Policy on Sexual Misconduct at the University of Tulsa

I. POLICY STATEMENT

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX broadly prohibits sexual misconduct in recruitment, admissions, employment, retention, and access to educational programs or activities.

Sexual misconduct, as defined below, is prohibited by this policy and will not be tolerated within the TU community. Every member of the TU community has the right to resources should they experience an act of sexual misconduct. Please come forward and ask questions, report, and help us eradicate sexual misconduct by stopping the silence surrounding it.

This policy pertains to students, employees, and visitors of The University of Tulsa. “Student” means any person for whom the University maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations, and who is currently enrolled in ANY course and/or is part of a degree-granting program even though conduct may occur before classes begin, including new student orientation, or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded.) Persons who are not enrolled for a particular term but who have a continuing relationship with the University are considered students as are persons living in University housing facilities although not enrolled in the University. This policy applies to but is not limited to undergraduate and graduate students alike, and students studying abroad.

“Employees” means all full-time, part-time, and temporary faculty members, administrative/professional and hourly employees, contract workers, and trustees of The University of Tulsa, at all times and places in any connection with this institution, whether on or off campus.

“Visitors” means business invitees, vendors, visitors, and guests of any student or employee of The University of Tulsa, at all times and places in any connection with this institution, whether on or off campus.

The University of Tulsa values excellence in scholarship, dedication to free inquiry, integrity of character, and commitment to humanity as described in our Mission statement and Code of Conduct. Sexual misconduct violates our institutional values and its presence in the community presents a barrier to fulfilling the University’s scholarly, research, educational, patient care, and service missions. As such, sexual misconduct will not be tolerated at The University of Tulsa and is expressly prohibited.

TU investigates reports of sexual misconduct and provides internal grievance procedures. These procedures offer persons reporting sexual misconduct an internal avenue for holding violators accountable for their actions. The University will issue appropriate sanctions against any person found responsible for prohibited conduct whether the behavior occurred on campus or off campus. The University of Tulsa respects the privacy of consensual relationships among consenting adults and does not intend to become intrusive in these relationships. However, if these relationships should lead to an allegation of violent, coercive,
or threatening behavior or if a person is involved in an unwanted or non-consensual incident, then the University will assist those persons and make resources available to them.

Furthermore, acts prohibited by this policy may constitute violations of other University policies and regulations that may require additional proceedings. For example, complaints against non-student responding parties who are employed by the University may also constitute violations of the appropriate faculty or staff conduct-policy. Students, employees, and visitors are advised that some acts of sexual misconduct may also constitute a violation of the Oklahoma statutes. Therefore, complainants may wish to pursue the matter through the state’s civil, and/or criminal systems as well as through the University system since each of these entities may offer different protections and resources. These statutes are available at: http://www.oscn.net/applications/oscn/Search.asp?ftdb=STOKST&quick=true

This policy shall be applied and interpreted in conjunction with the following existing documents (and any amendments or successor documents): The Policy on Harassment; The Statement on Academic Freedom Responsibility and Tenure (faculty); The Student Code of Conduct and The University of Tulsa Statement on Rights, Freedoms and Responsibilities (students); The University Policies and Procedures Manual (non-faculty employees); The University of Tulsa Policy on Non-Discrimination, as adopted by the Board of Trustees on September 18, 1991 and The University of Tulsa Student Pledge and Commitment, created and approved by the student body and accepted by the Board of Trustees in the Fall of 2003. Additionally the Ethical Conduct in Academic Research and Scholarship policy may also apply to any situation. All of these documents are available online, and as links in this policy. To access these policies, sign in to the Portal at utulsa.edu.

In conjunction with this policy, the University publishes a Resource Guide containing detailed information on sexual misconduct prevention training as well as additional campus and community resources available to persons who have experienced sexual misconduct. The Resource Guide is available online, and as a link in this policy.

II. PROHIBITED CONDUCT

This Policy prohibits sexual misconduct. Sexual misconduct encompasses all forms of sex and gender-based discrimination, harassment, abuse, violence, and sexual assault (whether digital, emotional, psychological or physical in nature) as well as unwelcome sexual conduct, dating violence, domestic violence, interpersonal violence, stalking, coercion, exploitation, and any act of retaliation based on a complaint of sexual misconduct.

III. DEFINITIONS

COERCION

“Coercion is the act of using pressure, alcohol or drugs, or force to have sexual contact with someone against their will” and includes “persistent attempts to have sexual contact with someone who has already refused.” Think of coercion as a spectrum or a range. It can vary from someone verbally egging you on to someone actually forcing you to have contact with them. It can be verbal and emotional, in the form of statements that make you feel pressure,
guilt or shame. You can also be made to feel forced through subtler actions. For example, your partner or someone else might:

- Make you feel like you owe them;
- Give you compliments that sound extreme or insincere as an attempt to get you to agree to something;
- Badger you, yell at you or hold you down;
- Give you drugs and alcohol to loosen up your inhibitions;
- Play on the fact that you’re in a relationship, saying things such as: “Sex is the way to prove your love for me” or “If I don’t get sex from you I’ll get it somewhere else”;
- React negatively (with sadness, anger or resentment) if you say no or don’t immediately agree to something;
- Continue to pressure you after you say no;
- Make you feel threatened or afraid of what might happen if you say no; and
- Try to normalize their sexual expectations: ex. “I need it, I’m a guy.”

**DATING VIOLENCE**

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes but is not limited to:

- Controlling, abusive, and aggressive behavior in a romantic relationship. It can happen in heterosexual or LGBQ relationships, and between partners with transgender identity. It can include verbal, emotional, physical, or sexual abuse, or a combination; and
- Sexual or physical abuse or the threat of such abuse.

**DIGITAL HARASSMENT/ABUSE**

The use of technologies such as texting and social networking to bully, harass, stalk or intimidate another person. Often this behavior is a form of verbal or emotional abuse perpetrated online. Examples of digital harassment /abuse include but are not limited to:

- Tells you who you can or can’t be friends with on Facebook and other sites;
- Sends you negative, insulting or even threatening emails, Facebook messages, tweets, DMs or other messages online;
- Uses sites like Facebook, Twitter, foursquare and others to keep constant tabs on you;
- Puts you down in their status updates;
- Sends you unwanted, explicit pictures and demands you send some in return;
- Pressures you to send explicit video;
- Steals or insists to be given your passwords;
- Constantly texts you and makes you feel like you can’t be separated from your phone for fear that you will be punished;
• Looks through your phone frequently, checks up on your pictures, texts and outgoing calls;
• Tags you unkindly in pictures on Instagram, Tumblr, etc.; and
• Snaps you unwanted, explicit pictures or videos, or films you without your consent.

DOMESTIC VIOLENCE

Domestic Violence is defined as a felony or misdemeanor crime of violence committed
• By a current or former spouse or intimate partner of the victim;
• By a person with whom the victim shares a child in common;
• By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
• By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; and
• 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.

EMOTIONAL HARASSMENT/ABUSE

Emotional harassment/abuse within a relationship is when one partner exerts control over another in a non-physical way. This includes but is not limited to:

• Calling you names, insulting you or continually criticizing you;
• Refusing to trust you and acting jealous or possessive;
• Trying to isolate you from family or friends;
• Monitoring where you go, who you call and who you spend time with;
• Demanding to know where you are every minute;
• Punishing you by withholding affection;
• Threatening to hurt you, the children, your family or your pets;
• Humiliating you in any way;
• Blaming you for the abuse;
• Gaslighting: emotional manipulation that causes a victim to question their own feelings, instincts and sanity;
• Accusing you of cheating and being often jealous of your outside relationships;
• Serially cheating on you and then blaming you for their behavior;
• Engaging in, or threatening to engage in, behaviors intended to hurt you;
• Seeking out other sexual interests or activities to prove that they are more desired, worthy, etc. than you are;
• Attempting to control your appearance: what you wear, how much/little makeup you wear, etc.; and
• Telling you that you will never find anyone better, or that you are lucky to be with a person like them.

GENDER-BASED DISCRIMINATION

Gender-based discrimination is unwelcome conduct of a nonsexual nature based on a student’s actual or perceived sex, including harassment, abuse, violence or assault based on a person’s gender identity, gender expression, and/or nonconformity with gender stereotypes.
INTERPERSONAL VIOLENCE

Interpersonal violence encompasses a broad range of abusive behavior committed by a person who is or has been in a romantic or intimate relationship with the person reporting the conduct or who is a spouse or partner, family member; or a roommate. Interpersonal violence includes physical, sexual, emotional, economic, or psychological actions or threats of actions that a reasonable person in similar circumstances and with similar identities would find intimidating, frightening, terrorizing, or threatening.

PHYSICAL ABUSE

Physical abuse occurs when a person exerts control over another person by using physical force. Physical abuse can be a single occurrence or happen repeatedly, and can include any of the following tactics of abuse:

- Pulling your hair, punching, slapping, kicking, biting or choking you;
- Forbidding you from eating or sleeping;
- Damaging your property when they’re angry (throwing objects, punching walls, kicking doors, etc.);
- Threatening to hurt or actually hurting you with weapons;
- Trapping you in your home or keeping you from leaving;
- Preventing you from calling the police or seeking medical attention;
- Harming your children;
- Abandoning you in unfamiliar places;
- Driving recklessly or dangerously when you are in the car with them; and
- Forcing you to use drugs or alcohol (especially if you’ve had a substance abuse problem in the past)

PSYCHOLOGICAL ABUSE

Psychological abuse is defined as degradation, humiliation, intimidation and threats of harm; it can refer to acts such as:

- Intense criticizing, insulting, belittling, ridiculing, and name calling that have the effect of making a person believe they are not worthwhile and keep them under the control of the abuser;
- Verbal threats of abuse, harm, or torture directed at an individual, the family, children, friends, companion animals, stock animals, or property;
- Physical and social isolation that separates someone from social support networks; extreme jealousy and possessiveness, accusations of infidelity, repeated threats of abandonment, divorce, or initiating an affair if the individual fails to comply with the abuser’s wishes; and
- Monitoring movements, and driving fast and recklessly to frighten someone.

RETAIATION

Retaliation constitutes any acts of reprisal, revenge and retribution based on a complaint of sexual misconduct. Retaliation can occur from the perpetrator/accused, friends/peers/family of either party, coworkers/supervisors, or any other individual who may have knowledge of the act. This can include, but is not limited to: spreading rumors, verbal abuse/bullying, online
harassment/abuse, physical harm, being excluded/ostracized, being demoted/fired, unjustified grade reductions, and destruction of property. Retaliation does not include petty slights or annoyances. Retaliation against a victim and/or the person reporting an act of sexual violence is prohibited by law and university policy. This means that the perpetrator/accused, the university, supervisors and other members of the community are forbidden from retaliation and such acts would be in violation of Title IX, EEO laws, and University policy.

SEXUAL ASSAULT/SEXUAL VIOLENCE

Sexual assault is actual or attempted sexual contact with another person without that person’s consent. Sexual contact is any act of non-consensual touching of another with an element of sexual gratification for the offender. In order to give consent to sexual activity, a person must be able to understand Who, What, When, Where, Why and How with respect to that sexual activity. Any time sexual activity takes place where one party did not understand any one of these six conditions, incapacity is an issue. An awareness of all six must be present. This is another way of stating the law’s expectation that consent be informed, and any time it is not, consent cannot be effective. To be more precise, an incapacitated person cannot give consent. They could be stark naked, demanding sex, but if they are incapacitated at the time, and that is known or knowable to the accused, any sexual activity that takes place is misconduct, and any factual consent that may have been expressed is irrelevant. Sexual assault includes, but is not limited to:

- Intentional touching of another person’s intimate parts without that person’s consent; or
- Other intentional sexual contact with another person without that person’s consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent; or
- Rape. Rape is penetration, no matter how slight, of the vagina or anus of a person by any body part of another person or by an object, or oral penetration by a sex organ of another person, without the consent of the victim; or
- Drug-facilitated sexual assault. Drug-facilitated sexual assault can occur when someone is given a drug without their knowledge so that an offender can take advantage of them. It can also include when a person has voluntarily taken a drug and the offender takes advantage of the person in their incapacitated state. The use of drugs to facilitate sexual assault is not limited to typical “date-rape drugs” and may include any substance that creates an experience of incapacitation;

SEXUAL EXPLOITATION

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person’s consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to:

- Prostituting another person;
- Recording images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;
• Distributing images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
• Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire.

SEXUAL HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature, including rape, sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment. Sexual harassment can include a number of unwanted sexual advances from another person, including: gender harassment, verbal sexual remarks, verbal sexual requests, non-verbal sexual displays, seductive behavior, sexual bribery, and can escalate into sexual coercion or sexual assault. Sexual harassment is more commonly discussed as a concern in the workplace, but it is a concern in various other settings including college campuses and social settings.

STALKING

Stalking is a repeated pattern of unwanted contact that is harassing or threatening which causes the victim to be fearful or concerned about their safety or the safety of someone close to them. This could include:

• Unwanted calls, text messages, or voicemails
• Unwanted emails or contact through social media
• Unwanted cards, letters, flowers or presents
• Showing up in places where the victim lives, works, or goes to school
• Sneaking into the victim’s home or car

Stalking is further defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to

• Fear for the person’s safety or the safety of others; or
• Suffer substantial emotional distress.

UNWELCOME SEXUAL CONDUCT

Sexual conduct is considered “unwelcome” if the person did not request or invite it and considered the conduct to be undesirable or offensive. Unwelcome sexual conduct may take various forms, including, sex-based name-calling, sex-based graphic or written statements (including the use of cell phones or the Internet), or other sex-based conduct that may be physically threatening, harmful, or humiliating. Unwelcome sexual conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome sexual conduct can involve persons of the same or opposite sex.
Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a person may have welcomed some conduct does not necessarily mean that a person welcomed other conduct. Also, the fact that a person requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

IV. REPORTING SEXUAL MISCONDUCT

The University strongly encourages students, employees, and visitors to report incidents of sexual misconduct to resources on campus, including confidential resources. If the University knows or reasonably should have known about an incident of sexual misconduct that creates a hostile environment, Title IX requires that the University take immediate action to eliminate the prohibited conduct, prevent its recurrence, and address its effects. More information on Title IX is available at: https://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.pdf

To be proactive, the University designates a Title IX Coordinator, publishes a notice of nondiscrimination, and has adopted and published grievance procedures. The Title IX Coordinator is charged with assisting persons in understanding their rights under Title IX as well as the University’s obligations under Title IX. The University of Tulsa’s Notice of Rights Under Title IX is available at: https://utulsa.edu/campus-life/student-affairs/notice-rights-title-ix/

Sexual Misconduct threatens the campus community as a whole, and in some instances the University may be obliged to pursue alleged instances of sexual misconduct through internal disciplinary procedures to ensure the safety of the campus as a whole. In such instances involving imminent harm to the campus community, the University will inform the reporting party of its obligation to redress campus-wide safety issues.

The University offers specific resources to persons who have reported instances of sexual misconduct. Academic support is available to students, such as coordinating medical leave, possible course load reduction, coordinating with faculty and/or the Center for Student Academic Support to request extensions, tutoring, or make-up exams, etc. Additionally, the University reserves the right to issue no contact orders and trespass bans where appropriate.

For direct questions or to receive assistance, any student, faculty, staff, administrator, visitor, or University affiliate may additionally contact The University of Tulsa Office of Violence Prevention. The Office of Violence Prevention has staff specifically trained to address sexual misconduct and can also assist students in the reporting process, answer questions about policy, and provide support to survivors. The Office of Violence Prevention is available at: https://utulsa.edu/campus-life/student-affairs/sexual-violence-prevention-education/getting-care/resources-on-campus/

Persons who have experienced any form of sexual misconduct are encouraged to report the incident – as soon as they are able – to any of the resources they feel comfortable with on campus. This includes but is not limited to University officials/offices such as, the Title IX Coordinator or a Deputy Coordinator, The Office of Violence Prevention, Campus Security, Student Affairs, a faculty member, the Alexander Health Center, and the Counseling and Psychological Services Center staff.
In addition to the foregoing resources, TU has designated certain individuals as Primary Contacts. Primary Contacts will be a source of support and help and, with the reporting party, will explore the various options available and ensure the reporting party is provided the information necessary to make informed decisions. A list of current Primary Contacts at TU can be found at: https://utulsa.edu/campus-life/student-affairs/sexual-violence-prevention-education/getting-care/resources-on-campus/

Both outside of the University’s regular business hours and during them and based on the nature of the incident, survivors may choose to telephone Domestic Violence Intervention Services (or DVIS) as soon as they are able. The number for DVIS is 918-7HELPME or (918-743-5763). The reporting party may also choose to seek immediate medical attention by going to the emergency room of a local hospital.

In cases involving potential criminal conduct, students, employees, and visitors are encouraged to additionally report acts of sexual misconduct to local law enforcement. The Tulsa Police Department’s phone number 918-596-9222 or 911 (for emergency situations). The Title IX Coordinator or appropriate Deputy Coordinator is available to assist students, employees, and visitors with questions or concerns about reporting sexual misconduct to local law enforcement.

V. POSSIBLE COURSES OF ACTION

Following initial medical procedures (if needed) and attention to the emotional wellbeing of a reporting party, the University provides additional resources to persons reporting sexual misconduct, including.

A. Follow-up Medical Assistance: It may be necessary for subsequent medical services through Alexander Health Center, an emergency room or a private physician. The survivor’s advocate, Primary Contact, or other appropriate University official will be able to inform the reporting party of their options and put them in contact with other resources.

B. Counseling and Psychological Services: The staff of the Counseling and Psychological Services Center are equipped to assist interpersonal violence survivors in dealing with the emotional aftermath of such an experience. Reporting parties can discuss their concerns in an atmosphere of privacy and confidentiality to the extent allowed by the law. Off-campus counseling resources also may be considered.

C. Filing a University Complaint: sexual misconduct constitutes a violation of University policy. The University will inform and obtain consent from the reporting party before beginning an investigation. By filing a formal complaint, reporting parties will have the option of having their complaints investigated by the University. The University is obligated by law to conduct a thorough and fair investigation as promptly as is possible.

D. Filing a Police Report: Violations of University Policy may also constitute violations of criminal law. Reporting parties may also report potential criminal violations directly to local law enforcement. Reporting parties are encouraged, but not required, to report instances of sexual misconduct and / or interpersonal violence not only to the University but also to local law enforcement.
If the reporting party requests confidentiality or asks that the complaint not be pursued, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation. If the reporting party insists that his or her name or other identifiable information not be disclosed to the responding party, the reporting party would be informed that the University’s ability to respond may be limited. The reporting party will also be reminded that Title IX prohibits retaliation against them and that University officials will not only take steps to prevent retaliation but also take strong responsive action if an accused person retaliates against a complainant or any other person involved in a Title IX investigation. Acts of reprisal, revenge and retribution are all considered retaliation and a violation of Title IX and University policy.

After all such advice if the reporting party continues to ask that his or her name or other identifiable information not be revealed, the University will evaluate that request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. This includes considering such factors as: the seriousness of the alleged harassment; the reporting party’s age; whether there have been other harassment complaints against the same individual; and the responding party’s rights to receive information about the allegations if the information is maintained as an “educational record” under FERPA.

If the reporting party is a student but the responding party is not a TU student or employee, the Dean of Students working with the Office of Violence Prevention will provide the support and guidance through the civil or criminal complaint process. University resources are available to students regardless of the status of the responding party, including assistance in pursuing an internal complaint process where the responding party, while not a student, is either an employee or volunteer with TU.

VI. RESOURCES AND INFORMATION ON PREVENTION TRAINING

In conjunction with this policy, the University website contains detailed information on sexual misconduct prevention training as well as additional campus and community resources available to persons who have experienced sexual misconduct.