

# Security & Fire Report 2016

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## Campus Map

#### **MAIN CAMPUS**

2501 N. Blackwelder Ave, Oklahoma City, OK 73106



<sup>\*</sup> The University Manor Apartments (400) were sold in 2016 and are no longer OCU property. They remain on this map for calendar year 2015 historical reference.

# **Campus Map**

**LAW SCHOOL** 

800 N. Harvey Ave, Oklahoma City, OK 73102



# **University Police Authority and Jurisdiction**



The Oklahoma City University Police Department (OCUPD) is devoted to providing the campus community with emergency and non-emergency services in a timely and efficient manner. OCUPD is proactive in addressing criminal activity and safety concerns. This is accomplished by ethical, well-trained, dedicated police personnel who successfully confront criminal activity with powers of arrest and the implementation of professional crime prevention techniques.

The OCUPD is commissioned by the university, and officers are certified by the State of Oklahoma Council for Law Enforcement

**Education and Training (CLEET).** OCUPD Officers are authorized to stop, question, and detain anyone behaving in a suspicious manner, and if appropriate, arrest persons engaged in criminal activity on any campus properties and the surrounding area. The OCUPD maintains regular contact with other local, state and federal law enforcement agencies for the purpose of sharing information concerning known or suspected criminal activity.

The OCUPD has statutory authority to conduct law enforcement activities on its property and also in an area of concurrent jurisdiction with the Oklahoma City Police Department. The area of concurrent jurisdiction is from N.W.  $23^{rd}$  Street on the south to N.W.  $30^{th}$  Street on the north, and from Pennsylvania Avenue on the west to Douglas Avenue on the east. It also includes Oklahoma City University owned structures, including the University Manor Apartments\* at 1844 NW 23rd Street not within the aforementioned boundaries, and the properties owned by the University at the downtown Law School located at 800 N Harvey Avenue.

The area of concurrent jurisdiction was established through an *Agreement for Campus Police Jurisdiction and Authority*, between Oklahoma City University and the City of Oklahoma City, established on October 9<sup>th</sup>, 2007.

<sup>\*</sup> The University Manor Apartments were sold in 2016 and are no longer part of the OCUPD jurisdiction.

# Oklahoma City University Police Department

## **Telephone**

Emergency 405-208-5911 Non-Emergency 405-208-5001

## **Mailing Address**

1635 NW 23<sup>rd</sup> Street OKC, OK 73106

## **Campus Police Department Location**

1635 NW 23<sup>rd</sup> Street Open 24 hours a day, 7 days a week

**Email** 

ocupd@okcu.edu

**Web** 

http://okcu.edu/police

**Fax** 

405-208-6039

## **Reporting Crimes to University Officials**

The Oklahoma City University Police Department (OCUPD) is charged by the University with the responsibility of maintaining conditions necessary for a safe and secure learning environment and strives for a crime-free campus. OCUPD is located at 1635 NW 23<sup>rd</sup> Street. The University has designated a single number, **405-208-5911**, to be used for reporting all emergencies. Trained University dispatchers monitor this number 24 hours a day 365 days a year. OCUPD is comprised of 13 full-time officers commissioned by the University and state certified by the Oklahoma Council on Law Enforcement Education and Training (CLEET).

## **Emergencies**

Any criminal act or emergency occurring on or in the vicinity of the OCU campus should be reported to the OCUPD either by phone, **405-208-5911**, or in person without delay. Additionally, blue emergency telephones at outdoor locations around the campus provide a readily accessible means for directly contacting the OCUPD dispatcher during an emergency.

#### **Non-Emergencies**

OCUPD provides law enforcement services, including the investigation of criminal offenses and traffic collisions occurring on University property, and handles official reports related to those incidents. To report a crime that is in progress or a crime that just occurred, call the emergency number **405-208-5911**. To report a criminal incident after the fact in which no one was injured, the suspect has left the area, there does not appear to be any physical evident, and there are no other circumstances that would necessitate the immediate presence of a police officer, call the OCUPD's non-emergency number **405-208-5001**. To report crimes that occur off campus, contact the Oklahoma City Police Department at **405-231-2121**.

The OCUPD works with other local agencies and are aware of off-campus crimes when those agencies request assistance or when they routinely pass on information that may be of mutual interest.

Students, faculty, staff, campus guests and others are requested to cooperate fully with police officers. Failure to do so, making a false report, or obstructing an investigation may result in sanctions, fines, or other disciplinary action by the University or, if applicable, criminal prosecution. All incidents reported to OCUPD are summarized and maintained in a daily crime log available for inspection upon request at OCUPD's main office. This information is also updated weekly on the OCUPD website in the Blotter section.

OCUPD will promptly and thoroughly investigate all reports of any crime or incident including threats of (or actual) violence and of suspicious individuals or activities. If requested, the identity of the reporting party may be kept anonymous and will be

# **Reporting Crimes to University Officials**

protected to the greatest extent possible. Following receipt of a report, follow-up investigation may be initiated by the OCUPD and/or by the Oklahoma City Police Department.

Anyone determined to be responsible for criminal activity or any other conduct that is in violation of University policies will be subject to prompt disciplinary action, up to and including, suspension or dismissal from the University with the possibility of criminal charges being filed with the Oklahoma County District Attorney's Office. Disciplinary proceedings, if appropriate, will be imposed by the Dean of Students in accordance with established University policies. Occasionally, when information is necessary to aid in the prevention, detection or investigation of crimes, flyers may be posted around campus, distributed by campus e-mail, published in "The Campus," *OCU's student newspaper* or posted on the OCUPD website.

#### **Confidential Crime Reporting**

Confidential reporting of crimes is allowed at Oklahoma City University. If, for a personal reason, a person does not wish to report an on-campus crime or suspected crime to the police, that person may anonymously report it by calling the Campus Conduct Hotline toll free at 866-943-5787

# **Preparing the Annual Disclosure of Crime Statistics**

Oklahoma City University has prepared this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The Annual Security and Fire Report is published each year by October 1st.

Crime statistics for the report are solicited from all law enforcement agencies that have or share law enforcement jurisdiction. The Dean of Students provides disciplinary action statistics concerning alcohol, drug, and weapon violations.

An e-mail notification is sent each year to all students, faculty and staff members providing the web link to access the Annual Security and Fire Report. Prospective students and prospective employees may obtain the report from the web link at <a href="http://okcu.edu/police/">http://okcu.edu/police/</a>

This report is inclusive of the OCU Main Campus and OCU Law School. Differences in maps, crime statistics, policy, emergency procedures, shelter locations, defibrillator locations and other items are noted, and sometimes separated in this document.

## **Crime Statistics**

The crime statistics are reported in accordance with Uniform Crime Reporting (UCR) procedures and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Data sources include the Oklahoma City University Police Department, Oklahoma City Police Department and OCU Student Affairs.

## **MAIN CAMPUS**

Total Crimes Reported For:	Oklahoma City University Campus							Non-Campus Building or Property			Public Property			Total		
Offense Type	20	13	20	2014		2015		2014	2015	2013	2014	2015	2013	2014	2015	
(includes attempts)	Res	Total	Res	Total	Res	Total										
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Forcible Sex Offenses	0	0	3	4	6	6	0	0	0	0	0	0	0	4	6	
Non-Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Robbery	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Burglary	3	6	1	4	1	9	0	0	0	0	0	0	6	4	9	
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Motor Vehicle Theft	0	2	0	0	0	0	0	0	0	0	1	0	2	1	0	
Stalking	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Domestic Violence	0	0	1	1	0	0	0	0	0	0	1	0	0	2	0	
Hate Crimes	0	1	0	2	0	0	0	0	0	0	0	0	1	2	0	
Liquor Law Violations																
Arrest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Referral*	38	40	44	44	10	10	0	0	0	0	0	0	40	44	10	
Drug Law Violation																
Arrest	2	6	2	9	1	1	0	0	0	5	6	4	11	15	5	
Referral	17	17	13	13	2	3	0	0	0	0	0	0	17	13	3	
Weapons Law Violations																
Arrest	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
Referral	2	2	0	0	0	0	0	0	0	0	0	0	2	0	0	

<sup>\* 2013 &</sup>amp; 2014 liquor law violation referrals quantities were significantly higher than 2015. Referral totals were over-counted and included incidents of adults in possession of alcohol, which were policy violations and not law violations. These referrals should not have been included in the totals. 2015 indicates a correct tally according to Clery guidelines.

# **Crime Statistics**

## LAW SCHOOL

* Total Crimes Reported For:	Oklahoma City University Campus							Non-Campus Building or Property			Public Property			Total		
Offense Type	20	13	2014		2015		2013	2014	2015	2013	2014	2015	2013	2014	2015	
(includes attempts)	Res	Total	Res	Total	Res	Total										
Murder	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Manslaughter	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Forcible Sex Offenses	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Non-Forcible Sex Offenses	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Robbery	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Aggravated Assault	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Burglary	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Arson	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Motor Vehicle Theft	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Stalking	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Dating Violence	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Domestic Violence	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Hate Crimes	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Liquor Law Violations																
Arrest	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Referral	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Drug Law Violation				•			•									
Arrest	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Referral	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Weapons Law Violations																
Arrest	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	
Referral	n/a	n/a	n/a	n/a	0	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	

<sup>\*</sup> The Law School moved to the downtown location at 800 N Harvey in 2015. None of the incidents occurring at the Law School in 2015 involved Clery reportable crimes.

## **Off-Campus Student Functions**

University police learn of off-campus crimes from other local agencies when those agencies request assistance or when they routinely pass on information that may be of mutual interest. OCUPD, members of the Office of Student Affairs, sorority and fraternity advisers and members of the Oklahoma City Police Department meet at various times to share information and redefine lines of communication. Because OCUPD's jurisdiction does not extend to all off-campus student functions, whether unofficially or officially recognized, its role in investigations of such criminal activity is limited to information sharing, cooperation and coordination with the investigating agency upon request.

## **Campus Security Authorities**

The Clery Act identifies certain categories of students, University employees and contractors as CSAs who have federally mandated responsibilities to report alleged Clery Act crimes that they witness or are reported to them. A Clery Act crime is considered "reported" when it is brought to the attention of a CSA, University Police or local law enforcement personnel by a victim, witness, other third party or even the offender. The crime reporting party need not be University affiliated.

The law defines the following four categories of CSAs:

- 1. University Police (UP) Department sworn law enforcement personnel and department administrators.
- 2. Non-police people or offices responsible for campus security—community service officers, campus contract security personnel, parking enforcement staff, personnel providing access control and/or security at campus facilities, athletic events or other special events, safety escort staff, residential community assistants and other similar positions.
- 3. Officials with significant responsibility for student and campus activities—an Official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the University. To determine which individuals of organizations are CSAs, consider job functions that involve relationships with students. Look for Officials (i.e., not support staff) whose functions involve relationships with students. If someone has significant responsibility for student and campus activities, then they would be considered a CSA. Some examples of CSAs in this category include, but are not limited to: academic deans; student affairs / residential life officials; coordinator of Greek affairs (or related positions); athletic administrators, including directors, assistant directors and coaches; student activities coordinators and staff; student judicial officials; faculty and staff advisors to student organizations; student center building staff; student peer education advisors; and administrators at branch campuses.
- 4. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

# **Campus Security Authorities**

These positions include but are not limited to:

- Police Department staff
- Student Activities staff
- Student Housing staff
- Dean of Students and other student conduct officers
- Athletic director & team coaches
- Faculty or staff advisor to student groups
- Student health center director
- Staff advisors
- Summer Camp Staff

The University continually (with changes and additions), and annually, identifies the individuals designated as Campus Security Authorities and assigns mandatory training to educate the CSA's in their responsibilities and reporting requirements.

# **Emergency Alerts & Timely Warnings**

Anyone with information warranting a Timely Warning or Emergency Notification should report the circumstances to OCUPD immediately. The University will issue warnings or notifications as appropriate to keep the campus community informed about safety and security matters on an ongoing basis and to prevent similar crimes from occurring. The decision to issue a Timely Warning or Emergency Notification shall be decided on a case-by-case basis in compliance with the Clery Act and considering all available facts. The timing of the notification shall, in the first instance, be based upon whether the crime is considered a serious or continuing threat to students or employees and the possible risk of compromising law enforcement efforts.

#### **Emergency Alerts**

Oklahoma City University will immediately issue an Emergency Notification to the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff on campus. Warnings may only be withheld if they would compromise efforts to contain the emergency.

The Blue Alert System (Powered by RAVE) is OCU's method of alerting the campus community of an emergency. The system uses redundant communication, including e-mail, text messaging and social media to broadcast the alert. The system is only used for emergency announcements and not for day-to-day information dissemination.

Student can enroll for the OCU Blue Alert System at the following web page: <a href="http://een.okcu.edu">http://een.okcu.edu</a>.

#### **Timely Warnings**

In the event that a situation arises, whether on or off campus, that constitutes an ongoing or continuing threat, a *timely warning* will be issued at the discretion of the Chief of Police. This warning may be distributed by e-mail, publication on the OCUPD website, or announced by way of the Blue Alert Emergency Messaging System, or other methods deemed necessary by the situation.

Timely warnings are issued for crimes to persons or property, such as, but not limited to arson, burglary, aggravated assault, criminal homicide, motor vehicle theft, robbery and sex offenses, if there is a reason to believe there is an ongoing threat that a similar crime may occur.

## **Access to Campus Facilities**

For the safety of its students, faculty, staff, and guests, Oklahoma City University seeks to maintain a closed campus and discourages trespassers. Students, faculty, and staff must carry University identification cards at all times, and must present them to any University official upon request. With the exception of the Tom & Brenda McDaniel University Center, all University buildings are closed and secured by midnight. For safety reasons, students are not to remain in closed and secured University buildings after midnight unless accompanied by a full-time University employee.

Visitation hours are established in University housing and in fraternity and sorority facilities. Students should consult the Oklahoma City University Student Handbook regarding those policies and any additional policies that may be established by dormitory authorities regarding other safety measures.

While the University strives to maintain adequate evening lighting, individuals are discouraged from walking unaccompanied during the evening and late night hours. A call to OCUPD dispatch for an escort will enhance individual safety.

# **Maintenance of Campus Facilities**

The Physical Plant supervises custodial services and maintains the buildings, grounds, and utility systems. University employees routinely inspect building door locking mechanisms, windows, and fire alarm systems. Burned out lights, broken doors, and windows and malfunctioning alarm systems are repaired as quickly as possible. University community members are encouraged to report maintenance problems, including lighting and elevator concerns to **405-208-5382**, or after normal business hours to **405-208-5383**.

## **Crime Prevention Programs**

#### Safety Escorts - "Never walk alone"

On-campus safety escorts are available 24 hours a day, year-round. Off-campus safety escorts to designated locations are available. Please call the OCUPD dispatch at 405-208-5001 (on-campus ext. 5001) to request an escort. The dispatcher will provide instructions as to where to meet an officer.

#### **New Student Orientation**

At the commencement of each fall semester a campus safety meeting is held for all new first-time students. The meeting includes topics related to crime prevention, reporting crime and other campus violations, sexual assault prevention and consent, personal safety and bystander intervention. Prior to the opening of the fall semester, new first-time students complete online education modules focused on Alcohol and Other Drugs Prevention & Awareness, Campus Safety & Residence Life, Dating Violence & Sexual Assault Prevention & Awareness, and Harassment Prevention & Awareness.

## Question, Persuade, and Refer (Suicide prevention and awareness)

QPR is a simple educational program that teaches ordinary citizens how to recognize a mental health emergency and how to get a person at risk the help they need. It is also an action plan that can result in lives saved. OCU offers QPR training workshops at least two times per year.

#### **Interpersonal Violence Awareness Campaign**

Each October, the University Counseling Center coordinates an awareness campaign for interpersonal violence such as domestic abuse, dating violence, sexual assault, and stalking. The campaign includes educational opportunities for students as well as activities designed to heighten awareness about these issues.

#### **Sexual Assault Awareness and Prevention**

Each April, the University Counseling Center coordinates an awareness campaign addressing sexual assault. The campaign includes educational opportunities and resources to help educate students, faculty, and staff about sexual assault and prevention.

## **Crime Prevention Programs**

#### **Enough is Enough Campaign to Stem Societal Violence**

Oklahoma City University annually participates in the Enough is Enough Campaign to Stem Societal Violence. The week-long activities held in April include Love Not Hate Day, Random Acts of Kindness Day, invited speakers, and informational outreach.

#### **Bystander Intervention Educational Sessions**

Oklahoma City University provides Bystander Intervention Educational Sessions to all incoming first year students, the fraternity and sorority community, and any student group interested in hosting a session. These interactive educational sessions provide students with knowledge on the intersectionality of alcohol and sexual assault, define what it means to be a bystander, discuss why it can be difficult to intervene but important to do so, and suggest safe intervention strategies and techniques. These educational sessions are usually held annually.

#### **Resident Assistant Training**

At the beginning of each new academic year, the Resident Assistants (RAs) take part in a comprehensive training program. Included in this training are presentations by university officials regarding Title IX, Campus Safety, Bystander Intervention and the Student Code of Conduct.

## **Safety Tips**

The following tips are recommended whether on or off campus:

- Choose open, well-lit and well-traveled areas.
- Travel with a friend or in a group.
- · Avoid dark, vacant, or deserted areas.
- When walking, you should walk facing traffic.
- Be cautious of drivers who stop to talk to you.
- Dress in clothes and shoes that won't hamper movement.
- If you sense trouble, move away from the potential threat if possible. Join any group of people nearby or cross the street and increase your pace.
- If a threatening situation is imminent and people are close by, yell, scream, or make a commotion in any way you can to get their attention. Remember: if you yell "help," people tend to leave you and go to get help. If you yell "fire," people will often come towards you.
- BE ALERT AND AWARE of your surroundings! Giving the appearance of not paying attention and not being alert is what offenders look for in a victim.
- NEVER HITCHHIKE!
- Always tell someone where you'll be and what time you are going to return.
- Do not wear headphones while walking or jogging.
- Do not read while walking or standing on the street.
- TRUST YOUR INSTINCTS. If something feels wrong, something probably is wrong.

# Other Police Services and Programs

#### **Motorist Assistance**

The Oklahoma City University Police Department can be contacted for assistance with vehicle problems including:

- Dead Battery Jump-Starts
- Vehicle Unlocks
- Flat Tires
- Out of Gas

An officer is usually available to respond within a few minutes and help stranded motorists.

#### **Lost & Found**

The Oklahoma City University Police Department (OCUPD) is the central repository for all lost and found property. Found property should be delivered to OCUPD as soon as possible.

To report missing items, call the OCUPD non-emergency line at (405) 208-5001. Your information will be taken by an officer or dispatcher so you can be contacted in the event your property is located.

Items not claimed and that have no identifiable owner are sold by campus silent auction, each year.

# Sexual and Violent Criminal Offender Registry

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders. The OCUPD maintains a link on its website to the Oklahoma Department of Corrections Sex and Violent Crimes Offender Registry.

The Sex Offender Registration laws for the state of Oklahoma were amended in 2002 to include all University campuses. This means that anyone convicted of a nonaggravated sex offense in the past ten (10) years must register with the Oklahoma City University Police Department if they are a student, employee, resident, or anyone who works on campus in any capacity.

Those persons who have been convicted of aggravated sex offenses must register indefinitely. This applies to persons convicted in Oklahoma and all other states and territories of the United States of America. Registration with campus authorities must be in addition to registration with the local law enforcement agency where the convicted person resides (unless they reside on campus). Failure to register in accordance with the law will subject the offender to additional criminal prosecution.

OCUPD works in cooperation with the Oklahoma City Police Department, which has an Offender Registration Unit that coordinates the registration of sex offenders and violent offenders residing in Oklahoma City limits. This information is reported to the Oklahoma Department of Corrections, who maintains the statewide Oklahoma Sex and Violent Crime Offender Registry. To access the registry to search for or find out if someone is a registered sex or violent crime offender go to https://sors.doc.state.ok.us/svor/f?p=119:1:

## **Delinquent Offenders Statewide**

Offenders who do not follow certain registration requirements are considered by the Department of Corrections to be delinquent. To view a list of delinquent offenders in Oklahoma, go to the Department of Corrections offender website and click on Delinquent Offenders.

These delinquent offenders are often not residing at their registered address. If you know the whereabouts of any delinquent offender listed statewide, there is a place on their listing to e-mail information about them. Helpful information would include where they are currently staying and/or working.

## Sexual and Violent Criminal Offender Registry

#### **Check for Offenders by Oklahoma City Address**

Another way you can search for registered offenders in your area is by entering a specific address in Oklahoma City limits. Click http://www.communitynotification.com/cap\_main.php?office=55546 to access a City of Oklahoma City system that will display registered offenders in proximity to a specific address in Oklahoma City. The main address of Oklahoma City University is 2501 N. Blackwelder, Oklahoma City, OK 73106.

#### **Information for Offenders**

If you are an offender residing or wanting to reside in Oklahoma City limits and you are required by law to register with local law enforcement, you must go to the Offender Registration Unit at the Oklahoma City Police Department. It is located at 616 Colcord Drive in Oklahoma City. Office hours for registrations are Monday through Thursday from 8:00 a.m. to 11:00 a.m. and 12:00 p.m. to 3:00 p.m. Registrations on Friday are done between the hours of 8:00 a.m. and 11:00 a.m. Offenders should not call or e-mail the office – all registration transactions including address checks must be done in person. Personnel at the Offender Registration Unit will assist offenders (in person at the office) to check addresses to find a location to reside that is not in a prohibited area. Registration violations are taken seriously and will be investigated and presented for prosecution when appropriate.

#### **How to Report Possible Registration Violations**

If citizens have any immediate safety concern involving a registered offender, they should call 911 and have a police officer respond to the scene. If a citizen has information about an offender in Oklahoma City limits required to register who is not actually staying at their listed registered address, that information can be reported to the Offender Registration Unit by e-mail at ocpd.sexoffender@okc.gov. Please include as much specific information as possible. You can remain anonymous or include your contact information if you would like. Possible registration violations will be investigated and presented for prosecution when appropriate.

# **Alcohol and Substance Abuse Policy**

According to established Oklahoma City University policy, the use, possession, or sale of alcoholic beverages (including under-age drinking), tobacco, illegal drugs, firearms, or other dangerous weapons on University-owned or controlled property is strictly prohibited. Any student or employee found to be in violation of this policy is subject to University discipline, up to and including suspension or expulsion from the University. Criminal charges may also be filed with the Oklahoma County District Attorney if violations are applicable for prosecution. Oklahoma City University provides drug and alcohol abuse education, awareness programs, and counseling through the University Counseling Center. Current campus drug and alcohol policies related to University students are available in the Oklahoma City University Student Handbook (http://issuu.com/okcu/docs/studenthandbook-14-15) and Student Code of Conduct (http://www.okcu.edu/students/conduct/). Current campus drug and alcohol policies related to University employees are available on Oklahoma City University's website as follows: http://www.okcu.edu/policies/documents.

## **Drug and Alcohol Policy Distribution**

Oklahoma City University is actively involved in distributing this policy and providing education and training. This policy is distributed actively to 1) all newly hired employees and new students, during orientation, and 2) annually, in a manner designed to actively reach all students, and separate from the distribution of the Annual Security and Fire Report.

#### **Statement of Compliance**

The Drug-Free Workplace Act of 1988 requires recipients of federal grants and certain federal contracts to certify that they will provide a drug-free workplace. Employees (including Work Study students) who are engaged in projects relating to federal grant awards, must abide by Oklahoma City University drug-free policy to avoid loss of the federal grant or contract. As part of this policy, Oklahoma City University has also adopted a drug-free awareness program and a drug testing program as noted below.

Oklahoma City University has developed this policy not only in response to the federal drug-free legislation, but also to attempt to provide a healthy environment by preventing the use of illegal drugs or the abuse of alcohol within Oklahoma City University's community.

Oklahoma City University is committed to protecting the safety, health and wellbeing of all employees and other individuals in our workplace. We recognize that alcohol abuse and illegal drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals

# **Alcohol and Substance Abuse Policy**

with the need to maintain an alcohol and drug-free environment. Oklahoma City University encourages employees to voluntarily seek help with drug and alcohol problems.

#### **Standard of Conduct**

Oklahoma City University prohibits the unlawful manufacture, distribution dispensation, possessions, or use of controlled substances and alcohol by Covered Individuals on Oklahoma City University's property or at any Oklahoma City University-sponsored function, whether on or off-campus, except as exempted. It is a violation of the OCU Student Code of Conduct and the OCU drug-free workplace policy to use, possess, sell, trade, and/or offer the of sale alcohol, illegal drugs, or intoxicants. However, this policy does not prohibit the lawful and non-excessive consumption of alcohol by persons of legal age at off-campus Oklahoma City University sponsored social events or when acting as the Oklahoma City University representative at a third-party event, or personal consumption unrelated to Oklahoma City University, as provided in the University's policy that can be accessed at the following link: http://www.okcu.edu/policies/documents.

#### **Legal Sanctions**

One of the goals of Oklahoma City University's drug-free workplace program is to encourage Covered Individuals to voluntarily seek help with alcohol and/or drug problems. If, however, a Covered Individual violates the policy, the consequences are serious. Any Covered individual who violates this policy, any city ordinances, state criminal laws, or federal laws relating to alcohol or drug use, or who does not cooperate with Oklahoma City University in its attempts to maintain a drug-free environment, will face appropriate disciplinary action up to and including dismissal from Oklahoma City University, cancellation of their contract, or other appropriate responsive action. In the case of applicants, the offer of employment can be withdrawn and the applicant may not reapply.

Nothing in this policy prohibits a Covered Individual from being disciplined or discharged for other violations and /or performance problems.

Covered Individuals violating any city ordinance, state criminal laws, or federal laws relating to alcohol or drug use also risk fines and imprisonments.

Federal law prohibits possession, use, distribution, manufacture, or dispensing of controlled substances. The ultimate punishment for drug crimes generally depends on the quantity, classification, and purpose of possession of the drug. The most serious drug crimes are producing, manufacturing or selling illegal drugs. Federal sanctions for drug felonies may include:

# **Alcohol and Substance Abuse Policy**

Federal Drug Possession Penalties: (federal charges are not applicable unless it involves multi-state trafficking)

- First violation a minimum fine of \$1,000 but not more than \$100,000, and a maximum jail term of one year.
- Second violation a minimum fine of \$2,500 but not more than \$250,000, and/or minimum jail term of 15 days but not more than two years.
- Third or subsequent violation a minimum fine of \$5,000 but not more than \$250,000 and/or a minimum jail term of 90 days but not more than three years.
- Federal penalties have special sentencing provisions for the possession of crack cocaine: a maximum fine of \$250,000 and/or a minimum jail term of five years but not more than 20 years, if it is a first conviction and the amount of crack cocaine possessed exceeds 5 grams: second crack cocaine conviction, and the amount possessed exceeds 3 gram; third conviction and the amount possessed exceeds 1 gram.

# Available Counseling, Treatment, Rehabilitation and Re-Entry Programs for Employees

Oklahoma City University provides no treatment, rehabilitation or re-entry programs for employees with substance-abuse problems. The University does provide to Covered Individuals and their family members Employee Assistance Program (EAP) services. The EAP, which provides services for clinical, emotional and work-life issues, is voluntary and confidential. Privacy is guaranteed under the law when a Covered Individual self-refers. Covered Individuals can access the EAP services 24 hours a day, 365 days a year.

Additionally, Oklahoma City University, when economically feasible, provides a licensed professional counselor who is available to the Covered Individual and their immediate family members. Alcohol or drug abuse issues may be discussed or a referral may be asked for. By law, all conversations with the counselor are confidential.

Following a violation of the drug-free workplace policy, depending on the nature and severity of the violation, a Covered Individual may be offered an opportunity to participate in rehabilitation. In such cases, the Covered Individual must sign and abide by the terms set forth by Oklahoma City University as a condition of remaining on campus.

# **Alcohol and Substance Abuse Policy for Students**

## **Alcohol and Other Drug Policies**

Oklahoma City University is to be a safe environment free from alcohol and other drugs. The University recognizes that the use of alcohol and illegal drugs diminishes the strength and vitality of human resources and the integrity of the institution. It is the intent of the University to educate and encourage students to abstain from alcohol and other drugs.

#### **Alcohol and Drug Education**

Oklahoma City University recognizes its responsibility to help educate its students concerning alcohol and other drug use, abuse, and addiction. The University will offer lectures, courses, workshops, and prevention programs. The University Counseling Center and Campus Health Clinic will provide literature on resources, referral services and educational material on the use, abuse, and addiction to all drugs and treatment options.

## **Alcohol and Other Drugs Committee**

This Committee is comprised of members of Housing and Residence Life, University Counseling, and OCUPD to address issues surrounding the use and misuse of alcohol by students. The committee holds social and educational events each semester in an attempt to raise students' awareness of the consequences and dangers of alcohol consumption.

#### **Drug and Alcohol Dependency Testing**

The University may require any student who is reasonably suspected of drug use to undergo drug testing. Drug testing will be conducted in accordance with the Oklahoma Standards for Workplace Drug and Alcohol Testing Act. Any drug tests required will be conducted by a state certified laboratory during or immediately following regular working or classroom hours. The tests will be paid for by the University. Any student who requests a retest of a sample in order to challenge the results of a positive test is required to pay all costs of additional tests. The University may require a drug and alcohol dependency evaluation with either an in-house or contracted program that provides substance abuse counseling, treatment, or rehabilitation. A "Release-Of-Information" form provided by the University must be signed by the student prior to any referral for testing or counseling. Students receiving sanctions requiring treatment may use any other certified program. In any case, a student must provide proof of treatment before consideration is given to his or her reinstatement.

# **Alcohol and Substance Abuse Policy for Students**

#### **Disciplinary Action for Drug and Alcohol Use**

Any student found using or distributing alcohol and other drugs on campus, in oncampus housing, or during campus- sponsored activities can face disciplinary action by the University. The disciplinary action may include a drug assessment, referral for counseling, and/or treatment as recommended by a University approved counselor or counseling service.

The University may take disciplinary action against a student who refuses to undergo drug and alcohol testing. The University will take no disciplinary action against a student, except for temporary suspension, until the first test result has been confirmed by an additional test. Any student has the right to an explanation, in confidence, of the test results and may obtain all information and records related to testing. Information related to drug and alcohol tests will be kept confidential and apart from other student records.

#### Notification to State and Federal Authorities

The University may refer individuals to applicable local, state, or federal law enforcement authorities for prosecution. Any student who is convicted under a criminal drug statute for a violation occurring in any campus owned or leased facility must notify the University within five working days of the conviction. Within ten working days, Oklahoma City University is required to notify the Department of Education of the disciplinary action. Within thirty days, the University will take appropriate disciplinary action. Any questions concerning this policy may be directed to the Vice President for Student Affairs.

A student who is convicted of a state or federal offense involving the possession or sale of an illegal drug that occurred while the student is enrolled in school and receiving Title IV aid is not eligible for Title IV funds. A borrower's eligibility is based on the student's self-certification on the Free Application for Federal Student Aid (FAFSA). Convictions that are reversed, set aside, or removed from the student's record, or a determination arising from a juvenile court proceeding do not affect eligibility and do not need to be reported by the student.

In compliance with federal law, Oklahoma City University will publish and distribute a report no later than October 1, outlining the number and types of alcohol/drug violations occurring on campus during the previous academic year.

Oklahoma City University is a safe environment free from alcohol and other drugs. It recognizes that the use of alcohol and illegal drugs diminishes the strength and vitality of human resources and the integrity of the institution. It is the intent of the University to educate and encourage students to abstain from alcohol and other drugs. Any student found using or distributing alcohol and other drugs on campus, in on-campus housing, or during campus-sponsored activities will face disciplinary action by the administration, including but not limited to a mandatory drug assessment, referral for counseling, and/or treatment as recommended by a University-approved counselor or counseling service.

The use of alcohol or drugs may lead to abuse or addiction, causing psychological and/or physical dependence. They present a danger to the campus community when someone is performing a task under the influence or distributing to others.

Oklahoma City University recognizes its responsibility to help educate its students concerning alcohol and drug use, abuse, and addiction. Educational activities will include:

- Lectures, courses, and workshops conducted by authorities in the fields of drug prevention and drug treatment. All students are encouraged to attend at least one event annually.
- The Campus Health Clinic and University Counseling Center will provide educational material on the use, abuse, and addiction to drugs and alcohol. Referrals to outside agencies and treatment options are also available.
- The Office of Student Development will periodically conduct programs and publish information pertaining to the use/abuse of drugs and alcohol.

#### **Health Risks Associated with Drug or Alcohol Use**

Drugs at work are a hidden habit, but they have visible effects on the user. Whether the drug of choice is alcohol, marijuana, a prescription drug or cocaine, the habit can lead to a change in work habits, too. Some people may believe that drugs are harmless or even helpful. The truth is that drugs can have very serious, long-term physical and emotional health effects. And if drugs are mixed, the impact is even more detrimental. The following is a partial list of drugs and some of the consequences of their use. Only some of the known health risks are covered, and not all legal or illegal drugs are included:

- Alcohol is the most commonly abused substance in the work place. It
  produces short-term effects that include behavioral changes, impairment of
  judgment and coordination, greater likelihood of aggressive acts, respiratory
  depression, irreversible physical and mental abnormalities in newborns
  (fetal alcohol syndrome) and death. Long term effects include: damage to
  the liver, heart and brain; ulcers; gastritis; malnutrition; delirium tremens;
  and cancer.
- Marijuana is an addictive drug, although many still believe that it is harmless. It impairs short-term memory comprehension, concentration, reaction time, and motivation. It may also cause paranoia and psychosis. Marijuana smoke contains more cancer-causing agents than tobacco smoke. The way marijuana is smoked enhances the risk of contracting lung disease and cancer.
- While **cocaine** and **crack** can speed up performance, their effect is short-lived. More lasting risks are short attention span, irritability and depression, seizure and heart attack.
- **Prescription drugs** are often used to reduce stress. However, they are not safe, unless they are taken as directed. If abused, they can lead to sluggishness or hyperactivity, impaired reflexes, addiction, and brain damage.
- Other drugs, such as **PCP**, **LSD**, **heroin**, **mescaline**, and **morphine**, have a wide variety of negative health effects from hallucinations and mental confusion to convulsions and death.
- **Tobacco/nicotine** is Oklahoma's leading cause of preventable death killing 5,800 Oklahomans each year; more than alcohol, auto accidents, AIDS, suicides, murders, and illegal drugs combined. Secondhand smoke exposure kills an estimated 700 Oklahomans each year.

#### **Off-Campus Resources**

While Oklahoma City University strives to help members of the campus community learn about alcohol and other drugs, we realize that sometimes students may wish to seek off-campus help. Following is a list of contacts and resources:

Reachout Hotline 1-800-522-9054

Oklahoma Alcoholics Anonymous http://www.aaoklahoma.org

Norman Alcohol and Drug Treatment Center P.O. Box 151 Norman, OK. 73070-0151 405/573-6624

Oklahoma County Crisis Intervention Center 1200 N.E. 13<sup>th</sup>
P.O. Box 53277
OKC, OK. 73152
405/522-8100 or 1-800-522-9054

A Chance to Change 5228 Classen Circle OKC, OK. 405/840-9000

Catalyst Behavioral Services (Inpatient and Outpatient) 3033 N. Walnut Ave. OKC, OK. 405/232-9804

Jordan's Crossing, Inc. (Inpatient & Outpatient; Inpatient females only) 301 SW  $74^{\rm th}$  OKC, OK. 405/604-9644

North Care Center 4436 NW 50<sup>th</sup> OKC, OK. 405/858-2700

Quapaw Counseling Services 1301 SE 59<sup>th</sup> Street OKC, OK. 405/672-3033

The Referral Center (Medical Detox) 1215 NW 25<sup>th</sup> Street OKC, OK. 405/525-2525

Specialized Outpatient Services, Inc. 5208 N. Classen Circle OKC, OK. 405/810-1766

Total Life Counseling 3000 United Founders Bvd. Suite 239 OKC, OK. 405/840-7040

Valley Hope (Outpatient) 6110 NW 63<sup>rd</sup> Street OKC, OK. 405/946-7337

## **Law School Exceptions to Alcohol Policy**

The Oklahoma City University School of Law does allow alcohol for limited purposes and events on its downtown OKC campus, administratively regulated and at the discretion of the Law School Dean.

#### **Educational Programming**

Oklahoma City University strives to provide the education and resources necessary for members of the campus community to make informed decisions regarding personal relationships and the possibility of sexual assault. This may include educational programming, distribution of printed material, and referrals to outside areas for support and assistance.

#### **New Student Orientation**

At the commencement of each fall semester a campus safety meeting is held for all New first-time students. The meeting includes topics related to crime prevention, reporting crime and other campus violations, sexual assault prevention and consent, and personal safety. Prior to the opening of the fall semester, new first-time students complete online education modules concerning substance abuse, bullying, bystander intervention, dating violence and personal safety.

#### **Bystander Intervention Training**

Oklahoma City University provides Bystander Intervention Educational Sessions to all incoming first-year students and any student group interested in hosting a session. These interactive educational sessions provide students with knowledge on the intersectionality of alcohol and sexual assault, define what it means to be a bystander, discuss why it can be difficult to intervene but important to do so, and suggest safe intervention strategies and techniques.

#### **Resident Assistant Training**

At the beginning of each new academic year, the Resident Assistants (RAs) take part in a comprehensive training program. Included in this training are presentations by university officials regarding Title IX, Campus Safety, and the Student Code of Conduct.

#### **Interpersonal Violence Awareness Campaign**

Each October, the University Counseling Center coordinates an awareness campaign for interpersonal violence such as domestic abuse, dating violence, sexual assault, and stalking. The campaign includes educational opportunities for students as well as activities designed to heighten awareness about these issues.

## **Sexual Assault Awareness and Prevention Annual Campaign**

Each April, the University Counseling Center coordinates an awareness campaign addressing sexual assault. The campaign includes educational opportunities and resources to help educate students, faculty, and staff about sexual assault and prevention.

#### **Policy Statement**

Oklahoma City University further prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as defined under Oklahoma law, set forth in "Definitions Under Oklahoma Law" section on page 44.

#### **Victim Information**

If you are a victim of sexual violence, you are not alone and you are in no way responsible for your assault. Visit the University's website on Sexual Assault Resources for more information.

http://www.okcu.edu/campus/resources/counseling/sexual-assault/index

#### **Definitions**

#### Consent

The term "consent" means 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:

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

21 Okla. Stat. §113

"Force or threat of force" means the use of force or violence, or the threat of force or violence, including but not limited to (1) when the accused threatens to use force or violence on the victim or on any other person, and

the victim under the circumstances reasonably believes that the accused has the ability to execute that threat or (2) when the accused has overcome the victim by use of superior strength or size, physical restraint or physical confinement.

## What to do if you are a Victim of Sexual Violence

- A. If you are not safe and need immediate help, call the police. If the incident happened on campus, call the OCU Police Department at 405.208.5911. If the incident occurred elsewhere in Oklahoma City, call 9-1-1. If the incident happened anywhere else, call 9-1-1 or the law enforcement agency that has jurisdiction in the location where it occurred.
- B. Do what you need to do to feel safe. Go to a safe place or contact someone with whom you are comfortable. In the Oklahoma City area call the YWCA Sexual Assault Hotline 405.943.7273 to get advice and discuss options for how to proceed. If you are currently located outside of the OKC area, a Title IX Resource Team member can assist you in identifying local resources.
- C. Do not shower, bathe, douche, change or destroy clothes, eat, drink, smoke, chew gum, take any medications or straighten the room or place of the incident. Preserving evidence is critical for criminal prosecution. Although you may not want to prosecute immediately after the incident, that choice will not be available without credible evidence. The evidence collected can also be useful in the Title IX investigation process.
- D. Seek care for any physical injuries that may have occurred. In the OKC area call the YWCA Sexual Assault Hotline 405.943.7273. The advocate will inform you as to which OKC metro medical facility currently has the Sexual Assault Nurse Examiner (SANE) on staff. While in the emergency room, treatment will be provided for sexually transmitted diseases and to prevent pregnancy as appropriate.

## On and Off Campus Resources

Sexual violence, dating/domestic violence and stalking can be very emotionally disruptive, and it takes time to come to terms with such a major stress. In addition to support that may be found in family and friends, the following agencies and departments can serve as resources for you.

It is important to be aware that different individuals who you may contact for assistance following an incident may have different responsibilities regarding

confidentiality, depending on their position. Under state law, some individuals can assure the victim of confidentiality, including counselors and certified victims' advocates. In general, however, any other institution employee cannot guarantee complete confidentiality, unless specifically provided by law. As is the case with all colleges and universities, Oklahoma City University must balance the needs of the individual victim with an obligation to protect the safety and well-being of the community at large.

## **Counseling Resources- Confidential Reporting Options**

## **Oklahoma City University Counseling**

The University Counseling Center is located in the lower level of Walker Hall. Students receiving counseling from a counselor are provided confidentiality. However, University counselors are required to report incidents to the OCUPD, but the counselor will not disclose students' identities or other confidences that are of an identifiable nature (unless authorized by the reporting student). The Safe Line, 1-800-522-SAFE, also has counselors available 24 hours a day. These counselors can also recommend area support groups and other services.

Additional information on resources as well as educational information on sexual violence prevention can be found at:

- National Domestic Violence Hotline 1-800-799-7233 (SAFE)
- YWCA Sexual Assault Hotline 405-943-7273 (RAPE) http://www.ywcaokc.org/site/c.7oJELRPuFgJYG/b.8331205/k.64C6/Sexual\_Assault\_Services.htm
- Oklahoma State Safeline 1-800-522-7233
- Oklahoma Coalition against Domestic Violence and Sexual Assault 405-524-0700 website: http://www.ocadvsa.org/email: info@ocadvsa.org
- National Suicide Prevention Hotline: 1-800-273-TALK website: http://www.suicidepreventionlifeline.org/
- 1is2 Many Resources website: https://www.whitehouse.gov/1is2many/resources
- Not Alone Resources website: https://www.notalone.gov/resources/

## **Medical Services- Confidential Reporting Options**

It's important to have a thorough medical examination after a sexual assault even if you do not have any apparent physical injuries. Medical providers can treat any injuries and provide tests for sexually transmitted diseases.

You may seek medical care at any health care facility. However, it is important to know which health care facility has a Sexual Assault Nurse Examiner (SANE) on staff. Call the **YWCA Sexual Assault Hotline 405.943.7273**. The advocate will inform you as to which OKC metro medical facility currently has a SANE nurse on staff. While in the emergency room, treatment will be provided for sexually transmitted diseases and to prevent pregnancy.

## **Campus Health Services (on-campus)**

West wing of the Kramer School of Nursing 405.208.5090

## Other Local Services Available To Victims- Non-Confidential Reporting Options

### Oklahoma City University Police Department

Location: 1635 NW 23rd St.

Hours: Open 24 hours a day, 7 days a week

Emergency: 405.208.5911 Non-emergency: 405.208.5001

Email: ocupd@okcu.edu

#### **Oklahoma City Police Department**

Emergency: 9-1-1

Non-emergency: 405-231-2121

### Oklahoma City University Dean of Students Office

Dr. Amy Ayres 405.208.7900 University Center Rm 257 aaayres@okcu.edu

Ms. Lesley Black 405.208.7909 University Center Rm 257 lgblack@okcu.edu

### Oklahoma City University Title IX Coordinator

Ms. Joey C. Croslin 405.208.5857 Clara E. Jones Administration Building Rm 205 jcroslin@okcu.edu

#### **Interim Measures**

The Title IX Coordinator oversees interim measures for student victims of sexual violence as needed. A formal complaint does not need to be submitted to have interim measures put in place. Oklahoma City University will maintain as confidential any interim measures provided it does not impair the ability to provide the interim measures. The Dean of Students may assist in the implementation of various types of interim measures as appropriate.

- A. Assistance in Reporting: Student Conduct can assist you in filing a complaint with the institution conduct process and the appropriate law enforcement agencies against the student(s) who caused harm.
- B. No Contact Order: Student Conduct can put in place a No Contact Order between the complainant and the respondent, which would prohibit contact between both parties through any means of communication, as well as not having others make contact on their behalf.
- C. Emergency Protective Order: The Title IX Coordinator or Dean of Students can assist you in filing for an Emergency Protective Order in court with the Oklahoma County Court Clerk. **The Oklahoma County Victim Protection**Order Help Number is 405-713-1735. This is a court-ordered petition that prohibits contact between the complainant and respondent.
- D. Safety Measures: Dean of Students can coordinate any reasonable arrangements that are necessary for your ongoing safety. This includes transportation arrangements or providing an escort.
- E. Living Arrangements: Dean of Students can assist in changing your on-campus living arrangements or that of the accused to ensure safety and a comfortable living situation.
- F. Academic Arrangements: Dean of Students can assist in adjusting your academic schedule or that of the accused as well as assist in providing access to academic support services.
- G. Other Interim Measures: Dean of Students can coordinate any reasonable arrangements to address the effects of the sexual violence on you, including connecting you with counseling, health care or academic support resources.

When Dean of Students Office and/or Title IX coordinator becomes aware of a student who potentially could have been a victim of sexual violence, they will contact the victim in writing through Oklahoma City University email to share these interim measures, reporting options and other resources available. This will be done no matter the location of the incident.

## Reporting

All forms of sexual violence, dating/domestic violence, and stalking should be reported, no matter the severity. Oklahoma City University's primary concern is safety; therefore individuals should not be deterred in reporting even if the use of alcohol or other drugs was involved.

Oklahoma City University encourages victims of sexual violence, dating/domestic violence, and stalking to talk to someone about what happened so they can receive support and so that the institution can respond appropriately. Oklahoma City University offers both confidential reporting and non-confidential reporting options. It is important to be aware that different individuals who victims can contact for assistance following an incident may have different responsibilities regarding confidentiality, depending on their position. Under state law, some individuals can assure a victim of confidentiality, including counselors and certified victims' advocates. In general, however, any other institution employee cannot guarantee complete confidentiality, unless specifically provided by law. As is the case with all colleges and universities, the institution must balance the needs of the individual victim with an obligation to protect the safety and well-being of the community at large.

Different employees on campus have different abilities to maintain a victim's request for confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- Other employees may talk to a victim in confidence, and generally report only that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger an institution investigation into an incident against the victim's wishes. This report is done through a Clery Report and does not include the victim's name or other identifying information.
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator.

#### **Confidential Reporting Options**

Confidential reporting options provide students with the ability to confidentially report and discuss an instance of sexual violence without their information being

shared with others. Please note confidential reporting limits the institution's ability to respond to incidents.

#### **Pastoral or Mental Health Counselors**

To Be exempt from disclosing reported offenses to appropriate Oklahoma City University officials, a pastoral or mental health counselor must be acting in their role as a pastoral or professional counselor. This exemption does not relieve counselors of the duty to exercise reasonable care to protect a foreseeable victim from danger posed by the person being counseled. When speaking to a victim or witness to a crime, counselors are encouraged to inform the individual to report the crime to police.

A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

A mental health counselor is a person whose official responsibility includes providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition also applies to professional counselors who are not employees of the institution but are under contract to provide counseling to the institution.

Note that the pastoral counselor or mental health counselor must report the crime to Oklahoma City University police for the purposes of including the incident in the annual crime statistics only. Personal information will not be conveyed when making this disclosure unless the victim consents to such disclosure.

### **Campus Health Services Providers**

Campus Health Services providers are confidential reporting options. They are not required to report any information about an incident to the Title IX Coordinator without a victim's permission. However, they will report incidents without any identifiable information to Oklahoma City University Police for the purpose of the Clery Act.

While these professional counselors and health services providers may maintain a victim's confidentiality, they may have reporting or other obligations under state law, such as mandatory reporting to law enforcement

in the case of minors, imminent harm to self or others, or requirement to testify if subpoenaed in a criminal case.

If Oklahoma City University determines that the alleged individual(s) pose a serious and immediate threat to the campus, Oklahoma City University may issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

## **Non-Confidential Reporting Options**

Oklahoma City University and the Clery Act require all other employees (excluding counselors and healthcare providers) who become aware of an instance of sexual violence to report the instance to the Oklahoma City University Police. The victim's name should not be reported to the police without the victim's permission. The report should include the nature, date, time, and general location of an incident. This is a limited report which includes no information that would directly or indirectly identify the victim. This allows for the institution to track patterns, evaluate the program, and develop appropriate campus-wide responses.

Note that the Clery Act requires other crimes to be reported.

When an instance of sexual violence is reported to a "responsible employee" the reporter can expect the incident will be reported to the Title IX Coordinator or Dean of Students Office. A responsible employee must report to the Title IX Coordinator or Dean of Students Office all relevant details about the alleged sexual harassment or sexual violence shared by the victim including names, 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 institution's response to the report. A responsible employee should not share information about the victim to law enforcement.

A "responsible employee" is an employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. Examples include but are not limited to faculty members, advisors, employees in student services offices and anyone in a supervisory role.

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the institution will investigate the alleged sexual violence, end any sexual violence, prevent the sexual violence from reoccurring, and educate on sexual violence.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations and if the victim wants to maintain confidentiality, then the student should be directed to a confidential resource.

### Requests for Confidentiality from a Non-Confidential Reporter

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or conduct action taken, Oklahoma City University must weigh that request against the obligation to provide a safe environment for all students, including the victim. The Title IX Coordinator, not the responsible employee, makes the determination to honor requests for confidentiality.

If the institution honors the request for confidentiality, a victim must understand that the institution's ability to meaningfully investigate and respond to the incident may be limited.

Although rare, there are times when the University may not be able to honor a victim's request in order to provide a safe environment for all students.

When weighing a victim's request for confidentiality or that no investigation or conduct process be pursued, the following will be considered:

The increased risk that the alleged respondent will commit additional acts of sexual or other violence, such as:

- whether there have been other sexual violence complaints about the same alleged respondent;
- whether the alleged respondent has a history of arrests or records from a prior school indicating a history of violence;
- whether the alleged respondent threatened further sexual violence or other violence against the victim or others;
- whether the sexual violence was committed by multiple respondents;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the institution possesses other means to obtain relevant information of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the victim's 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 institution to investigate and, if appropriate, pursue conduct action. If none of these factors is present, the institution will likely respect the victim's request for confidentiality.

If it is determined that the institution cannot maintain a victim's confidentiality, the institution will inform the victim prior to starting an investigation. Oklahoma City University will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. The institution may not require a victim to participate in any investigation or conduct process. Retaliation against the victim, whether by students or institution employees, will not be tolerated.

### **Reporting to the Police**

Oklahoma City University strongly encourages individuals to report sexual violence and any other criminal offenses to the police. This does not commit you to prosecute but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, institution conduct actions and/or civil actions against the perpetrator.

If the incident happened on campus, it can be reported to the **Oklahoma City University Police Department at 1635 NW 23rd Street or at 405-208-5001 (non-emergency) 405-208-5911 (emergency)** If the incident occurred elsewhere in Oklahoma City, it can be reported to the **Oklahoma City Police Department at 701 Colcord Drive, OKC, 73102, or at 405-231-2121 (non-emergency dispatch).** If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred.

Please know that the information you report can be helpful in supporting other reports and preventing further incidents.

### **Report to Dean of Students Office**

Anyone can report any instances of sexual violence to the Dean of Students at University Center Room 257, or at 405-208-7900. A complaint should be filed as soon as possible.

If either the victim or the accused is a student, the incident will be addressed through Oklahoma City University's Grievance Procedure for Acts of Discrimination or Harassment process once a complaint is filed. Any student who is found to have committed sexual assault in any form will be subject to disciplinary sanctions which may include, but are not limited to, limitation of presence on campus or at

University-sponsored events, referral to on or off-campus rehabilitation programs, and/or suspension or dismissal from the University.

Additionally, as stated above, Oklahoma City University strongly encourages individuals to report any instance of sexual violence to the police.

#### **Definitions under Oklahoma law:**

**Dating violence** is not defined in Oklahoma; however, violence against a person with whom the perpetrator is in a dating relationship is considered domestic violence, defined below. A dating relationship is defined as: a courtship or engagement relationship. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship.

22 Okla. Stat. § 60.1.

**Domestic violence** is not defined in Oklahoma law. However, the criminal definition of domestic abuse is defined as: 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, parents, 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 Okla. Stat. § 644.* 

#### **Sexual Assault**

The term "sexual assault" is any type of sexual contact or behavior that occurs without explicit consent of the recipient including, but not limited to, forced sexual intercourse, forcible sodomy, child molestation, child sexual abuse, incest, fondling and all attempts to complete any of the aforementioned acts.

21 Okla. Stat. § 112

#### Rape:

A. 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:

- 1. Where the victim is under sixteen (16) years of age;
- 2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
- 3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
- 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;
- 5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
- 6. 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;
- 7. 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
- 8. 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.
- 9. 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.
- B. 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.

21 Okla. Stat. § 1111

### Rape by instrumentation:

- A. Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person.
- B. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, 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 conduct 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, or where the victim is 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 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, consent shall not be an element of the crime.
- C. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is 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 prohibited by this section of law with a foster parent or foster parent applicant.

Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

21 Okla. Stat. § 1111.1.

#### Forcible sodomy:

A. Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a period of not more than twenty (20) years. Except for persons sentenced to life or life without parole, any person sentenced

to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this section, where the victim of the third or subsequent offense is a person under sixteen (16) years of age, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, a violation of Section 1123 of this title or sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of said offenses, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

- 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; or
  - 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; or
  - 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; or
  - 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, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state; or
  - 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 eighteen (18) years of age or older and is employed by the same school system.
  - 6. 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
- 7. 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.

21 Okla. Stat. § 888.

### 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,

Shall upon conviction, shall be guilty of the crime of stalking, which is a misdemeanor punishable by imprisonment in a county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

- B. Any person who violates the provisions of subsection A of this section when:
  - 1. There is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order, or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction;
  - 2. Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party or under the conditions of a community or alternative punishment; or
  - 3. Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party,

shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding five

(5) years, or by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

### For purposes of this section:

- "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 pattern of conduct composed of a series of two (2) or more separate acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct";
- 3. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;
- 4. "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:
  - a) following or appearing within the sight of that individual,
  - b) approaching or confronting that individual in a public place or on private property,
  - c) appearing at the workplace or residence of that individual,
  - d) entering onto or remaining on property owned, leased, or occupied by that individual,
  - e) contacting that individual by telephone,
  - f) sending mail or electronic communications to that individual, and
  - g) placing an object on, or delivering an object to, property owned, leased, or occupied by that individual; and
- 5. "Member of the immediate family", for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or

affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months.

21 Okla. Stat. § 1173.

## POLICY CONCERNING ACTIONS THAT CONSTITUTE DISCRIMINATION, HARASSMENT, SEXUAL VIOLENCE, AND/OR RETALIATION

#### I. GENERAL STATEMENT OF POLICY

Oklahoma City University is committed to providing its students, faculty, staff, guests, and visitors an environment free from discrimination, harassment, intimidation, retaliation, exploitation, or violence based on sex (gender), race, age, ancestry, color, disability, genetic history, national origin, marital status, medical condition, religious creed, sexual orientation, gender identity/expression, pregnancy, parenting status, status as a veteran, or the perception that a person has one or more of these characteristics.

The University has a zero-tolerance policy for discrimination, harassment, retaliation, or violence. Allegations of such prohibited conduct will be investigated, and anyone found to have violated the University's Policy concerning Actions that Constitute Discrimination, Harassment, Sexual Violence, and/or Retaliation (the "Policy") will be subject to University sanctions, as well as possible civil and criminal penalties.

This Policy covers all forms of discrimination, harassment, retaliation, or violence (whether on-campus or off-campus) that occur in conjunction with a University activity, athletic program, educational program, employment, or in conjunction with an application for enrollment or employment. All students, faculty, staff, trustees, guests, vendors, and visitors are required to comply with this Policy.

#### II. POLICY PROHIBITING DISCRIMINATION

A. Access to Activities, Educational Services, Classes, and Programs

Oklahoma City University is committed to providing its students, faculty, staff, guests, visitors, and applicants for enrollment full and equal access to its activities, educational services, classes, and programs free from discrimination based on sex (gender), race, age, ancestry, color, disability, genetic history, national origin, marital status, medical condition, religious creed, sexual orientation, gender identity/expression pregnancy, parenting status, status as a veteran, or the perception that a person has one or more of these characteristics.

### **B. Equal Employment Opportunities**

Oklahoma City University is committed to providing equal employment opportunities to all job applicants and employees regardless of sex, race, age, ancestry, color, disability, genetic history, national origin, marital status, medical condition, religious creed, sexual orientation, gender identity/expression, pregnancy, parenting status, status as a veteran, or the perception that a person has one or more of these characteristics. All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all positions, shall be based on job-related criteria and the University's needs.

## C. Title IX's Prohibition against Sex Discrimination

Oklahoma City University does not discriminate on the basis of sex in its activities, educational services, classes, and programs, including employment and admissions. Title IX of the federal Education Amendments of 1972 and regulations established by the U.S. Department of Education prohibit such discrimination. Inquiries concerning the application of Title IX and those regulations may be addressed to the University's Compliance Coordinator or to the Office for Civil Rights of the U.S. Department of Education. The contact information for the Office for Civil Rights is as follows:

Office for Civil Rights, Kansas City Office U.S. Department of Education One Petticoat Lane 1010 Walnut Street, Suite 320

Kansas City, MO 64106 Telephone: (816) 268-0550 Facsimile: (816) 823-1404 Email: OCU.KansasCity@ed.gov

The University recognizes that prohibited sex discrimination includes sexual harassment, sexual violence, sexual assault, and sexual coercion, which are defined below.

#### III. POLICY PROHIBITING HARASSMENT

#### A. Prohibition against Harassment

The University is committed to providing an academic and work environment free from prohibited forms of harassment, including harassment based on sex (gender), race, religious creed, color, national origin, ancestry, physical or mental disability,

genetic history, medical condition, marital status, age, sexual orientation, gender identity/expression pregnancy, parenting status, or status as a veteran, or the perception that a person has one or more of these characteristics.

### B. Definitions and Examples of Harassment

Harassment comes in many forms. Harassment based on sex (gender), race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, pregnancy, parenting status, or sexual orientation of any person, or the perception that a person has one or more of these characteristics, violates this policy. Any hostile or offensive conduct can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment.

Prohibited forms of harassment under this policy include, but are not limited to:

#### 1. Verbal Harassment

Verbal harassment may include any inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's gender, race, or other protected status. This harassment may include, but is not limited to:

- inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, or sexual orientation;
- unwelcome flirting or propositions;
- · demands for sexual favors;
- verbal abuse, threats, or intimidation; or
- sexist, patronizing, or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation, or other protected status.

#### 2. Physical Harassment

Physical harassment may include any inappropriate or offensive touching, assault, or physical interference with free movement. This harassment may include, but is not limited to:

- kissing, patting, lingering or intimate touches;
- grabbing or pinching;
- leering or staring;

- · unnecessarily brushing against or blocking another person;
- whistling or sexual gestures.

Physical harassment may also include any physical assault or intimidation directed at an individual because of that person's gender, race, national origin, sexual orientation or other protected status.

#### 3. Visual or Written Harassment

Visual or written harassment may include the display or circulation of visual or written material that degrades an individual or group based on sex, gender, race, nationality, sexual orientation, or other protected status. This harassment may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

#### 4. Environmental Harassment

A hostile academic or work environment may exist where an environment is permeated by innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job.

A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses prohibited harassment in his or her immediate surroundings, although the conduct is directed at others.

The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

### 5. Sexual Harassment

Sexual harassment is a form of sex discrimination prohibited by Title IX of the Educational Amendments of 1972 and Title VII of the Civil Rights Act of 1964. Sexual

harassment is unwelcome conduct of a sexual nature and can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence. Sexually harassing conduct can occur between people of the same or different genders.

### "Quid pro quo" sexual harassment:

One type of sexual harassment is known as "quid pro quo" sexual harassment, which may occur when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct. This harassment may include the following unwelcome types of behavior:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; and/or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the University.

#### "Hostile environment" sexual harassment:

A hostile environment based on sex may exist when there is harassing conduct that is:

- sufficiently serious that is, sufficiently severe or pervasive to deny or limit a person's ability to participate in or benefit from a school's program based on sex. In an employment context, a hostile environment based on sex may exist when there is harassing conduct that is sufficiently severe or pervasive that it creates a work environment that is intimidating, hostile, abusive, or offensive to reasonable people.
- The denial or limitation of participation in the school's program is determined from all of the relevant circumstances, both objective and subjective, and includes consideration of the type of harassment (e.g., whether it was verbal or physical); the frequency and severity of the conduct; the age, sex (gender), and relationship of the individuals involved (e.g., teacher-student or student-student); the setting and context in which the harassment occurred; whether other incidents have occurred at the university; and other relevant factors. The more severe the conduct, the less

need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. Indeed, a single instance of rape or other sexual violence is sufficiently severe to create a hostile environment.

### 6. Sexual Violence

As alluded to above, sexual violence is a form of sexual harassment prohibited by Title IX. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

Consent is the knowing and voluntary assent to engage in certain conduct. Consent may only be given by someone of legal age with the capacity to do so. Someone who is incapacitated lacks the ability to make a rational decision and therefore cannot adequately consent. Someone may be incapacitated if he or she is drunk, unconscious, or medicated. A person's silence should not be interpreted as consent.

A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

Under Oklahoma law (21 O.S. § 142.20), sexual assault includes rape, rape by instrumentation, or forcible sodomy.

If you have been sexually assaulted, in addition to reading this Policy, please refer to the Victim's Resources Page on the University website for information on obtaining immediate medical attention.

If you have experienced or witnessed sexual violence, including rape, sexual assault, sexual battery, or sexual coercion, or if you are a University employee who has been informed of an instance of sexual violence, please refer to the Victim's Resources Page on the University website for the procedures to report the incident, preserve evidence, obtain counseling and other services, seek changes in academic and living situations, and begin disciplinary action.

#### IV. POLICY PROHIBITING RETALIATION

Oklahoma City University will not tolerate retaliation, which is any adverse action taken against, or any attempt to penalize, a person who reports or participates in an investigation involving discrimination or harassment. Retaliation may include

making threats, intimidation, or reprisals against a person who reports or participates in an investigation involving discrimination or harassment.

The University encourages anyone experiencing or witnessing retaliation to report it to the Compliance Coordinator.

#### V. UNIVERSITY COMPLIANCE COORDINATOR

#### A. General Duties

In this Policy, the term "Compliance Coordinator" refers to the same campus officer as does the term "Title IX Coordinator."

Oklahoma City University shall have a Compliance Coordinator who will

- ensure that the University complies with this Policy;
- receive and address complaints about discrimination, harassment, and retaliation; and
- ensure the promotion of equal opportunity practices within the University.

### B. Duties Regarding a Complaint

The Compliance Coordinator shall

- receive all discrimination, harassment, and retaliation complaints;
- notify the President, Provost/Vice President for Academic Affairs, and General Counsel when a complaint is filed;
- coordinate the investigation of each complaint;
- assist in counseling the complainant;
- monitor the timelines provided for in the complaint procedure;
- participate in disciplinary proceedings as provided in this document; and
- facilitate resolution of each complaint.

#### C. Conflicts of Interest

If the Compliance Coordinator is named in a complaint, is implicated by allegations in a complaint, or has an actual or perceived conflict of interest (as determined by the President, Provost/Vice President for Academic Affairs, and/or the General Counsel), the investigation of a complaint may be assigned to other staff or to outside persons or organizations under contract with the University.

## VI. REPORTING DISCRIMINATION, HARASSMENT, AND RETALIATION

### A. General Duty to Report

Where violations of sexual misconduct, harassment, and discrimination may have occurred, all Oklahoma City University employees who have witnessed or who have been advised of such alleged violations have a duty to report claims of sexual misconduct, harassment, and discrimination to the Compliance Coordinator (or other member of the Compliance team). The only employees who do not have a duty to report are employees who are statutorily prohibited from reporting because of a privilege recognized under Oklahoma law (12 O.S. §§ 2501 et seq.) – e.g., attorney-client privilege, physician- and psychotherapist-patient privilege, religious privilege, etc. Such a privilege would negate the duty to report only when the employee receiving the complaint is acting in the privileged capacity.

Oklahoma City University encourages any person who believes that he or she has experienced discrimination, harassment, retaliation, or violence based on a protected status in conjunction with a University activity, athletic program, educational program, employment, or in conjunction with an application for enrollment or employment, to report that complaint to the Compliance Coordinator or other member of the Compliance team.

Employees must promptly (i.e., within 24 hours of receiving information) report knowledge of sexual misconduct, discrimination, and harassment to the Compliance Coordinator or other published member of the Compliance team. Failure to do so may result in disciplinary action up to and including termination.

If the University knows, or reasonably should know, about possible sexual misconduct, discrimination, and harassment, the University must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation.

#### B. Duty to Report Child Abuse

Oklahoma law requires every person having reason to believe that an unmarried child under the age of 18 is a victim of abuse (including sex abuse) or neglect to report the matter promptly to the Oklahoma Department of Human Services.

Under Oklahoma law, "abuse" means harm or threatened harm or failure to protect the health, safety, or welfare of a child by a person responsible for the child's health, safety, or welfare. This includes, but is not limited to, non-accidental physical or

mental injury, sexual abuse, or sexual exploitation.

Under Oklahoma law, no privilege or contract shall relieve any person of this duty to report. The duty to report is individual, and no employer, supervisor, or administrator shall interfere with any person's reporting duties or in any manner discriminate or retaliate against any person who in good faith reports suspected child abuse or neglect.

### C. Reporting Cases of Sexual Violence

#### 1. Whom to Contact

Any person who has experienced or witnessed sexual violence, including sexual assault, sexual battery, sexual coercion or another sex offense, should immediately contact:

- the Oklahoma City University police or the Oklahoma City police;
- the Compliance Coordinator; and/or
- Student Health Services.

## 2. Obtaining Medical Attention

A person who has experienced sexual violence, including sexual assault, sexual battery, or sexual coercion should go to the Victims' Resources Page on the University website for information on obtaining immediate medical attention.

### 3. Important Things to Remember

The University's primary concern is student safety.

The use of alcohol or drugs never makes a victim at fault for sexual violence, including sexual assault, sexual battery, sexual coercion, or other sex offenses.

The University will address any violation of University Policies or rules, such as those involving the use of alcohol or drugs, by the person experiencing or witnessing sexual violence, including sexual assault or other sex offenses, separately from the complaint of sexual violence.

4. Preserving Evidence A person who has experienced sexual violence, including sexual assault, should remember that it is important to preserve all evidence, for use in prosecuting the perpetrator.

### 5. Assistance in Notifying Appropriate Law Enforcement Authorities

The University encourages anyone who has experienced, witnessed, or become aware of sexual violence, including sexual assault, to notify law enforcement authorities, including the Oklahoma City University police department and the Oklahoma City Police.

Upon request, the University will assist that person in notifying those authorities.

### 6. Obtaining Counseling, Mental Health Services, and Other Services

A person who has experienced sexual violence, including sexual assault, may receive on- or off-campus counseling, mental health, and other services. The Compliance Coordinator will assist such persons in accessing appropriate services.

### 7. Changes to Academic and Living Situations

If a student who has experienced sexual violence, including sexual assault, asks for a change in his or her schedule, campus residence, or other activities in light of that sexual violence or assault, the University will comply if such a change is reasonably available.

#### VII. COMPLAINT PROCEDURE AND INVESTIGATION

### A. The Initial Complaint

When the Compliance Coordinator receives notice, either from the complainant or from any other source, that a violation of this Policy has occurred, the Compliance Coordinator will:

- 1. initiate any necessary remedial actions to ensure the safety of the complainant as well as the campus at large;
- 2. determine the identity and contact information of the complainant (whether that be the reporter, the alleged victim, a University representative, or other party):
- 3. identify the portions of this Policy allegedly violated;
- 4. advise the complainant that he or she need not participate in informal resolution;
- 5. notify the person bringing the complaint of his or her right to file a formal complaint and explain the procedure for doing so;

- 6. assure the complainant that he or she will not be required to confront, or work out problems with, the person accused of prohibited conduct;
- 7. advise the complainant that he or she may file a non-employment based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction;
- 8. if the complaint is employment-related, advise the complainant that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) where such a complaint is within that agency's jurisdiction; and
- 9. if the complainant alleges abuse or neglect of a child under the age of 18, report the matter promptly to the Oklahoma Department of Human Services (no privilege or contract shall relieve any person from this requirement, and failure to report is a misdemeanor under Oklahoma law).

B. Qualifications for Compliance Coordinators, Investigators, and Adjudicators of Complaints Involving Sexual Discrimination, Sexual Harassment, or Sexual Violence

1. Complaints Involving Sexual Discrimination or Sexual Harassment

A complaint involving allegations of sexual discrimination, sexual harassment, or sexual violence shall be reviewed, handled, investigated, and adjudicated only by persons with training or experience in:

- handling complaints involving sexual discrimination or sexual violence;
- the University's relevant grievance procedures; and
- relevant confidentiality requirements.

### 2. Complaints Involving Sexual Violence

A complaint alleging sexual violence, including sexual assault or sexual coercion, shall be reviewed, handled, investigated, and adjudicated only by persons with adequate training or knowledge regarding sexual violence.

#### C. Informal Resolution

### 1. Initiating an Informal Complaint

The purpose of the informal complaint process is to allow an individual who believes he or she has been discriminated against or harassed to resolve the issue through a mediation process rather than the formal complaint process. This process is appropriate for simple misunderstandings or when the complainant does not

wish to file a formal complaint. Resolution may require nothing more than a clarification of the misunderstanding or an apology from the respondent and an assurance that the offending behavior will cease.

However, serious allegations, including allegations of pervasive harassment, may need to be investigated even if the complaining party considers the matter resolved or does not wish to invoke the formal procedure. Further, mediation is not appropriate for victims of sexual assault. In an informal process the Compliance Coordinator shall advise the complainant of his or her rights and responsibilities under both the formal and informal processes. Complainants who allege sexual violence, sexual misconduct, or sexual harassment shall be advised that the informal resolution process is optional and that it is not a prerequisite for further institutional action.

If the complainant declares that he or she prefers to proceed with the informal process, the Compliance Coordinator shall advise the complainant:

- what his or her rights and responsibilities are under the informal and formal processes;
- that informal resolution process is not required before a formal complaint can be submitted and investigated; and
- that the complainant may, at any time, halt the informal resolution process and file a formal complaint.

The Compliance Coordinator shall present to the complainant a document that:

- describes the informal and formal complaint processes;
- clearly indicates that the complainant has selected the informal process; and
- states the basics of the complainant's allegations.

The complainant shall sign and date the document.

### 2. Investigation and Resolution

Upon receiving a signed informal complaint, the Compliance Coordinator shall:

 conduct an immediate initial investigation to determine whether there is reasonable cause to charge the accused individual with violation of University Policy;

- if the initial investigation indicates that there is sufficient evidence to continue with the complaint investigation, develop an investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the accused individual;
- commence a thorough, fair, and impartial investigation;
- complete the investigation promptly and without unreasonable deviation from the investigation plan and timeframe;
- prepare findings, based on a preponderance of the evidence, concerning whether a violation of University Policy did occur;
- present the findings to the accused individual; and
- concurrently with presenting findings to the accused, share the findings with the complainant and update him or her on the status of the investigation and the outcome.
- at informal resolution need not include any investigation unless the Compliance

#### **Efforts**

Coordinator determines that an investigation is warranted by results of an initial investigation or by the seriousness of the charges. Even if the complainant decides to dismiss an informal complaint, the Compliance Coordinator may require the investigation to continue if he or she determines that the allegations are serious enough to warrant an investigation.

### D. Formal Complaint

### 1. The Written Complaint

A complainant who selects a formal resolution process shall file a written complaint with the Compliance Coordinator. The complainant shall use the University's Complaint of Prohibited Discrimination, Harassment, or Retaliation Form, available online and from the Compliance Coordinator. The complaint shall include the following information:

- the complainant's name and address;
- the name and title of the person(s) against whom the complaint is made;
- a statement of the accused's specific acts that allegedly violated this Policy;
- the specific dates on which those actions allegedly took place;
- a clear and concise statement of any other facts that form the basis of the complaint;

- if the complainant is not the alleged victim, the complainant's relationship, if any, to the person who experienced the prohibited conduct;
- a clear and concise statement of the remedy the complainant seeks; and
- the complainant's signature.

#### 2. Timeliness

Generally, any complaint should be filed with the Compliance Coordinator within 365 calendar days of the alleged discrimination, harassment, or retaliation, to facilitate the process of gathering facts and evidence. Complaints that are filed after that time will be reviewed, but a lengthy lapse of time may make an investigation difficult.

#### 3. Notification of the Accused

Once the complaint is filed, the Compliance Coordinator shall inform the accused of the filing and the general nature of the complaint as soon as possible and in a manner that is appropriate under the circumstances.

The Compliance Coordinator shall advise the accused:

- that the accuracy of the allegations has not been assessed;
- that the accused will have an opportunity to present his or her side of the matter; and
- that any conduct that could be viewed as retaliatory against the complainant or witnesses must be avoided.

### 4. Review by the Compliance Coordinator

The Compliance Coordinator shall determine whether:

- the written complaint is complete;
- the written complaint alleges conduct prohibited by this Policy; and
- the complainant experienced the alleged conduct or is a personal representative of someone who experienced the alleged conduct, witnessed the alleged conduct, or is a faculty member or staff member who learned of the alleged conduct in his or her official capacity.

### 5. Defective Complaint

If the Compliance Coordinator determines that the written complaint is defective, he or she immediately shall return it to the complainant with a written complete written explanation of why an investigation will not be initiated. This explanation shall state that:

- the complaint does not meet the requirements of this policy;
- the manner in which the complaint is defective; and
- the fact that the complainant may submit a rewritten complaint.

### E. Formal Investigation

### 1. Selection of the Investigator

If the Compliance Coordinator determines the written complaint is sufficient, he or she, in his or her discretion, may assign the investigation to an internal designee or to a third party operating under contract. In cases of sexual discrimination, sexual harassment, or sexual violence, the investigator must meet the qualifications established in §VII.B of this Policy.

#### 2. Start of the Investigation

Once the investigator has been selected, he or she shall conduct the investigation in a timely manner and shall complete it expeditiously unless the matter is informally resolved and the complainant dismisses the complaint.

## 3. Relation of the Investigation to Law Enforcement Investigation

The investigation conducted pursuant to this Policy may be concurrent with an investigation by law enforcement officers, but it is not dependent on any law enforcement investigation.

If the written complaint alleges sexual discrimination, sexual harassment (including sexual violence), or retaliation for claims of sexual discrimination and sexual harassment, the law enforcement investigation does not relieve the University of its independent obligation under Title IX to investigate.

F. Protection for the Complainant during an Investigation of Sexual Harassment or Sexual Violence

Once the University has notice of allegations of sexual harassment or violence, the University shall promptly take steps to protect the complainant as necessary, including notifying the complainant of his or her options to avoid contact with the alleged perpetrator. The University may prohibit the alleged perpetrator from having any contact with the complainant during the investigation. The University will minimize the burden placed on the complainant for avoiding the alleged perpetrator.

Once a complaint is filed, the individual(s) accused of engaging in prohibited conduct should be advised of that filing and the general nature of the complaint. This should occur as soon as possible and in a manner that is appropriate under the circumstances. The University will also advise the accused that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that the accused will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided.

### **VIII. RIGHTS OF THE PARTIES**

### A. Right of Representation

Employee(s) and/or student(s) shall be entitled to be accompanied by a member of the University's community (such as a colleague, parent, student advocate, etc.) at all complaint meetings. All participants are prohibited from disclosing any information concerning the content of a meeting or hearing to any non-participant. Participants are also prohibited from any retaliatory conduct related to information disclosed during a meeting or hearing.

Advisors and attorneys may be present during any meetings or hearings but cannot participate directly in the process.

### B. Rights of the Complainant(s)

A complainant has the right:

- to object to behavior that is perceived as hostile, threatening, or intimidating;
- to seek counseling and advice from the Compliance Coordinator;
- to present relevant witnesses, evidence, and information at any meeting or hearing;
- to have access to any information, to the extent permitted by the Family Educational Records and Privacy Act (FERPA) and by rules of privilege and

- confidentiality, that will be used at any meeting or hearing;
- not to be personally questioned or cross-examined by the accused;
- to be afforded an impartial fact-finder and decision-maker;
- to the University's taking reasonable steps to maintain the complainant's reputation during the entire process and/or to restore the complainant's reputation if it is damaged during any proceeding;
- to be protected against retaliation from the accused or from other persons during or after the complaint process; and
- to a prompt and equitable resolution of the complaint.

### C. Rights of the Accused

A person accused of violating this Policy has the right:

- to be informed by the complainant, either directly or indirectly through a third party, verbally or in writing, that a particular behavior was objectionable to the complainant;
- to be informed, when any formal investigation begins, of the allegations, the identity of the complainant(s), any known facts surrounding the allegations, and a proposed timeline for resolving the complaint;
- to present relevant witnesses, evidence, and information at any meeting or hearing;
- to have access to any information, to the extent permitted by FERPA and by the rules of privilege and confidentiality, that will be used at any meeting or hearing:
- not to be personally questioned or cross-examined by the complainant;
- to be afforded an impartial fact-finder and decision-maker;
- to have reasonable steps taken by the University to maintain the reputation of the accused during the entire complaint process; and
- to a prompt and equitable resolution of the complaint.

#### IX. RESOLUTION OF THE COMPLAINT

- A. The Investigative Report
- 1. Preparation
- a. Informal Complaint Report

If the complainant selects the informal resolution process and the Compliance Coordinator determines that the allegations warrant an investigation, the

Compliance Coordinator, or his or her designee, shall prepare a complete written investigative report at the conclusion of his or her investigation. The report shall be prepared even in cases where the complainant considers the matter resolved or chooses not to pursue a formal complaint.

### b. Formal Complaint Report

If a formal complaint has been filed, the Compliance Coordinator, or his or her designee, shall prepare a complete written investigative report unless:

- the matter is informally resolved or the complainant voluntarily dismisses the formal complaint, and
- the Compliance Coordinator determines that the allegations are not serious or pervasive enough to warrant completing the investigation.

### 2. Contents of Report

The investigative report shall:

- describe the circumstances giving rise to the complaint;
- summarize the statements provided by each witness, including the complainant and any witnesses identified by the complainant in the complaint;
- analyze any relevant data or other evidence collected during the investigation;
- specifically state whether the investigator finds it more likely than not that the accused committed prohibited discrimination, harassment, or retaliation regarding each allegation in the complaint;
- state the investigator's proposed resolution of the complaint, including, if appropriate, proposed sanctions against the accused; and
- state, as appropriate, the right of the complainant or the accused to bring further proceedings under §IX.C of this Policy (Further Proceedings).

#### 3. Notice and Distribution of the Investigative Report

### a. Timing and Distribution Procedures

Unless unusual or complex circumstances exist, the Compliance Coordinator, or his or her designee, shall complete and distribute the investigative report to the General Counsel, President, Provost/Vice President for Student Affairs, and any other Dean or Vice President deemed by the Compliance Coordinator to have a need to know of the findings of the Report (whether the complaint was informal or formal) within 60 days of the filing of the complaint.

The Compliance Coordinator will not distribute the full report to the complainant and the accused but will provide them with a notification of the findings of the report, in accordance with any legal restrictions on disclosure of information to those parties.

In cases of alleged employment discrimination, the Compliance Coordinator, or his or her designee, shall complete the investigative report within 90 days of the filing of a formal written complaint and within that time will distribute the report and make the notifications described above.

In any case involving employment discrimination, the complainant has the right to file a complaint with the EEOC or state agency where the case is within the jurisdiction of that agency.

#### b. If the Accused is a Student

The Family Educational Rights and Privacy Act (FERPA) generally prohibits the nonconsensual disclosure of personally identifiable information from a student's educational record. However, FERPA permits the University to disclose to a harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student. This information includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or that the harasser transferred to other classes or another residence hall. Disclosure of other information in the accused student's "education record," including information about sanctions that do not relate to the harassed student, may result in a violation of FERPA.

When harassing conduct involves a crime of violence or a non-forcible sex offense, FERPA permits the University to disclose to the alleged victim the final results of a disciplinary proceeding against the alleged perpetrator, regardless of whether the University concluded that a violation was committed. Additionally, the University may disclose to anyone - not just the alleged victim - the final results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or a non-forcible sex offense, and, with respect to the allegation made, the student has committed a violation of the University's rules or Policies. In addition, the University is subject to the federal Clery Act, which requires that "both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense." Compliance with this requirement does not constitute a violation of FERPA. Furthermore, the FERPA limitations on re-disclosure of information do not apply to information that the University is required to disclose under the Clery Act. Accordingly, the University may not require a complainant to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of this information.

### B. Lack of Objection to the Findings

If neither the complainant nor the accused objects, in writing, to the investigative findings within ten calendar days after receiving notice of those findings, the investigative report's findings and the proposed resolution shall become final and binding.

### C. Further Proceedings

### Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within ten (10) days of the delivery of the written finding of the Title IX Coordinator. Any party may appeal the findings and/or sanctions only under the grounds described, below.

Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the University has
  designated for this offense and the cumulative record of the responding
  party.

A three-member appeals panel, comprised of University Employees who have completed Title IX Training, and who have not been involved in the process previously, will be designated by the Title IX Coordinator.

The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within ten (10 days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a

written response to these new grounds within 10 days (10) days. These response or appeal requests will be shared with each party.

Where the appeals panel finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation. In
  most cases, appeals are confined to a review of the written documentation or
  record of the investigation, and pertinent documentation regarding the
  grounds for appeal. An appeal is not an opportunity for appeals panelists to
  substitute their judgment for that of the original investigator(s) merely
  because they disagree with its finding and/or sanctions.
- Appeals granted based on new evidence should normally be remanded to the investigator(s) for reconsideration. Other appeals may be remanded at the discretion of the Provost/Vice President for Academic Affairs or his or her designee, or, in limited circumstances, heard by the three-member appeals panel.

Sanctions imposed as the result of the initial investigation are implemented immediately unless the Provost/Vice President for Academic Affairs or his or her designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal. For students: Graduation, study abroad, internships/ externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.

- The appeals panel shall notify the Provost/Vice President for Academic Affairs or his or her designee of the panel's determination of the outcome of the appeal within 45 days of receipt of the appeal.
- The Provost/Vice President for Academic Affairs or his or her designee will confer with the appeals panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three (3) days of the resolution of the appeal or remand.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand.
- All parties will be informed in writing within three (3) days of the outcome of the Appeals Panel, without significant time delay between notifications, and in accordance with the standards for notice of outcome as defined above.
- In rare cases where a procedural [or substantive] error cannot be cured by the original investigator(s) (as in cases of bias), the appeals panel may recommend a new investigation process, including a new assigned

- investigator. The results of a remand cannot be appealed. The results of a new investigation process can be appealed, once, on any of the three applicable grounds for appeals.
- In cases where the appeal results in reinstatement to the University and/or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### 2. Initiation of Further Proceedings

The complainant, the accused, and/or the person alleged to have experienced the prohibited discrimination, harassment, or retaliation may file a written objection to the investigative findings no later than ten calendar days from the date the parties are notified of the administrative determination.

The written objection should be filed with the Compliance Coordinator.

### 3. Participation by the Compliance Coordinator

The University's Compliance Coordinator shall have the authority to attend meetings and/or hearings scheduled by the Provost/Vice President for Academic Affairs and/or the Assistant/Associate Provost and shall participate as a party in all further proceedings, except deliberations.

Either the Compliance Coordinator or other advisers to the Provost/Vice President for Academic Affairs and/or the Assistant/Associate Provost will assist those officers with applying the principles set forth in this Policy. These advisers must have the qualifications described in §VII.B of this Policy.

#### X. SANCTIONS FOR VIOLATIONS OF THIS POLICY

## A. Staff Employee Sanctions for Violations of this Policy

In accordance with the University's policies and procedures, the University may impose sanctions such as verbal reprimands, mandatory enrollment in seminars pertaining to prohibited discrimination and sexual harassment issues, written reprimands, demotions, suspensions without pay, and dismissal from employment. In addition, cases involving serious misconduct such as sexual assault may be referred to local law enforcement for possible criminal prosecution.

### B. Student Sanctions for Violations of this Policy

In accordance with the University's student disciplinary procedures, the University may impose sanctions such as verbal reprimands, mandatory enrollment in seminars pertaining to prohibited discrimination and sexual harassment issues, written reprimands, dismissal from class and/or other University activities, suspension or expulsion, depending upon the severity of the act. In addition, cases involving serious misconduct such as sexual assault may be referred to local law enforcement for possible criminal prosecution.

### C. Faculty Sanctions for Violations of this Policy

In accordance with the University's policies and procedures, and in accordance with Section VIII.C.2.c of the Faculty Handbook, the Provost/Vice President for Academic Affairs has the discretion to suspend a faculty member with pay pending final decision on termination or long- term suspension, with notice to the Faculty Senate Executive Committee and all parties concerned.

The Oklahoma City University Faculty Handbook, Section IX.A, provides a procedure to be used in "Cases in Which a Faculty Member is Charged with Sexual Harassment or Other Unlawful Discrimination." This procedure will be used to extent that it complies with Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and guidance of the Department of Education concerning required campus proceedings pursuant to these federal statutes.

### D. Interim Suspensions

In extraordinary circumstances, where potentially serious and immediate harm may result to persons affiliated with the University and after consultation with the President, the Compliance Coordinator may relieve, reassign, or remove staff members or administrators from their current positions/environment at any time during or after the investigation period. The Dean of Students will function in the same manner for students. As noted in the immediately preceding paragraph, the Provost/Vice President for Academic Affairs may exercise similar authority with respect to faculty members.

#### XI. EXTENSIONS OF DEADLINES SPECIFIED IN THIS POLICY

If for reasons beyond its control, the University is unable to comply with the deadlines specified in this policy, the Compliance Coordinator will notify each of the parties in writing and shall specify the anticipated revised deadlines.

#### XII. CONFIDENTIALITY

The University does not reveal information about such matters except as necessary to fulfill its legal obligations.

Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the University to respond.

Complainants must also recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the University is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

If a complainant insists that his or her name not be revealed, the responsible officer should take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other students or employees. It is also important that complainants and witnesses understand the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the University's process. In general, persons who are participating in a University's investigative or disciplinary process that is related to a charge of discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to tort charges.

## XIII. NOTICE, TRAINING, AND EDUCATION FOR STUDENTS, FACULTY, AND EMPLOYEES

The Compliance Coordinator shall make arrangements for or provide training to employees, faculty members, and students on the University's prohibited discrimination policy and procedures. Faculty members, members of the administrative staff, and members of the support staff will be provided with a copy of the University's written policy on prohibited discrimination at the beginning of the semester of the academic year after the policy is adopted.

All University employees will receive this training and a copy of this Policy and related procedures upon employment and annually thereafter.

A training program will be made available to all students at least once annually. The student training will include an explanation of the policy, how it works, and how to file a complaint. In addition, a copy of the University's written Policy on prohibited

discrimination, as it pertains to students, and additional resources will be provided online and as part of any orientation program conducted for new students at the beginning of each semester or summer session, as applicable.

#### XIV. ACADEMIC FREEDOM

The University reaffirms its commitment to academic freedom but recognizes that academic freedom does not allow any form of prohibited discrimination. It is recognized that an essential function of education is a probing of opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom insures the faculty's right to teach and the student's right to learn. Finally, nothing in these Policies and procedures shall be interpreted to prohibit bona fide academic requirements for a specific university program, course, or activity. When investigating prohibited discrimination complaints containing issues of academic freedom, the Compliance Coordinator will consult with a faculty member appointed by the Faculty Senate Executive Committee with respect to contemporary practices and standards for course content and delivery.

#### XV. COUNSELING

The University provides counseling for victims of sexual assault. For more information, please refer to the Victims' Resources Page on the University website.

#### XVI. RECORDS RETENTION

A confidential file of all material and interviews relating to the investigation of the charge will be maintained in the Human Resources Office in accordance with the University's Document Retention Policy. The Compliance Coordinator and the assigned investigators of the complaint will be the only persons who have access to the file. The file will then be handled in a manner consistent with applicable state and federal guidelines for maintaining records for this type of complaint. Nothing will be placed in the accused person's University personnel file unless disciplinary action is taken against the person.

### XVII. FALSE ALLEGATIONS AND MISUSE OF THIS POLICY

Intentional false accusations and/or accusations made without good cause of prohibited discrimination, harassment, or sexual misconduct will not be tolerated. Accusations of prohibited discrimination, harassment, or sexual misconduct can have far-reaching consequences and disruptive effects on the lives of those accused. This provision does not apply to accusations made in good faith.

The University reserves the right to take action in cases of vexatious or otherwise unwarranted use of the complaint/grievance procedure provided herein for handling prohibited discrimination and harassment incidents. The use of threats of filing prohibited discrimination or harassment charges might be considered a form of coercion and such incidents should be referred to the Compliance Coordinator for consultation and/or disciplinary action.

#### XVIII. FAILURE TO COOPERATE AND PROVISION OF FALSE INFORMATION

Any trustee, employee, faculty member, volunteer, student or vendor who refuses to cooperate with or otherwise interferes with an investigation conducted by or on behalf of the University or an investigation at the University by federal, state or local law enforcement agencies, will be subject to disciplinary action, up to and including termination, expulsion, removal from campus and/or cancellation of contract.

Any trustee, employee, faculty member, volunteer, student, vendor, alumni or applicant who knowingly provides false information or intentionally withholds information without an appropriate basis for doing so, during an investigation conducted by or on behalf of the University or an investigation at the University by federal, state or local law enforcement agencies, will be subject to disciplinary action, up to and including termination, expulsion, removal from campus and/or cancellation of contract.

Effective August 1, 2013 Revised May 13, 2016

## **Missing Students**

Oklahoma City University considers the safety of our students to be essential to the creation and maintenance of an environment where learning is encouraged and supported. The purpose of this policy is to establish procedures to guide the University's response to reports of missing resident students in accordance with the requirements of the Higher Education Opportunity Act of 2008.

Each Oklahoma City University student who is eighteen (18) years of age or older or who is legally emancipated has the opportunity to voluntarily identify an individual or individuals for the Dean of Students to contact whenever circumstances indicate that the student may be missing or otherwise endangered. To designate "confidential emergency contacts," students may log-in to their Blue Link account and click on "update emergency contacts" and add a second contact in addition to parents or guardians. To indicate the contact is confidential, please select the item "confidential missing person" in the drop down box designating relationship.

Only university officials with access to student contact information will have access to this information. In the event the student is under 18 years of age and is not emancipated, the University will make any missing student notification directly to the custodial parent(s) or guardian(s).

If a member of the university community has reason to believe that a student who resides on-campus is missing, he or she should immediately notify the OCUPD at 405-208-5911 or 405-208-5001 or the Dean of Students at 405-208-7900. Upon receiving information that a student cannot be located and may be missing, OCUPD officers and Dean of Students will coordinate an investigation which will include the following:

- Conduct welfare check into the student's on-campus room.
- Call the students cell phone of record.
- Call known contacts (parents, guardians, roommates and friends).
- Call the student's confidential emergency contact if one has been registered.
- Review student's known social media accounts and university email.
- Contact employers and associates, if known.
- Contact instructors to ascertain the student's recent class attendance.
- If applicable, OCUPD will attempt to locate the student's vehicle.

If the student cannot be located after reasonable efforts, OCUPD will notify the Oklahoma City Police Department no later than 24 hours after the student has been reported missing. Following notification of the appropriate law enforcement authority the University will cooperate in the investigation and offer assistance to locate a missing person.

## Fire Safety Report

The Higher Education Opportunity Act requires academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus housing statistics. These requirements are separate from the Clery Act requirements. However, to reduce administrative burden and to make it easier for students, faculty, staff, and parents to find the information, the regulations for data collection and dissemination will be published in the Annual Safety Report.

## **Statistical Report**

Fire Statistics		2013		2014		2015	
	Fires	Cause/Value	Fires	Cause/Val	Fires	Cause/Val	
				ue		ue	
Fires	0	N/A	0	N/A	0	N/A	
Deaths Related to Fire	0	N/A	0	N/A	0	N/A	
Injuries Related to Fire	0	N/A	0	N/A	0	N/A	
Property Value	0	N/A	0	N/A	0	N/A	
Damage							

### **University Owned/Controlled Student Housing**

Oklahoma City University operates 6 residence halls and 2 apartment complexes which are all covered by a fire alarm system that is monitored 24 hours per day, seven days per week.

- **Walker Hall** central fire panel with auto dialer reporting to the 24-hour staffed campus police department, heat and smoke sensors, 2<sup>nd</sup> floor sprinklers, each level has fire extinguishers, audible and visual fire alarms, air handler automatic shut-off
- **United Methodist Hall** central fire panel with auto dialer, whole building sprinklers, fire extinguishers on every floor, heat/smoke combination sensors, automatic fire doors.
- **Banning Hall** Central fire panel with auto dialer, smoke and heat detectors, audible alarm, each level has fire extinguishers
- **Smith Hall** Central fire panel with auto dialer, smoke and heat detectors, audible alarm, each level has fire extinguishers
- **Draper Hall** Central fire panel with auto dialer, smoke and heat detectors, audible alarm, each level has fire extinguishers

## Fire Safety Report

- **Harris Hall** Central fire panel with auto dialer, smoke and heat detectors, audible alarm, each level has fire extinguishers
- **University Manor** Audible alarm, smoke detectors, each level has fire extinguishers
- **Cokesbury Court** Sprinklers, smoke detectors, audible alarm, each level has fire extinguishers

OCUPD officers and residence hall staff participate in fire training annually. In addition, a program that covers emergency and evacuation procedures is reviewed regularly with the occupants and staff of each residence hall. Fire drills are conducted twice each year in accordance with the National Fire Protection Life Safety Code.

## **Specific Fire Prevention-Related Policies**

It is the policy of Oklahoma City University to provide a campus environment that is free from potential fire hazards. Residence hall regulations prohibit the possession and use of portable heaters, hot plates, candles and incense. Any open burning must be approved and supervised by the OCUPD.

## **Specific Fire Safety and Evacuation Procedures**

Fire drills are initiated each semester by the OCU Police Department and supervised by the Oklahoma City Fire Department for all residence halls and campus classroom buildings at random. An all-campus emergency drill is held once each semester.

Periodically, emergency drills will be performed in each building. The OCU Risk Manager, the Chief of the OCU Police and the OKC Fire department will plan building evacuation drills. A list of drills will be maintained each year. Exact dates will be determined and the appropriate personnel will be notified several days before the drill. Oklahoma City University has adopted Universal Emergency Procedures and conducts the following drills:

- Evacuation (for use when conditions outside are safer than inside; fire)
- Reverse Evacuation (for use when conditions inside are safer than outside)
- Severe Weather Safe Area (for use in severe weather emergencies; tornados)
- Shelter in Place (for use in chemical spills, gas leaks)
- Lockdown (for use to protect building occupants from potential dangers in the building)
- Drop, Cover and Hold (for use in earthquake, or other imminent danger to buildings or immediate surroundings)

# **Emergency Shelter & Evacuation Locations**

BUILDING		ASSEMBLY LOCATION	
Aduddell Fitness Center		McDaniel Visitor Parking	
*Banning Hall (residence hall)	2	Activities Lawn	
*Bishop Smith Chapel		Lawn west of Chapel	
Children's Center for the Arts		Lawn north of Children's Center	
*Clara Jones Administration		Centennial Lawn	
Cokesbury Court Apartments	2	Activities Lawn	
CR Sutton Baseball Complex		Parking lot west of baseball field	
*Dawson-Loeffler		Entrance to baseball field	
*Draper Hall		Parking lot south of Draper Hall	
*Dulaney Browne Library		Clock Tower	
*Freede Wellness Center	10	Parking lot north of Freede	
*Gaylord Building / Ann Lacy School of Dance Management	11	Quad Lawn	
*Gold Star Building	12	Walkway east of Gold Star	
*Harris Hall		Parking lot south of Draper Hall	
OCU Police Department	13	Parking lot east of Lacy Admissions	
*Kirkpatrick Fine Arts Building	14	Lawn east of Kirkpatrick Fine Arts	
Knight Wrestling Facility		Parking lot to west of building	
Kramer School of Nursing East	15	West plaza, Meinders School	
Kramer School of Nursing West	16	Parking lot south of Nursing	
Lacy Visitor & Admissions Center	13	Parking lot east of building	
*McDaniel University Center*		Clock Tower	
Meinders School of Business	15	West plaza, Meinders School	
*Methodist Residence Hall	2	Activities Lawn	
Norick Arts Center	17	Parking lot west of Norick Arts	
Panhellenic Quad	21	Parking lot east of Quad	
Physical Plant	19	Parking lot south of Freede	
*Sarkeys Math & Science Center	2	Activities Lawn	
*Smith Hall (residence hall)		Activities Lawn	
University Health Center	18	Parking lot east of Quad	
Walker Center	17	Parking lot west of Norick Arts	
*Walker Hall (residence hall)	20	Basement of Chapel	
*Wanda Bass Music Center	15	West plaza, Meinders School	
Wilson House		North side of Children's Center	
*OCU LAW SCHOOL	-	North & South Parking Lots	

• BUILDING HAS A DESIGNATED TORNADO SHELTER AREA (highlighted in red)

## **Emergency Medical Response**

A medical emergency is defined as sudden onset of loss of consciousness, shortness of breath, acute change in behavior such as confusion, uncontrolled bleeding, acute pain or complaint of chest pain. If any person on campus is complaining of any of these, call 911 from an on campus phone (or 405-208-5911 by cell) immediately. Do not hesitate. Take action, even if in doubt. Start CPR if the person is not breathing and has no pulse. Have someone get the nearest AED immediately. The OCU Police Department will come to your location to assist you and help local emergency responders find your location. Response time for EMSA or Oklahoma City Fire Department may be as little as 3 to 5 minutes.

It is absolutely free for community emergency responders to come to the University. There is no charge or penalty to the University. Ambulance personnel will provide minor injury care at no charge if the patient is not experiencing a medical emergency. If the person is unconscious, having difficulty breathing or chest pain, is bleeding profusely, is in severe pain or is medically unstable, the paramedics will assess, stabilize and transport the person to a local hospital. The patient is charged only if transported to a hospital.

## **Locations of Defibrillators**

- OCUPD vehicle
- Sarkeys Math and Science Center Lower floor near restrooms and stairway
- Gold Star Memorial Building West wall across from Circulation Desk
- Student Health clinic Clinic Lobby
- Freede west hallway across from check-in desk
- Freede athletic training room
- Meinders School of Business (2) First floor near elevator and third floor north access wing)
- Administration Bldg. North hallway first floor near water fountain
- Ann Lacy School of Dance and Arts Management Main level, mid-hall, near door to stairway
- McDaniel University Center Main level, on wall outside cafeteria
- Dulaney-Browne library North wall behind circulation desk
- Loeffler Main level, next to women's restroom
- Physical Plant in engineering office
- Kramer School of Nursing Main hallway, near entry
- Walker Center First floor, near room 151
- Bishop W. Angie Smith Chapel Main level, near chapel office
- Wanda L. Bass Music Center First floor, near family restroom
- Ann Lacy Visitor's Center First floor, near reception desk
- United Methodist Residence Hall (4) On each level, east end, near fire extinguisher
- Smith Residence Hall (1) Lounge, first level, near fire extinguisher
- Banning Residence Hall (1)- Lounge, first level, near fire extinguisher
- Walker Residence Hall (2) First floor, across from reception desk and Fourth Floor, near RA quarters
- Aduddell Workout Center next to United Methodist Hall across from check-in desk
- OCU Law School 3rd floor outside Student Services and 5th floor near NE stairwell