

SEXUAL MISCONDUCT, DISCRIMINATION, AND HARASSMENT POLICY

I. Policy on Sexual Misconduct, Discrimination, and Harassment

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

Any person seeking to invoke the protections of this policy may do so solely by providing notice to the Title IX Coordinator as provided herein; notice to other members of the University community will not be imputed to the Title IX Coordinator.

II. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Dr. Keith Vitense, Title IX Co-Coordinator
Cameron University Office of Equal Opportunity
2800 West Gore Boulevard
Lawton, OK 73505
(580) 581-6712

D. Workplace Harassment

Unwelcome conduct that is based on sex (including pregnancy), and (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

E. Employee Sexual Misconduct

Employee conduct that occurs outside the context of the educational program or outside the United States, but where the conduct otherwise meets one or more definitions of Sexual Harassment set forth in Section C, above. The Office of Equal Opportunity is authorized to investigate Prohibited Conduct under this section with written approval from the University's Chief Human Resources Officer.

F. Sexual Misconduct- Student Code Violation

Student conduct that occurs outside the context of the educational program or outside the United States, but otherwise meets one or more definitions of Sexual Harassment set forth in Section C, above. The Office of Equal Opportunity is authorized to investigate Prohibited Conduct under this section with written approval from the Director of Student Conduct stating the Prohibited Conduct, as alleged, is within the University's jurisdiction as defined in the Student Code of Conduct.

G. Retaliation

Any attempt to penalize or take an adverse employment, educational or institutional benefit action, including but not limited to making threats, intimidation, reprisals, interference with an individual's protected rights, or other adverse action, against a person because of participation or non-participation in a report, investigation, or grievance process of Prohibited Conduct.

H. False Reporting

Knowingly making a materially false statement in bad faith or knowingly submitting materially false information during the grievance process is prohibited. False reporting does not include accidental or inadvertent false statements, immaterial inaccuracies, or statements made outside the context of making a report, filing a grievance, participating in a grievance procedure, or during the grievance process.

I. Violation of Consensual Sexual Relationships Policy

The Consensual Sexual Relationships Policy may be found here: <https://www.cameron.edu/policies>.

V. Direct Administrative Action

A. Administrative Review

Subject to the limitations of applicable law, the Title IX Coordinator reserves the right to address an incident of Prohibited Conduct on campus even if no Formal Complaint of Title IX Sexual Harassment or other Complaint alleging other Prohibited Conduct is filed, and may take unilateral action to remedy the effects of sexual harassment. In undertaking a unilateral administrative action, however, the Title IX Coordinator may not impose any disciplinary sanction or unduly burden a Respondent.

B. Emergency Removal of Students

The University President or Dean of Students (or their designee) may take Direct Administrative Action (DAA) to immediately restrict a student's rights within the University community, up to and including emergency removal. A DAA imposed after an individualized safety and risk analysis yields a determination that an immediate threat to the physical health or safety of a student or other individual justifies the removal

Effective Date: August 1, 2020

Respondent is no longer subject to the University's jurisdiction for disciplinary sanctions and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. In cases where significant time has lapsed since the reported incident, the Title IX Coordinator shall offer supportive measures. If a Formal Complaint of Title IX Sexual Harassment, Complaint of Employee Sexual Misconduct, or Sexual Misconduct (Student Code Violation) is dismissed because passage of time renders investigation not reasonably practicable, the parties will be afforded the right to appeal the decision in accordance with the Grievance Procedures for Title IX Sexual Harassment and Sexual Misconduct.

E. Intake Process

Upon receiving a report or Formal Complaint of Title IX Sexual Harassment or Complaint of other Prohibited Conduct, the Office of Equal Opportunity staff and/or the Title IX Coordinator will promptly communicate with a Complainant to discuss the availability of supportive measures, provide information about the investigative process, and discuss the process for filing a Formal Complaint of Title IX Sexual Harassment or a Complaint of other Prohibited Conduct. Where applicable, Complainants will also be advised on the preservation of evidence that may be relevant to a University or other proceeding and their right to seek a court-issued order of protection. Complainants will be informed of the right to report an incident to law enforcement authorities and will be offered assistance in reporting to law enforcement if requested.

F. Supportive Measures

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. Supportive measures are non-disciplinary, non-punitive, individualized services offered without fee or charge to either party before or after the filing of a Formal Complaint of Title IX Sexual Harassment or Complaint of other Prohibited Conduct, or where none is filed. Supportive measures are designed to restore or preserve equal access to the University's

VII. Formal Complaint of Title IX Sexual Harassment or Sexual Misconduct

A Complainant may choose whether to proceed with filing a Formal Complaint of Title IX Sexual Harassment or Complaint of Employee Sexual Misconduct or Sexual Misconduct (Student Code Violation). In certain instances, such as those which indicate a pattern, predation, threat, weapons and/or ongoing violence, or when an employee is alleged to have sexually harassed a student, the Title IX Coordinator may initiate an investigation.

A. Promptness

The Office of Equal Opportunity will respond promptly to reports of Title IX Sexual Harassment, Employee Sexual Misconduct and Sexual Misconduct (Student Code Violation). Formal Complaints may take 60-90 business days to resolve, typically. The Office of Equal Opportunity will work to avoid undue delays within its control, but in some cases timelines may need to be extended. Any time the general timeframes for resolution outlined in the Office of Equal Opportunity's procedures will be delayed, the Office of Equal Opportunity will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

B. Process summary

The Grievance Procedures for Formal Complaints Involving Title IX Sexual Harassment and Sexual Misconduct are designed to provide the parties with an impartial investigation, decision-making, equitable resolution, and appellate process. While individual proceedings may vary depending upon the specific facts and circumstances, a grievance will follow the following format:

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burdensome, punitive, or disciplinary to the Respondent). The Title IX Coordinator will be responsible for the effective implementation of remedies.

The range of possible disciplinary sanctions include:

Prohibited Conduct*	Employee Disciplinary Sanction	Student Disciplinary Sanction
Sexual Harassment – Hostile Environment	Min. Written Reprimand	Title IX 2.5.1

VIII. Definition of Consent

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

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

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

- the amount of alcohol, medication, or drugs consumed
- imbalance or stumbling
- slurred speech
- lack of consciousness or inability to control bodily functions or movements
- vomiting
- legal incapacity, such as in the case of a minor and/or persons under legal guardianship

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facility security and access, incidences of alcohol and drug use, and the prevention of/response to sexual assault, domestic and dating violence, and stalking.

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Appendix A: VAWA State Law Definitions

In accordance with the Violence Against Women Reauthorization Act of 2013, please be advised that the following definitions are applicable should you wish to pursue Oklahoma state criminal or civil actions. These definitions may differ from the University's administrative policy definitions noted above. The University's administrative system and disciplinary procedures are separate and distinct from those available to someone in a state civil or criminal action. Individuals may seek administrative remedies in accordance with this policy and also may seek state or federal civil or criminal remedies for the same incident through the applicable systems. The definitions set forth below are reviewed and verified annually; for a more frequently updated resource, please consult Oklahoma's State Court Network site: <http://www.oscn.net>

Consent

The term "consent" means the affirmative, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter which can be revoked at any time. Consent cannot be:

1. Given by an individual who:
 - a. is asleep or is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason, or
 - b. is under duress, threat, coercion or force; or

accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;

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- c. appearing at the workplace or residence of that individual,
 - d. entering onto or remaining on property owned, leased, or occupied by that individual,
 - e. contacting that individual by telephone,
 - f. sending mail or electronic communications to that individual, and
 - g. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual; and
5. "Member of the immediate family", for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months.

21 O.S. § 1173

Appendix B: Education, Training, and Resources

Employees must take an approved training course every 2 years during their career, with the initial training in their first 30 days of service at the University (<https://cameron-ok.safecolleges.com/login>). Employees may be required to be recertified on demand. Failure to have a certification of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and on request. Where University employees are also students, they will be required to also take the mandatory online training provided to students. For those without access to a computer or in need of additional assistance, please contact the University's Human Resources Department to take the training in an alternate format. Please see the types of training offered below. For more information on training resources or to view copies of training resources, visit the Office of Equal Opportunity website.

I. For students, the University offers:

Mandatory training for students is completed through UNIV 1001/1113 which is required for all first year students.

- Annual spring on-campus campaign concerning the policy and appropriate behaviors regarding sexual assault, dating violence, domestic violence, stalking, and other sexual misconduct.
- Informational website and brochures devoted to educating students at <https://www.cameron.edu/oeo>.

II. For employees, the University offers:

Mandatory online training for employees through: <https://cameron-ok.safecolleges.com/login>

- In-person and virtual training on mandatory reporting through new employee orientations, foundations in management, and other periodic training opportunities and upon request.
- Annual spring on-campus campaign concerning the policy and appropriate behaviors regarding sexual assault, dating violence, domestic violence, stalking, and other sexual misconduct.
- Informational website and brochures devoted to educating employees at: <https://www.cameron.edu/oeo>

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