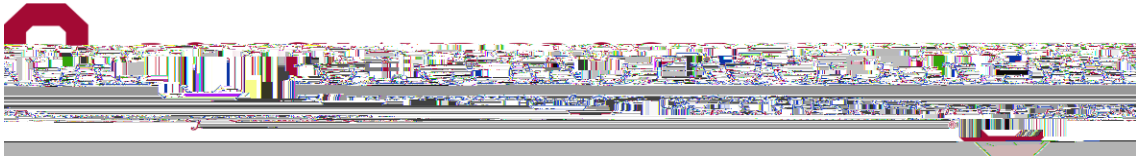
Augu(m)21 (e)-2t 1, 2024

S(s)-9 (s)-54bj6(s)M21b(e)10 ataisconduct, Discrimination, and Har20 bmeent Policy

D20 be of La (e)-2t Requi(m)21 (e)-2t 2024

D20 be of Ne0 a Requi(m)21 (e)-2t 2026

S(s)-9 ignan(re)21re:



VI. Policy on Sexual Misconduct, Discrimination, and Harassment
The Office of Institutional Equity is



Norman, OK 73019
(405) 3253546
mgracey@ou.edu

VIII. Presumption of Innocence

A Respondent who is alleged to have engaged in Prohibited Conduct, as defined below, shall be presumed innocent during the pendency of any grievance proceedings.

IX. Prohibited Conduct

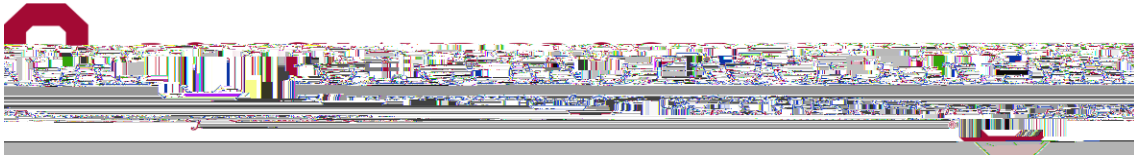
The following conduct, or attempted conduct (in the case of conduct prohibited in subsections C and E below), is prohibited

A. SexDiscrimination

Conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or stereotyping, even if those acts do not involve conduct of a sexual nature.

B. PregnancyDiscrimination

Discrimination on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom. Discrimination on the basis of pregnancy should be reported in accordance with



2. Quid Pro Quo Sexual Harassment, where an employee of the University conditioning the provision of an aid, benefit, or service of the University on an L Q G L Y L G X D O · V S D U W L F L S D W ; L R Q L Q X Q Z H O F R P H V H

3. Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined below in accordance with applicable law:

Sexual Assault includes:

- a. Rape- penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
- b. Fondling- The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim
- c. Incest- Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law and
- d. Statutory Rape sexual intercourse with a person who is under the statutory age of consent.

4. Dating Violence which is violence between individuals in the following circumstances:

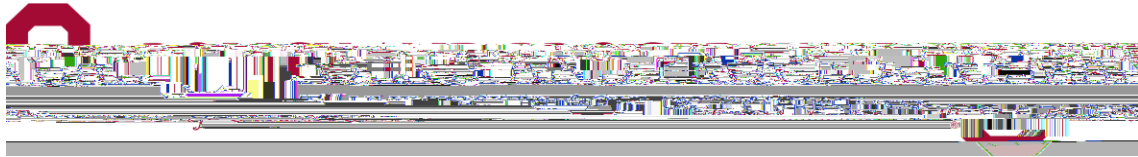
- a. The party is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. The existence of such a relationship shall be determined based on a consideration of the following factors: (i) length of the relationship; (ii) type of relationship; (iii) frequency of interaction between the persons involved in the relationship

5. Domestic Violence which is an assault and battery against: a current or former spouse; a present spouse of a former spouse; a former spouse of a present spouse; parents; a foster parent; a child; a person otherwise related by blood or marriage; a person with whom the Respondent is or was in a dating relationship; an individual with whom the Respondent has had a child; a person who formerly lived in the same household as the Respondent or a person living in the same household

6. Stalking which is a course of conduct directed at a specific person that would F D X V H D U H D V R Q D E O H S H U V R Q W R D I H D U I R U W K
(b) Suffer substantial emotional distress

D. Workplace Harassment

Unwelcome conduct that is based on sex (including pregnancy⁽¹⁾), and during the offensive conduct b 144.17

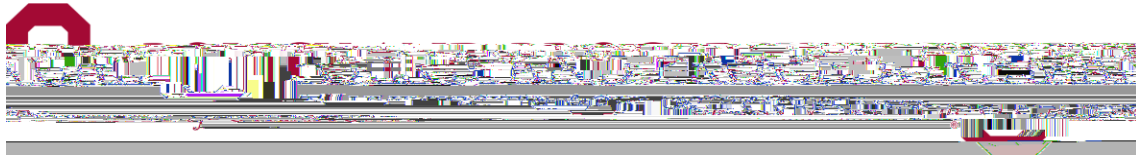


E. Employee Sexual Misconduct

Employee conduct that occurs outside the context of the educational program or outside the United States, but where the conduct otherwise meets one or more definitions of Sexual Harassment set forth in Section C, above. The Office of Institutional Equity is authorized to investigate Prohibited Conduct

F. Sexual Misconduct- Student Code Violation

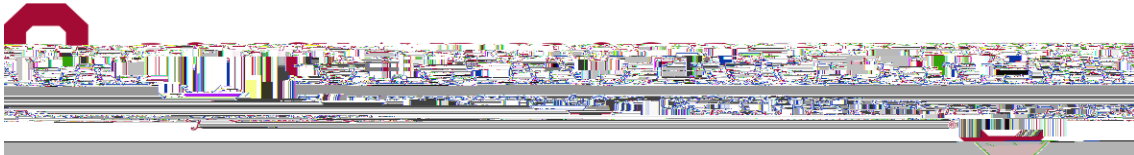
S S L



student or other individual justifies the removal, must provide a removed student with notice and an opportunity to challenge the decision as soon as reasonably possible afterward

C. Emergency Removal/Administrative Leave ²Non-student employees

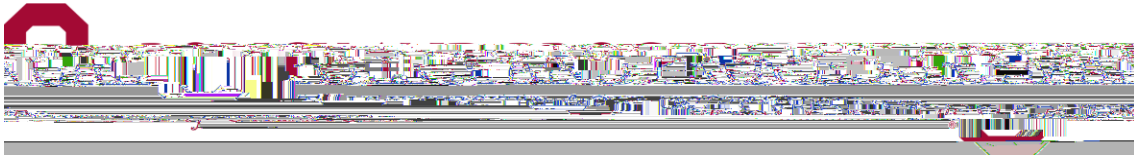
With respect to employees (other than student employees) on a determination at any stage in the



- ‡ Goddard Health Center: (405) ~~3251~~ 3251- provides counseling/medical services
- ‡ University Ombudsman: (405) ~~3213~~ 3213- provides confidential referrals and guidance for faculty/staff
- ‡ Employee Assistance Program: (800) ~~5327~~ 5327 (Norman / HSC); (918) ~~5874~~ 5874 (Tulsa)² provides counseling services and referrals for University faculty/staff
- ‡ HSC Student Counseling Services: (405) ~~7376~~ 7376- provides counseling services
- ‡ OU-Tulsa Student Counseling: (918) ~~5609~~ 5609- provides counseling services

D. Timing of Complaints

There is no time limitation on reporting an incident to the Title IX Coordinator or for filing a Formal Complaint of Title IX Sexual Harassment or Complaint of other Prohibited Conduct. However, if the Respondent is no longer subject to the L Y H jurisdiction for disciplinary sanctions and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.



1. Formal Complaint
2. Written Notice to Parties
3. Investigation of Formal Complaint
4. 3 DUWLHV · 5 HYLHZ DQG 5 HVSRQVH WR (YLGHQF)
5. Investigative Report
6. Live Hearing
7. Determination
8. Appeal by Either Party
9. Sanctions and Other Remedies Implemented (if warranted)
10. Informal Resolution (



IX Coordinator must first request authorization to investigate from Chief Human Resources Officer or Director of Student Conduct, who will determine whether the University has disciplinary jurisdiction over the Respondent pursuant to the applicable Staff and Faculty Handbook provisions or Student Code of Rights and Responsibilities. Once a Complaint is filed, the Complaint procedures will follow the same procedure for a Formal Complaint of Title IX Sexual Harassment except where specifically noted here or in the Grievance Procedures for Formal Complaints of Title IX Sexual Harassment or Sexual Misconduct available at <https://www.ou.edu/eoo/policies-and-procedures>

XIII. Reporting and Filing a Complaint of Gender-Based Discrimination, Retaliation, or False Reporting

Students or employees who have experienced adverse effects to their employment or education, or institutional benefits, on account of sex or gender (including pregnancy, sexual orientation, gender identity, and gender expression discrimination) trigger the protections of this policy by filing a Complaint with the Office of Institutional Equity. A Complaint filed under this section should state with specificity the person(s) responsible for the discriminatory conduct, the adverse effect it has caused to the Complainant, and the relief requested.

Complaints of Gender-Based Discrimination, Workplace Harassment (other than Title IX Sexual Harassment or Sexual Misconduct), Retaliation, and False Reporting investigated in accordance with the Investigative Procedures for Gender-Based Discrimination

XIV. Remedies and Disciplinary Sanctions

If (1) upon conclusion of an investigation and adjudicatory proceedings, or (2) pursuant to voluntary participation in an Informal Resolution process, a Respondent is found to be responsible for engaging in Prohibited Conduct, the Title IX Coordinator may recommend appropriate remedies and disciplinary sanctions. Remedies are designed to restore or preserve equal access to the education program or activity and include measures such as academic support, counseling, and other supportive measures, whether burdensome, punitive, or disciplinary (to the Respondent). The Title IX Coordinator will be responsible for the effective implementation of remedies.

The range of possible disciplinary sanctions include

Prohibited Conduct 11.2



Prohibited Conduct	Employee Disciplinary Sanction		Student Disciplinary Sanction	
	Max	Termination	Max	Expulsion/Delayed Degree
Dating Violence or Domestic Violence	Min.	Suspension without Pay	Min.	Disciplinary Probation
	Max	Termination	Max	Expulsion/Delayed Degree
Stalking	Min.	Suspension without Pay	Min.	Disciplinary Probation
	Max	Termination	Max	Expulsion/Delayed Degree
Other Prohibited Conduct	Sanctions for all other Prohibited Conduct may range from written reprimand, termination and suspension and expulsion, depending upon the totality of circumstances.			
*Sanctions under this section applicable to Prohibited Conduct that amount to Sexual Harassment or Sexual Misconduct (Employee Code Violation) or Sexual Misconduct (Student Code Violation)				

XV. Definition of Consent

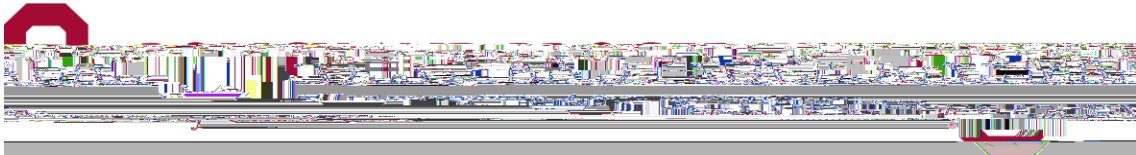
Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing.

- ‡ Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable perceptions regarding the conditions of sexual activity.
- ‡ Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- ‡ Previous relationships or consent does not imply consent to future sexual acts.
- ‡ Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion.

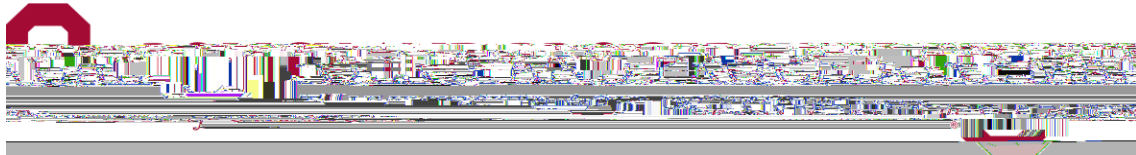
Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy. Examples of when a person should know the other is incapacitated and may be unable to give valid consent include, but are not limited to:

- ‡ the amount of alcohol, medication

Effective Date: 8.14.20, amended 8.1.24



‡ slurred speech



Equal Employment Opportunity Commission:

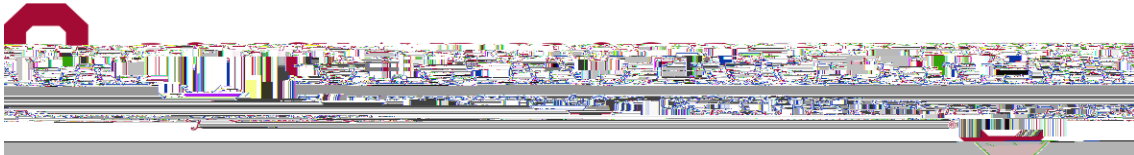
- ‡ Oklahoma City Field Office: 800-669-4000
- ‡ Washington D.C.: 1-800-669-4000 | Eeoc.gov/contact/

6 W D W H R I 2 N O D K R P D \$ W W R U Q H \ * H Q H U D O \ V 2 I I L F H

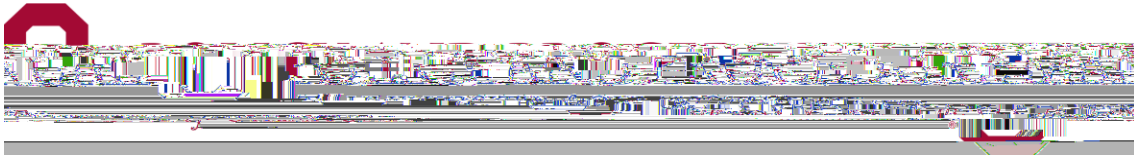
- ‡ Office of Civil Rights Enforcement: 1-800-552-1209 | OCRE@oag.gov

Federal funding agencies

- ‡ e.g. NASA: 1-866-654-1440 | LEP@NASA.gov



4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;



- prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of the same school system;
2. Under the legal custody or supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal or political subdivision employee or ~~player~~ of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, consent shall not be an element of the crime;
3. Nineteen (19) years of age or younger and in the legal custody of a state agency, federal agency or tribal court and engages in ~~conduct~~ conduct prohibited by this section of law with a foster



21 O.S. § 1114

Forcible Sodomy

B. The crime of forcible sodomy shall include:

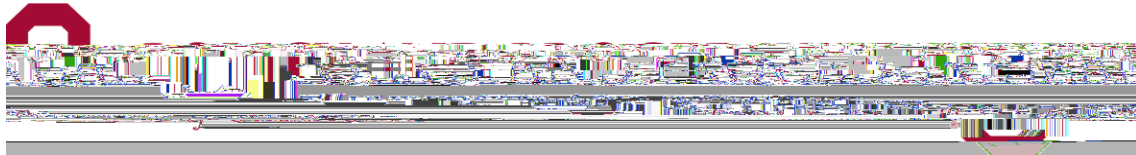
1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age;
2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime;
3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime;
4. Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody or authority of a state agency, a county, a municipality or a political subdivision of this state; 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 of this state;
5. Sodomy committed upon a person who is at least sixteen (16) years of age but less than twenty (20) years of age and is a student of any public or private secondary school, junior high or high school, or public vocational school, with a person who is at least (18) years of age or older and is employed by the same school system;
6. Sodomy committed upon a student at a secondary school who is concurrently enrolled at an institution of higher education by an employee of the institution of higher education of which the student is enrolled;
7. Sodomy committed upon a person who is at the time unconscious of the nature of the act, and this fact should be known to the accused; or
8. Sodomy committed upon a person where the person is intoxicated by a narcotic or anesthetic agent administered by or with the privity of the accused as a means of forcing the person to submit.

& (PSOR\HH RI DQ LQVWLWXWLRQ RI KLJKHU HGXFDWLRQ adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

21 O.S. § 888 (effective November 1, 2022)

Dating Violence

Dating violence is not defined under Oklahoma law; however, the law does provide that any act of physical harm, or the threat of imminent physical harm against a person with whom a perpetrator was or is in a dating relationship is considered domestic violence which defined below. The Protection



persons who are or were in a dating relationship, (c) persons who are the biological parents of the same child, regardless of their marital status or whether they have lived together at any time, and (d) persons who currently or formerly lived together in an intimate way, primarily characterized by affectionate or sexual involvement. A sexual relationship may be an indicator that a person is an intimate partner, but is never a necessary condition.

22 O.S. § 60.1 (1), (5), (6) (effective Jun 14, 2024)

Domestic Violence

Domestic violence is not defined under Oklahoma law; however, the law does provide that: any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, a former spouse of a present spouse, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse.

21 O.S. § 644 (C)

Stalking

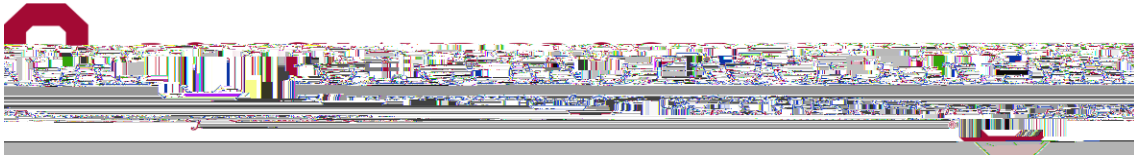
A. Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

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

F. For purposes of this section:

1. "Harasses" means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable person to suffer emotional distress, and that actually causes emotional distress to the victim. Harassment shall include harassing or obscene phone calls as prohibited by Section 1172 of this title and conduct prohibited by Section 850 of this title. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;
2. "Course of conduct" means a series of two or more separate acts over a period of time, however short or long, evidencing a continuity of purpose, including any of the following:
 - a. maintaining a visual or physical proximity to the victim,
 - b. approaching or confronting the victim in a public place or on private property,
 - c. appearing at the workplace of the victim or contacting the employer or coworkers of the victim,
 - d. appearing at the home of the victim or contacting the neighbors of the victim,
 - e. entering onto or remaining on property owned, leased, or occupied by the victim,
 - f. contacting the victim by telephone, text message, electronic message, electronic mail, or other means of electronic communication or causing the telephone or electronic device of the victim or the telephone or electronic device of any other person to ring or generate notifications repeatedly or continuously, regardless of whether a conversation ensues,

Effective Date: 8.14.20, amended 8.1.24



GPS device or other monitoring device or to the use by a new or used motor vehicle dealer or other motor vehicle creditor of a GPS device or other monitoring device, including a device containing technology used to remotely disable the ignition of a vehicle, in connection with lawful action after default of the terms of a motor vehicle credit sale, loan or lease, and with the express written consent of the owner or lessee of the motor vehicle.

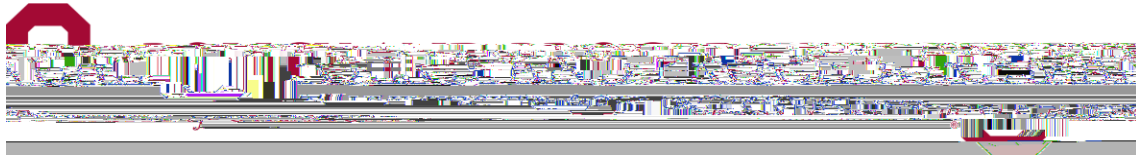
21 O.S. § 1173 (effective November 1, 2022)



Appendix B: Education, Training, and Resources

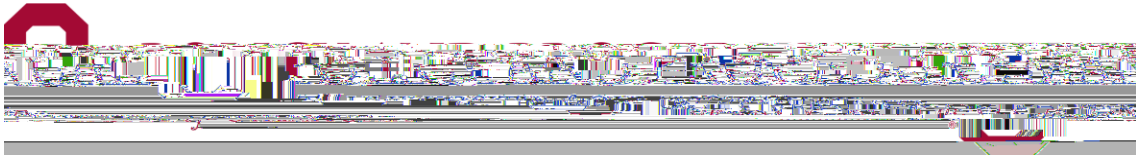
Employees must take an approved training course every 2 years during their career, with the initial training in their first 30 days of service at the University (<https://onpoint.ou.edu>). Employees may be required to be recertified on demand. Failure to have a certification of this required training may result in appropriate disciplinary action. Additional person trainings are also offered periodically and on request. Where University employees are also students, they will be required to also take the mandatory online training provided to students. For those without access to a computer or in need of additional

D V V L V W D Q F H S O H D V H F R Q W D F W W K H 8 Q L Y H F A V W H P W . V R



and other sexual misconduct.

- ‡ Informational website and brochures devoted to educating employees at: www.ou.edu/
 - ‡ In person training (LGBTQ Ally) prevention workshops.
 - ‡ OU Advocates available 24/7 to discuss all available resources on and off campus confidentially: 405 60513. For Tulsa based programs (8 a.m. to 5 p.m.): (918) 660163 or after hours (918) 745763.
 - ‡ University Ombudspeople (405) 3253297- to discuss available resources and options for faculty/staff confidentially
- III. Other resources available to the University community:
- ‡ OU Advocates (24/7): (405) 60513- provides advocates and referrals to other resources on-campus and off campus. For Tulsa based programs (8 a.m. to 5 p.m.) (918) 660163; after hours: (918) 745763
 - ‡ Office of Advocacy and Education (405) 3254929² provides information and referrals
 - ‡ OUPD: emergencies (405) 3251; non-emergencies (405) 32564-provides law enforcement support
 - ‡ Goddard Health Center: (405) 3251 provides confidential counseling/medical services on the Norman campus
 - ‡ Employee Assistance Program: (800) 5027- confidential resources for HSC and Norman employees; (918) 59771 for OU/Tulsa employees
 - ‡ Norman Police Department: 911 for emergencies; (405) 4321 non-emergencies



‡ Oklahoma Safeline: (800) ~~52233~~