

Oklahoma Christian University

Policy and Procedures Addressing Sexual Harassment

Title IX of the Education Amendments of 1972

Effective: August 14, 2020

Revised: March 1, 2022

I. Preamble

Oklahoma Christian University is a safe place for all. The underlying Biblical basis on which Oklahoma Christian University complies with Title IX of the Education Amendments of 1972 is best summarized in two passages.

First, in Mark 12:30-31. A curious scribe, impressed with Jesus' answers to Sadducees question about the resurrection, asked Jesus, What is the most important commandment? Jesus told him, "**love the Lord your God with all your heart, soul, mind, and strength, and the second is like it, love your neighbor as yourself.**"

Second, in Matthew 7:12 Jesus said in everything then **do to others as you would have them do to you.**

As members of the Oklahoma Christian University community we pledge to each other to live under the terms of the OC Covenant. This Covenant requires that we treat each other and ourselves with the same respect, care, and concern that Jesus expects. The following policy concerns Oklahoma Christian University's response when a community member alleges to have been harmed by another member of the community through unwanted conduct of a sexual nature.

James 2 provides the context in which Oklahoma Christian University will apply its process and procedures. Fairness for all will permeate the process, **without favoritism.**

II. Overview

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. Title IX states "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance[.]" All federal agencies that provide grants of financial assistance are required to enforce Title IX's nondiscrimination mandate.

III. Definitions

1. **Actual Knowledge** of an allegation of sexual harassment occurs when a Complainant informs either (1) the Title IX Coordinator, or (2) an official with authority to institute corrective measures on behalf of OC, of the allegation of sexual harassment covered

under Title IX. When OC has actual knowledge on such basis, its response obligations are triggered.

2. **Advisor** is an individual chosen by a Complainant or a Respondent to assist them in the Title IX process. Advisors will be instructed regarding their role during the procedures and will be required to sign a non-disclosure agreement. The Advisor may be but need not be an attorney. If the Advisor is an attorney the attorney must register with the Chief Legal Counsel prior to being allowed to participate in any phase of the grievance procedures. Attorneys will be instructed in the limited scope of their involvement in the process and will be required to sign an affidavit of participation. If one party has an Advisor for the hearing but the other party does not, the university shall provide an Advisor of its choosing to assist the party without an Advisor during the hearing.
3. **Amnesty** involves the university's nonenforcement of other student code of conduct violations, against a complainant or witness which occur or are related to the factual circumstances surrounding an alleged instance of unwanted conduct of a sexual nature described in the complaint.
4. **Appeal** of a Title IX decision can occur on the following basis (1) a procedural irregularity that affected the outcome of the matter (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and (3) the Title IX Coordinator, investigator(s), or decision maker(s) had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.
5. **Clery Act** ("The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990") is a comprehensive crime reporting statute with implementing regulations providing specific uniform definitions of certain crimes.
6. **Complaint (Formal)** is a written document, signed and filed by a complainant, or in limited circumstances signed by the Title IX Coordinator, alleging sexual harassment against a respondent, in which the complainant requests the university investigate the allegation contained in the complaint. The filing of the formal complaint triggers the university's grievance procedures outlined below.
7. **Complainant** is an individual who is alleged to be a victim of conduct that could constitute sexual harassment.
8. **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:
 - a. Given by an individual who:
 - i. is asleep or is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason, or
 - ii. is under duress, threat, coercion or force; or
 - b. Inferred under circumstances in which consent is not clear including, but not limited to:
 - i. the absence of an individual saying "no" or "stop", or
 - ii. the existence of a prior or current relationship or sexual activity.

9. **Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim (Complainant). The existence of such a relationship shall be determined based on the reporting party's (Complainant) statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
10. **Deliberate Indifference** is if the university's response to sexual harassment is clearly unreasonable in the light of the known circumstances.
11. **Directly Related Evidence** includes all evidence (inculpatory and exculpatory) that relates to the allegations under investigation. Directly related evidence, nonetheless may be inadmissible based on relevancy.
12. **Disciplinary Sanctions** are punitive actions taken by the university against a respondent who has been determined, through a formal hearing, to have engaged in unwanted conduct of a sexual nature. Such sanctions may include but are not limited to, dismissal, fine, suspension, removal from campus, or other steps intended to be punitive in nature.
13. **Domestic Violence** is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim (Complainant); by a person with whom the victim (Complainant) shares a child in common; by a person who is cohabitating with or has cohabitated with the victim (Complainant) as a spouse or intimate partner; by a person similarly situated to a spouse of the victim (Complainant) under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
14. **Education Program or Activity** are locations, events, or circumstances over which the university exercises substantial control over both the respondent and the context in which the sexual harassment occurred and is against a person in the United States.
15. **Emergency Removal** (or "interim suspension") removes a student who poses an imminent threat to any person's physical health or safety, prior to the conclusion of a grievance process, or if necessary even when no grievance process is pending, when the threat arises out of a sexual harassment allegation.
16. **Family Education Rights and Privacy Act ("FERPA")** is a statute designed to protect the privacy rights of students in the education records. FERPA defines the term "education record" broadly to generally include any information directly related to a student that is maintained by the university.
17. **Informal Resolution** is a process for resolving complaints of sexual harassment between students, that is other than the hearing format of a Formal Resolution, outlined below. Informal resolution is always voluntary and mediated by a trained individual. Informal resolution can only proceed after a Formal Complaint has been filed, and only if both student parties voluntarily consent to informal resolution and the Title IX Coordinator agrees. Informal resolution is not available when an allegation is brought by a student against an employee, or an employee against a student.

18. **Investigations** are a deliberate methodical process undertaken by trained volunteer OC employees, designed to gather facts and relevant evidence from the Complainant, Respondent, and any of their witnesses, in order to assist a decision maker in assessment of whether the complaint is based on facts that are highly probable to be true (i.e. by the clear and convincing standard of the evidence).
19. **Officials with Authority** to implement corrective measures are those OC employees granted either express or positional authority to ensure corrective measures are implemented after having received a report of an allegation of sexual harassment as defined in this policy. These officers are the Title IX Coordinator and generally include the President, his or her Chief Officers, the Director of Residence Life, the Director of International Programs, and the Athletic Director.
20. **Party(ies)** as used in this policy only refers to Complainants and Respondents.
21. **Relevant Evidence** is information provided by a party, or witness, or discovered during the investigation of a Title IX complaint that has the tendency to make the existence of a fact, issue, statement, or occurrence more or less probable.
22. **Relevant Question** during the investigation or hearing means a question that is directly related to the ultimate question before the trier of fact, or has the tendency to make the truthfulness or existence of a fact, issue, statement, or occurrence that is directly related to the ultimate issue before the trier of fact more or less probable.
23. **Religious Exemption** is a congressionally provided recognition that certain aspects of Title IX do not apply to religious universities, like Oklahoma Christian University, when application of that aspect would violate a sincerely held religious belief of the university, as such are determined by its Board of Trustees.
24. **Remedies** are restorative actions taken by the university for the benefit of a complainant against whom sexual harassment has been determined to occur, during a formal hearing.
25. **Report** of a potential Title IX violation occurs when the Title IX Coordinator has actual knowledge of an allegation of a violation of Title IX. The Title IX Coordinator will inquire about a report when he or she has actual knowledge of the report and will provide supportive measures to the reporter as necessary.
26. **Respondent** is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
27. **Retaliation** occurs when the university or other individual intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with any rights or privileges secured by Title IX.
28. **Sexual Assault** (VAWA) is any type of sexual contact or behavior that occurs without consent of the Complainant. The definition includes sexual activity such as forced sexual intercourse, sodomy, molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity, and it specifically includes the crimes of dating violence, domestic violence, and stalking.

29. **Sexual Harassment** (Title IX) means conduct on the basis of sex that satisfies one or more of the following: (1) “quid pro quo”¹ sexual harassment by an employee; or (2) unwelcome conduct, determined by a reasonable person, to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the university’s education program or activities; or (3) Sexual Assault, dating violence, domestic violence or stalking as defined in the “Clery Act” and the “VAWA”. Sexual Assault (VAWA) including dating violence, domestic violence or stalking are forbidden under VAWA and will be addressed in compliance with VAWA’s requirements.
30. **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person’s safety or the safety of others; or (2) 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. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
31. **Standard of Evidence** is the relevant degree of satisfaction required in order to determine whether a fact, finding, or evidence is true. The standard of proof in all matters involving sexual harassment or sexual assault will be the clear and convincing evidence standard. The clear and convincing standard is having confidence that a conclusion is based on facts that are highly probable to be true.
32. **Supportive Measures** are free individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party, designed to provide or preserve equal educational access, protect safety, or deter sexual harassment, and are implemented as soon as practicable after the Title IX Coordinator has actual knowledge of a report of an alleged violation of Title IX.
33. **Title IX Coordinator** is the person appointed by the university to oversee the application of its Title IX program and compliance.
34. **Violence Against Women Reauthorization Act of 2013 (“VAWA”)** is a Federal statute providing certain definitions related to violent acts against women in various settings. Certain definitions found in VAWA amend definitions found in the Clery Act by reference. The definitions in this policy applying to dating violence, domestic violence, and stalking are Clery Act definitions amended by VAWA.

¹ A school employee conditioning education benefits on participation in unwelcome sexual conduct.

III. Grievance Procedures

The grievance procedure always begins with a written complaint.

1. **Complaint:** Oklahoma Christian University's Title IX procedures begin by the filing of a signed formal written complaint, delivered by a Complainant to the Title IX Coordinator. Signed complaints can be submitted in person, by mail, or by email. OC must dismiss a complaint that alleges conduct (1) that is not covered in the regulation's definition of sexual harassment, or (2) that did not occur in the university's academic program or activities, or (3) that is not against a person in the United States. This mandatory dismissal is only with regard to Title IX. Other university disciplinary procedures may apply even though Title IX may not.

The university may, but is not required to dismiss a formal complaint if (1) the Complainant informs the Title IX Coordinator, in writing, that the Complainant desires to withdraw its formal complaint, or (2) if the Respondent is no longer enrolled in or employed by the university, or (3) if specific circumstances prevent the university from gathering sufficient evidence to make a determination. If the university dismisses a complaint it will provide written notice of the dismissal to both parties concurrently.

Either party may appeal any final decisional matter made during the Title IX process, including the Title IX Coordinator's decision that a complaint either must be or may be dismissed based on the preceding reasons.

When the Title IX Coordinator is aware of either (1) a repeated pattern of sexual harassment by an individual(s), or (2) a single instance of sexual harassment by an individual(s) that is so severe or violent that immediate response is warranted, the Title IX Coordinator may initiate the grievance procedure on behalf of the university, through a written complaint signed by the Title IX Coordinator.

2. **Advisors:** Each party is allowed to have an Advisor of their choosing present with them during each stage of the formal process. An Advisor may, but need not be, an attorney. Attorneys serving as Advisors, must register with the Chief Legal Counsel prior to participation in any phase of any resolution process. If one party has an Advisor but the other does not, the University will provide an Advisor of its choosing, for the party without an Advisor.

The Title IX Coordinator will immediately implement supportive measures when necessary to ensure equal access to OC programs.

3. **Supportive Measures:** The Title IX Coordinator must implement Supportive Measures as soon as practicable, when necessary or requested, which are designed to ensure

equal access to Oklahoma Christian University's academic programs and benefits. These measures are non punitive and non disciplinary.

The Title IX Coordinator then provides contemporaneous notice of the complaint and enough detail to provide the Complainant and Respondent the ability to participate meaningfully in the first interview. (See *Informal Resolution below for student on student complaints where both parties agree to informal resolution.*)

4. **Notice:** The Title IX Coordinator will notify both parties contemporaneously of the allegations contained in the complaint, with enough specificity for each party to understand the complaint, the relevant parties, and to be able to prepare for the first interview with the investigators. Respondents are presumed not responsible until a finding of responsibility under this policy states otherwise.

The Title IX Coordinator will prepare an investigatory plan and assign proper investigators to begin the collection of facts and evidence.

5. **Investigation:** The Title IX Coordinator will create a written investigation plan and assign investigators to gather relevant facts and information in an unbiased and fair manner from the Complainant, Respondent, their witnesses and other individuals with potentially relevant facts or evidence related to the complaint. Each party may provide inculpatory and exculpatory evidence and fact witnesses to the investigators. The burden for gathering evidence and substantiating the burden of proof lies with the university, not the parties. Interviews may be electronically recorded at the sole discretion of the investigators. During the investigation, the university will not access treatment records without the voluntary written consent of the party. The university will protect the privacy of the party supplying its treatment record, as best as is possible without unfairly jeopardizing the unbiased nature of the investigation. If the treatment record is relevant to the ultimate issue in the investigation, the other party will be provided access to the record, just like all other relevant evidence.

Prior to issuing the final investigative report the Title IX Coordinator will provide each party, and their advisor, if any, access to the evidence being considered, and each party shall have at least ten (10) days in which to provide the Title IX Coordinator a written response to the evidence. The Title IX Coordinator shall consider the parties' written responses prior to issuing the final written investigative report.

The investigation will result in a final written investigative report summarizing the evidence and the process employed to gather the evidence. The Title IX Coordinator will provide the final written investigative report to each party and each party's advisor, if any, at least ten (10) days prior to the hearing. Either party may respond to the final investigative report in writing provided to the Title IX Coordinator prior to the expiration of this ten (10) day period.

Following the conclusion of the investigation the Title IX Coordinator will assemble a hearing panel from the pool of trained panelists and a date will be set for the hearing.

6. **Hearing:** At the conclusion of the formal investigation a formal resolution process will conclude with a live hearing.
 - a. **Hearing Panel:** The hearing is conducted in the presence of a three (3) person hearing panel whose role is to determine whether it is substantially more likely than not that the facts and evidence in the complaint are either true or false (i.e. having confidence that a conclusion is based on facts that are highly probable to be true).
 - b. **Live Hearing:** The hearing will be live and in real time via online video conferencing. If the Title IX Coordinator determines there are unique extenuating circumstances that prevent the viability of an online video conference, with the agreement of both parties, the hearing can be held in person in the hearing room.
 - c. **Cross-Examination:** The live hearing will include the ability of each party to indirectly cross-examine the other party, through their Advisor. If a party does not have an Advisor at the hearing, the University will provide one. Neither party will be allowed to address the other party directly. Cross-examination will be live, oral, and in real time, but is strictly limited only to information relevant to the complaint, contained in the final written investigative report, or either party's written response thereto. The Hearing Panel Chair will make all determinations regarding relevance. His or her relevance determination is final and not open to further discussion, during the hearing.

The prior sexual conduct of a complainant is always irrelevant, unless it is offered to prove that someone other than the respondent committed the sexual harassment, or to prove consent. Instances of prior sexual conduct between the parties by itself, is not dispositive of consent.

A party or witness has the right not to attend a hearing or answer cross-examination questions and refusing to do so may not be used by the decision maker to make an inference, positive or negative, about credibility.

- d. **Recording:** The hearing will be recorded electronically.

After the hearing panel returns its decision each party will be contemporaneously informed of the panel's decision.

7. **Determination:** At the conclusion of the hearing, the hearing panel will convene in private to make a determination of whether it is substantially more likely than not, based on the totality of the evidence presented (i.e. having confidence that a conclusion is based on facts that are highly probable to be true), that the conduct complained of happened in accordance with the facts alleged in the complaint, and if so, whether the

conduct violates Title IX. The panel's determination will be in writing and will be communicated to the Title IX Coordinator within five (5) days after the hearing. The Title IX Coordinator will communicate concurrently the panel's written determination to the Complainant, the Respondent, and the Advisors within two (2) days after receiving the determination. The written determination will articulate findings of fact, conclusions on the ultimate matter, its rationale as to each allegation contained in the complaint, the disciplinary sanctions imposed by the panel, whether remedies are available to the Complainant, and procedures and permissible bases for appeal. The Title IX Coordinator is responsible and empowered to ensure that the panel's sanctions are implemented.

Either party may appeal the decision.

8. **Appeal:** Refer to Section III (Definitions) Point 4 (Appeal) for the bases of an appeal. Either party may appeal the decision of the hearing panel. (.). The appeal must be made in writing and presented to the Title IX Coordinator within five (5) days of the date on which the determination has been communicated to the parties. Both parties can submit a written statement to the appellate officer supporting or challenging the determination within five (5) days of being informed of the appeal. If the decision involves an employee, and employment sanctions are involved, then the Chief Human Resources Officer shall be the appellate review officer. If the appeal involves only students then the Dean of Students shall be the appellate officer. If either appellate officer has a conflict of interest in the outcome of the appeal then the Chief Operations Officer shall be the appellate officer for students and the Chief Legal Officer for employees. Within ten (10) days after receiving the written appeal, the appellate officer shall simultaneously deliver a written response to the appeal to both parties, their advisors, and the Title IX Coordinator.

Generally, after the appeal decision has been contemporaneously communicated appropriate sanctions will be implemented against a respondent who has been determined to have violated Title IX. In some circumstances it may be necessary to implement disciplinary sanctions immediately, even though the decision is still appealable, but this is rare.

9. **Sanctions:** The hearing panel will assess sanctions. Prior to assigning sanctions, generally the panel will consult with the Dean of Students regarding appropriate sanctions for students determined to have violated Title IX. Prior to assigning sanctions the panel will generally consult with the Chief Human Resources Officer for employees determined to have violated Title IX.

Student sanctions include but are not limited to (1) withdrawal of a right or privilege, (2) mandatory training, (3) mediated restitution, if appropriate, (4) fine or other penalty (5) removal from campus housing, without expulsion (6) suspension for a time, (7) expulsion for a semester, or (8) permanent expulsion as a student at OC.

Employment sanctions may include, but are not limited to (1) mandatory training, (2) mediated restitution, if appropriate (3) loss of a right or privilege of employment (4) altered work schedule (5) temporary paid or unpaid suspension or (6) termination of employment.

The Title IX Coordinator will assist the complainant by implementing remedies designed to allow the complainant to continue receiving academic benefits and services at Oklahoma Christian University.

10. **Remedies:** The Title IX Coordinator will work with the complainant through an interactive process to determine appropriate remedies that will allow the complainant to continue accessing the academic programs and benefits provided by Oklahoma Christian University.

IV. Informal Resolution, if applicable.

A written complaint is delivered to the Title IX Coordinator.

1. **Complaint:** The Title IX procedures for Informal Resolution begin by the filing of a formal written complaint, by a Complainant with the Title IX Coordinator. OC must dismiss a complaint that alleges conduct (1) that is not covered in the regulation's definition of sexual harassment, or (2) that did not occur in the university's academic program or activities, or (3) that is not against a person in the United States. This mandatory dismissal is only with regard to Title IX. Other university disciplinary procedures may apply even though Title IX may not.

The university may, but is not required to dismiss a formal complaint if (1) the Complainant informs the Title IX Coordinator, in writing, that the Complainant desires to withdrawal its formal complaint, or (2) if the Respondent is no longer enrolled in or employed by the university, or (3) if specific circumstances prevent the university from gathering sufficient evidence to make a determination. If the university dismisses a complaint it will provide written notice of the dismissal to both parties concurrently.

The Title IX Coordinator will immediately implement supportive measures when necessary to ensure equal access to OC programs.

2. **Supportive Measures:** The Title IX Coordinator must implement Supportive Measures as soon as practicable after receiving a Report of sexual harassment. Supportive Measures are designed to ensure equal access to Oklahoma Christian University's academic programs and benefits. These measures are non punitive and non disciplinary.

The Title IX Coordinator then provides contemporaneous notice of the complaint and enough detail to provide both parties the ability to participate meaningfully in the process.

3. **Notice:** The Title IX Coordinator will notify both parties contemporaneously of the allegations contained in the complaint, with enough specificity for each party to understand the complaint, the relevant parties, and to be able to prepare for the first interview with the investigators.

Both parties may agree, after giving informed written consent to the Title IX Coordinator, to participate in an informal resolution process not involving a hearing panel.

4. **Informal Resolution Methods and Requirements:** Following the filing of a Formal Complaint, if both parties are students and each agree through an informed written consent to participate in an informal resolution process, the Title IX Coordinator may invoke the informal resolution processes which may involve a mediated resolution, restorative processes, acceptance of responsibility, or other informal means, especially processes that mirror the tone and steps in the Gospel of Matthew Chapter 18. The parties' Advisors may participate with them in the informal resolution process. Generally, Advisors will not be allowed to speak during informal resolution processes.
5. **Revocation of Consent to Participate:** Prior to the resolution agreement either party may withdraw from the informal resolution process and the formal resolution process will commence. All information provided or gleaned, during the informal resolution process, may be included in the file and provided to investigators in the Formal Resolution process. If a facilitator has been involved with the informal resolution process, the facilitator cannot be a witness for the formal resolution process.

V. General Provisions

1. Retaliation against any individual for participation in a Title IX complaint, allegation, or procedure, or for enforcing any right protected by Title IX is strictly prohibited. Retaliation by an individual against another individual is a separate violation of the student conduct code or employee conduct expectations and such individual will be subject to sanctions in addition to any appropriate sanction or remedy assessed under this Title IX policy. Charging an individual with a code of conduct violation not involving sexual harassment that arises out of the same facts or circumstances contained in a report of sexual harassment, for the purpose of interfering with a right or privilege protected by Title IX, is retaliation. Notwithstanding, enforcing student code of conduct violations against a party or witness who makes a materially false statement, in bad faith, during a Title IX grievance process is not retaliation.

2. Amnesty is provided to Complainants and witnesses for other related student code of conduct violations occurring as a part of the factual circumstances surrounding or derived from the alleged unwanted conduct of a sexual nature described in the complaint. The purpose of this privilege is to remove barriers to the reporting of incidents of sexual harassment.
3. Privacy of the complainant, respondent, and witnesses will be protected as best as is possible considering the nature of the complaint and the university's need to conduct a full and complete investigation and determine the matter. FERPA applies to proceedings, reports, investigations, and all communications related to the processing of a Title IX complaint.
4. Reporting a potential violation of Title IX occurs when an allegation of sexual harassment is communicated to the Title IX Coordinator or another employee with the authority to redress instances of sexual harassment (Officials with Authority). Simply reporting the potential violation is not a formal (official) complaint. A formal complaint is a document or electronic submission with a physical or digital signature of the complainant.
 - a. **Confidential Reporting:** A Complainant may also wish to discuss the circumstances confidentially.

The following employees are sources for confidential reporting of allegations: Campus Counselors Sheldon Adkins (405) 425-5250 and Brenda Gunter (405) 425-5250.

- b. **Criminal Conduct:** A Complainant should immediately report any potential instance of criminal sexual assault or sexual harassment to the **Oklahoma Christian University Police Department (405) 425-5500**, or the Oklahoma City Police Department by dialing 911. It is important that the Complainant take immediate steps to preserve potential evidence. Reporting to the police does not commit a victim to proceed with prosecution, but will allow the gathering of information and evidence, which can preserve future options regarding criminal prosecution, member university conduct/grievance actions, and/or civil actions against the perpetrator. Criminal sexual assault and sexual harassment includes:
 - i. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - ii. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age and/or because of his/her temporary or permanent mental incapacity.

- iii. Incest: Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- iv. Statutory Rape: Non forcible sexual intercourse with a person who is under the statutory age of consent.
- v. Stalking: ongoing conduct that could cause a reasonable person to fear for the safety of themselves or others, or suffer emotional distress (e.g., following, monitoring, threatening, communicating to or about the victim, or interfering with a victim's property)
- vi. Intimidation: words or conduct that places the victim in reasonable fear of bodily harm (does not include use of a weapon)
- vii. Dating Violence: threats or actual sexual or physical abuse in a dating relationship
- viii. Domestic Violence: crime of violence committed by former spouse, cohabiting partner, or someone with whom you share a child
- ix. Sexual Assault: rape (oral, anal or vaginal), fondling, incest, or statutory rape
- x. Certain Hate Crimes involving the sexual harassment listed above when motivated by a perpetrator's bias against the victim based on the victim's race, gender, gender identity, sexual orientation, ethnicity, national origin, or disability.

5. Reporting to the Office of Civil Rights Individuals who have experienced or are experiencing sexual harassment have the right to file a formal grievance with the:

Office for Civil Rights (OCR)
U.S Department of Education
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, MO 64106
Phone: (816) 268-0559
Fax: (816) 268-0559
Email: OCR.KansasCity@ed.gov
Web: <http://www.ed.gov/ocr>

[end of policy]