

SEXUAL HARASSMENT POLICY

This policy has been excerpted from the Policy Manual of the Regional University System of Oklahoma. It was most recently modified by the RUSO Board of Regents in January 2013 (see www.ruso.edu/PolicyManual.aspx)

5.6 SEXUAL HARASSMENT POLICY.

5.6.1 SEXUAL HARASSMENT POLICY.

Statement of Policy.

RUSO affirms its commitment to an environment for all employees and students which is safe, fair, humane, and respectful and which supports and rewards employee and student performance on the basis of relevant considerations such as ability and effort. Behaviors which inappropriately assert sexuality as relevant to employee or student performance are damaging to this environment. Sexual harassment by any member of the university community is a violation of both law and Board policy and will not be tolerated. Employees must refrain from any harassment or discriminatory treatment of students and other employees. Sexual harassment will be dealt with promptly and confidentially by the university administration.

Definition of Sexual Harassment.

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context:

- a) When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
- b) When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- c) When such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

Examples of Prohibited Conduct.

Conduct, whether in person, in writing, by telephone, through social media, by electronic means, or otherwise, prohibited by this policy includes, but is not limited to:

- a) Unwelcome sexual flirtation, advances or propositions for sexual activity;
- b) Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes;
- c) Sexually degrading language to describe an individual;
- d) Remarks of a sexual nature to describe a person's body or clothing;
- e) Display of sexually demeaning objects and pictures;
- f) Offensive physical contact, such as unwelcome touching, pinching, brushing the body;

- g) Coerced sexual intercourse;
- h) Sexual assault; or
- i) Actions indicating that benefits will be gained or lost based on response to sexual advances.

Sexual Violence Prohibited.

Sexual violence is a particularly pernicious form of sexual harassment. Sexual violence on campus, at university-related events, and against students or employees constitutes an emergency that will be reported to proper law enforcement authorities. The University may immediately suspend any employee or student reasonably believed to have committed sexual violence against a person in violation of this policy, with notice and hearing to follow promptly. Each university shall establish procedures for timely reporting, investigation, and resolution of sexual violence incidents.

Definition of Sexual Violence.

Sexual violence includes, but is not limited to, rape as defined by 21 Okla. Stat. § 1111; rape by instrumentation as defined by 21 Okla. Stat. § 1111.1; forcible sodomy as defined by 21 Okla. Stat. § 888, assault as defined by 21 Okla. Stat. § 641 when committed in a sexual context, in furtherance of sexual demands, or because of a person's sex or sexual orientation; battery as defined by 21 Okla. Stat. § 642 when committed in a sexual context, in furtherance of sexual demands, or because of a person's sex or sexual orientation; aggravated assault and battery as defined by 21 Okla. Stat. § 646 when committed in a sexual context, in furtherance of sexual demands, or because of a person's sex or sexual orientation; stalking as described by 21 Okla. Stat. § 1173 when committed in a sexual context, in furtherance of sexual demands, or because of a person's sex or sexual orientation; sexual battery as defined by 21 Okla. Stat. § 1123(B); any sexual act involving a child as described in 21 Okla. Stat. 1123(A); maliciously intimidating or harassing or attempting to maliciously intimidate or harass another person because of that person's sex or sexual orientation; or inciting others, or attempting to incite others to maliciously intimidate or harass another person because of that person's sex or sexual orientation.

Retaliation.

Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint of prohibited sexual conduct with a student or employee, sexual violence, or other sexual harassment will be treated as a separate and distinct violation of the Board policy.

Sanctions.

Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.

Complaint Process.

This policy is in addition to the current Board and university policies concerning discrimination and applies to all students, faculty, staff, guests, and visitors. Complaints alleging prohibited sexual conduct with a student or employee, sexual violence, or other violation of the sexual harassment policy will be reviewed and investigated by the appropriate university office.

Complaints may be resolved informally or may proceed through the applicable formal complaint proceedings. Complaints may be filed in the following manner:

- a) Complaints against students or student organizations shall be filed with the designated official for review and investigation. The designated official may assist in the informal resolution of the complaint or in processing a complaint through the applicable campus procedures;
- b) Complaints against faculty or staff shall be filed with the designated official. The designated official may assist in the informal resolution of the complaint or in processing a formal complaint through the applicable campus procedures for faculty and staff;
- c) Complaints against visitors, guests, vendors, contractors, or any other person should be directed to the university human relations department; or
- d) Any other appropriate process as established by university policy.

5.6.2 SEXUAL RELATIONSHIP POLICY.

Statement of Policy.

RUSO affirms its commitment to the fair exercise of academic and employment power and adequate protection of individuals with limited power. University employees, including administrators; faculty; coaches; extracurricular, extramural and intramural activities supervisors; graduate assistants; and staff should demonstrate respect for students as individuals and adhere to their proper roles as academic guides, counselors, and facilitators. Employees must refrain from any exploitation of students and other employees. Such use of power to create sexual relationships will be dealt with promptly and confidentially by the university administration.

Sexual Conduct with Students Prohibited.

No employee shall engage knowingly or attempt knowingly to engage in consensual or nonconsensual sexual conduct with any student whom the employee supervises, acts as academic advisor for, or over whom the employee has any power to determine the student's grade; honors; discipline; research opportunity; scholarship opportunity; acceptance in a graduate or other program of study; participation in arts, athletic, academic, or extracurricular competition; work-study assignment; or similar education-related matter. University employees' sexual liaisons with students in such situations exploit position, abuse power, and fundamentally harm the academic relationship.

Voluntary intoxication with drugs, alcohol, or other substances shall not negate knowledge.

Sexual Conduct with Supervisee Prohibited.

Supervisors' sexual liaisons with their supervisees may exploit position, abuse power, and fundamentally harm the working environment. No supervisor may engage knowingly or attempt knowingly to engage in consensual or nonconsensual sexual conduct with any employee, not his or her spouse, whom he or she supervises, directly or indirectly. Voluntary intoxication with drugs, alcohol, or other substances shall not negate knowledge.

Definition of Sexual Conduct.

Sexual conduct includes, but is not limited to, any sex act, erotic touching, romantic flirtation, conversation of a carnal nature, advance or proposition for sensual activity, erotically explicit joke, remark of a carnal nature describing a person's body or clothing, display of an erotic object or picture, and physical contact reasonably believed to be of a sensual or flirtatious manner.

Sexual conduct does not include reasonable use or delivery of bona fide lecture and/or instructional acts, statements, or materials.

Sanctions.

Sexual conduct with students or employees in violation of this policy will not be tolerated. Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.

Exceptions.

Exceptions to sexual conduct prohibitions consistent with state and federal law may be granted in appropriate circumstances by the university president. The Board shall be notified of any such exceptions in a written, confidential personnel record at least one week prior to the next Board meeting. Exceptions involving presidents may be granted by the Board only.