

Appendix G

Title IX

Sexual Harassment and Misconduct/Violence

Introduction:

Sexual misconduct and sexual harassment are two forms of gender discrimination that are not tolerated by Southwestern Christian University. The university encourages victims to report all instances of gender discrimination in any form. Southwestern Christian University is committed to providing a productive living and learning community where students can pursue their educational goals. Gender discrimination, sexual harassment, and sexual misconduct undermine this commitment and affect the ability of students to focus on their educational goals.

Where there is sufficient information/evidence to believe that the university's policies prohibiting gender discrimination, sexual harassment, or sexual misconduct have been violated, the university will pursue strong disciplinary action through its student conduct system. Even if law enforcement and criminal justice authorities choose not to prosecute a particular incident, the university may still pursue the incident as a student misconduct matter. Where it is determined that sexual misconduct is more likely than not to have occurred, university disciplinary sanctions can include suspension.

In instances where gender discrimination is not addressed through the student conduct system, the university still has the obligation under Title IX to take prompt action to eliminate the harassment, prevent its recurrence, and address its effects. For a more comprehensive understanding of university policy, students should refer to SCU's Sexual Misconduct Policies and Procedures or contact the Title IX Coordinator, Adrienne Cressman, at adrienne.cressman@swcu.edu or TitleIX@swcu.edu 405- 789-7661 ext. 2280, in person, or via mail at 7210 NW 39th Expressway, Bethany OK, 73008.

Definitions:

Educational Programs or Activities

Locations, events, or circumstances over which the institution exercises substantial control over both the respondent/s and the context in which sexual harassment occurs

Reporting

This is defined as bringing an allegation of sexual misconduct or harassment to the VPSS or Title IX Coordinator. SCU will investigate and offer supportive measures. See Sexual Misconduct Policies and Procedures for further information.

Complaint

A formal allegation submitted in writing to the Title IX Coordinator or VPSS. The Coordinator may initiate a complaint in writing after taking a report. Complaints activate the Title IX Grievance Process outlined in the Sexual Misconduct Policy and Procedures. Note: If a complaint is

dismissed as a Title IX case, it may be settled through other disciplinary procedures outlined in the student handbook.

Complainant

The complainant is the individual who is alleged to be the victim of conduct that could constitute sexual harassment. This individual must be participating in or attempting to participate in an educational program or activity at SCU.

Respondent

The respondent is the individual who has been reported as the perpetrator of conduct that could constitute sexual harassment. The respondent is presumed not responsible until completion of the grievance process.

Gender Discrimination

Gender discrimination is defined as unequal or disadvantageous treatment of an individual or group of individuals based on gender.

Sexual Harassment

Sexual harassment is a form of gender discrimination. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and/or other verbal and/or physical contact of a sexual nature when:

- a. Submission to such conduct is made explicitly or implicitly a term or condition of leadership, membership in an organization, student social events, academic standing, or participation in any university activity.
- b. Submission to or rejection of such conduct by an individual is used as a basis for evaluation, particularly in making employment or academic decisions affecting the individual.
- c. Such conduct has the purpose or effect of unreasonably interfering with the other individual's performance or creating an intimidating, hostile, or offensive educational and university environment.

Sexual harassment can create a hostile environment. Sexual harassment should be reported even if it doesn't reach the point of creating a hostile environment. A hostile environment is defined as an environment produced by unwelcome conduct determined by a reasonable person as so severe, pervasive, and/or objectively offensive that it effectively denies a person equal access to the institution's educational program or activities. This includes sexual assault, dating violence, domestic violence, and stalking.

Examples of violations:

- Unwelcome sexual flirtation, sexual advances, or proposition/s of sexual activities
- Asking about someone else's personal, social, or sexual life or about their sexual fantasies, preferences, or history
- Discussing your own personal sexual fantasies, preferences, or history
- Repeatedly asking for a date from a person who is not interested
- Whistles, cat calls, or insulting sounds
- Sexually suggestive jokes, innuendoes, or turning discussions toward sexual topics
- Sexually offensive or degrading language used to describe an individual or using remarks of a sexual nature to describe a person's body or clothing. Examples include, but are not limited to, calling a person a "hunk," "doll," "babe," "sugar," "honey," or similar descriptive terms.
- Displaying sexually demeaning or offensive objects and pictures
- Staring repeatedly at someone
- Invading a person's personal body space
- Making sexual gestures with hands or body movements
- Rating a person's sexuality
- Treating a person differently based upon his/her gender
- Non-consensually massaging a person's neck or shoulders
- Unwelcome touching of a person's hair or body

Sexual Misconduct

Sexual misconduct is a broad term encompassing any non-consensual contact of a sexual nature. Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior including, but not limited to, the following examples of prohibited conduct:

a. Unwelcome sexual touching

Definition: The touching of an unwilling or non-consenting person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering the same), touching an unwilling person with one's own intimate parts, or forcing an unwilling person to touch another's intimate parts.

b. Non-consensual sexual assault

Definition: Unwilling or non-consensual penetration of any bodily opening with any objects or body part/s. This includes, but is not limited to, penetration of a bodily opening without effective consent through the use of coercion.

c. Forced sexual assault

Definition: Unwilling or non-consensual penetration of any bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental and/or physical condition (such as lack of consciousness, incapacitation due to drugs or alcohol, age, or disability) of which the assailant was aware or should have been aware.

Consent

Effective Consent:

- Is informed
- Is freely and actively given
- Includes mutually understandable words or actions
- Indicates a willingness to participate in mutually agreed upon sexual activity

Note: We are not required to define consent, but are not prohibited from doing so either.

Information Concerning Consent:

- Initiators of sexual activity are responsible for obtaining effective consent.
- Silence or passivity is not effective consent.
- The use of intimidation, coercion, threats, force, or violence negates any consent obtained.
- Consent is not considered effective if obtained from an individual who is incapable of giving consent due to any of the following:
 1. A mental, developmental, and/or physical disability/handicap is present.
 2. She/he is under the legal age to give consent.
 3. She/he is intoxicated by alcohol, beer, and/or is under the influence of drugs.

Individuals who commit acts of sexual misconduct assume responsibility for their behavior and must understand that the use of alcohol and/or other drugs does not reduce accountability for their actions.

Examples of violations:

- Ignoring an individual's protest/s and engaging in sexual activity
- Convincing somebody to have sex. Doing this can constitute intimidation or coercion. If someone is coerced, their "yes" is not effective consent.
Drinking and/or drug use may render an individual incapable of giving consent for sexual activity. For example, someone who is intoxicated cannot agree to have sex. This person may have been functioning in a "blackout" and did not give effective consent.
- Holding a person down or preventing a person from leaving the room and forcing him or her to engage in sexual activity against his/her will.

Stalking

Stalking includes, but is not limited to, the persistent, severe, or pervasive harassment of another person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested. This may include repeatedly contacting another person (through any means, such as in person, by phone, through electronic means, via text messaging, etc.), following another person, or having others contact another person on your behalf.

Dating Violence

Dating violence is a pattern of assaultive and controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship. The abuser intentionally behaves in ways that cause fear, degradation, and humiliation to control the other person. Forms of abuse can be physical, sexual, emotional, and/or psychological.

Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

Domestic Violence

Domestic violence is a pattern of abusive behavior in any relationship that is used by one intimate partner to gain or maintain power and/or control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological in nature and can include actions or threats that negatively influence or affect another person.

Retaliation

The university will not tolerate retaliation against a person who brings a complaint forward in good faith. Retaliation against an individual who has brought a complaint forward or against an individual who has participated in an investigation is prohibited.

Reporting

All forms of gender discrimination, sexual harassment, and/or sexual misconduct should be reported, no matter the severity. All SCU faculty, staff, and administration have a mandated duty to report. If a student informs any SCU employee of misconduct occurring against them or being perpetrated by them, the employee must report that information to the VPSS.

Reporting to the Police

The university strongly encourages you to report sexual violence and any other criminal offenses to the police. This does not commit you to prosecuting, but will allow the gathering of information and evidence. The information and evidence gathered preserve future options regarding criminal prosecution, university disciplinary actions, and/or civil actions against the perpetrator. If the incident happened on campus, it can be reported to the Title IX Coordinator by completing a report form online at www.swcu.edu. When submitted, this form is sent directly to the Title IX

Coordinator, who then reviews the information and contacts the necessary student/s and/or Southwestern Christian University officials. If the incident occurred elsewhere in Bethany, it can be reported to the Bethany Police Department located at 6714 NW 36th St, Bethany, OK 73008 or by phone at (405) 789-2323. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred.

Please know that the information you report can be helpful in supporting other reports and/or preventing further incidents.

Once a report has been submitted, the procedures we will use will be those laid out in the Sexual Misconduct Policy. Students can find that policy on our website or may contact our Title IX Coordinator for a copy.

Accommodations

The Office of Student Services and the Title IX Coordinator can provide accommodations to student victims of gender discrimination, sexual harassment, and sexual misconduct as needed. They can also assist students in filing complaints to be handled through the university disciplinary process and appropriate law enforcement agencies against the student(s) who caused harm.

They can also assist students in obtaining a "No Contact Order" between them and the accused, which would prohibit contact between that student and the accused through any means of communication, as well as having others contact them on behalf of the accused.

They can also coordinate any reasonable arrangements that are necessary for the student's ongoing safety. This includes changing their living arrangements or those of the accused as well as changing their class schedule or that of the accused, changing transportation arrangements, or providing an escort. They can coordinate any reasonable arrangements to address the effects of the sexual violence on the student, including connecting them with counseling, health care, or academic support resources.

Resources

Sexual harassment and sexual violence can be very emotionally disruptive and it takes time to come to terms with such a major stress. In addition to the support that may be found in family and friends, the following agencies and departments can serve as resources for affected students. It is important to be aware that different individuals whom you may contact for assistance following an incident may have different responsibilities regarding confidentiality depending on their position. Under state law, some individuals can assure the victim of confidentiality, including counselors and certified victims' advocates. In general, however, any other university employee cannot guarantee complete confidentiality, unless specifically provided by law. As is the case with all colleges and universities, Southwestern Christian University must balance the needs of individual victims with an obligation to protect the safety and well-being of the community at large.

List of Resources:

Bethany Police Department (Rape Crisis Intervention Team)
405-789-2323 (call 911 in an emergency)

Oklahoma Mental Health Lifeline
988

Crisis Hotline
405-848-2273 (call 911 in an emergency)

Domestic Violence Hotline
405-917-9922

INTEGRIS Health/Baptist Medical Center Emergency Room.
405-949-3155

Mercy Hospital
405-755-1515

Deaconess Hospital Emergency
405-949-6106

Oklahoma Resource for Shelter
1-800-522-7233