

NWOSU BELIEVES THAT 1 VICTIM IS 2 MANY

NON-DISCRIMINATION

NWOSU, in compliance with Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act Amendments Act of 2008, and other applicable federal laws and regulations, and to the extent required by law, does not discriminate on the basis of race, color, national origin, sex, age, religion, physical or mental disability, or status as a veteran in any of its policies, practices, or procedures. This includes, but is not limited to, admissions, employment, financial aid, and educational services. Inquiries concerning the application of these programs should be made to Calleb Mosburg, Dean of Student Affairs and Enrollment Management, Northwestern Oklahoma State University, 709 Oklahoma Boulevard, Alva, OK 73717, (580) 327-8415.

Definitions

Advisor – both the Complainant and Respondent are entitled to be accompanied to any meeting or hearing under this Policy by an advisor of their choice, who may, but need not be, an attorney. If a Complainant or Respondent does not select an advisor for a hearing under this Policy, the member university will provide the party with an advisor, at no cost to the party, for the purpose of conducting cross examination at the hearing.

Complainant - the individual who is alleged to be the victim of any prohibited conduct under this Policy, or, in limited circumstances, the member university.

Consent - effective consent is informed, freely and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. 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 effective if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental disability, or incapacitation due to the use of drugs or alcohol.

Dating Violence - 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 a relationship shall be determined based on consideration of the following factors:

- i. The length of relationship;
- ii. The type of relationship;
- iii. The frequency of interaction between the persons involved in the relationship.

Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts that meet the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic Violence – domestic violence is crime of violence committed by a:

- i. current or former spouse or intimate partner of the victim;
- ii. person with whom the victim shares a child in common;
- iii. person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;
- iv. person similarly situated to a spouse of the victim under the domestic or family violence laws of Oklahoma;
- v. 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.

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.

Domestic violence can be physical, sexual, emotional, economic, or psychological actions, or threat of actions that influence another person. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Formal Complaint – a document filed by a Complainant or signed by the Title IX Coordinator or Deputy Title IX Coordinator alleging sexual harassment against a Respondent and requesting the respective member university investigate the allegation of sexual harassment.

Incapacity/Incapacitation – occurs when an individual is incapable, temporarily or permanently, to give consent because the individual is mentally and/or physically

helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. An individual may be incapacitated if they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in a sexual interaction.

Preponderance of the Evidence – the greater weight of the evidence. For an individual to be found responsible for violating this Policy, the information must support a determination by a preponderance of the evidence, that it is more likely than not that a violation of this Policy occurred.

Respondent – an individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy.

Responsible Employee – a member university employee who has the duty to report information related to incidents reasonably believed to be violations of this Policy to the Title IX Coordinator or Deputy Title IX Coordinator. All RUSO full time employees and member university full time employees are considered Responsible Employees. Full time employees include, but are not limited to: unit heads, academic administrators, faculty members, staff, intercollegiate athletic administrators, and coaching staff members. Responsible Employees must report all known information concerning the incident to the Title IX Coordinator or the Deputy Title IX Coordinator, which report should include whether a Complainant has expressed a desire for confidentiality in reporting the incident.

Sexual Assault - an offense that meets the definition of rape, fondling, incest, or statutory rape:

i. *Rape* – the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral

penetration by a sex organ of another person, without the consent of the other person;

ii. *Fondling* – the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the other person, including instances where the other person is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity;

iii. *Incest* – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;

iv. *Statutory Rape* – sexual intercourse with a person who is under the statutory age of consent.

Sex Discrimination – occurs when an individual is treated less favorably on the basis of that person's sex (including gender), which may also include on the basis of sexual orientation, gender identity or expression, pregnancy or pregnancy related condition, or a sex stereotype. Sexual harassment, as defined in this Policy, is a form of Sex Discrimination.

Sexual Harassment – conduct on the basis of sex that satisfies one or more of the following

i. A person acting on behalf of the RUSO or a member university in a position of authority conditioning the provision of any aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (quid pro quo);

ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity;

iii. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct that explicitly or implicitly affects an individual's employment, unreasonably

interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment;
iv. Sexual assault as defined herein;
v. Dating violence as defined herein;
vi. Domestic violence as defined herein; or
vii. Stalking as defined herein.

Subsections (i) and (iv)-(vii) in this definition are not evaluated for severity, pervasiveness, offensiveness, because such conduct is sufficiently severe to deny access to the member university's education program or activities. Any instance of quid pro quo sexual harassment, sexual assault, dating violence, or stalking are considered Sexual Harassment under this Policy.

Stalking – refers to one who engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

i. **Course of conduct** means two or more acts, including, but not limited

to, acts in 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.

ii. **Reasonable person** means a person under similar circumstances and with similar identities to the victim.

iii. **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Supportive Measures – non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the member university's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the member university's educational environment, or deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

REPORTING INCIDENTS AND/OR FILING A FORMAL COMPLAINT

Distinction between Report and Formal Complaint-

This Policy distinguishes between reporting incidents of Sexual Harassment and filing a Formal Complaint regarding an incident of Sexual Harassment. Reporting incidents of Sexual Harassment informs the Member University of the Incident, allowing the member university to provide Supportive Measures to the Complainant and does not necessarily result in the initiation of the grievance process. Complainants who report incidents of Sexual Harassment will be offered individualized Supportive Measures. If a Complainant wishes to initiate the grievance process, they must file a Formal Complaint.

Reporting- All forms of sex-based misconduct should be reported to the member university, no matter the severity. RUSO's primary concern is safety; therefore, individuals should not be deterred from reporting for any reason, even if the use of alcohol or other drugs was involved. RUSO and the member universities encourage those impacted by sex-based misconduct to talk to someone about what happened so they can receive support and the member university can respond appropriately. The member universities offer both confidential services and non-confidential reporting options.

Reporting to the Member University

I. Confidential Reporting Options- Confidential service options provide students and employees with the ability to confidentially share and discuss an incident of sex-based misconduct without the reporting party's information being shared with the member university. Please be aware that reporting to confidential services limits the member university's ability to respond to incidents. While these individuals are not required to report to the member university, they may have reporting or other obligations under state law, such as mandatory reporting to law enforcement in cases involving minors, imminent harm to self or others, or requirements to testify if subpoenaed in a criminal case.

Professional Counselors- Professional and licensed counselors who provide mental-health counseling (including those who act in that role under the supervision of a licensed counselor) are not required to report any information. Included in this category are counselors at the member university's Counseling Center, Psychological Services Clinic and those provided by the Employee Assistance Program.

NWOSU COUNSELING SERVICES

PHONE: (580) 327- 8547

NWOSU Victim's Advocate

Northwest Domestic Crisis Services

PHONE: (580) 327-6648

24 HOUR HOTLINE: 888-256-1215

NWOSU's Victim Advocate that can confidentially provide students with information about on and off campus resources available to victims.

Employee Assistance Program (Employees)

24-7 HOTLINE: 888-293-6948

B. Member University Health Providers- Member University health service providers are a confidential service option.

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- ii. Non-Confidential Reporting Options-** Any person may report an incident, whether or not the individual reporting is the person alleged to be the victim of the incident. Reports may be verbal or in writing to the Title IX Coordinator or Deputy Title IX Coordinator:

Title IX Coordinator- Calleb Mosburg

OFFICE: Ryerson Hall 126

PHONE: (580) 327-8415

EMAIL: cnmosburg@nwosu.edu

Deputy Title IX Coordinator- Matt Adair

OFFICE: Ryerson Hall 125

PHONE: (580) 327-8418

EMAIL: wmadair@nwosu.edu

All Employees- When an incident of sex-based misconduct is reported to any employee, the employee is encouraged to report the incident to the Title IX Coordinator or the Deputy Title IX Coordinator. Responsible Employees are required to report incidents of sex-based misconduct.

Campus Security Authorities- In compliance with the Clery Act, some employees are identified as a Campus Security Authority (“CSA”). CSAs are identified through the Clery Act and outlined in the member 9 university’s Annual Safety Report, available on the member university’s website. These individuals are required to report instances of sex-based misconduct, along with other misconduct, to campus Police for statistical purposes. CSAs must report all relevant details about the allegations shared by the victim, including names, date, time, and specific location of the alleged incident to the campus Police and to the Title IX Coordinator or the Deputy Title IX Coordinator.

Responsible Employees- Responsible Employees are those who are mandated to report to the Title IX Coordinator or the Deputy Title IX Coordinator when they become aware of an incident of sex-based misconduct. RUSO and member university employees in a supervisory role over employees or students are considered Responsible Employees, as further defined in Section 1.02(j), above. Responsible Employees who become aware of developing situations, or who desire assistance in appropriately responding to such situations, may seek assistance from the Title IX Coordinator or the Deputy Title IX Coordinator. Failure by a Responsible Employee to promptly report or seek assistance regarding sex-based misconduct may result in corrective action.

Reporting to Law Enforcement- RUSO and member universities strongly encourage individuals to report sex-

based misconduct that may be a criminal offense, and any other criminal offenses, to the police. Reporting to the police does not commit a victim to proceed with prosecution, but will allow the gathering of information and evidence, which can preserve future options regarding criminal prosecution, member university conduct/grievance actions, and/or civil actions against the perpetrator. On-campus incidents should be reported to the campus police, in person or by telephone. If the incident occurred off campus, it can be reported to local law enforcement with jurisdiction in the location where it occurred.

Reporting to External Entities- Individuals who have experienced or are experiencing sex-based harassment or discrimination also have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR)

One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, MO 64106
Phone: (816) 268-0559
Facsimile: (816) 268-0559
TTY: (800) 877-8339
Email: OCR.KansasCity@ed.gov
Web: <http://www.ed.gov/ocr>

U.S. Department of Justice, Civil Rights Division

950 Pennsylvania Avenue, N.W.
Educational Opportunities Section, PHB
Washington, D.C. 20530
Email: education@usdoj.gov
Phone: (202) 514-4092
Toll-Free: (877) 292-3804
Facsimile: (202) 514-8337

Filing a Formal Complaint- Complainants may file a Formal Complaint with the Title IX Coordinator or the Deputy Title IX Coordinator. In order for corrective or disciplinary action to be taken against a RUSO or member university employee or student, it may be necessary for a signed Formal Complaint to be filed and for the Complainant to cooperate with the member university's investigative process. However, a Complainant alleging sexual harassment may be offered individualized Supportive Measures. A signed Formal Complaint can be provided to the Title IX Coordinator or Deputy Title IX Coordinator by mail, email, or in person. The Formal Complaint must include the specific allegations and name of the Respondent(s). Title IX Coordinators may proceed with Formal Complaints without a Complainant signing it.

Victim Information

PRESERVING EVIDENCE

Victims are encouraged to call NWOSU campus police or local law enforcement to initiate a report. It the victim's decision if a prosecution is pursued. If at all possible, a sexual assault victim, who has the option of going for help at the nearest emergency room, should not shower, change clothes or brush teeth. Preserving evidence may be necessary to the proof of criminal.

Victims have the option to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and other health services. Victims can get a rape kit exam at the Woodward Regional Hospital. Travel can be provided by Northwest Domestic Crisis Services (available 24 hrs. a day) 1-888-256-1215

SUPPORTIVE MEASURES

Member universities offer Supportive Measures for students and employees impacted by an occurrence of sex-based misconduct. A Formal Complaint does not

need to be submitted for Supportive Measures to be put in place. The member university will maintain confidentiality to the extent possible. Supportive Measures are non-disciplinary and nonpunitive measures that do not unreasonably burden the other party. Supportive Measures may include, but are not limited to:

- **Assistance in reporting:** Support in filing a complaint with the member university and/or the appropriate law enforcement agencies.
 - **No contact order:** A no contact order can be put into place between the Complainant and the Respondent, to prohibit contact or limit contact between both parties through any means of communication, as well as prohibit others from making contact on their behalf.
 - **Safety measures:** Coordination of any reasonable arrangements that are necessary for ongoing safety. This includes transportation arrangements or providing an escort.
 - **Work schedule adjustments:** Assistance in changing on-campus work schedules, work assignments, supervisor responsibilities, or other work arrangements.
 - **Leaves of absence:** A pre-approved defined period away from the work environment. (Employees only)
 - **Living arrangements:** Assistance in changing on-campus living arrangements to ensure a comfortable living situation.
 - **Academic arrangements:** Assistance in adjusting academic schedules as well providing access to academic support services. (Students only)
 - **Other supportive measures:** Coordination of other reasonable arrangements to address the effects of the sex-based misconduct, including connecting individuals with counseling or health care.
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BYSTANDER INTERVENTION

To prevent sexual violence, it is important that people are considered as potential witnesses or bystanders to behaviors related to sexual violence. As a witness to these behaviors, there are certain ways to step up to prevent a risky situation from escalating. Below are safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual.

To intervene, someone has to:

1. Notice the incident: Bystanders first must notice the incident taking place. It's important to become attune to what situations may be risky; (e.g. if you're at a party, and you see someone stumbling as they are being led into a different room, this is a risky situation).
2. Interpret the incident as an emergency: By "emergency," we mean a situation wherein there is a risk of sexual or domestic violence occurring in the near future.
3. Assume responsibility for intervening: It has been found that often, people believe that someone else will help in a situation where there are many people around. However, it is important to realize that others may also be thinking about the same thing. If you're unsure if you should do something, ask a friend what they think – it might be the case that they've been thinking the same thing.
4. Have the bystander intervention skills to help: There are several different techniques that someone can use to intervene in a risky situation, some are listed below.

The 4 Ds (Bystander Intervention Techniques)

Please remember that your safety is of the utmost importance. When there is a situation that threatens physical harm to yourself or another student, ask someone for help or contact the police.

1. Direct: Step in and address the situation directly. For example, “That’s not cool. Please stop.” or “Hey, leave them alone.” This technique tends to work better when the person that you’re trying to stop is someone that knows and trusts you. It does not work well when drugs or alcohol are being used because someone’s ability to have a conversation with you about what is going on maybe impaired, and they are more likely to become defensive.

2. Distract: Distract either person in the situation to intervene. For example, “Hey, aren’t you in my Spanish class?” or “Who wants to go get pizza?” This technique is especially useful when people under the influence of alcohol or drugs because they are easily distracted than those that are sober.

3. Delegate: Find others who can help you to intervene in the situation while you distract the other, asking someone to go sit with them and talk, or going and starting a dance party right in the middle of their conversation. If you don’t know either person in the situation, you could also ask around to see if someone else does and check in with them. See if they can talk to their friend, text their friend to check-in, or intervene.

4. Delay: For many reasons, you may not be able to do something right at the moment. For example, if you’re feeling unsafe or if you’re unsure whether or not someone in the situation is feeling unsafe, you may want to check in with the person. In this case, you can combine a distraction technique by asking the person to use the bathroom with you

or go get a drink with you to separate them from the person that they are talking with. Then, you can ask them, “Are you okay?” or “How can I help you get out of this situation?”

HOW TO SUPPORT A FRIEND

If your friend is a victim of sexual harassment or sexual harassment or sexual violence, the following information can offer guidance on how to help and support:

- a. Listen and accept what you hear. Do not press for details. Allow your friend to reflect on what has happened and to share some of her/his feelings.
- b. Keep what is said confidential.
- c. Let your friend know that she/he is not to blame. Many victims tend to blame themselves for the offender’s actions, especially if the perpetrator was an acquaintance.
- d. Encourage your friend to obtain a medical examination.
- e. Allow your friend to make his/her own decision about their next steps.
- f. Seek emotional support for yourself.
- g. Accept their choices and decisions to the assault even if you disagree with what they have chosen to do. It is more important that they feel empowered to make choices and take back control than it is for you to impose what you feel you think is the correct decision.
- h. Encourage your friend to file a police report. Filing a report is not a commitment to prosecute, but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, university disciplinary actions and/or civil actions against the perpetrator. Information can be helpful in supporting other reports and/or preventing further incidents (even anonymous reports are somewhat useful).

- i. Remind your friend of campus resources including NWOSU Victim Advocate, Title IX, and University Counseling Services.

SEXUAL VIOLENCE – RISK REDUCTION TIPS

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with the recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk experiencing a non- consensual sexual act. Below, is information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

Below are warning signs of abusive behavior:

- Threats of violence or abuse
- Breaking objects
- Use of force during an argument
- Jealousy
- Controlling behavior
- Unrealistic expectations
- Isolation
- Blames others for problems
- Blames others for their feelings
- Hypersensitivity

- Cruelty to animals
- “Playful” use of force during sex
- Rigid sex roles

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PHONE: (580) 327-8415
EMAIL: cnmosburg@nwosu.edu
OFFICE: Ryerson Hall 126

CAMPUS POLICE
PHONE: (580) 327-8511
OFFICE: Alva Campus- STUDENT CENTER

COUNSELING OFFICE:
LEAH BRADY
PHONE: (580) 327- 8547
EMAIL: lbrady@nwosu.edu
OFFICE: Alva Campus Ryerson Hall 209

NORTHWEST CENTER FOR BEHAVIORAL HEALTH
Alva **PHONE:** 580-327-1112
Enid **PHONE:** 580-234-3791
Woodward PHONE: 580-256-8615
24 HOUR HOTLINE: 800-545-0518

NORTHWEST FAMILY SERVICES
PHONE: (580) 327- 2900

NORTHWEST DOMESTIC CRISIS
ALVA & WOODWARD
PHONE: (580) 327-6648
24 HOUR HOTLINE: 888-256-1215

YWCA- ENID
PHONE: (580) 234-7581
24 HOUR HOTLINE: 1-800-966-7644

ALVA POLICE DEPARTMENT
PHONE: (580) 327-2121

ENID POLICE DEPARTMENT
PHONE: (580) 242-7000

WOODWARD POLICE DEPARTMENT
PHONE: (580) 256-2280