

TITLE IX AND THE VIOLENCE AGAINST WOMEN ACT

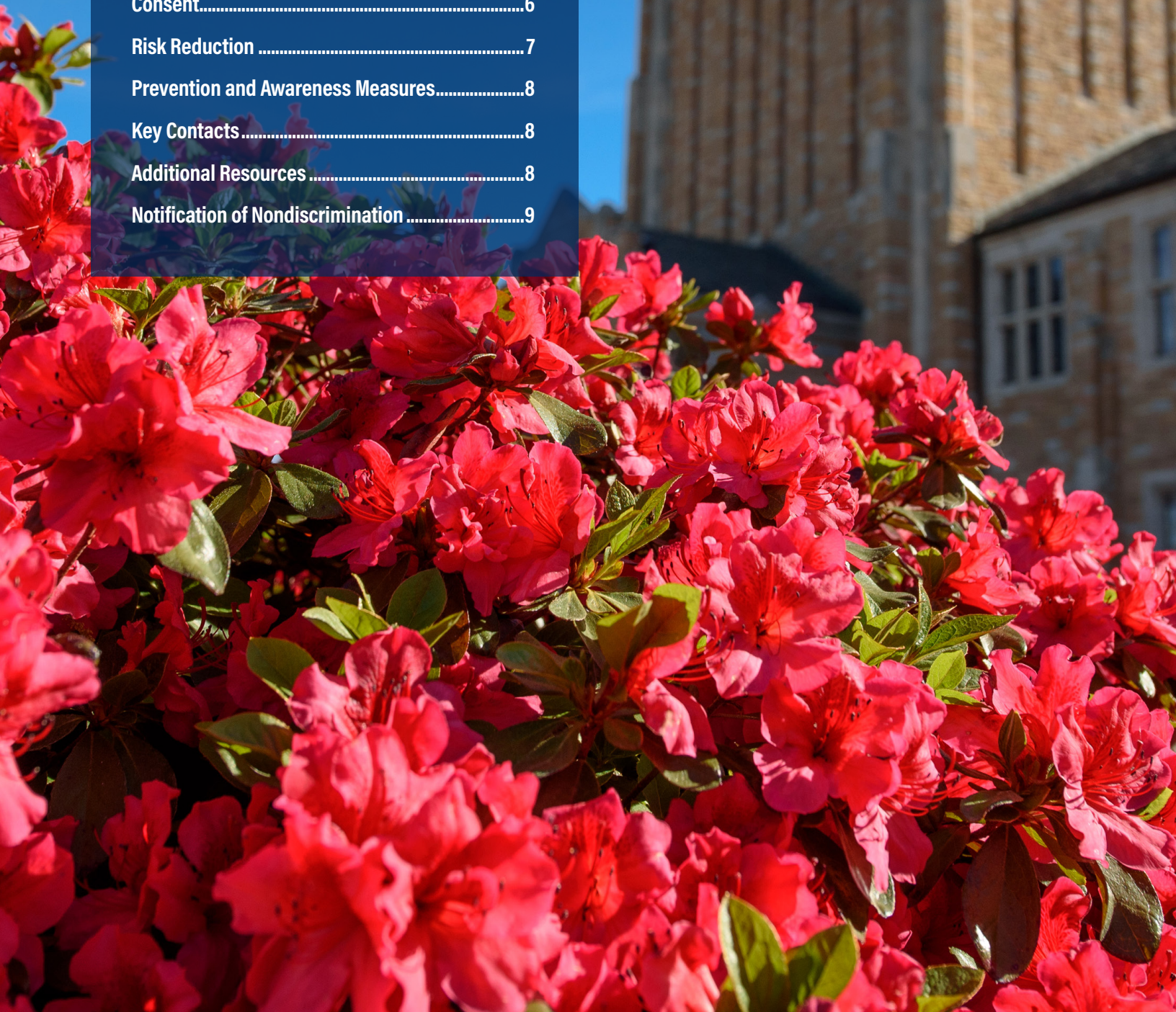
2022 RESOURCE BOOKLET



THE UNIVERSITY *of*
TULSA

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INTRODUCTION

Every member of the TU community has the right to learn and work in an environment free from sex discrimination. 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 sex discrimination in recruitment, admissions, employment, retention, and access to educational programs or activities. Sex discrimination encompasses sexual harassment, sexual assault, dating violence, domestic violence, and stalking. Sex discrimination is prohibited by TU Policy and will not be tolerated within the TU community.

The Violence Against Women Act was originally enacted in 1994 to address concerns with violent crimes and violence against women. The goals of VAWA are to prevent violent crimes, respond to the needs of crime victims, learn more about crime, and change public attitudes through a collaborative effort made by a variety of organizations and systems.

In compliance with Title IX, the Violence Against Women Act (VAWA) and other legislation, this booklet provides important information about University policies, procedures, and ongoing support. It is intended as a summary of pertinent information. A full versions of TU's Title IX policy and procedures, as well as other important information, can be accessed on the Title IX page of the TU website.

IF YOU HAVE EXPERIENCED SEXUAL ASSAULT

If you are off campus and experiencing an emergency, you can call local police by dialing 911. You may also call the local police department's non-emergency line at 918-596-9222. Or file a report online with Tulsa Police here: secure.coplogic.com/dors/en/filing/selectincidenttype

- Go to a safe location as soon as you are able.
- Seek immediate medical attention if you are injured, believe you may have been exposed to an STI/STD or potential pregnancy, or if any strangulation occurred.
- Contact any of the following for immediate assistance:

ON CAMPUS

- Survivor Advocate, at 918-631-2965 (Support and resource access/referrals)
- Campus Security, at 918-631-5555.
24 hours/7 days a week *you can ask to speak to the on-call counselor
- Hurricane Health Center, at 1-800-993-8244, M-F 9a-12, 1p-6p
- Title IX Coordinator, at 918-631-2321
Regular business hours, M-F
- Counseling Center (students), at 918-631-2200. Regular business hours, M-F *

(Outside of these hours, contact Campus Security and ask to speak to the on-call counselor)

OFF CAMPUS

- Local law enforcement at 911.
- Domestic Violence Intervention Services, at 918-743-5763. 24 hours*

**Denotes that this resource is confidential.*

Preserving Evidence: It is important to preserve physical evidence after a sexual assault. If possible, avoid washing, bathing, urinating, etc., until after being examined at a hospital. Even if you have washed or bathed, evidence can often still be obtained. If you are still wearing any clothes worn during the assault, wear them to the hospital. If you have changed clothes, bring the ones you were wearing to the hospital. Evidence collection should be completed within 120 hours (about 5 days) of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence and can check for injuries and exposure to sexually transmitted infections and diseases. After 120 hours (about 5 days), it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Police may be called to the hospital, but it is up to you whether you wish to speak with them or file a criminal complaint.

Choose how to proceed. After a sexual assault, you have options. You can 1) do nothing until you are ready; 2) pursue resolution by the University; and/or 3) Initiate criminal proceedings; and/or 4) Initiate a civil process against the perpetrator. You may pursue whatever combination of options is best for you. If you wish to have an incident resolved by the University, contact the Title IX Coordinator for information regarding resolution options and supportive measures. Those who wish incidents to be handled criminally should contact the Campus Security or local law enforcement. The University will assist you in reporting to law enforcement, if desired.

TITLE IX POLICY INFORMATION

TU's Title IX Policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. Sexual harassment, sexual assault, domestic violence, dating violence, stalking and/or sexual exploitation are violations of the University's policy. Many of these offenses may also constitute violations of Oklahoma law. You can access our policies from the Title IX page of the TU website: utulsa.edu/title-ix/.

PROHIBITED CONDUCT

Below are the definitions of Prohibited Conduct under the University's Title IX Policy:

Sex Discrimination is defined as (a) an intentional act of disparate treatment on the basis of sex; (b) a facially neutral act that has a disparate impact on members of one sex; or (c) Sexual Harassment.

Sexual Harassment is defined as conduct on the basis of sex that consists of: (a) an employee of the University conditioning an aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo); (b) unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education programs or activities (i.e. hostile environment); or (c) Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

Sexual Assault is an offense that consists of one or more of the following:

1. Penetration or attempted penetration, no matter how slight, of the vagina or anus by the sexual organ of the other person, without the consent of the victim, including instances where the victim

is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

2. Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. Use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. 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 age or because of temporary or permanent mental or physical incapacity.
5. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law of the state where the sexual intercourse occurs.
6. Sexual intercourse with a person who is under the statutory age of consent as defined by the law of the state where the sexual intercourse occurs.

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 consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence is defined as felony or misdemeanor crimes 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 cohabiting with or has cohabited 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 Oklahoma, 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 Oklahoma.

Stalking is 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.

Sanctions for violations of TU's Title IX Policy range from warning through expulsion/termination of employment.

REPORTING OPTIONS

To make informed choices, all parties should be aware of their options regarding the reporting of Prohibited Conduct.

Confidential Reporting: If a Complainant wishes to keep the details of an incident confidential, they should speak with campus mental health counselors. Campus counselors are available to help on an emergency basis and their service is free of charge. Local resources such as crisis centers are also confidential and have no duty to report disclosed information to the University.

CONFIDENTIAL RESOURCES

- On-campus licensed professional counselors and staff (students only)
- Employee Assistance Program (employees only)
- Survivor Advocate

OFF-CAMPUS RESOURCES

- Licensed professional counselors and medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

Reporting to the Title IX Coordinator. You may speak with the Title IX Coordinator to report an incident. You may request supportive measures even if you do not file a Formal Complaint. There is no time limitation on providing reporting to the Title IX Coordinator and receiving assistance. Upon receipt of a report of sexual or gender-based misconduct, the Title IX Coordinator will: ascertain immediate safety needs of the reporting party and the campus community; advise the reporting party of their Title IX rights; connect the reporting party to requested campus and community resources; determine whether the University has jurisdiction over the incident and the accused; and confirm whether the reporting party wishes to pursue or participate in a Formal Complaint process. **Mandated Reporting:** You may also report to any University employee who, in turn, will notify the Title IX Coordinator. University employees (except for confidential resources) are mandated reporters for instances of harassment and discrimination disclosed to them. This means they are required to share all information that you have disclosed with the Title IX Coordinator, though that does not obligate you to any formal involvement. The Title IX Coordinator will simply reach out to you to offer support and the opportunity to file a Formal Complaint.

Anonymous Reporting. Alternately, students may submit an anonymous report directly to the Title IX Coordinator by using the University's online reporting platform, CaneCares. When using CaneCares, a student may report as few or as many details as they prefer and may withhold identifying information. It is important to note that anonymous reports may limit the University's ability to respond to the report.

1. Reporting Externally: Crimes may be reported directly to law enforcement. The University process is separate and independent from the criminal process. Students are encouraged to

file a report with the police, which will likely lead to a criminal investigation. If you would like support in notifying law enforcement authorities, University staff will assist you in doing so. You also have the option to decline notifying law enforcement.

2. Students may also report instances of sex and gender-based discrimination directly to the U.S. Department of Education's Office of Civil Rights at 1-800-421-3481 or by email to OCR@ed.gov.

Reports Involving Minors. Duties with respect to minors (those under age 18) may require reporting to state agencies and/or local law enforcement.

TU RESOLUTION OPTIONS

Below is an overview of the options for resolving a Title IX complaint.

SUPPORTIVE MEASURES

Supportive measures are non-disciplinary, non-punitive individualized services offered by the University to protect the Complainant and the Complainant's access to University employment or educational programs and activities regardless of whether they choose to file a Formal Complaint under the applicable procedures. Examples of supportive measures, which may be temporary or permanent, include:

- Counseling and emotional support,
- No contact and communication directives
- Residence modification
- Academic schedule modification
- Academic accommodation or assistance,
- Security escorts
- Voluntary leave of absence
- Work schedule modifications
- Other non-disciplinary remedies as reasonable and appropriate.

Supportive measures are available regardless of whether a Complainant seeks formal resolution by the University or reports to law enforcement.

INFORMAL RESOLUTION

With the consent of the University, an informal resolutions process may be utilized, provided that a Formal Complaint was filed. The parties must also give informed, voluntary, and written consent to participate in the informal resolution. Informal Resolution is not an available option where a student alleges that an employee engaged in Prohibited Conduct against the student, either party has the right to withdraw from the informal resolution process at any time prior to agreeing to a resolution. In the event either party withdraws their consent, the parties shall continue to the investigation and adjudication phase. It is not necessary to pursue Informal Resolution first in order to pursue formal administrative resolution.

FORMAL ADMINISTRATIVE RESOLUTION

A Complainant may file a Formal Complaint alleging Prohibited Conduct and requesting that the University take administrative action in accordance with applicable procedures.

After a Formal Complaint has been filed, an initial determination is made by the Title IX Coordinator whether to move forward to a formal investigation. This decision takes into account the nature of the allegations and the Complainant's wishes. If the decision is made to move forward, the Title IX Coordinator refers the allegations to investigation.

A trained investigator will provide a thorough and impartial investigation of Formal Complaint. Parties have an opportunity to review and respond to the evidence gathered during the investigative process.

The University is required to have a live hearing utilizing a neutral and independent Decision-maker as part of its formal resolution process. The University uses a preponderance of evidence standard. This means that a Decision-maker considers whether, given the available evidence, it is more likely than not that a violation occurred. The past sexual history of an individual is not considered unless it is determined to be highly relevant.

The parties will be informed of the outcome of the University's resolution in writing. This notice will include the procedures for appealing the decision.

Advisors: Complainants and Respondents are each entitled to an Advisor of their choosing (who can be an attorney) throughout the resolution process. The University can provide an Advisor to each party, if needed.

CONSENT

In all sexual encounters, it is important that individuals obtain consent. Consent is a person's voluntary agreement to the proposal or desires of another person. Each party is responsible for making sure that their potential partner has provided voluntary, knowing, and clear permission by word or action to engage in sexual activity or contact.

A person cannot give consent if they do not have capacity. Capacity is the physical, mental, and/or legal ability to make informed, rational judgments.

A person may withdraw consent at any time during sexual activity or contact through words or actions. If that happens, the other party must immediately cease the activity or contact.

Silence or the absence of resistance alone does not constitute consent.

Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities

(e.g., intercourse).

Being or having been in a dating relationship with the other party does not mean that consent for sexual activity exists.

Previous consent to sexual activity does not imply consent to sexual activity in the future.

To legally give consent in Oklahoma, individuals must be at least 16 years old.

RISK REDUCTION

The following list contains some best practices and considerations, but remember: Someone being abused is never to blame for their abuse, and everyone's situation is different. It is not so easy to "just leave" or "speak up." The best thing we can do for one another is create safe spaces for someone to share their experiences when they are ready. Let's all do our part to be aware, to look out for one another and to take reasonable steps to minimize the chances of being – or letting others be – in high-risk or abusive situations.

EMPOWER YOURSELF

- Set clear boundaries with romantic partners. Pay attention to violations of boundaries early on.
- Set the expectation that mutual consent is required for any intimacy, and that either partner can change their mind at any time.
- If you are staying with a partner let a close friend know where you are and when you expect to be home.
- If you are uncomfortable speaking up about abuse/mistreatment for any reason, look for subtle signals (e.g., facial expressions, hand gestures or notes) to alert someone around you.
- If a situation feels strange, do not worry about politeness. You are allowed to leave. Be mindful about the substances you choose to consume, the quantities you consume, and with whom and where you consume them.
- Remember that you, your safety and happiness matter to others. You are never a burden or a nuisance when you reach out to others for help.
- A clear and firm "No" is your right. It's not mean, it's not something to be ashamed of saying. Practice it. Prepare for it. Use it freely.
- Relationships don't always start out abusive. There's nothing to be ashamed of if a relationship needs to end.

EDUCATE YOURSELF

- Learn about relationship best practices. These can help keep your relationship healthy and keep you from hurting someone else.
- Respect your partner's boundaries and have conversations about them in advance.
- If a romantic partner does not consent to intimacy, don't try to be "persuasive" or "charm" them. No means no and only a clear and conscious "yes" means yes.
- People change their minds. Don't put pressure on someone to continue with intimacy if they have expressed concerns.
- If you desire something, be direct and ask. Encourage your partner to do the same. Listen to each other.
- Don't feel obligated to put yourself or others in situations you are uncomfortable. You are allowed to excuse yourself, no questions asked.
- If your partner has consumed substances that could hinder their ability to make clear decisions and offer clear consent, be the better person: Get them water, stay with them, or help them notify a trusted friend and get home safely.

PREVENTION AND AWARENESS PROGRAMS

VAWA/Clery Training: Students and employees are provided with education and training on awareness of sexual violence, dating violence, domestic violence, stalking and consent in compliance with the Violence Against Women Act and the Clery Act.

Ongoing Campaigns: Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff.

KEY CONTACTS

Title IX Coordinator

Kathleen Smith

918-631-2321

Fisher West, 203A

Titleix@utulsa.edu

VP of Risk Management

Matthew Warren

918-631-4602

McClure Hall, 104

matt-warren@utulsa.edu

ADDITIONAL RESOURCES

Survivor Advocate

918-631-2965

TUAdvocate@utulsa.edu*

Domestic Violence Intervention Services

918-743-5763

24-hour Hotline*

Campus Security

918-631-5555,

24 hours/7 days a week

You can also ask to speak to the on-call TU Counselor

Counseling and Psychological Services

918-631-2200

Regular business hours for appt., M-F*

Human Resources

918-631-2259

Regular business hours M-F

Family Safety Center

918-742-7480

Regular business hours M-F*

Oklahoma Safe Line

800-522-7233

24-hour Hotline

RAINN

800-656-4673

24-hour Sexual Assault Hotline*

**Denotes confidential resource*

NOTIFICATION OF NONDISCRIMINATION

The University of Tulsa admits students of any race, color, national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

TU is an equal employment opportunity/affirmative action institution, including Disability/Veteran. For EEO/AA information, contact the Office of Human Resources, 918-631-2616; for disability accommodations, contact Tawny Rigsby at 918-631-2315. To ensure availability of an interpreter, five to seven days notice is needed; 48 hours is recommended for all other accommodations.





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