HARASSMENT

SWOSU affirms its commitment to ensuring an environment for all employees and students that is fair and respectful. Additionally, SWOSU is committed to providing a work environment that is free of discrimination. Demeaning actions, words, jokes, or comments based on an individual's race, color, national origin, sex, age, religion, disability, genetic information or status as a veteran will not be tolerated.

Sexual Harassment

SWOSU 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 RUSO 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 SWOSU 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 SWOSU 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 Dean of Students for review and investigation. The Dean of Students may assist in the informal resolution of the complaint or in processing a complaint through the Office of Human Resources, SWOSU deans, or any of SWOSU’s executive officers;

b) Complaints against faculty or staff shall be filed with the Office of Human Resources. The designated official may assist in the informal resolution of the complaint or in processing a formal complaint through the chain-of-command above their supervisor, up to and including the President. Additionally, the complaint may be taken to any of SWOSU’s executive officers;

c) Complaints against visitors, guests, vendors, contractors, or any other person should be directed to the Department of Public Safety or Office of Human Resources, SWOSU deans, or any of SWOSU’s executive officers; or

d) Any other appropriate process as established by SWOSU policy.

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Sexual Relationship

SWOSU affirms its commitment to the fair exercise of academic and employment power and adequate protection of individuals with limited power. SWOSU 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 SWOSU 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 SWOSU’s President. The RUSO Board shall be notified of any such exceptions in a written, confidential personnel record at least one week prior to the next RUSO Board meeting. Exceptions involving Presidents may be granted by the RUSO Board only.

*January 2013*