

Campus Sexual Violence Elimination Act (Campus SaVE) Sexual Assault, Domestic Violence, Dating Violence, Stalking and Harassment Policy

Sexual Assault, Domestic Violence, Dating Violence, Stalking and Sexual Harassment

Oral Roberts University (ORU) is committed to providing a safe learning and working environment in which its employees, students and visitors are treated with courtesy, respect and dignity. In compliance with federal law, specifically the Jeanne Clery Act (Clery Act) and the Campus Sexual Violence Elimination Act (SaVE Act), ORU has adopted policies and procedures to prevent and respond to incidents of sexual assault, domestic violence, dating violence, stalking, and sexual harassment. This policy applies to all members of the ORU community (students, faculty, and staff) as well as contractors and visitors.

Harassment on the basis of race, color, national origin, disability, sex, age, genetic information, or any other protected status under federal, state or local law applicable to ORU is a violation of this policy. ORU does not discriminate on the basis of sex in its education programs and activities. In addition, sexual harassment and gender based discrimination are prohibited by Title IX. Sexual or other prohibited harassment may involve unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct or communications by a faculty member, administrator, staff, contractor, visitor, or fellow student. Sexual violence is also a form of sex harassment prohibited by ORU and Title IX.

ORU strictly prohibits rape, sexual assault (including stranger and known offender assault), domestic violence, dating violence, stalking, or sexual harassment, as defined in this policy, in any form. Inquiries regarding Title IX can be referred to ORU's Director of Human Resources who serves as ORU's Title IX Coordinator or the Office of Civil Rights, Department of Education.

Violation of this policy will result in disciplinary action, up to and including suspension, termination of employment, and expulsion from school. It is also a violation of ORU policy to engage in any conduct or communication in retaliation or reprisal against anyone who has reported harassment, assisted in a harassment complaint or cooperated in a harassment investigation. Nothing in this policy alters the provisions of the ORU Honor Code.

Note: To comply with federal law, the disclosures below reference legal terms such as "rape," "sexual assault," "stalking," "domestic violence," etc. Oral Roberts University's (ORU) disciplinary process does not enforce criminal law. Thus, institutional policies use terms such as "sexual misconduct," "non-consensual sexual intercourse," "non-consensual sexual contact," "sexual exploitation," and "sexual harassment" that overlap significantly with the legal definitions, but are policy-based rather than criminal in nature. Additionally, domestic violence, dating violence and stalking can also be violations of the ORU Sexual and Other Prohibited Harassment Policy, when motivated in whole or in part, by the sex or gender of the alleged victim. Institutional policy pertaining to sexual misconduct and the Clery Act Statistical Summary contained in ORU's Annual Security Report can be found here:

http://www.oru.edu/current_students/my_services/public_safety/

Sexually violent acts, termed sexual misconduct by ORU, are violations of ORU's Honor Code, ORU's Sexual and Other Prohibited Harassment Policy, ORU's Campus SaVE Act Policy, and can be crimes as well. In an effort to reduce the risk of sexually violent acts such as sexual assault occurring among its students and employees, ORU provides awareness and prevention training and educational opportunities.

It is the policy of ORU to make available annual training and educational opportunities to all students and employees regarding preventing domestic violence, dating violence, sexual assault (including stranger and known offender assaults) and stalking. An overview of ORU's policies is provided during new student and new employee orientation. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention (including bystander intervention), risk reduction techniques, how to recognize warning signals, and how to avoid potential attacks, and do so without applying victim-blaming approaches.

In the event that a sexual assault, act of stalking, dating violence or domestic violence does occur ORU takes the matter very seriously. A student who is found to have committed sexual assault, domestic violence, dating violence, stalking, or sexual harassment, on or off-campus is subject to immediate suspension, or dismissal. A student that is accused of sexual assault, domestic violence, dating violence, stalking, or sexual harassment, is subject to action in accordance with the Disciplinary Procedures section in the [Student Handbook](#).

If you are sexually assaulted:

1. If there is any immediate danger, call the ORU Department of Public Safety and Security (DPS&S) at 918-495-7750 or call 911.
2. Go to a safe place and contact someone you trust, such as, the Women or Men's Chaplain, the Dean of Women, the Dean of Men, your Residence Hall Director, or the Dean of your graduate school. Tell this person what happened.
3. Consider securing immediate professional support on or off campus to assist you in the crisis.
4. Assistance is available by going to ORU's Counseling Center located in the Learning Resources Center on the 5th floor during regular business hours; or you may go to the ORU Department of Public Safety & Security located at the north end of the Hamill Center 24 hours a day/7 days a week.
5. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 24 hours, is important in the case of sexual assault. The hospital will arrange for a specific medical examination at no charge. To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before that exam. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care. Additionally, you are encouraged to gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. Secure them in a clean **paper** bag or clean sheet.

6. Even after the immediate crisis has passed, consider seeking support from the ORU Counseling Center or the Domestic Violence Intervention Services (DVIS)/Call Rape at 918-743-5763. DVIS/Call Rape offers sexual assault survivors counseling.
7. Contact the Director of Public Safety and Security if you need assistance with University-related concerns, such as no-contact orders or other protective measures. The Director of Public Safety and Security will also assist in any needed advocacy for students who wish to obtain protective or restraining orders with local authorities. Alternatively, you can contact the Tulsa Police Department or Tulsa County District Court to obtain protective or restraining orders.

Victims are not required to report an incident to law enforcement authorities or ORU, but campus authorities will assist victims who wish to do so. A student wishing to officially report such an incident to campus authorities (rather than law enforcement) may do so by contacting the Department of Public Safety and Security at 918-495-7750 or the Title IX Coordinator through the ORU Human Resources Department at 918-495-7163. Anyone with knowledge about a sexual assault is encouraged to report it immediately. All officers, faculty, deans, and other individuals who exercise supervisory authority are required to report known incidents to the Director of Human Resources immediately.

Written Notification of Rights and Options

Any student or employee who reports an incident of sexual assault, domestic violence, dating violence, or stalking, whether the incident occurred on or off campus, shall receive a written explanation of their rights and options as provided for under this policy.

These rights and options include the right(s) to:

- A. Go to court, and to file a domestic abuse complaint requesting an order restraining your attacker from abusing you, and/or an order directing your attacker to leave your household, building, school, college, or workplace;
- B. Seek a criminal complaint for threats, assault and battery, or other related offenses;
- C. Seek medical treatment (the police will arrange transportation for you to the nearest hospital or otherwise assist you in obtaining medical treatment if you wish);
- D. Request the police remain at the scene until your safety is otherwise ensured;
- E. Request that a police officer assist you by arranging transportation or by taking you to a safe place, such as a shelter or a family or friend's residence; and
- F. Obtain a copy of the police incident report at no cost from the police department.

Legal Definitions

An overview of the State of Oklahoma's definitions of rape, consent in reference to sexual activity, domestic violence, dating violence, sexual assault, and stalking as follows:

Rape is generally defined as forced sexual intercourse. It may involve persons of the same or the opposite sex. It may also include situations where the victim is incapable of giving consent due to a disability or intoxication. Many rapes are committed by someone the victim knows, such as a friend or acquaintance.

Under Oklahoma Statutes Title 21 Chapter 45 Section 1111, rape is sexual intercourse against

the will of the victim that can occur under a variety of circumstances, including:

1. Where the victim is under sixteen (16) years of age.
2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent.
3. Where force or violence is used or threatened.
4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the knowledge of the accused as a means of forcing the victim to submit.
5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused.

The complete Oklahoma Rape Law is contained in Section 21 Ok. Stat. § 45-1114 & 45-1123 & Ok. Stat. Ann. § 1111.

In Oklahoma, consent in reference to sexual activity is defined as the following: the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Consent cannot be given by an individual who is asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason; or under duress, threat, coercion, or force; or inferred under circumstances in which consent is not clear, including but not limited to the absence of “no” or “stop:” or the existence of a prior or current relationship or sexual activity.

In Oklahoma, the following definitions apply to domestic violence, dating violence, stalking, and sexual assault:

“Domestic violence” includes asserted violent misdemeanor and felony offenses committed by the victim’s current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

“Dating violence” means violence by a person who has been in a social relationship of a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction. A social relationship of a romantic or intimate nature means a relationship which is characterized by the expectation of affection or sexual involvement between the parties. Dating violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse.

“Stalking” means a person who hides, waits or otherwise loiters in the vicinity of any private dwelling house, apartment building, any other place of residence, or in the vicinity of any locker room, dressing room, restroom or any other place where a person has a right to a reasonable expectation of privacy, with the unlawful and willful intent to watch, gaze, or look upon any person in a clandestine manner or any course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others’ safety, or to suffer substantial emotional distress. Course of conduct means two or more acts.

Sexual Battery is the act of making unwanted and sexually offensive contact with an intimate body part of another person or which cause an immediate apprehension in the other person that such an act will occur. Intimate body parts include sexual organs, the anus, the groin or buttocks of any person and the breasts of a female. Battery includes situations in which the accused engages in the contacts described with a person who is incapable of giving consent or resisting due to alcohol or drugs.

Sexual assault is defined as any unwanted touching of a sexual nature. This includes, but is not limited to:

- Unwanted kissing, touching, or fondling;
- Penetration with a finger or a foreign object
- Rape (vaginal intercourse); or
- Sodomy (oral-genital contact, anal intercourse).

These acts constitute sexual assault when they are attempted or committed through force, threat, or intimidation; when the perpetrator has been informed that his/her actions are unwanted: or through the use of the victim's incapacity or helplessness caused by alcohol or other drugs (e.g., when the victim is too intoxicated to consent). Alcohol or other drug use by the perpetrator does not diminish his or her responsibility for the assault.

“Sexual Assault/Sexual Battery” as to an child also means the intentional touching, mauling or feeling of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner without the consent of that person when committed upon a person who is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or in the legal custody or supervision of any public or private elementary or secondary school, or technology center school, by a person who is eighteen (18) years of age or older and is an employee of the same school system that the victim attends. As used in this subsection, “employee of the same school system” means a teacher, principal or other duly appointed person employed by a school system or an employee of a firm contracting with a school system who exercises authority over the victim.

For offenses including domestic violence, dating violence and stalking, sanctions range from warnings through expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) will result in suspension, expulsion or termination of employment.

Sexual Harassment and Other Prohibited Harassment

Sexual harassment is a form of misconduct that undermines the integrity of the academic environment. It is the policy of ORU that sexual harassment is prohibited. All members of the ORU community, especially officers, faculty and other individuals who exercise supervisory authority, have an obligation to promote an environment that is free of sexual harassment.

For the purposes of this policy, the following are considered sexual harassment:

Definitions

Sexual harassment is any unwelcome sexual advances; requests for sexual favors; or other verbal, physical or visual conduct of a sexual nature including sexual violence. Sexual violence, as that term is used in this policy, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

Harassment occurs when any one of the following conditions is present:

1. Submission to or rejection of such conduct is made explicitly or implicitly a term or condition of an individual's educational opportunity whether those programs take place in university facilities, on a bus, at a class or training program or a school-sponsored trip.
2. Acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or when an individual may be unable to give consent due to an intellectual or other disability.
3. Submission to or rejection of such conduct is used as the basis for determining academic performance, evaluation, grades, advancement or continuation as a student.
4. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offensive academic, educational or living environment.

Harassment and/or sexual violence against their will or where a person is incapable of giving consent may be found in a single episode, as well as in persistent behavior. Prohibited conduct includes deliberate, repeated, unsolicited verbal comments; sexual jokes or ridicule; physical gestures or actions of a sexual or physical nature; and solicitations for sexual favors.

Complaint Procedures

In the event a student is subject to sexual assault, domestic violence, dating violence, stalking, or sexual harassment or has knowledge or information concerning its occurrence, it is his/her responsibility to report the matter to the appropriate dean. Undergraduate students should report to the Dean of Men or Dean of Women. Graduate students should report to the Dean of their graduate school. It is the respective Dean's responsibility to immediately inform the Director of Human Resources of any such complaints. In the event a report to the applicable Dean is not practical, the student is requested to report the matter directly to the Director of Human Resources. Any complaints or inquiries regarding sexual harassment, sexual assault, stalking, dating violence or domestic violence of a student by an officer, faculty member, or staff member should be brought to the immediate attention of Director of Human Resources in the ORU

Human Resources Department at 918-495-7163.

Any complaints or inquiries regarding sexual harassment, sexual assault, stalking, dating violence or domestic violence of a student by another student should be brought to the immediate attention of the Dean of Men at 918-495-7701 or Dean of Women at 918-495-7708. Graduate students should immediately inform the Dean of their graduate school.

All other complaints or inquiries should be reported immediately to the Director of Human Resources. More detailed information regarding complaint reporting by employees is set forth in ORU Employee Handbook.

If, for any reason, a student wishes to complain or inquire regarding sexual harassment, but feels it would not be appropriate to raise such issues with the Dean, the student may inquire or complain to the Director of Human Resources and such inquiries or complaints will receive a prompt and thorough investigation.

University Procedures for Addressing Sexual Misconduct

The Title IX Coordinator will cause a prompt, fair and impartial investigation to be initiated, which may lead to the imposition of sanctions. ORU utilizes a preponderance of the evidence standard – meaning it will determine whether it is more likely than not that the complaint of conduct occurred. Procedures detailing the investigation and resolution processes of ORU can be found in the [Student Handbook](#).

If harassment is established, ORU will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from ORU.

If the victim wishes to access local community agencies and/or law enforcement for support, ORU will assist the victim in making these contacts. The Dean of Men or Dean of Women will offer assistance to victims in the form of opportunities for academic accommodations, changes in housing for the victim or the responding student, changes in working situations and other assistance as may be appropriate and available (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc.). No victim is required to take advantage of these services and resources, but ORU provides them in the hope of offering help and support. A summary of rights and options, in the form of this document, is provided to all victims. The victim will be connected with a counselor on or off-campus, should he or she wish.

The Title IX Coordinator is ultimately responsible to assure in all cases that the behavior is brought to an end, ORU acts to reasonably prevent its recurrence and the effects on the victim and the community are remedied. The Coordinator is also responsible to assure that training is provided for all faculty, staff, administrators and students that will focus on domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation and other behaviors that can be forms of sex or gender discrimination covered by Title IX. Training will help those decision-makers associated with the process to protect the safety of victims and to promote accountability for those who commit offenses.

The investigation and resolution conducted by ORU are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Privacy of the records specific to the investigation is maintained in accordance with Oklahoma law and the federal Family Educational Rights and Privacy Act of 1974 (FERPA) statute. Any public release of information to comply with the timely warning provisions of the Clery Act will not release the names of victims or information that could easily lead to a victim's identification.

In any complaint of sexual assault, stalking, dating violence, domestic violence or other behavior covered under the federal law, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action. Once the investigative process is complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale. Delivery of this outcome will not be delayed to either party, and should occur as nearly simultaneously as possible, without unnecessarily bringing those in conflict into close proximity to each other.

All parties will be informed of ORU's appeal processes, and their rights to exercise a request for an appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

Sex Offenders

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, ORU is providing a link to the [State of Oklahoma Sex Offender Registry](#). All sex offenders are required to register in the state of Oklahoma and to provide notice of each institution of higher education in Oklahoma at which the person is employed, carries a vocation or is a student ([Oklahoma State Statute](#)).

In addition to the above notice to the State of Oklahoma, all sex offenders are required to deliver written notice of their status as a sex offender to ORU's Director of Public Safety and Security no later than three (3) business days prior to their enrollment in, employment with, volunteering at or residence at ORU. Such notification may be disseminated by ORU to, and for the safety and well-being of, the ORU community, and may be considered by for enrollment and discipline purposes.