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*Sexual Violence Resources*

Oklahoma State University (OSU) takes acts of sexual harassment, including sexual violence, extremely seriously and believes that **1 VICTIM IS 2 MANY**. The following information, consistent with U.S. Department of Education Title IX guidance, provides details on the university's response, resources and remedies to sexual violence. The university invites all members of the campus community to be part of the effort to maintain a safe and productive environment in which to live, learn, and be successful by committing to end sexual violence and sexual harassment.

Sexual harassment and sexual violence are forms of gender discrimination that are not tolerated at OSU. The university strongly encourages victims to report all acts of gender discrimination. This resource guide explains the process of filing a formal complaint with Student Conduct Education and Administration as well as with the police. Please be aware that even if an individual chooses not to file a formal complaint, the university is able to provide interim measures, such as changing academic schedules and housing arrangements, in order to provide safety for the victim in the educational setting.

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, in the same manner, irrespective of whether the complainant (person filing the complaint) or respondent (person the complaint is filed against) is of a protected class or sex.

When 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. In 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, regardless of formal legal processes.

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# Definitions

Below are definitions and examples of sexual violence. For official university policy definitions please review the Student Code of Conduct at <https://studentconduct.okstate.edu/code>.

## **SEXUAL VIOLENCE**

Sexual violence is a term that encompasses a number of different acts including sexual harassment, sexual misconduct, stalking, dating violence and domestic violence. Throughout this document, sexual violence will be used as a term to cover all acts previously listed.

## **SEXUAL HARASSMENT**

Sexual harassment is making unwelcomed 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 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 both subjectively and objectively offensive that it has the effect of creating an intimidating, hostile or offensive environment which 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 does not reach the point of creating a hostile 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 one's own personal sexual fantasies, preferences or history.
- Repeatedly asking for a date from a person who is not interested.
- Whistles, catcalls or insulting sounds.
- Sexually suggestive jokes or 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 MISCONDUCT**

Sexual misconduct is engaging in non-consensual contact of a sexual nature. Sexual misconduct may vary in its severity and

consists of a range of behavior or attempted behavior including, but not limited to, the following examples of prohibited conduct:

- a. **Unwelcome sexual touching:** Touching 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.
- b. **Exposure:** Engaging in indecent exposure, sexual acts in a public place, voyeurism or non-consensual sharing of sexually explicit images.
- c. **Non-consensual sexual assault:** Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part.
- d. **Forced sexual assault:** Penetrating any bodily opening of an unwilling or non-consensual person 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 ingestion of drugs or alcohol, age or mental disability) of which the respondent was aware or should have been aware.

**Effective consent** is informed, freely and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. 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 effective if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental disability or incapacitation due to ingestion of drugs or alcohol.

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, which 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, someone 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 their will.

## **STALKING**

Stalking refers to one who engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

- **Course of conduct** means 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, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking actions are those that a stalker takes to contact, harass, track or frighten another that could include one or more than one of the following repeatedly:

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

- showing up at places an intended victim frequents;
- sending unsolicited mail, e-mail, texts and pictures;
- creating a website about an intended victim;
- sending unsolicited gifts;
- stealing things that belong to an intended victim;
- calling or texting.

Stalking can occur by someone that is known casually, a current romantic or intimate partner, someone dated in the past, or a stranger.

### **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 consideration of the following factors: length of relationship, type of relationship and 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.

### **DOMESTIC VIOLENCE**

Domestic violence is a crime of violence committed by a:

- a. current or former spouse or intimate partner of the victim;
- b. person with whom the victim shares a child in common;
- c. person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;
- d. person similarly situated to a spouse of the victim.

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.

### **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 Oklahoma Agricultural and Mechanical Colleges Policy Manual, 3.11 Non-Retaliation for more information.

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# Victim Information

If you are a victim 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 or **911**. If the incident happened on campus, call the OSU Police Department at **405-744-6523**. If the incident occurred elsewhere in Stillwater, call the Stillwater Police Department at **405-372-4171**. 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 Stillwater 24-hour Rape Crisis Line (**405-624-3020**) 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 may not be available in the future without credible evidence. The evidence collected can also be useful in the campus conduct process.
- d. Go to the Stillwater Medical Center ER 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 infections and to prevent pregnancy if wanted. These services are free of charge. If you choose not to obtain a Sexual Assault Nurse Examination but want testing or treatment for potential STIs, you can visit Payne County Health Department free of charge or University Health Services or Stillwater Life Services for low cost options.
- e. Upon arrival at Stillwater Medical Center, you will be taken to a private exam area. A Sexual Assault Nurse Examiner (SANE), as well as a Sexual Assault Response Advocate (SARA) and police officer will be available for support. The nurse will examine you in order to treat any injuries and to gather evidence. Note: a sexual assault exam can be performed up to 120 hours (5 days) after the assault.
- f. With your permission, the SARA will support you throughout the entire exam, which will be performed by the nurse. At the ER, you can also choose or decline to file a report with law enforcement. Filing this report does not commit you to a full prosecution; it will only initiate gathering evidence and statements. 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 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, several agencies and departments can serve as resources.

It is important to be aware of the different individuals that one may contact for assistance following an incident. These individuals may have different responsibilities regarding confidentiality, depending on their position at the university or in the community. Under state law, some individuals can assure the victim of confidentiality, including counselors and victims' 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 victim with an obligation to protect the safety and well-being of the community at large.

**OSU VICTIM ADVOCATES** — Confidential Service

The OSU Victim Advocates can confidentially provide students with information about on- and off-campus resources available to victims.

Monday — Friday 8:00 a.m. to 5:00 p.m.: **405-564-2129**

After 5:00 p.m. on weekdays and on weekends and university holidays: **405-624-3020**

For current victim advocates' information, visit:

<http://1is2many.okstate.edu/advocate>

**COUNSELING RESOURCES** — Confidential Service

**OSU Student Counseling Center**

320 Student Union

**405-744-5472**

<http://ucs.okstate.edu/counseling>

A counselor is available 24-hours a day. Call OSUPD at **405-744-6523** to reach the on-call counselor after 5 p.m. on weekdays and on the weekends and university holidays. The first five counseling sessions are free.

**Wings of Hope**

3800 North Washington Avenue

**405-372-9922**

24-hour Crisis Line: **405-624-3020**

<http://sdvsorg.powweb.com>

**Psychological Services Center**

118 North Murray Hall

**405-744-5975**

<http://psychology.okstate.edu/psychology-services>

**OTHER LOCAL SERVICES AVAILABLE TO VICTIMS** — Non-Confidential Reporting Options

**OSU Police Department**

104 USDA Building

**405-744-6523**

<http://police.okstate.edu>

**Stillwater Police Department**

723 South Lewis Street

**405-372-4171**

<http://stillwaterpolicedept.org>

**OSU Student Conduct Education and Administration**

328 Student Union

**405-744-5470**, [student.conduct@okstate.edu](mailto:student.conduct@okstate.edu)

<http://studentconduct.okstate.edu>

**Title IX Coordinator**

408 Whitehurst Hall

**405-744-9154**, [eeo@okstate.edu](mailto:eeo@okstate.edu)

<http://eeo.okstate.edu>

**MEDICAL SERVICES** — Confidential Service

It is important to have a thorough medical examination after a sexual assault even if the victim does not have any apparent physical injuries. Medical providers can treat injuries and test for sexually transmitted infections.

**University Health Services** (on-campus)

1202 West Farm Road

**405-744-7665**

<http://uhs.okstate.edu>

**Stillwater Medical Center** (off-campus)

1323 West Sixth Street

**405-372-1480**

[www.stillwater-medical.org](http://www.stillwater-medical.org)

**Payne County Health Department** (off-campus)

1321 West Seventh Avenue

**405-372-8200**

<https://www.ok.gov/health>

[County\\_Health\\_Departments](#)

[Payne\\_County\\_Health\\_Department](#)

**Stillwater Life Services** (off-campus)

1509 West Eighth Avenue

**405-624-3332**

[www.stilwaterlife.org](http://www.stilwaterlife.org)

Additional information on resources can be found at <http://1is2many.okstate.edu>.

Also, reference <http://notalone.gov> for more information and resources.

## VICTIM BILL OF RIGHTS

- a. Survivors shall be notified of their options to notify law enforcement and campus authorities, which includes the option not to notify such authorities.
- b. Accuser and accused must have the same opportunity to have others present.
- c. Both parties shall be informed of the outcome of any disciplinary proceeding.
- d. Survivors shall be notified of counseling services.
- e. Survivors shall be notified of options for changing academic and living situations. When a student or employee reports that they have been a victim of dating violence, domestic violence, sexual assault or stalking, whether on or off campus, the university will provide a written explanation of the student's or employee's rights and options.

Learn more about victims' rights at <http://www.knowyourix.org>.

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# Interim Measures

Student Conduct and the Title IX Coordinator can put in place 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. The university will maintain confidentiality to the extent possible. Some of these measures can be put in place for the respondent as well.

- a. **Assistance in Reporting:** Student Conduct can assist in filing a complaint with the university conduct process and the appropriate law enforcement agencies against the individual(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 prohibit others from making contact on their behalf.
- c. **Emergency Protective Order:** Student Conduct can assist victims in filing for an Emergency Protective Order in court with Wings of Hope. This is a court-ordered petition that prohibits contact between the complainant and respondent.
- d. **Safety Measures:** Student Conduct can coordinate any reasonable arrangements that are necessary for ongoing safety. This includes transportation arrangements or providing an escort.
- e. **Living Arrangements:** Student Conduct can assist in changing victim's on-campus living arrangements or that of the respondent to ensure safety and a comfortable living situation.
- f. **Academic Arrangements:** Student Conduct can assist in adjusting academic schedules as well providing access to academic support services.
- g. **Other Interim Measures:** Student Conduct can coordinate reasonable arrangements to address the effects of the sexual violence, including connecting victims with counseling or health care.

When Student Conduct becomes aware of a student who could potentially be a victim of sexual violence, they will contact the victim through 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.

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# Policies

Please see two policies specifically addressing gender discrimination for more information: Oklahoma State University Policy and Procedures Letter No. 1-0702; Gender Discrimination/Sexual Harassment Policy and Title IX Grievance Procedure; and the Student Code of Conduct. These two 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 OSU Policy and Procedures Letter No. 1-0702, the provisions of OSU Policy and Procedures Letter No. 1-0702 shall prevail. Any person having

questions about the interaction of these two policies should contact Student Conduct.

These policies are available online at:

Policy and Procedures Letter No. 1-0702 — <https://stillwater.sharepoint.okstate.edu/Policies/Shared%20Documents/Forms/AllItems.aspx>

Student Code of Conduct — <http://studentconduct.okstate.edu/code>

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# Reporting

All forms of sexual violence, should be reported, no matter the severity. 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 has a Good Samaritan policy, which provides amnesty for minor conduct violation to students involved in a more serious incident.

The university encourages victims of sexual violence to talk to someone about what happened so that they can receive support and so the university can respond appropriately. The university offers both confidential services and non-confidential reporting options. It is important to know that different individuals may have different responsibilities regarding confidentiality, depending on their position. Under state law, some individuals can assure confidentiality for a victim, including counselors and victim advocates. In general, however, any other university employee cannot guarantee complete confidentiality, unless specifically provided by law. The university must balance the

needs of the individual victim with an obligation to protect the safety and well-being of the community.

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 a university 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.
- 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 or deputy coordinator.

## **CONFIDENTIAL SERVICES**

Confidential service options provide students with the ability to confidentially share and discuss an instance of sexual violence, without their information being shared with others. Please note that confidential services 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 or deputy coordinator without the victim's permission. These individuals are also not required by the Clery Act to report. This would include counselors in the University Counseling Center, Psychological Services Center and Counseling Psychology Clinic.

### **OSU Victim Advocates**

The university treats the OSU Victim Advocates as a confidential reporting option. Victims can visit with a victim advocate to learn about resources available on campus. The victim advocates are not required to report any information about an incident to the Title IX coordinator or deputy coordinator without a victim's permission. However, the victim advocates will report incidents, without personally identifiable information, to OSU Police for the purpose of the Clery Act. Additionally, the victim advocates will report quarterly to the Board of Regents on statistical trends of incidents.

### **University Health Providers**

University Health Service providers are a confidential service option. They are not required to report any information about an incident to the Title IX coordinator or deputy coordinator without a victim's permission. However, they will report incidents without any personally identifiable information to OSU Police for the purpose of the Clery Act.

While these professionals, non-professional counselors, health providers or victim advocates may maintain a victim'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.

## **NON-CONFIDENTIAL REPORTING OPTIONS**

The Board of Regents for Oklahoma Agricultural and Mechanical Colleges and the Clery Act require all employees (excluding counselors, health care providers and victim advocates) who become aware of an instance of sexual violence to report the instance to OSU Police and victim advocates. 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 that includes no information that would directly or indirectly identify the victim. This allows for the university to track patterns and develop appropriate campus-wide responses.

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 information that identifies the victim.

When an instance of sexual violence is reported to a "responsible employee," a student can expect the incident will be reported to the university's Title IX Coordinator or Student Conduct. A "responsible employee" is an employee who has the authority to redress sexual violence, has the duty to report incidents of sexual harassment and 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.

A responsible employee must report to the Title IX Coordinator or Student Conduct all relevant details about the alleged 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 university's response to the report. A responsible

employee should not share information about the victim to law enforcement unless a victim requests the employee to do so.

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the university will investigate the alleged sexual violence, end any sexual violence, prevent the sexual violence from recurring, 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 victim should be directed to a confidential resource.

### **REQUESTS FOR NO ACTION**

When Student Conduct is made aware of an alleged sexual violence situation, a victim will be sent resources via their university email address.

- If there is no response from the victim, Student Conduct will contact the alleged individual(s), if known, to discuss the concern and educate on sexual violence prevention. The information collected will be documented.
- If the victim requests that no action be taken, Student Conduct and the university must weigh that request against the obligation to provide a safe environment for all students, including the victim. No action request could include the following:
  - A request to not contact the alleged individual(s),
  - A request for no investigation from the university, or
  - A request for no conduct action to be taken.

If the university honors the request for confidentiality, a victim 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 victim's request in order to provide a safe environment for all students. When weighing a victim's request for no action the following will be considered:

1. The increased risk that the alleged respondent will commit additional acts of sexual or other violence, such as:
  - a. whether there have been other sexual violence complaints about the same alleged respondent;
  - b. whether the alleged respondent has a history of arrests or records from a prior school indicating a history of violence;
  - c. whether the alleged respondent threatened further sexual violence or other violence against the victim or others;
  - d. whether the sexual violence was committed by multiple respondents;
2. whether the sexual violence was perpetrated with a weapon;
3. whether the victim is a minor;
4. whether the respondent participates in university-approved student activities (e.g., athletics, band, ROTC, etc.);
5. whether the university possesses other means to obtain relevant information of the sexual violence (e.g., security cameras, personnel, physical evidence); and,
6. 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 university to investigate and, if appropriate, pursue conduct action. If none of these factors is present, the university will likely respect the victim's request for no action.

If determined that the university cannot maintain a victim's confidentiality, the university will inform the victim prior to starting an investigation. The 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 university may not require a victim to participate in any investigation or conduct process. Retaliation against the victim, whether by students or university employees, will not be tolerated.

## **REPORTING TO THE POLICE**

The university strongly encourages individuals to report sexual violence and any other criminal offenses to the police. This does not commit a victim 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 incidents can be reported to the OSU Police Department in 104 USDA Building or at **405-744-6523**. If the incident occurred elsewhere in Stillwater, it can be reported to the Stillwater Police Department at 723 S. Lewis or at **405-372-4171**. 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 CONDUCT**

Anyone can report instances of sexual violence to Student Conduct Education and Administration in 328 Student Union or at **405-744-5470**. A complaint should be filed as soon as possible, preferably within 180 calendar days of the incident. A complaint can be filed online at <http://studentconduct.okstate.edu> or in person in the office of Student Conduct Education and Administration.

If either the victim 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 violence to the police.

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# Student Conduct Process

## **ONCE A COMPLAINT IS FILED**

We want all participating parties to be knowledgeable about the process that occurs once a complaint is filed with Student Conduct Education and Administration. The following describes the investigation process, the hearing and the outcome of the hearing. Student Conduct Education and Administration staff will be available to explain the process as requested. The student conduct process will be prompt, fair and impartial. This means that the process will be completed within a reasonable timeframe 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. The victim that submits the complaint is referred to as the complainant. The alleged individual is referred here on out as the respondent. Lastly, the student conduct process will be conducted by university officials who do not have conflict of interest or bias for the complainant or respondent.

## **INVESTIGATION**

The complainant and respondent will be notified of receipt of the complaint.

- a. A university official will meet with the complainant to discuss the complaint submitted, review the investigation and hearing processes, and determine the outcome the complainant desires from the complaint.
- b. 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 respondent(s);
  - meeting personally with any witnesses; and,
  - reviewing any documentary information.
- c. The investigation will be adequate, reliable and impartial. The Title IX Investigator will compile an investigation report, which will be fact-checked by the complainant and respondent.
- d. 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.
- e. The university official will determine if a conduct hearing is possible based on the available information.
- f. If it is determined that the university will proceed with a conduct hearing, the complainant and the respondent(s) will be notified of the hearing date.

## **HEARING**

- 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 involving a complainant and respondent will be heard by the Student Conduct Committee Hearing Panel, which is comprised of 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. Each party is permitted to be present during the hearing (except during deliberations). All parties can be in the same room in a pre-arranged, non-threatening location or in separate rooms with a video conference option.

- f. Each party and their advisors 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. Respondents and complaints will be informed of the outcome. Each party is notified simultaneously and within two business days after the hearing.
- c. Each party has the right to appeal the decision reached through the hearing proceedings within seven business days after the hearing and the right to respond if an appeal is submitted by the opposing party.

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# Guidelines for University Employees

As an OSU employee, when an incident of sexual harassment or other crime is reported to you, there are four simple steps that you should follow to ensure that you have fulfilled your obligations. If a crime is currently ongoing or if you feel that there is an emergency, call **911**.

- Inform the individual you must report the incident.
- Get the facts.
- Provide the individual with resources.
- Report the incident to the appropriate individuals.

## **INFORM THE INDIVIDUAL YOU MUST REPORT THE INCIDENT**

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 OSU police department for the purpose of crime statistics. I will not be reporting your name to OSU PD unless you provide consent for me to do so. However, OSU policy and federal laws require that I report all of what you have shared with me to the appropriate university officials [Title IX Coordinator, Student Conduct]."*

There is a distinct difference between what the Clery Act requires university officials to report to OSUPD and what Title IX requires university officials to report internally.

When reporting to the police, the Clery Act does not require the victim's name unless the victim consents. If more information is needed after you report, you might be asked to follow up with the victim 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.

When reporting to the Title IX Coordinator or Student Conduct, Title IX requires that you provide both the victim 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.

## **GET THE FACTS**

Assuming that there is not an ongoing emergency, you must first get the facts of the incident. Key facts 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.

**DO NOT INVESTIGATE.** 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.

## **PROVIDE RESOURCES**

There are a number of campus and community resources available to victims 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 the incident to you to speak to the police if they are unwilling to do so. Please review information provided at <http://1is2many.okstate.edu> with the individual. Information to cover could include victim advocates, interim measures, reporting and resources.

## **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.

### **Who To Contact About Sexual Violence**

*Student Involved:* Student Conduct

*No Student Involved:* Title IX Coordinator

### **Who To Contact About Sexual Harassment**

*Student Involved:* Student Conduct

*No Student Involved:* Title IX Coordinator

## **CLERY REPORTING**

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

Arrests and disciplinary referrals for violations of liquor, drug and weapon laws

- Sex offenses
- Stalking
- Dating violence
- Domestic violence
- Aggravated assaults
- Hate crimes
- Burglary
- Motor vehicle theft
- Robbery
- Arson
- Criminal homicide

Definitions of these crimes are provided online at <http://safety.okstate.edu>. 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 are called and speak to all involved parties. Once the police are called your reporting requirements are met. But there are times when victims simply are not ready to speak to the police. This is not uncommon; do not coerce individuals to report.

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

## **VICTIM INTERACTION**

- If approached by a victim of 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 a victim of sexual violence:
  - Address the victim by name.
  - Introduce yourself by name and position and explain your role at the university. This is also the time to tell the victim of your reporting obligations and whether or not you can maintain confidentiality. Victims of 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 victim in any way for their experience.
  - Be mindful that the victim may be emotionally distraught or even in shock.
  - Do not question their experiences. Due to the impact of trauma they might not be remembering everything or remembering it in chronological order, therefore, their experience may seem disjointed.

- Share both on- and off-campus resources available with the victim.
- Be patient, and if necessary, repeat what options are available. A victim may be in shock, and therefore may not hear everything the first time you say it.
- Provide the victim with a Sexual Violence Resource Booklet that outlines all of the resources and information you have shared with them.
- After the interaction, follow your specific reporting obligations, if you have them.

## **FACULTY AND STAFF COMPLAINT PROCESS**

If an OSU employee believes that they have been the victim of discrimination, discriminatory harassment, or has information about discrimination/harassment in the university community, they 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 Equal Opportunity, located in 408 Whitehurst, or at **405-744-9154**. This report initiates a complaint.

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

The Title IX Coordinator (or an alternate investigator, 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 complaint, the Title IX Coordinator (or alternate investigator) 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 their 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 regarding the appropriate penalty, the Title IX Coordinator may provide a recommendation as to the appropriate sanction. The Dean 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 Human Resources 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 OSU's nondiscrimination policies may contact the Provost for information about the grievance process.

Please refer to OSU's Gender Discrimination/Sexual Harassment Policy and Title IX Grievance Procedure 1-0702 for more detailed information.

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# 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**

Oklahoma State University takes acts of sexual violence and sexual harassment seriously. The 1 is 2 Many campaign addresses sexual violence on several levels, from direct education to awareness materials. 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://1is2many.okstate.edu>.
2. Click on Student Training link on the left side of the screen.
3. Log-in with your Okey account information.

Additionally, Student Conduct Education and Administration provides in-person education on sexual violence to any group of students, faculty or staff upon request. Topics include but are not limited to: sexual assault; sexual harassment; the conduct process for sexual misconduct; how to support a victim; bystander intervention; prevention strategies; and resources available for victims.

## **BYSTANDER INTERVENTION**

To prevent sexual violence, it is important to note that all people are potential witnesses or bystanders to behaviors related to sexual violence. Bystander intervention theory states that the

more people are around a potentially dangerous situation, the less likely it is that any one individual will intervene or help a potential victim. There are many reasons for this inaction described below.

In order to intervene, someone has to:

### **1. Notice a critical situation**

Bystanders first must notice the incident taking place. It is important to become attune to what situations may be risky. For example, you may be at a party and see someone stumbling as they are being led into a different room, or you observe that your friend has a partner who is very controlling; these are potentially dangerous situations that need attention. However, sometimes it can be hard to recognize situations as dangerous if you are unsure of what is happening.

### **2. Recognize the situation as problematic**

By “problematic,” we mean a situation wherein there is risk of sexual or domestic violence occurring in the near future.

### **3. Develop a feeling of personal responsibility to do something**

It has been found that often, people believe that someone else will help in a situation where there are many people around. This is especially true if you do not directly know the potential victim. However, it is important to realize that others may also be thinking the same thing. If you are unsure if you should do something, ask a friend what they think — it might be the case that they have been thinking the same thing.

### **4. Believe you have the bystander intervention skills and knowledge to help**

There are a number of different techniques that someone can use to intervene in a risky situation; some are listed

below. There is always something you can do to help, even if it is just to pick up your phone and call the police.

#### 5. **Consciously decide to help**

The choice to intervene is an intentional decision reached through this process; but, there are many thoughts that might interrupt this process. For example, you might: be worried about being embarrassed or getting hurt; think someone else will do something about it; think, based on others' inaction, you are the only person who recognizes the situation as problematic. All of these thoughts interrupt your decision to intervene in a situation.

### **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 are trying to stop is someone who 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 someone in the situation. For example, "Hey, aren't you in my Spanish class?" or "Who wants to go get pizza?" This technique is especially useful when people are under the influence of alcohol or drugs because they are more easily distracted than those that are sober.
3. **DELEGATE:** Find others who can help you to intervene in the situation. You could ask a friend to distract one person in the situation while you distract the other, tell the bartender about the situation, or call the police. If you do not know either person in the situation, you could also ask around to find someone who does and ensure that that person intervenes.
4. **DELAY:** For many reasons, you may not be able to do something in the moment. For example, if you are feeling unsafe or if you are 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 situation. Then, you can ask them, "Are you okay?" or "How can I help you get out of this situation?"

Information from the 1 is 2 Many website, <http://1is2many.okstate.edu/intervention>.

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

If your friend is a victim 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 their feelings.
- b. Keep what is said confidential.
- c. Let your friend know that they are not to blame. Many victims 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 their 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 including the OSU Victim Advocates, Student Conduct and University Counseling Services.

## **CAMPUS SAFETY**

Students at college accept new responsibilities, including taking appropriate measures to ensure their own personal safety. In combination with OSU'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 OSU Police Department in 104 USDA Building or at **405-744-6523** or <http://safety.okstate.edu>.

*1 in 2  
many*

## 2016 Edition

Oklahoma State University, in compliance with Title VI and VII of the Civil Rights Act of 1964, Executive Order 11246 as amended, and Title IX of the Education Amendments of 1972 (Higher Education Act), the Americans with Disabilities Act of 1990, and other federal and state laws and regulations, does not discriminate on the basis of race, color, national origin, genetic information, sex, age, sexual orientation, gender identity, religion, disability, or status as a veteran, in any of its policies, practices or procedures. This provision includes, but is not limited to admissions, employment, financial aid, and educational services. The Director of Equal Opportunity, 408 Whitehurst, OSU, Stillwater, OK 74078-1035; Phone 405-744-5371; email: [eeo@okstate.edu](mailto:eeo@okstate.edu) has been designated to handle inquiries regarding non-discrimination policies. Any person (student, faculty, or staff) who believes that discriminatory practices have been engaged in based on gender may discuss his or her concerns and file informal or formal complaints of possible violations of Title IX with OSU's Title IX Coordinator 405-744-9154. This publication, issued by Oklahoma State University as authorized by the office of Student Conduct Education and Administration, was printed by CareerTech at a cost of \$1,610 / 700. 08/2015 #6072



***STUDENT CONDUCT  
EDUCATION AND  
ADMINISTRATION***

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