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Owner Kathleen Smith
Area Title IX

Title IX Policy

I. Policy Statement

The University of Tulsa ("University") is committed to maintaining a safe and healthy educational and work environment in which no member of the University community is, on the basis of sex, excluded from participation in, denied the benefits of, or subjected to discrimination in any University education program or activity. This Title IX Policy ("Policy") prohibits sex discrimination at the University, including with respect to recruitment, admissions, employment, retention, and other aspects of the University's operations. This Policy is in compliance with applicable legal requirements including Title IX of the Education Amendments of 1972 ("Title IX"); relevant provisions of the Violence Against Women Reauthorization Act of 2013; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"); and other applicable federal and state laws.

II. Application

This Policy applies to Prohibited Conduct, as defined herein, that is committed within the United States by or against Students, Employees, or Invitees (together, "Covered Persons") whenever the conduct occurs:

1. On University property; or
2. Off University property, if the conduct occurred in a University education program or activity.

A University education program or activity means all the operations of the University and specifically includes Prohibited Conduct occurring in locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the Prohibited Conduct occurred, and also includes Prohibited Conduct occurring in any building owned or controlled by a student organization that is officially recognized by the University (such as a fraternity or sorority house).

III. Definitions

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.

Consent is defined as a person's voluntary agreement to the proposal or desires of another person. A person cannot give consent if they do not have Capacity.

Capacity is defined as the physical, mental, and/or legal ability to make informed, rational judgments.

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.

Course of Conduct is defined as two or more acts, including, but not limited to, acts 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 is defined as significant mental suffering or anguish that may, but may not necessarily, require medical or other professional treatment or counseling.

Student is defined 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.

Employee is defined all full-time, part-time and temporary faculty members, adjuncts, administrative/professional, and hourly employees of University, at all times and places in any connection with this institution, whether on or off campus. Student workers, whether paid hourly or through a stipend, are not "Employees" under this policy.

Invitees is defined as business invitees, vendors, visitors, and guests of any Student or Employee of University, at all times and places in any connection with this institution, whether on or off campus.

Mandatory Reporter is an individual required to report actual knowledge of Prohibited Conduct to the Title IX Coordinator. All Employees, except Confidential Resources, are Mandatory Reporters. Students working as resident advisors and graduate teaching assistants are also Mandatory Reporters.

Retaliation is defined as intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Complainant means an individual who is alleged to be the victim of Prohibited Conduct.

Respondent means an individual who has been reported to be the perpetrator of Prohibited Conduct.

Confidential Resources means employees of the University who are specifically exempted from reporting Prohibited Conduct to the University.

Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the College investigate the allegation of Prohibited Conduct in accordance with applicable procedures. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the University's

education programs and activities. A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.

IV. Policy and Procedures

A. PROHIBITED CONDUCT

This Policy prohibits Sex Discrimination, as defined herein, committed by or against Covered Persons at the University.

This Policy and its related procedures set forth the exclusive process for determining that conduct described in a Formal Complaint constitutes Prohibited Conduct under this Policy. However, a Formal Complaint may implicate conduct governed by other University policies and regulations and conduct not specifically prohibited by this Policy may nevertheless constitute violations of other University policies and regulations. Similarly, conduct contained in a Formal Complaint that is dismissed under this Policy may implicate other University policies and regulations. The University retains discretion to utilize other applicable policies and regulations, as appropriate.

B. REPORTING PROHIBITED CONDUCT

All Mandatory Reporters (Employees, except Confidential Resources, and Students working as resident advisors and graduate teaching assistants) are required to report actual knowledge of Prohibited Conduct to the Title IX Coordinator. Although Students and Invitees are not Mandatory Reporters under this Policy, the University strongly encourages them to report Prohibited Conduct to the Title IX Coordinator.

Students are encouraged to make use of Confidential Resources when they are unsure about whether or not they want to report (or whether they are ready to report) Prohibited Conduct to the University.

Confidential Resources:

- Counseling and Psychological Services: 918-631-2200
- Hurricane Health Center: 1-800-993-8244
- On-Campus Survivor Advocate: 918-631-2965
- On-Campus Ordained Clergy and Chaplains contact Sharp Chapel at 918-631-2546 for a list of Campus Ministries and Churches, visit utulsa.edu/campus-ministries

Any person may report Prohibited Conduct, in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Title IX Coordinator:

Kathleen Smith
Equal Opportunity Officer and Title IX Coordinator
The University of Tulsa

Fisher West, Suite 203
Tulsa, OK 74104
918-631-2321
TitleX@utulsa.edu

The Title IX Coordinator is charged with monitoring compliance with Title IX and coordinates the University's investigation, response, and resolution of all reports under this Policy and applicable procedures.

Concerns about the University's application of this Policy may also be addressed to the United States Department of Education, Office for Civil Rights, at OCR@ed.gov or (800) 421-3481 or the Oklahoma Commission for Human Rights.

C. TIME LIMIT ON REPORTING

There is no time limit on reporting violations of this Policy, although the University's ability to respond fully may be limited with the passage of time. If the Respondent is no longer affiliated with the University (e.g., a report is made after a Student has left or graduated or an Employee no longer works for the University), the University will still provide reasonably available supportive measures, assist the Complainant in identifying external reporting options, and may take other appropriate action.

D. AMNESTY

In order to encourage Complainants and witnesses to report Prohibited Conduct, the University will not pursue disciplinary action against Students for disclosure of personal consumption of alcohol or other drugs in violation of the Code of Student Conduct where the disclosure is made in connection with a good faith report or investigation of Prohibited Conduct.

E. INITIAL ASSESSMENT

Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will contact the Complainant to conduct an initial assessment and gain a basic understanding of the nature and circumstances of the matter. The Complainant will be provided information about resources, procedural options, supportive measures, and an opportunity to discuss the University's policies. The initial assessment will also include whether a timely warning pursuant to the Clery Act is necessary to protect the safety of the Complainant, any other individuals, or the campus community.

F. SUPPORTIVE MEASURES

The University will take and/or make available reasonable non-disciplinary, supportive measures 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. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective. 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 accommodations or assistance, security escorts, voluntary leave of absence, work schedule modifications, and other non-disciplinary remedies as reasonable and appropriate.

The University will provide similar supportive measures for Respondents where reasonable and appropriate under the circumstances. The Title IX Coordinator has the discretion to ensure the appropriateness of any measure.

The University will also provide reasonably available supportive measures for an Invitee, provided that such measures are within the scope of that individual's relationship to the University.

G. INTERIM REMOVAL AND LEAVES OF ABSENCE

At any time after receiving a report of Prohibited Conduct, the University may remove a student Respondent from the University's education programs and activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct justifies removal. In the event the University imposes an interim removal, the University will offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is an Employee, and in its discretion, the University may place the Respondent on administrative leave at any time after receiving a report of Prohibited Conduct, including during the pendency of the investigation and adjudication process.

For all other Respondents, the University retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Prohibited Conduct or otherwise.

Where the conduct referenced in a report of Prohibited Conduct could constitute a violation of some other applicable policy or standard, irrespective of whether it constitutes Prohibited Conduct under this Policy, the University retains full discretion to take interim measures under other applicable policies or standards.

H. FILING A FORMAL COMPLAINT

If the Complainant wishes to proceed with a resolution process, they will submit a Formal Complaint to the Title IX Coordinator. Upon receipt of a Formal Complaint, the Title IX Coordinator will be responsible for making the following determinations:

1. Whether the conduct, as described in the Formal Complaint, occurred on University property; or Off University property in a University education program or activity; and
2. Do the facts set forth by the Formal Complaint, if substantiated, constitute a violation of this Policy?

If the answer to either question is no, the Title IX Coordinator will dismiss the Formal Complaint. The Complainant will be referred to the appropriate resources and, if appropriate, the Formal Complaint will be referred to other University offices for subsequent review and assessment. If the answer to both

questions is affirmative, the Title IX Coordinator has the authority to initiate an investigation and resolution of the Formal Complaint pursuant to this Policy and related procedures. In the event a Student is charged with a violation of the Code of Student Conduct that is ancillary and related to the Formal Complaint, the Title IX Coordinator may also investigate and resolve the ancillary charge.

I. CONSOLIDATION OF FORMAL COMPLAINTS

The University may consolidate Formal Complaints as to allegations of Prohibited Conduct by more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

J. APPLICABLE PROCEDURES

To implement this Policy, the University has developed Title IX Procedures to investigate and resolve a Formal Complaint. The Title IX Procedures are located on the Title IX Office website.

K. SANCTIONS

A Student or Employee determined to have committed an act of Prohibited Conduct in violation of this Policy is subject to disciplinary action. The sanction for a finding of responsibility depends upon the nature and gravity of the misconduct, any record of prior discipline, or both. The range of possible sanction of an Employee includes but is not limited to: reprimand, probation, suspension without pay, loss of privileges or responsibilities, and termination. The range of possible sanction of a Student includes but is not limited to: reprimand, probation, education, community service, loss of privileges, suspension, or expulsion from the University. Sanctions shall be issued in writing and include a completion date, if applicable, as well as the consequence for failing to complete any sanction by the deadline.

Invitees who violate this Policy may have their relationship with the University terminated and/or their privilege of being on University premises withdrawn. The University reserves the right to take action against any individual or organization that commits a violation of another University policy.

If a Student withdraws from the University after the University has begun an investigation but prior to a finding or resolution, an entry may, in appropriate circumstances, be made on their transcript that indicates the Student has withdrawn with an investigation pending.

If an Employee separates from the University after the University has begun an investigation but prior to finding or resolution, an entry may, in appropriate circumstances, be made in their personnel file that indicates that employment terminated with an investigation pending.

L. NON-RETALIATION

The University prohibits Retaliation as defined in this Policy.

M. VIOLATIONS OF OKLAHOMA STATE LAW

Behavior that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a responding to criminal prosecution by the presiding authority. An individual can choose to make a report to external law enforcement at any time and doing so does not preclude the individual from making a report to the University. Both processes can be pursued if an individual chooses to do so. The University encourages individuals to report an incident which may be a violation of Oklahoma State Law to external law enforcement. Prompt reporting to external law enforcement is important in a criminal prosecution.

N. RELATED POLICIES

Title IX Procedures

This policy is not a contract. The University of Tulsa reserves the right to modify, revise, rescind or grant exceptions to this policy.

Approval Signatures

Step Description

Approver

Date

Compliance

Matthew Warren: Chief
Compliance Officer & Vice
President for Risk

07/2022

Legal

Cheryl Dixon: Deputy General
Counsel & Secretary to the
Board

07/2022

Kathleen Smith: Equal
Opportunity Officer and Title IX
Coordinator

05/2022