



# **Sexual Harassment and Violence, Discrimination, Retaliation and Domestic Violence.**

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The policies and procedures herein supersede all printed and posted versions

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## INTRODUCTION

Southeastern Oklahoma State University (SE) takes acts of sexual harassment, which include sexual violence, extremely seriously and believes that 1 complainant is too many. The following information, consistent with U.S. Department of Education Title IX guidance, provides details on the university response, resources, and remedies to sexual violence. The university hopes that you will help us in our efforts to maintain a safe and productive environment for all members of our community to live, learn and be successful by uniting as a community committed to ending sexual violence and sexual harassment. Sexual harassment and sexual violence are forms of gender discrimination that are not tolerated at SE. The university strongly encourages complainants to report all acts of gender discrimination. Additionally, this booklet explains the process of filing a formal complaint with the University as well as with the police. Please be aware that even if an individual chooses not to file a formal complaint, the university may take interim measures, such as changing academic schedules and housing arrangements, may be taken to provide safety for the complainant in the educational setting. Southeastern Oklahoma State University does not discriminate on the basis of race, color, national origin, sex, qualified disability, religion, sexual orientation, gender identity, veterans' status, genetic information or age in its programs and activities. Therefore, the university will address all complaints of sexual harassment, including sexual violence, the same, irrespective if the complainant (person filing the complaint) or respondent (person the complaint is filed against) is of a protected class or sex. Where it is determined that sexual misconduct is more likely than not to have occurred, university conduct sanctions can include suspension or expulsion. Even if law enforcement and criminal justice authorities choose not to prosecute a particular incident, the university may still pursue the incident through the student conduct process. All student conduct processes are separate from law enforcement investigations. Instances where gender discrimination is not addressed through the student conduct system, the university still has the obligation under Title IX to take immediate action to eliminate the harassment, prevent its recurrence and address its effects, irrespective of formal legal processes.

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## DEFINITIONS

### Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical contact or communication of a sexual nature when:

- a. Submission to such conduct or communication is made either explicitly or implicitly as a term or condition of educational benefits, employment, academic evaluations or other academic opportunities,
- b. Submission to or rejection of such conduct or communication by an individual is used as the basis for an employment decision or academic decision affecting such individual, or
- c. Such conduct is sufficiently severe, pervasive or persistent and objectively offensive that it has the effect of creating an intimidating, hostile or offensive environment that negatively affects an individual's academic or employment environment.

Sexual harassment does not include verbal expressions or written materials that are relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the university's educational mission.

Sexual harassment can create a hostile environment. Sexual harassment should be reported even if it doesn't reach the point of creating a hostile environment. A hostile environment is defined as subjectively and objectively offensive and sufficiently severe or pervasive to alter the conditions of the complainant's educational, employment or university environment.

Sexual harassment could occur off-campus and still have an effect on an individual's educational, employment or university environment as well as create a hostile environment. A one-time non-consensual contact could also create a hostile environment. Examples of behavior that could be sexual harassment:

- Unwelcomed sexual flirtation, advances or propositions of sexual activities.
- Asking about someone else's personal, social or sexual life or about their sexual fantasies, preferences or history.
- Discussing your own personal sexual fantasies, preferences or history.
- Repeatedly asking for a date from a person who is not interested.
- Whistles, cat calls or insulting sounds.
- Sexually suggestive jokes, innuendoes or turning discussions into sexual topics.
- Sexually offensive or degrading language used to describe an individual or remarks of a sexual nature to describe a person's body or clothing.
- Calling a person a "hunk," "doll," "babe," "sugar," "honey," or similar descriptive terms.
- Displaying sexually demeaning or offensive objects and pictures.
- Making sexual gestures with hands or body movements.

- Rating a person's sexuality.
- Unwelcomed touching of a person's body including massaging a person.

### Sexual Violence

Sexual violence is physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including sexual misconduct, stalking, dating violence, and domestic violence.

### Sexual Misconduct

Sexual misconduct is a broad term encompassing any non-consensual contact of a sexual nature. Sexual misconduct may vary in severity and consists of a range of behavior or attempted behavior including, but not limited to, the following examples of prohibited conduct:

- Unwelcome sexual touching/ exposure** The touch of an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth or clothing covering same); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts. This also includes indecent exposure and voyeurism.
- Non-consensual sexual assault** Unwilling or non-consensual penetration of any bodily opening with an object or body part. This includes, but is not limited to, penetration of a bodily opening without effective consent through the use of coercion.
- Forced sexual assault** Unwilling or non-consensual penetration of any bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition (such as lack of consciousness, incapacitation due to drugs or alcohol, age, or disability) of which the assailant was aware or should have been aware.

### Effective/Affirmative Consent is:

- informed;
- freely and actively given;
- mutually understandable words or actions; and
- willingness to participate in mutually agreed upon sexual activity.

### Further:

- Initiators of sexual activity are responsible for obtaining effective consent.
- Silence or passivity is not effective consent.
- The use of intimidation, coercion, threats, force or violence negates any consent obtained.
- Consent is not considered effective if obtained from an individual who is incapable of giving consent due to the following:
  - mental, developmental, or physical disability; or
  - s/he is under the legal age to give consent; or

- s/he is incapacitated by alcohol, beer or under the influence of drugs.

Individuals who commit acts of sexual misconduct assume responsibility for their behavior and must understand that the use of alcohol or other drugs does not reduce accountability for their actions.

- Examples of sexual misconduct violations:
  - Ignoring an individual's protest and engaging in sexual activity.
  - Convincing somebody to have sex likely constitutes intimidation or coercion. If someone is coerced, the yes is not effective consent.
  - Drinking and/or drug use may render an individual incapable of giving consent for sexual activity. For example, some - one who is incapacitated may agree to have sex at the time, but have no memory of the consent. This person may have been functioning in a "blackout" and could not give effective consent.
  - Holding a person down or preventing a person from leaving the room and forcing him or her to engage in sexual activity against his/her will.

## Stalking

Stalking is to engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Stalking is defined to mean two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress would include significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is the willful, malicious, and repeated following or harassment of a person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed or molested and actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened harassed or molested. Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, demonstrating a continuity of purpose or unwelcomed contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. This may include repeatedly contacting another person (through any means, such as in person, by phone, electronic means, text messaging, etc.), following another person, or having others contact another person.

Any actions that a stalker takes to contact, harass, track or frighten another that could include repeatedly:

- following
- unsolicited visits or communication
- using online social media inappropriately
- damaging property

- showing up at places an intended complainant frequents
- sending unsolicited mail, e-mail, texts and pictures
- creating a website about a target of stalking
- sending unsolicited gifts
- stealing things that belong to intended complainant
- calling repeatedly.

Stalking can occur by someone that is known casually, a current boyfriend or girlfriend, someone dated in the past or a stranger.

Definition consistent with *Violence Against Women Act Volume 79 CFR* and Oklahoma state statute.

## Dating Violence

Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such relationship shall be determined based on a consideration of the following factors:

- Length of the relationship
- Type of relationship
- Frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of domestic violence.

Definition consistent with *Violence Against Women Act Volume 79 CFR*.

## Domestic Violence

Domestic violence is a crime of violence committed by a:

- current or former spouse or intimate partner of the complainant,
- person with whom the complainant shares a child in common,
- person who is cohabitating with or has cohabited with the complainant as a spouse,
- person similarly situated to a spouse of the complainant.

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic or psychological actions or threat of actions that influence another person.

Definition consistent with *Violence Against Women Act Volume 79 CFR*.

## Retaliation

The university will not tolerate retaliation against a person who, in good faith, brings a complaint forward. Retaliation against an individual who has brought a complaint forward or against an individual who has participated in an investigation or conduct process is prohibited. See Board of Regents for the Regional University System of Oklahoma Policy Manual, 5.7 Retaliation Policy for more information.

## COMPLAINANT INFORMATION

If you are complainant of sexual violence, you are not alone and you are in no way responsible for your assault.

## 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 SE Campus Police at 580-745-2727. If the incident occurred elsewhere in Durant, call the Durant Police Department at 580-924-3737. If the incident happened anywhere else, call 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. You can call the Crisis Control Center 24-hour Crisis Line (580-924-3030) to get advice and discuss options for how to proceed.
- 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 campus conduct process.
- d. Go to the Medical Center of Southeastern Oklahoma to receive care for any physical injuries that may have occurred. While in the emergency room, treatment will be provided for sexually transmitted diseases and to prevent pregnancy. These services are free of charge.
- e. Upon arrival at the Medical Center of Southeastern Oklahoma, you will be taken to a private exam area. A Sexual Assault Nurse Examiner (SANE), a sexual assault response advocate and police officer will be available for support. You will be examined by the nurse in order to treat any injuries and to gather evidence.
- f. With your permission, the sexual assault response advocate will support you throughout the entire exam, which will be performed by the nurse. The advocate will provide a packet of written materials that contains information about common reactions to sexual assault, follow-up medical needs and support services.

## ON AND OFF CAMPUS RESOURCES

Sexual harassment and sexual violence can be emotionally disruptive, and it takes time to come to terms with such major stress.

In addition to support that may be found in family and friends, the following agencies and departments can serve as resources. It is important to be aware that different individuals who

one 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 complainant of confidentiality, including counselors and certified complainants' advocates. In general, however, any other university employee cannot guarantee complete confidentiality, unless specifically provided by law. Universities must balance the needs of the individual complainant with an obligation to protect the safety and well-being of the community at large.

### Confidential Reporting Options

- SE Counseling Center—located in GDJ Student Union, Suite 229, 580-745-2988. A counselor is available 24-hours a day. For calls after 5p.m. contact the all SECP (Campus Police) at 580-745-2911 to reach the on-call counselor after 5 p.m. weekdays, weekends and holidays. Students are allowed 8 free sessions.
- National Sexual Abuse Hotline at 800-656-4673
- Crisis Control Center, Inc. 115 N. 12<sup>th</sup>, Suite C, Durant, OK, 580-924-3056. 24 hours Crisis line, 580-924-3030.

### Non-confidential Reporting Options

- **SE Campus Police**—Corner of 3<sup>rd</sup> and University, 580-745-2727
- **Durant Police Department** — 3104 Carl Albert Drive, 580-924-3737
- **Vice President for Student Affairs** — Administration Room 205, 580-745-2364  
<http://homepages.se.edu/student-life/student-life-forms/>
- **Title IX Coordinator** —Administration Room 311, 580-745-3090  
<http://www.se.edu/dept/equity-compliance-diversity/>

### Medical Services

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.

- **Student Health Services** (on campus limited minor injury care) — Student Union, Suite 229, 580-745-2988. <http://homepages.se.edu/student-health/>
- **Medical Center of Southeastern Oklahoma** (off campus) — 1800 University Blvd, 580-924-3080 <http://www.mymcso.com/>
- **Additional information** on resources as well as educational information on sexual violence prevention can be found at <https://www.whitehouse.gov/1is2many>. Also, <https://www.notalone.gov/> for more information and resources.

### INTERIM SAFETY MEASURES

The Vice President for Student Affairs can put in place interim measures for student complainants of sexual harassment and sexual violence as needed. A formal complaint does not need to be submitted to have interim measures put in place. The university will maintain confidentiality to the extent possible.

a. **Assistance in Reporting:** The Vice President for Student Affairs can assist in filing a complaint with the university conduct process and the appropriate law enforcement agencies against the student(s) who caused harm.

b. **No Contact Order:** The Vice President for Student Affairs 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 prohibit others from making contact on their behalf.

c. **Emergency Protective Order:** The Vice President for Student Affairs can assist complainants in filing for an Emergency Protective Order in court with the Crisis Control Center. This is a court-ordered petition that prohibits contact between the complainant and respondent.

d. **Safety Measures:** The Vice President for Student Affairs can coordinate any reasonable arrangements that are necessary for ongoing safety. This includes transportation arrangements or providing an escort.

e. **Living Arrangements:** The Vice President for Student Affairs can assist in changing on-campus living arrangements or that of the respondent to ensure safety and a comfortable living situation.

f. **Academic Arrangements:** The Vice President for Student Affairs can assist in adjusting academic schedules as well as assist in providing access to academic support services.

g. **Other Interim Measures:** The Vice President for Student Affairs can coordinate reasonable arrangements to address the effects of the sexual violence, including connecting complainants with counseling, health care or academic support resources. When Student Conduct becomes aware of a student who potentially could have been a complainant of sexual violence, they will contact the complainant through Southeastern Oklahoma State University email to share these potential interim measures, reporting options and other resources available. This will be done no matter the location of the incident.

## POLICIES

Three policies specifically address discrimination:

- Regional University System of Policy and Procedures Manual, Discrimination/Sexual Harassment Policy, <http://www.ruso.edu/PolicyManual>.
- SE Title IX Grievance Procedure, <http://carmine.se.edu/academic-affairs/policies-and-procedures/docs/Appendixes/Appendix-C.pdf> and
- Student Code of Conduct, <http://homepages.se.edu/student-life/student-life-forms/>

The three policies are intended to be applied in harmony with one another wherever possible. However, to the extent that any of the provisions of this policy are in conflict with Regional University System of Oklahoma, it shall prevail. Any person having questions about the interaction of these the policies should contact: the Vice-President of Student Affairs or the Title IX Coordinator.

## REPORTING

All forms of sexual harassment, including sexual violence, should be reported, no matter the severity. Southeastern Oklahoma State University's primary concern is safety; therefore individuals should not be deterred from reporting even if the use of alcohol or other drugs was involved. The university encourages complainants of sexual violence to talk to someone about what happened so they can receive support and so the university can respond appropriately.

The university offers both confidential and non-confidential reporting options. It is important to be aware that different individuals who complainants 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 complainant of confidentiality, including counselors and certified complainants' advocates. In general, however, any other university employee cannot guarantee complete confidentiality, unless specifically provided by law. Universities must balance the needs of the individual complainant with an obligation to protect the safety and well-being of the community.

Different employees on campus have different abilities to maintain a complainant'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 complainant in confidence, and generally report only that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a university investigation into an incident against the complainant's wishes. This report is done through a Clery Report and does not include the complainant'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 complainant 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 harassment, including sexual violence, without their information being shared with others. Please note confidential reporting limits the university's ability to respond to incidents.

#### Professional Counselors

Professional and licensed counselors who provide mental-health counseling (including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without the complainant's permission. These individuals are also not required by the Clery Act to report. This would include counselors in the university Counseling Center.

#### Student Health Providers

Student Health Service providers are confidential reporting options. They are not required to report any information about an incident to the Title IX Coordinator without a complainant's permission. However,

they will report incidents without any personally identifiable information to SE Campus Police for the purpose of the Clery Act.

While these professional counselors and health providers may maintain a complainant's confidentiality, they may have reporting or other obligations under state law, such as mandatory reporting to law enforcement in case of minors, imminent harm to self or others, or requirement to testify if subpoenaed in a criminal case.

If the university determines that the alleged individual(s) pose a serious and immediate threat to the campus, the university may issue a timely warning to the community. Any such warning will not include any personally identifying information.

### **Non-Confidential Reporting Options**

The Board of Regents for the Regional University System of Oklahoma and the Clery Act require all employees (excluding counselor, health care providers, pastorals and complainant advocate) who become aware of an instance of sexual harassment including sexual violence to report the instance through either: Maxient or SE Campus Police. The complainant's name should not be reported to the police without the complainant's permission. The report should include the nature, date, time, and general location of an incident. This is a limited report that includes no information that would directly or indirectly identify the complainant. This allows for the university to track patterns, evaluate the program, and develop appropriate campus-wide responses.

When an instance of sexual harassment including sexual violence is reported to a "responsible employee," a student can expect the incident will be reported to the university's Title IX Coordinator and the Vice-President for Student Affairs/ Student Conduct. A "responsible employee" is an employee who has the authority to redress sexual harassment including sexual violence, who has the duty to report incidents of sexual harassment or other student misconduct, or who a student could reasonably believe has this authority or duty. Examples include but not limited to faculty members, advisors, employees in student services offices and anyone in a supervisory role.

A responsible employee must report to the Title IX Coordinator at 580-745-3090, all relevant details about the alleged sexual harassment or sexual violence shared by the complainant 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 university's response to the report. A responsible employee should not share information about the complainant to law enforcement unless a complainant requests.

When a complainant tells a responsible employee about an incident of sexual harassment or sexual violence, the complainant has the right to expect the university will investigate the alleged sexual harassment, end any sexual harassment, prevent the sexual harassment from recurring, and educate on sexual harassment.

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

## Requests for Confidentiality from a Non-Confidential Reporter

If a complainant discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation or conduct action be taken, the university must weigh that request against the obligation to provide a safe environment for all students, including the complainant.

If the university honors the request for confidentiality, a complainant must understand that the university'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 complainant's request in order to provide a safe environment for all students.

When weighing a complainant'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 complainant or others;
- Whether the sexual violence was committed by multiple respondents;
- Whether the sexual violence was perpetrated with a weapon;
- Whether the complainant is a minor;
- Whether the university possesses other means to obtain relevant information of the sexual violence (e.g., security cameras, personnel, physical evidence); and
- Whether the complainant'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 university to investigate and, if appropriate, pursue conduct action. If none of these factors is present, the university will likely respect the complainant's request for confidentiality.

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

## REPORTING TO POLICE

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

On campus incident can be reported to the SE Campus Police, 301 University or 580-745-2727. If the incident occurred elsewhere in Durant, it can be reported to the Durant Police Department at 3104 Carl Albert Drive or at 580-924-3737.

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 reported can be helpful in supporting other reports and preventing further incidents.

## REPORTING TO STUDENT AFFAIRS

Students can report instances of sexual harassment and sexual violence to the Vice President of Student Affairs in 205 Administration Building or 580-745-2364. A complaint should be filed as soon as possible, preferably within 180 calendar days of the incident. A complaint can be filed online at <https://publicdocs.maxient.com/incidentreport.php?SoutheasternOKStateUniv> or in person in the Office of Student Affairs. If either the complainant or the respondent is a student, the incident will be addressed through the Student Conduct process once a complaint is filed. The university strongly encourages individuals to report any instance of sexual harassment and sexual violence to the police.

## STUDENT CONDUCT PROCESS

### Once You Have Filed A Complaint With Student Affairs

We want you to be knowledgeable about the process that occurs once a complaint with Vice-President for Student Affairs is filed. The following describes the investigation process, the hearing and the outcome of the hearing. Student Affairs will be available to explain the process as requested. The Student Conduct process will be prompt, fair, and impartial. This means the process will be completed within a reasonable timeframe as designated below and without undue delay. The process will be conducted in a manner that is consistent with the university's policies and will be transparent to all parties. Lastly, the Student Conduct process will be conducted by officials who do not have conflict of interest or bias for the complainant or respondent.

## INVESTIGATIVE PROCESS

- a. You will be notified of receipt of your complaint and the actions the university official will take.
- b. A university official will meet with you to discuss the complaint submitted, review the investigation and hearing process, and determine the outcome you desire from your complaint.
- c. An investigation will be conducted by a non-biased Title IX Investigator. This investigation will include:
  - meeting personally with the complainant,

- meeting personally with the student(s) accused,
- meeting personally with any witnesses, and
- reviewing any documentary evidence.

d. The investigation of complaints will be adequate, reliable and impartial. The Title IX Investigator will compile an investigation report.

e. The investigation process can take up to 60 days. If at any point either party would like an update of the investigation process all they need to do is ask and an update will be provided.

f. The university official will determine if a conduct hearing is possible based on the available information.

g. If it is determined that the university will proceed with a formal conduct hearing, the complainant and the responding student(s) will be notified of the hearing date.

## **HEARING PROCESS**

a. Hearing notification will occur at least five days in advance and include the hearing date, time and location. Hearings will be scheduled around academic schedules.

b. Allegations of sexual misconduct and sexual harassment will be heard by the Conduct Committee Hearing Panel which is comprised a faculty member, a staff member and a student.

c. The hearing includes opening statements, presentation of the investigation report, information about the incident, presentation of information by witnesses, and closing statements.

d. Each party is permitted to have a person of their choosing to accompany them throughout the hearing as an advisor.

e. All parties are permitted to be present during the hearing (except during deliberations of the panel). All parties can be in the same room in a pre-arranged, non-threatening set-up or in separate rooms with a video conference set up.

f. All parties are permitted to make statements, present witnesses and information during the hearing. Witnesses and information need to be directly related to the incident.

g. The standard of proof used in all university conduct hearings is preponderance of the evidence, which means the determination to be made is whether it is more likely than not a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution.

## **OUTCOME**

a. Possible outcomes include the entire range of sanctions listed in the Student Code of Conduct. When it is determined that sexual misconduct is more likely than not to have occurred, the outcome can include separation from the university.

b. You have the right to be informed of the outcome. You will be notified within two business days after the hearing, at the same time the respondent is informed of the outcome.

c. You have the right to appeal the decision reached through the hearing proceedings within seven business days after the hearing.

d. the disposition will be forwarded to the Title IX Coordinator for cataloging.

## RESOURCES FOR UNIVERSITY EMPLOYEES

If a SE employee is the victim, and needs immediate help, call the police. If the incident happened on campus, call the SE Campus Police at 580-745-2727. If the incident occurred elsewhere in Durant, call the Durant Police Department at 580-924-3737. If the incident happened anywhere else, call the law enforcement agency that has jurisdiction in the location where it occurred.

With your permission, the Police will contact sexual assault response advocate who will support you throughout the entire process. The advocate will provide a packet of written materials that contain information about common reactions to sexual assault, follow-up medical needs and support services. In addition, SE has an EAP (employee assistance program) which can be accessed 24/7 through *EmployeeConnect* services. For additional information, see: <http://www.se.edu/dept/human-resources/files/2013/11/Employee-Connect-11-19-13.pdf>.

As an SE employee, when an incident of sexual harassment or other crime is reported to you, there are three simple steps that you should follow to ensure that you have fulfilled your obligations.

- Get the facts.
- Inform the individual you must report the incident and provide them resources.
- Report the incident to the appropriate individuals.

### 1. Get the facts

First, please know that if a crime is currently ongoing or you feel that it is an emergency, call 911.

Assuming that there is not an ongoing emergency, you must first get the facts of the incident. Facts would include the date and time the incident occurred, where the incident occurred, the details of what occurred, and the date it was reported to you. This information is critically important to determine if this incident has been previously reported by others.

You do not have to prove what happened or who was at fault, the appropriate and appointed individuals will investigate. In addition, do not try to apprehend the alleged individual of a crime.

### 2. Inform the individual you must report the incident and provide resources

Please ensure that you tell the person reporting the incident to you that you must report what happened. An example of what to say:

“I need to let you know that I am required to report what you have shared with me to the SE police department for the purpose of crime statistics. I will not be reporting your name to SE PD unless you provide consent for me to do so. However, SE policy and federal laws requires that I report all of what you have shared with me to the appropriate university officials (if faculty or staff, contact the Title IX Coordinator, and the Vice-President for Student Conduct, if student).”

There is a distinct difference between the Clery Act and Title IX reporting. Clery Act reporting requires all university officials to report to SECP to generate the required data for national statistics and Title IX requires university officials to report internally.

When reporting to the police, the Clery Act does not require the complainant's name unless the complainant consents. If more information is needed after you report, you might be asked to follow up with the complainant or ask to share their name so the police can follow up. Know that the data compiled at the end of the year in the annual security report contains no names of either the complainants or perpetrators.

When reporting to the Title IX Coordinator or Student Conduct, Title IX requires that you provide both the complainant and alleged individual's names and details of what you know. The university is required to take immediate and appropriate steps to investigate what occurred and take prompt and effective action to:

- End the harassment,
- Prevent any recurrence and
- Remedy the effects.

The university will not be able to fulfill its federal requirements and maintain a safe living and learning environment if you do not share all the information.

Lastly, there are a number of campus and community resources available to complainants of crimes. Please inform the individual about their option to report directly to law enforcement themselves; however you do not need to convince the person reporting this to you to speak to the police if they are unwilling to do so. Information and resources can be found at <https://www.whitehouse.gov/1is2many> and <https://www.notalone.gov/>.

### **3. Report the incident to the appropriate individuals.**

After the facts have been collected and the individual has been informed of the report and provided resources, you now must report the incident to the appropriate officials.

If a student is involved, contact Vice President of Student Affairs at 580-745-5470. For faculty and staff, call or contact the university's Title IX Coordinator at (580)745-3090.

## **WHO TO CONTACT ABOUT SEXUAL VIOLENCE**

If a student is involved, contact Vice President of Student Affairs at 580-745-5470. For faculty and staff, call or contact the university's Title IX Coordinator at (580)745-3090 and call, most importantly, Campus Police at 580-745-2727.

## **WHO TO CONTACT ABOUT SEXUAL HARASSMENT**

If a student is involved, contact Vice President of Student Affairs at 580-745-5470. For faculty and staff, call or contact the university's Title IX Coordinator at (580)745-3090.

## CLERY REPORTING

University employee's obligations to report criminal activity extend beyond the obligation to report sexual harassment and sexual violence. Under the Clery Act, university employees are also required to report the following crimes to the SE Police Department:

- Sex offenses
- Stalking
- Dating violence
- Domestic violence
- Aggravated assaults
- Hate crimes
- Arrests and disciplinary referrals for violations of liquor, drug and weapon laws
- Burglary
- Motor vehicle theft
- Robbery
- Arson
- Criminal homicide

Definitions of these crimes are provided online at <http://homepages.se.edu/public-safety/campus-safety/report-a-safety-hazard-or-concern-on-campus/>. The reporter does not need to make a determination on the specific crime; they just need to report it.

Generally speaking, the Clery Act has exhaustive guidance regarding locations of crimes and what must be reported. In order to simplify this guidance, if you become aware of one of these crimes, on campus, or off campus but closely related to the university, err on the side of caution and report it.

Under normal circumstances when a crime is reported – the Police (Campus or Durant) are called and speak to all involved parties. Once the police are called your reporting requirements are met. There are times when complainants simply are not ready to speak to the police. This is not uncommon and we do not coerce individuals to report. You still must report the crime as best you can.

The Clery Act also includes requirements regarding reporting of missing students. Any employee who receives a report of a missing student should call SECP immediately.

## COMPLAINANT INTERACTION

If approached by an alleged complainant of sexual harassment or sexual violence it is important to be aware that the individual is choosing to tell you about a very traumatic incident. Active listening will be a key skill as well as emotional support, guidance, and direction. The following is recommended when interacting with an alleged complainant of sexual harassment or sexual violence:

- Address the complainant by name
- Introduce yourself by name and position and explain your role at the university. This is also the time to tell the complainant of your reporting obligations and whether or not you can maintain confidentiality. Complainants of sexual harassment or sexual violence need clear boundaries and role definitions from those professionals who offer help because their personal boundaries have been violated.
- Be non-judgmental. Do not blame the complainant in any way for his or her experience.
- Be mindful that the complainant may be emotionally distraught or even in shock.
- Share with the complainant available resources both on campus and off campus. Resources can include reporting to the police or filing a formal complaint with Student Conduct. Other resources include the university Complainant Advocate, Counseling Services, and interim safety measures provided by Student Conduct. Inform the complainant of resources that are confidential and those that are not.

- Be patient, and if necessary, repeat what options are available. A complainant may be in shock therefore may not hear every - thing the first time you say it.
- Provide the complainant with a Sexual Violence Resource Information that outlines all of the resources and information you have shared with them.
- Follow your specific reporting obligations if you have them.

## **FACULTY AND STAFF COMPLAINT PROCESS**

If an SE employee believes that he or she has been the victim of discrimination, discriminatory harassment or has information about discrimination/harassment in the university community, he or she may promptly report, without fear of reprisal, the facts of the incident and the name(s) of the individual(s) involved to the Title IX Coordinator in the Office of Equity, Compliance and Diversity. This report initiates a grievance. A grievance/Complaint form is available at: <http://www.se.edu/dept/equity-compliance-diversity/files/2014/04/Grievance-Form.pdf>.

Alternatively, an employee may report the situation to his or her immediate supervisor, department head, or Dean, who will immediately notify the Title IX Coordinator of the report. This report initiates a grievance. Supervisors must immediately report any grievance they receive or incidents of alleged harassment or discrimination they witness to the Title IX Coordinator.

The Title IX Coordinator (or a deputy coordinator and certified investigators), where appropriate), will promptly, fairly and thoroughly investigate all claims of harassment and discrimination, regardless of whether such complaints are reduced to writing. All complaints of discrimination and harassment will be treated in the strictest confidence possible under the particular circumstances.

Upon receipt of a grievance, the Title IX Coordinator (or a deputy coordinator and certified investigators) will make every effort, within thirty calendar days, to complete a thorough investigation of the circumstances of the allegations. However, if additional time is needed to conduct a thorough investigation, the Title IX Coordinator may, in her/his discretion, extend the time for completing the investigation as reasonably necessary. In this case, the complainant and the respondent will be notified of the estimated time needed to complete the investigation.

The investigation will include interviews with the complaining party, the respondent, and any material witnesses identified, as well as a review of any documents or other evidence. The complaining party and the respondent will be kept apprised of the conduct of the investigation and will be given the opportunity to provide any additional relevant information to the investigator, including the names of additional witnesses to contact and/or additional documents to review before the investigation is closed. The complainant and respondent will be promptly notified of the final determination. The Title IX Coordinator has no independent authority to impose sanctions.

If the Title IX Coordinator finds that there has been a violation and if the Dean or division head seeks advice as to the appropriate penalty, the Title IX Coordinator may provide a recommendation as to the appropriate sanction. The Dean and/or division head will then be responsible for deciding upon and imposing disciplinary action as soon as reasonably possible.

Sanctions imposed on those individuals who have been found to be in violation of the university's nondiscrimination policy shall be commensurate with the severity and/or frequency of the conduct, and

shall be adequate and sufficient to prevent such conduct in the future. Staff members who receive disciplinary penalties under this policy may consult the Office of Equity, Compliance and Diversity for information about the grievance process, which may be used to challenge alleged violations, misinterpretations, or inequitable application of policies or procedures. Faculty members who receive disciplinary penalties under SE's nondiscrimination policies may contact the vice president for Academic Affairs for information about the grievance process. Please refer to SE's Discrimination/ Sexual Harassment Policy and Title IX Grievance Procedures for more detailed information.

## PREVENTIVE MEASURES

The university encourages students to help in preventing harmful and negative incidents by being responsible for their own personal safety, intervening if they are a bystander of such incidents, and educating themselves through university sponsored trainings.

## AWARENESS EDUCATION

Southeastern Oklahoma State University takes acts of sexual violence and sexual harassment seriously. In an effort to educate students and comply with the Violence Against Women Act and the Office for Civil Rights federal guidelines, **all students are required to complete online training on sexual violence prevention**. A hold will be placed on your account, which will affect enrollment for the subsequent semester, until the training has been completed. Training should take around 40 minutes.

To complete the training follow these steps:

1. Go to <https://> WATCH FOR FURTHER DIRECTIONS AND INFORMATION IN YOUR STUDENT EMAIL.
2. Log-in with the password and other identifiers provided by the university.

Additionally, schedules for on-going educational programming on sexual violence for students, faculty or staff will be on the SE website. Topics include but are not limited to sexual assault, sexual harassment, the conduct process for sexual misconduct, how to support a complainant, bystander intervention, prevention strategies and resources available for complainants.

## BYSTANDER INTERVENTION

To prevent sexual violence, it is important that people are approached as potential witnesses or bystanders to incident. As a witness to these behaviors, there are certain ways to step up to prevent a risky situation from escalating.

In order to intervene, someone has to:

1. Notice the incident: Bystanders first must notice the incident taking place. It's important to become attune to what situations may be risky; (e.g. if you're at a party, and you see someone stumbling as they're being led into a different room, this is a risky situation.)
2. Interpret the incident as emergency: By "emergency," we mean a situation wherein there is risk of sexual or domestic violence occurring in the near future.
3. Assume responsibility for intervening: It has been found that often, people believe that someone else

will help in a situation where there are many people around. However, it is important to realize that others may also be thinking the same thing. If you're unsure if you should do something, ask a friend what they think — it might be the case that they've been thinking the same thing.

4. Have the bystander intervention skills to help: There are a number of different techniques that someone can use to intervene in a risky situation, some are listed below.

#### **THE 4 DS (BYSTANDER INTERVENTION TECHNIQUES)**

Please remember that your safety is of the utmost importance. When there is a situation that threatens physical harm to yourself or another student, ask someone for help or contact the police.

1. **Direct:** Step in and address the situation directly. For example, "That's not cool. Please stop." or "Hey, leave them alone." This technique tends to work better when the person that you're trying to stop is someone that knows and trusts you. It does not work well when drugs or alcohol are being used because someone's ability to have a conversation with you about what is going on may be impaired, and they are more likely to become defensive.

2. **Distract:** Distract either person in the situation to intervene. For example, "Hey, aren't you in my Spanish class?" or "Who wants to go get pizza?" This technique is especially useful when people under the influence of alcohol or drugs because they are easily distracted than those that are sober.

3. **Delegate:** Find others who can help you to intervene in the situation. This could include asking a friend to distract one person in the situation while you distract the other, asking someone to go sit with them and talk, or going and starting a dance party right in the middle of their conversation. If you don't know either person in the situation, you could also ask around to see if someone else does and check in with them. See if they can talk to their friend, text their friend to check in, or intervene.

4. **Delay:** For many reasons, you may not be able to do something right in the moment. For example, if you're feeling unsafe or if you're unsure whether or not someone in the situation is feeling unsafe, you may want to check in with the person. In this case, you can combine a distraction technique by asking the person to use the bathroom with you or go get a drink with you to separate them from the person that they are talking with. Then, you can ask them, "Are you okay?" or "How can I help you get out of this situation?"

#### **HOW TO SUPPORT A FRIEND**

If your friend is a complainant of sexual harassment or sexual violence, the following information can offer guidance on how to help and support:

- a. Listen and accept what you hear. Do not press for details. Allow your friend to reflect on what has happened and to share some of her/his feelings.
- b. Keep what is said confidential.
- c. Let your friend know that she/he is not to blame. Many complainants tend to blame themselves for the offender's actions, especially if the perpetrator was an acquaintance.
- d. Encourage your friend to obtain a medical examination.
- e. Allow your friend to make his/her own decision about their next steps.
- f. Seek emotional support for yourself.
- g. Accept their choices and decisions to the assault even if you disagree with what they have chosen to do. It is more important that they feel empowered to make choices and take back control than it is for

- you to impose what you feel you think is the correct decision.
- h. Encourage your friend to file a police report. Filing a report is not a commitment to prosecute, but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, university disciplinary actions and/or civil actions against the perpetrator. Information can be helpful in supporting other reports and/or preventing further incidents (even anonymous reports are somewhat useful).
  - i. Remind your friend of campus resources.

## **CAMPUS SAFETY**

Students at college accept new responsibilities, including taking appropriate measures to ensure their own personal safety. In combination with SE's efforts to maintain a safe living and learning environment, the university encourages students to protect themselves. For additional information on campus safety, contact the SE Campus Police, 301 University Boulevard or 580-745-2727.

## **NOTICE OF NONDISCRIMINATION**

SE does not discriminate on the basis of race, color, national origin, sex, qualified disability, religion, sexual orientation, sexual identity, veterans' status, genetic information or age in its programs and activities. The Equal Opportunity Officer is designated to handle inquiries regarding non-discrimination policies and can be reached at 580-745- 3090, [cstubblefield@se.edu](mailto:cstubblefield@se.edu), 311 Administration Building, PMB 2750, Durant, OK 74701.