2021-2022 SAYRE CAMPUS
SOUTHWESTERN OKLAHOMA STATE UNIVERSITY
ANNUAL CRIME REPORT AND ANNUAL FIRE SAFETY REPORT

Table of Contents

INTRODUCTION 1
CLERY ACT REPORTING REQUIREMENTS 1
AVAILABILITY OF ANNUAL SECURITY REPORT 2
CAMPUS SECURITY AUTHORITIES 2
- Designated Campus Security Authorities 2

SWOSU CAMPUS POLICE DEPARTMENT 3
- Working Relationship with Other Law Enforcement Agencies 4
- Daily Crime Log 4
- TIMELY WARNING POLICY 4

EMERGENCY RESPONSE AND EVACUATION PROCEDURES STATEMENT (ERAEP) 4
NOTIFICATION TO UNIVERSITY COMMUNITY ABOUT AN IMMEDIATE THREAT 5
- Emergency Text Messaging System 5
- Emergency Notification Policy Test 5
- Medical Emergencies 5
- Campus Wide Emergency Response 5
- Natural Disasters 6
- Tornado Precautions 6
- Earthquake Procedures 7
- Bomb Threats 7

CRIME PREVENTION 7
- Personal Safety 8
- Safety Escort Service 9
- Active Shooter Response Training for Community Members: A.L.I.C.E. Program 9
- Self Defense Training Rape Aggression Defense R.A.D. Program 10
- Resisting Aggression with Defense R.A.D. Program 10

SEX/VIOLENT OFFENDER REGISTRATION 10
LOST AND FOUND 11
PROCEDURES FOR REPORTING A CRIME OR EMERGENCY 11
- Crime Reporting 11
- Confidential Crime Reporting 11
- Crimes Disclosed to Pastoral or Mental Health Counselor 12
- Crimes in Progress 12
- Off-Campus Crime 12
- Crime Disclosure 13
- Obtaining Reports 13

SECURITY AND ACCESS TO CAMPUS FACILITIES 13
- Maintenance of Campus Facilities 14

DEFINITION OF TERMS FOR STATISTICAL CHARTS 14
CRIME DEFINITIONS 14
- Criminal Offenses 14
- Sex Offenses 15
- Hate Crimes 15
- Violence against Women Act (VAWA) 16
- Arrests and Referrals for Disciplinary Action Definitions 17

CRIME STATISTICS: TABLES OF KNOWN CRIMINAL OFFENSES 2019, 2020, 2021 18
- Unfounded Crimes 20

SWOSU DRUG-FREE SCHOOLS/COMMUNITIES POLICY STATEMENT 21
- Drug-Free Workplace and Schools 21
- The Drug-Free Schools and Campuses Act 22

ALCOHOL AND DRUG PROGRAMS AND SERVICES 22
Drugs, Alcohol and Weapons on Campus 22
Firearms on Campus 22
Medical Marijuana 23
COVID-19 Safety Response 23
Health Risks 23
DEA Resource Guide 24
UNIVERSITY SANCTIONS 24
UNIVERSITY IMPLEMENTATION OF SANCTIONS 25
Legal Sanctions: Local & State 25
Legal Sanctions: Federal 25
ALCOHOL AND DRUG ABUSE EDUCATION & PREVENTION PROGRAMS 26
Alcohol Abuse and Drug Use Prevention Activities 26
Distribution of Annual Drug and Alcohol Abuse Prevention Program Notifications 28
STUDENT CONDUCT PROCESS 28
Student Code of Conduct 28
NON-Discrimination and Harassment Statement 29
Retaliation Policy 29
Jurisdiction 29
Standard of Proof 29
Definitions 29
Prohibited Activities Defined/Non-Academic Misconduct 30
Explanation of Rights 31
Committee on Student Conduct 32
SEX OFFENSES, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING 32
Title IX Coordination 33
overview 33
POLICY 33
reporting incidents and/or filing a formal complaint 36
Supportive Measures 38
formal complaint process 39
hearing procedures 41
appeals 42
Informal resolution 43
retaliation 43
recordkeeping 43
training 44
APPENDIX A-STATE LAW DEFINITIONS 44
REPORTING 47
Title IX Reporting 47
Zero Tolerance Environment 48
Confidential Reporting Options 48
Non-Confidential REPORTING OPTIONS 48
Non-Confidential Reporting Options 49
Requests for Confidentiality from a Non-Confidential Reporter 49
BYSTANDER INTERVENTION 50
Reporting to the Police 50
DEFINITIONS 50
Sex Discrimination 50
Sexual Harassment 51
Sexual Misconduct 52
Stalking/Cyber Stalking 53
Dating Violence 53
Domestic Violence 54
Quid Pro Quo Sexual Harassment 54
VICTIM INFORMATION 54
What to do if you are a Victim of Sexual Violence 55

Complaint Procedures 56
Interim Measures 56
Investigation Procedure 56
Appeals Request 57
Appeals Process 57
Non-Academic Misconduct Appeals 57
Non-Academic Misconduct Hearing Appeals Committee 58
Hearing Advisor 58
Appeal Hearing Procedure 58
Educational Programming 59
Health Services 59
Counseling Services 59
On and Off Campus Resources 59
Counseling Resources 60
Medical Services 60
DISCIPLINARY PROCEEDINGS 60
MISSING STUDENT NOTIFICATION 60
CONTACT INFORMATION 61
ANNUAL FIRE SAFETY REPORT 61
Policies for Fire Safety Education and Training Programs for Faculty/Staff/Students 61
APPENDIX A 63

INTRODUCTION

Providing a safe and secure environment for our campus community in which to work and learn is a top priority for Southwestern Oklahoma State University (SWOSU). The 2021-2022 Annual Security and Fire Safety Report demonstrates the host of activities our institution engages in to ensure your safety. This report, along with the Code of Student Conduct, details the safety resources available to our campus community. The contents of this report have been prepared to ensure that all students, faculty, staff, and prospective members of our community are aware of programs, processes and statistics associated with our various safety and security programs.

This report is compliant with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Violence Against Women Act, as well as other applicable laws and regulations. The Chief and/or his/her designee will work with appropriate SWOSU departments and individuals to compile and to create the necessary information for the annual report. In addition, this group will work with local law enforcement agencies to collect statistical data for inclusion in the report.

If you wish to obtain paper copies of this report you may do so by visiting the SWOSU Campus Police Department, 200 E. College Ave. SWOSU Campus Police will mail you a paper copy upon request. You may reach them by calling (580) 774-3111. Digital copies are available at the SWOSU Campus Police website.

CLERY ACT REPORTING REQUIREMENTS

Each institution of higher education receiving federal financial assistance under the programs authorized under Title IV of the Higher Education Act of 1965 is required to disclose annual information about campus crime and security policies as well as timely warnings in certain situations. The Clery Act (Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 1990, as amended) specifically requires that colleges and universities have in place and disclose policies, practices and procedures including those listed below:

- Policies regarding procedures and facilities for students and others to report crimes or other emergencies on campus and SWOSU's response to such reports.
- Policy concerning security of and access to campus facilities, including residences, and security considerations used in the maintenance of campus facilities.
- Campus law enforcement policies, including enforcement authority, and policies encouraging accurate and prompt reporting of crimes.
- Description of the type and frequency of educational programs designed to inform students and employees about campus security procedures and crime prevention procedures and practices to encourage students and employees to be responsible for their own security and security of others.
- Annual reporting of statistics concerning the occurrence on campus, in or on non-campus buildings or property and on public property contiguous to campus, the following criminal offenses are reported: murder, manslaughter and sexual assaults including: rape, fondling, incest, statutory rape; aggravated assault, burglary, motor vehicle theft, arson and crimes in which the victim is intentionally selected because of actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability; robbery, aggravated assault, burglary, motor vehicle theft, arson, and including larceny-theft, destruction/damage/vandalism of property and intimidation. Crimes of domestic violence, dating violence, stalking, and arrests of persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons violations.
- Policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations recognized by SWOSU that are engaged in by SWOSU students, including student organizations with off-campus housing facilities.
- Policy regarding possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws.
- Policy regarding possession, use and sale of illegal drugs and enforcement of federal and state drug laws.
- Description of drug and alcohol abuse education programs.

- Campus sexual assault programs and procedures to prevent sex offenses.
- Where information concerning registered sex offenders may be obtained.
- Information regarding emergency response and evacuation procedures.
- Policies, procedures, statistics, and programs associated with sexual misconduct.
- Fire safety information and statistics/equipment for campus residential facilities.
- Policy regarding missing student notification procedures.

AVAILABILITY OF ANNUAL SECURITY REPORT

The Federal Student Right-to-Know, Crime Awareness and Campus Security Act, now cited as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" and herein identified as the "Clery Report," requires institutions of higher education to annually prepare and publish a report concerning campus crime and arrest statistics, security policies and practices intended to promote crime awareness, campus safety and security.

The SWOSU Campus Police Department will produce a final report for publication on the SWOSU Campus Police website. Notification of the availability of the report will be made to all currently enrolled faculty, staff, and students through the Human Resources office. Notification will be made to everyone by electronic means, individual mailings, or computer networks.

The report will be available by October 1st of each year, in addition to once in the spring semester to all faculty, staff, and students, including prospective students', staff, and faculty on the SWOSU Campus Police website. If you wish to obtain paper copies of this report you may do so by visiting the SWOSU Sayre Campus, 409 E. Mississippi. SWOSU Campus Police will mail you a paper copy upon request. You may reach them by calling (580) 774-3111.

CAMPUS SECURITY AUTHORITIES

The U.S. Department of Education defines Campus Security Authorities (CSA) as:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

DESIGNATED CAMPUS SECURITY AUTHORITIES

The following individuals are Designates Campus Security Authorities:

- President
- Vice President for Administration & Finance
- Vice President for Academic Affairs
- Vice President for Student Affairs
- Vice President for Public Relations & Marketing
- Law Enforcement/Full Time and Reserves

- Dean/Chairs of Departments
- Human Resource Department
- Dean of Students
- Counseling/Nursing Services
- Athletic Director/Coaches
- Director of Housing/ Housing Coordinator/Resident Assistant
- Dean of Sayre Campus
- International Student Affairs

Each CSA is required to complete a training program coordinated by SWOSU Campus Police, which includes mechanisms for forwarding reports to SWOSU Campus Police and other campus offices such as Title IX and Student Affairs and overall responsibilities of a CSA.

A CSA is responsible for reporting Clery Act crimes they discovered themselves or which they received in good faith from other. These crimes (including weapons, drug, alcohol offenses, dating violence, stalking, etc.) are reported to SWOSU Campus Police who will investigate the incident or refer it to the appropriate office or agency for investigation.

The Incidents reported by CSAs will be included in the Annual Security and Fire Safety report when it is appropriate. CSAs are required to report Clery reportable incidents that occur off campus including incidents related to student travel (international and domestic) activities.

A CSA is NOT responsible for determining whether a crime took place, which is the responsibility of the SWOSU Campus Police Department or the law enforcement agency having jurisdiction. A CSA should never attempt to apprehend an alleged perpetrator of a crime. This too is the responsibility of law enforcement. It is also not the responsibility of a CSA to try and convince a victim of a crime to contact law enforcement if the victim chooses not to do so. However, if the crime is a sex crime, including sexual harassment, SWOSU requires that it be reported to the appropriate law enforcement agency for investigation except as prohibited by law.

SWOSU CAMPUS POLICE DEPARTMENT

SWOSU Campus Police operates its own full-time, police department. SWOSU Campus Police officers are duly commissioned State of Oklahoma police officers. Their authority comes from Oklahoma State Statute (74 O.S. 360). Each police officer is certified by the Oklahoma Council on Law Enforcement Education and Training (CLEET) certifies each officer via attendance at the state-sponsored police academy.

SWOSU Campus Police Officers have complete police authority on property owned by SWOSU and any other property contiguous to SWOSU pursuant to an agreement with the City of Sayre. SWOSU police officers also have limited authority within the City of Sayre pursuant to a Memorandum of Understanding (MOU) agreement

If a student commits minor offenses involving SWOSU rules and regulations, the SWOSU Campus Police may also refer the individual to the Dean of Students. Major offenses such as rape, murder aggravated assault, robbery, and auto theft are reported to the local police and joint investigative efforts with investigators from SWOSU Campus Police and the Sayre Police Department are deployed to solve these serious felony crimes. The prosecution of all criminal offenses, both felony and misdemeanor, are conducted at municipal, county, or federal court.

SWOSU Campus Police Sayre Jurisdictional Boundaries

WORKING RELATIONSHIP WITH OTHER LAW ENFORCEMENT AGENCIES

SWOSU Campus Police personnel work closely with local, state, and federal police agencies and have direct radio communication with the Sayre Police Department on the Sayre Police Department's radio network. The SWOSU Campus Police Department is also a part of the county 911 emergency system. By mutual agreement with state and federal agencies, the SWOSU Campus Police maintain a link with the Oklahoma State Bureau of Investigation (OSBI). Through this connection, police personnel can access the National Crime Information Computer System (NCIC) as well as all information enforcement system. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state, and federal law enforcement information.

Per agreement with Sayre Police Department, the SWOSU Campus Police's jurisdiction extends to any university owned or leased property and in outlying areas. Both SWOSU Campus Security and Sayre Police Department patrol these areas jointly. Through coordination with Sayre Police Department, any criminal activity engaged by students at off-campus locations of student organizations, is monitored and recorded. This information is provided to the dean of students for any action or follow-up that may be required.

DAILY CRIME LOG

A daily crime log is available for review during normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. at the SWOSU Campus Police Department located at 200 E. College Ave. The information in the crime log typically includes the case number, classification, date reported, date occurred, time occurred, general location and disposition of each crime. It does not include names of the parties involved.

TIMELY WARNING POLICY

In the event that a situation arises, either on or off campus, the SWOSU Campus Police, in conjunction with other departments on campus, issue timely warnings to notify SWOSU community members about crimes or other serious incidents in and around the community. If a situation arises that, in the judgment of the President, any Vice President, Chief of Police or his/her designee constitutes an ongoing or continuing threat, a campus-wide warning will be issued. The warnings may be issued by various methods (Omnilert emergency notification system, e-mail, text message, SWOSU web page notification, bulletin boards, distributed throughout campus, press release to local media. etc.) as reasonably and timely as possible depending on the nature of the threat. If the threat does not pose a risk to the entire university community, the timely warning will be addressed to those community members who are subject to risk. These notifications will be issued without delay.

Whenever the Sayre Police Department issues a news release about an off-campus crime that represents a serious or ongoing threat to the safety of faculty, staff, and students. SWOSU may assist in publicizing the crime on campus.

The purpose of timely warnings is to provide the SWOSU community with more immediate notification. Anyone with information warranting a timely warning should report the circumstances to SWOSU Campus Police at (580) 774-3111.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES STATEMENT (ERAEP)

The SWOSU administration will immediately notify the campus community in the event and confirmation of an emergency or dangerous situation involving an immediate threat to the health or safety of the campus community. The decision to notify the community will be based on a case-by-case basis.

Law enforcement personnel at the scene will make the initial recommendation and they will request notification of the campus community based on their professional judgment. This recommendation can be made to any senior administrator, but is typically made to the President, or any Vice President. The persons responsible for sending the official notification include, but is not limited to, the SWOSU Chief of Police, the SWOSU dispatcher, the SWOSU Information Technology Service Director or the Vice President of Public Relations and Marketing.

In the event of an incident, which would require the larger community to be notified, information will be sent through the internet, local media, and local cable channels if appropriate.

SWOSU Campus Police and designated persons will test the ERAEP annually and document the information concerning a description of the exercise, i.e., date, time and if announced or not announced. This documentation will be kept in the Annual Security Report paper file at the SWOSU Campus Police Department.

NOTIFICATION TO UNIVERSITY COMMUNITY ABOUT AN IMMEDIATE THREAT

When SWOSU Campus Police confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Southwestern Oklahoma State University community, the SWOSU Campus Police and/or the President, any Vice President, Chief of Police or his/her designee will utilize some or all of the systems described under the Timely Warning section of this report to communicate the threat to the SWOSU community or appropriate segment of the community if the threat is limited to a particular building or segment of the population. The SWOSU Campus Police Department immediately, and considering the safety of the community, determines the content of the notification and initiates the notification system unless issuing a notification will, in the judgment of the responsible authorities including the President, any Vice President, Chief of Police or his/her designee compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

EMERGENCY TEXT MESSAGING SYSTEM

Southwestern Oklahoma State University has partnered with Omnilert to enhance its emergency notification system by offering an effortless way to receive urgent text messages and email. The Emergency Text Messaging System is available to students, faculty and staff on Weatherford and Sayre campuses.

To participate in this service, individuals must register at Emergency Notification System

Messages may be used for situations that pose immediate danger or the closing of an entire campus. Messages about campus crime alerts will not be sent unless it is decided there is imminent threat of danger. This notification service is provided in addition to existing emergency reporting procedures and does not replace or eliminate any emergency notification system (e.g., tornado sirens).

EMERGENCY NOTIFICATION POLICY TEST

SWOSU Campus Police Chief or his/her designee will test the system annually and record this information. Test results will be kept in SWOSU Campus Police Department and available for public viewing on request.

MEDICAL EMERGENCIES

Steps to take in a medical emergency:

- Do not move the patient unless his or her life is in danger.
- Have someone stay with the patient until help arrives.
- Call 911. Tell them your name, your exact location, and a brief description of the problem. Do not hang up until told to do so.
- Meet emergency personnel to guide them to the patient.

CAMPUS WIDE EMERGENCY RESPONSE

The purpose of this policy is to establish emergency response procedures SWOSU, as required by the Higher Education Opportunity Act of 2008. This policy applies to all faculty, staff, and students of SWOSU.

- The goal of this plan is to limit the loss of life and property in the event of an emergency or crisis that affects the operations of SWOSU. The proper use of available resources and personnel is critical to the successful management of Emergency Operations, including, but not limited to:
- Provide maximum preparation to reduce the potential for injury or damage.

- Provide a coordinated, interdisciplinary, and comprehensive response to a critical situation.
- Maximize the effectiveness and immediacy of response to victims.
- Facilitate assistance to the primary, secondary, and tertiary victims.
- Reduce the severity and duration of the trauma to the campus community.
- Provide coordinated internal and external communications.
- Facilitate coordination with external agencies.
- Prepare for post-crisis support, evaluation, and condition.
- Reassure the public and local community.
- Guard the institution's image.

For the purposes of this plan, an emergency is defined as any unplanned or sudden serious event or condition that cannot be controlled by normal responses or measures. SWOSU's Chief of Police or his/her designee will have primary responsibility for convening the Emergency Management Team and will manage the institutional response. Once a state of emergency is declared, the plan's guidelines are to be implemented by all faculty, staff, and students. The procedures contained in this document are guides and should be used as a flexible tool to respond to a variety of circumstances. This plan applies to all SWOSU personnel and properties. The City of Weatherford has developed its own plan and SWOSU's plan will be incorporated into the overall City of Weatherford plan.

NATURAL DISASTERS

In the event of storm conditions, the Sayre Fire Department will sound sirens strategically located across the city and on the SWOSU Campus to warn the population to seek immediate shelter or take proper precautions. Members of the SWOSU community have several campus buildings available to them, which are readily accessible for shelter.

The following facilities are available to residents for shelter when needed:

- The basements of Neff Hall, Mann Hall, Black Kettle Hall (Parker Center basement), and Stewart Halls are available to residents of the halls.
- The Oklahoma Hall residents should seek shelter in the Gold Program Hall area.
- The basement of the Campbell Building is available for its occupants at the time.
- The basement of the Stafford Building is available for its occupants at the time.
- The basement of the Science Building and Al Harris Library is voluntary shelters.
- Residents from the Mary Mabry Savage Apartments should seek shelter in the basement of Neff.

Sayre Fire Department will test the storm sirens monthly on the first Monday at 12:00 p.m.

TORNADO PRECAUTIONS

- If you are in the warning area, seek shelter immediately, each building has a designated storm shelter area, if unaware of the location use the lowest accessible floor of the building away from windows and doors. Voluntary storm shelters are the Science Building basement and the Library Auditorium west entrance.
- If you are in a vehicle, get out and seek shelter in a sturdy building. If a building is not available, a depression such as a ditch or ravine offers protection but be alert for flashfloods.
- Do not open windows. This can increase damage to the building. Stay away from windows and exterior doors.

- Basements, interior hallways on the lower floors and small interior rooms on the lower floors offer the best shelter.
- Do not attempt to turn utilities on or off.
- Report injuries and damage to the SWOSU Campus Security Department at (580) 928-5533. After all clear, leave damaged buildings and do not attempt to return unless directed to do so by emergency personnel.

EARTHQUAKE PROCEDURES

All employees and students should take immediate cover in the event of an earthquake.

Outdoors

- In an earthquake, if you are outside, stay outside. Move away from trees, signs, buildings, electrical poles, and wires. Protect your head with your arms from falling bricks, glass, plaster, and other debris.
- Move away from fire, smoke, or the smell of natural gas.
- Proceed to the emergency assembly area for your group if safe to do so. Check with your supervisor to determine your meeting location if you do not know it. If you are a student, follow the instructions from your class instructor/professor or emergency.

Indoors

- Immediately take cover under tables, desks or other objects that may give you protection against flying and falling glass and debris.
- If you are not near a sturdy object, make yourself as small as possible and cover your head and neck.
- In an earthquake, you can also stand in a doorway. Brace yourself against the frame and watch out for swinging doors, other people and falling debris.
- Avoid overhead fixtures, windows, filing cabinets, vending machines, bookcases, and other heavy objects that could fall or shatter.
- Stabilize any laboratory procedures that could lead to further damage or injury (turn off gas or electrical equipment).
- After the effects of a significant, damage-causing earthquake have subsided, evacuate the building, move to open ground and call SWOSU Campus Police Department to report any injuries, trapped persons, or other immediate crisis. Please remember that in an earthquake that causes damage, persons in a wide area may be in peril from injury or being trapped in debris. Remain calm and patient and help others to move to safety within your ability to do so.

BOMB THREATS

If you receive a bomb threat over the phone, remain calm and try to act courteous. If possible, get another person to listen on another extension. Take notes on the caller's threat, tone, voice, characteristics, and background noise. Contact SWOSU Campus Police at (580) 774-3111 immediately and follow directions.

CRIME PREVENTION

Policy Statement Addressing Crime Prevention Programs for faculty, staff, and students Crime Prevention Programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. SWOSU Campus Police personnel facilitate programs for student, parent, staff, faculty, and new employee orientations, student organizations, community organizations, in addition to quarterly programs for Housing Services Resident Advisers and residents providing a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes.

Tip: To enhance personal safety, and especially after an evening class, walk with friends or someone from class that you know well or contact campus police for an escort.

PERSONAL SAFETY

General Precautions and Crime Prevention Tips:

- Program the SWOSU Campus Security Department's phone number (580) 928-5533 into your cell phone. Report any suspicious activity to the SWOSU Campus Police Department immediately.
- Never take personal safety for granted. Always be aware of your surroundings.
- Try to avoid walking alone at night. Request an escort from the Sayre Police Department by calling (580) 928-2122.
- Limit your alcohol consumption and leave social functions that get too loud or too crowded, or that have too many people drinking excessively. Remember to call the SWOSU Campus Police Department or the Sayre Police Department for help at the first sign of trouble.
- Use lighted walkways and thoroughfares, even if it means going out of your way.
- Carry only insignificant amounts of cash and keep purses, backpacks and money belts close to the body.
- Do not struggle if someone attempts to take your property.
- Never leave valuables unattended. (Wallets, purses, books, calculators, laptops, etc.)
- Always carry your keys and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock doors and close windows when leaving your car.
- Remember to lock the doors at your residence. Be certain that your door is locked to your residence when you go to sleep, and keep windows closed and locked when you are not at home.
- Do not leave valuables in your car, especially if they can be easily noticed.
- Engrave serial numbers or owner has recognized numbers, such as a driver's license number, on items of value.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

At home, in an apartment building, or in a residence hall:

- Keep your room door locked when you are sleeping.
- Never let unauthorized persons come into your room, enter residence halls, or enter apartment security doors. Always ask to see proper identification.
- Never prop open inside or outside doors.
- Do not hide keys outside your room or apartment. Do not put your name or address on your key rings.
- Avoid working or studying alone in a campus building.
- Never dress in front of a window. Close blinds or curtains after dark.
- If an intruder awakens you inside your room, do not attempt to apprehend the intruder. Try to get an accurate description of the intruder and call the police.
- Any suspicious activity should be reported to the SWOSU Campus Police Department immediately.

When driving:

- Park your vehicle in a well-lit and populated area.
- Have your car keys in your hand when approaching your vehicle so you can enter quickly.

- Scan the area before getting into your vehicle and always check underneath your car upon approach and in the rear seat for intruders before entering the automobile.
- Lock your doors and keep windows rolled up whenever possible.
- Drive on well-traveled and well-lit streets.
- Never hitchhike, and never pick up hitchhikers.
- If someone tries to enter your stopped vehicle, sound the horn and drive to a safe area such as a convenience store.
- If your vehicle breaks down, ask any person who stops to help to call the police. Do not allow any person access to you or inside your car. Roll down your window no more than an inch. Be aware that an accident may be staged to provide the other driver an opportunity to commit a criminal act.
- Leave enough room between your car and the one ahead so you can drive around it if necessary.
- Call ahead when driving to your home or apartment late at night and have someone watch you walk from your car to the residence.
- Limit distractions such as cellphones.

While walking or jogging:

- Avoid walking or jogging alone and try not to walk or jog after dark.
- Avoid dark or vacant areas. Walk along well-lit routes.
- Be alert to your surroundings. If you suspect you are being followed: Run in a different direction, go to the other side of the street and yell for help, or move quickly to a lighted area, a group of people.

Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks can be found online.

SAFETY ESCORT SERVICE

SWOSU Campus Police Department provides a safe escort to and from buildings/vehicles to all faculty, staff, and students if they are uncomfortable walking alone or if they feel, threatened. Anyone on campus wishing to have an Officer escort them should call the SWOSU Campus Security Department at (580) 928-5533 ext. 2172 and provide their name, location, and a contact number where the Officer may call if they cannot locate the person.

ACTIVE SHOOTER RESPONSE TRAINING FOR COMMUNITY MEMBERS: A.L.I.C.E. PROGRAM

When a hostile person(s) is actively causing deadly harm or the imminent threat of deadly harm within a building or other location, it is important that you be prepared to act.

SWOSU has adopted the A.L.I.C.E. active shooter civilian response-training program. A.L.I.C.E. stands for Alert, Lockdown, Inform, Counter, and Evacuate.

This program is founded on the principle that to survive an active shooter emergency, you must be prepared to acknowledge a threat immediately and then Run, Hide or Fight. SWOSU Campus Police Department is prepared to train any interested SWOSU community members in this valuable and potentially lifesaving program for no cost.

Classes can be tailored around the needs of the group and can include a two (2) hour programs on basics or a four (4) hour comprehensive programs where attendees simulate a response to a life-threatening active shooter.

For more information on the A.L.I.C.E program at SWOSU, including seeking information on attending an open class for individuals, please call SWOSU Campus Police Department at (580) 774-3111.

SELF DEFENSE TRAINING RAPE AGGRESSION DEFENSE R.A.D. PROGRAM

SWOSU Campus Police Department is instructing three self-defense programs on campus.

The Rape Defense website is a national program of realistic self- defense tactics and techniques taught for women only. Nationally certified R.A.D. instructors teach all courses.

The goal of R.A.D. is to provide realistic self-defense options to women, regardless of their level of physical conditioning. Students at all levels of ability, age, experience, and strength will be provided with techniques and information that can be effectively used from the first day of class. R.A.D. is not a martial arts program, nor does it require students to be athletes in training to succeed.

R.A.D**.** Aerosol Defense option: website using the proven R.A.D. Systems philosophy, A.D.O. destroys the myths and manufacture hype about pepper spray effectiveness and even its ability to deter a Committed Focused Aggressor. Learn the most realistic methods for accessing, deploying, and assisting the aerosol defense option; and if it fails to work (and it may), learn the proven backup strategies needed for successful escape. R.A.D. Systems has conducted over three hundred videotaped live test exposures to various aerosol products with a wide range of delivery systems. Stop believing a manufacturer's selling hype. We know what works and what does not through firsthand experience.

RESISTING AGGRESSION WITH DEFENSE R.A.D. PROGRAM

The R.A.D. for Men website participants will have the opportunity to: raise their awareness of aggressive behavior, recognize how aggressive behavior impacts their lives, learn steps to avoid aggressive behavior, consider how they can be part of reducing aggression and violence, and practice hands-on self-defense skills to resist and escape aggressive behavior directed toward them. This program is designed to empower participants to make safer choices when confronted with aggressive behavior.

Every student receives a manual for reference and practice. Once a student has completed a R.A.D. program, their signed manual becomes a ticket for free return and practice with any instructor in the US and Canada.

The widespread acceptance of R.A.D. system is due to the ease, simplicity, and effectiveness of our tactics, solid research, legal defensibility, and unique teaching methodology. R.A.D. is the only self-defense program endorsed by the International Association of Campus Law Enforcement Administrators (IALCEA).

SWOSU is now offering R.A.D. for credit. SWOSU students may enroll in this course and receive a one-hour credit.

For more information, please call SWOSU Campus Police Department at (580) 774-3111.

SEX/VIOLENT OFFENDER REGISTRATION

SWOSU Campus Police Department operates a registration system for persons who have been convicted of sexual or violent offenses that require registration pursuant to federal or state law. SWOSU works with the City of Weatherford Police Department and the Oklahoma Department of Corrections in exchanging information regarding persons who must register with SWOSU pursuant to legal requirements.

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

In addition to federal law, Oklahoma law (Title 57, Sections 583-584) requires anyone required to register as a sex offender to do so with both their local law enforcement agency (where the live) and the police or security department of any institution of higher education at which they are enrolled as a student (full or part-time), are an employee (full or part-time), or reside on any property owned or controlled by the institution of higher education.

Any individual who works at, lives at and/or is a current student at SWOSU that has been convicted of specific sex or violent offenses must register with SWOSU Campus Police Department. Pertinent data will be collected and be available for public inspection pursuant to law. Information can be found at the SWOSU Campus Police Department, 200 E. College Ave, /Weatherford Police Department (580) 772-7791. You may also access the Oklahoma Sex Offenders Registry online at the National Sex Offenders Registry at online.

Persons who fail to register will be subject to prosecution. Registration with SWOSU is required in addition to registration with the local police department where they reside. It is the convicted person's responsibility to know whether to register with campus police and to ensure that registration is completed pursuant to law. Questions related to registration or persons needing to register may contact SWOSU Campus Police at (580) 774-3111.

LOST AND FOUND

The SWOSU lost and found is located at the Administration Building. After a certain period, all buildings and officers are encouraged to forward any found items to the SWOSU Dean of Students Office to maintain a central location for persons seeking lost property.
SWOSU Campus Security Department items will be stored in the campus police storage area for a period of one year. After good faith efforts to locate the owner and the time limits have expired, the items will be sold or destroyed. Inquiries about lost and found property can be made by calling (580) 928-5533.

PROCEDURES FOR REPORTING A CRIME OR EMERGENCY

CRIME REPORTING

Crime victims and witnesses to a crime, regardless of the crime, are encouraged to promptly report incidents to the SWOSU Campus Police Department or the appropriate police agency. To report a crime, the victim, if he or she elects to, or witness needs only to call the police and a police officer will meet them to gather information. An official report will be made with copies available to the victim after a completed investigation. Each month, the number of incidents in each category of crime are counted and reported to the Oklahoma State Bureau of Investigation (OSBI), which in turn provides the information to the Federal Bureau of Investigation (FBI).

Report of incidents reportable under the Clery Act can also be made to any person on campus who is a Campus Security Authority or the Title IX Coordinator.

All reports that pose a potential threat to the university community will be assessed and a Timely Warning or Emergency Notification issued depending on the nature and severity of the reported information.

Each year, the FBI publishes a book of crime statistics, "Crime in the United States," which includes accurate accounting of the criminal incidents that occurred on the SWOSU Campus.

To report a crime in progress, dial 911, or call (580) 928-5533.

CONFIDENTIAL CRIME REPORTING

Confidential reporting of crimes is allowed at SWOSU. If, for a personal reason, a person does not wish to report an on-campus crime or suspected crime to the police, that person may anonymously report it by reporting it online at: SWOSU Campus Police. SWOSU Campus Police will always accept anonymous or confidential reports. An attempt will be made to investigate the crime if the reporting party provides adequate information and is supportive of the investigative action. In cases where no investigation is possible to verify the information provided, the statistics generated (if applicable to the Clery Act) will be identified via a caveat in the statistical portion of the Annual Report to reflect their status as anonymously reported. Reports will be taken via telephone, mail, e-mail or in person if the reporting person so chooses.

SWOSU Campus Police Department encourages all persons to report any criminal activity, suspicious conduct, and other general emergencies to SWOSU Campus Security at 2172 from any campus phone or (580) 928-5533 from any cellular telephone. We are partnered with the City of Sayre Police Department for all 911 related calls.

CRIMES DISCLOSED TO PASTORAL OR MENTAL HEALTH COUNSELOR

To be exempt from disclosing reported offenses to appropriate SWOSU officials, a pastoral or mental health counselor must be acting in their role as a pastoral or professional counselor. This exemption does not relieve counselors of the duty to exercise reasonable care to protect a foreseeable victim from danger posed by the person being counseled. When speaking to a victim or witness to a crime, counselors are encouraged to inform the individual to report the crime to the police.

A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.

A mental health counselor is a person whose official responsibility includes providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition also applies to professional counselors who are not employees of the institution but are under contract to provide counseling to the institution.

Note that the pastoral counselor or mental health counselor must report the crime to SWOSU Campus police for purposes of including the incident in the annual crime statistics only. Personal information will not be conveyed when making this disclosure unless the victim consents to such disclosure.

CRIMES IN PROGRESS

To report a crime in progress, a person, victim, or witness can dial 911 or (580) 928-5533. Any reporting method will stimulate the response of police, fire, ambulance, or other first responders. In addition, the victim of a serious crime can request support personnel, such as ministers and rape crisis or domestic violence counselors, during or after reporting the incident.

Additionally, crime victims may be eligible for funds through victims' compensation laws administered by the local district attorney's office.

Prompt reporting of criminal activity to the police enables a quick response, a timely warning, and a safer campus for everyone.

If you are the victim of a crime or a witness to one, you should do the following:

- Call the police immediately: Dial 911 for emergencies or call (580) 928-5533 or ext. 2172.
- Obtain a description: Attempt to obtain a description of the offender(s), including gender, age, race, hair, clothing, and distinguishing features.
- Obtain a description and license number of any vehicle(s) involved. Note the direction of travel of any offender(s) or vehicle(s) and report these to the police.
- Preserve the crime scene: Do not touch any items involved in the incident. Close off the area of the incident, and do not allow anyone in the crime area until police arrive.

OFF-CAMPUS CRIME

If Sayre Police Department is contacted about criminal activity occurring off-campus involving a member of the SWOSU community, the Sayre Police Department may notify the SWOSU Campus Police Department. However, there is no official policy requiring such notification. There are no officially recognized student organizations with off-campus locations.

CRIME DISCLOSURE

SWOSU policies and procedures require the publication of annual crime statistics. Included in this report are crimes reported to the SWOSU Campus Police Department and other campus officials, including SWOSU Residential Life, and Dean of Students, and local law enforcement. Crime statistics are collected by SWOSU Chief of Police or his/her designee and maintained at the SWOSU Campus Police Department.

The tables in this Campus Crime Report comply with the Clery Act.

The crime and arrest statistics reported are those that occurred within the jurisdictional boundaries of campus. They do not include off-campus private housing, which are within the Sayre Police Department jurisdiction. SWOSU does not report crime and arrest statistics for fraternities and sororities although they are within the jurisdictional boundaries of the City of Sayre. Crimes occurring on public property immediately adjacent to campus are also reported when available. Crime statistics concerning other locations are available at the Sayre Police Department.

OBTAINING REPORTS

When an official police report is filed, upon request, a copy of the report will be provided to the person reporting the incident if that person is the victim of the crime. Anyone can request a copy of a report or inquire about reported crime or incident by calling the SWOSU Campus Police at (580) 774-3111.

Persons who are not victims of the crime reported will be able to review basic report information on any incident reported. The basic information will include the date and time of the incident and when it was reported, the location of the incident, the classification of the crime or non-criminal incident, the name(s) of any persons arrested and the names of the SWOSU Campus Police personnel involved. Reports made to other law enforcement agencies must be requested from that agency. The general report information on each reported crime or incident is available for public inspection Monday through Friday, 8 a.m. to 5 p.m. located at the SWOSU Campus Police Department, 200 E. College Ave. To request a copy of a report or ask other related questions, contact the SWOSU Campus Police Department at (580) 774-3111.

Requests for incident reports or traffic collision reports by persons involved will be processed when the investigation is completed. SWOSU faculty, staff and students are not charged for obtaining report copies when involved in the reported incident.

The SWOSU Campus Police Department is committed to complying with its obligations under the Freedom of Information Act (F.O.I.A.) without undue delay but realizes that under certain circumstances the release of records may have an impact on victims, witnesses, and the integrity of investigations. If an investigation is ongoing and still open, a request for any related SWOSU Campus Police Department report may be denied and information of a personal nature will be withheld or redacted where the public disclosure of such information would constitute aninvasion of privacy.

Requests by the public for report information beyond the basic information required under the Oklahoma Open Records Act must be made to the Public Relations and Marketing Office. They can be reached by calling (580) 774-3063 to obtain information about how to make a F.O.I.A. request or for other assistance regarding police report availability.

SECURITY AND ACCESS TO CAMPUS FACILITIES

During business hours, SWOSU will be open to faculty, staff, students, parents, contractors, guests, and invitees. During non-business hours, access to all SWOSU facilities is by key, if issued, or by admittance via the SWOSU Campus Police or Residence Life staff. In the case of periods of extended closing, SWOSU will admit only those with prior written approval to all facilities.

Over extended breaks, the doors of all halls will be secured around the clock. Some facilities may have individual hours, which may vary at various times of the year. These facilities may be secured according to schedules developed by the department responsible for the facility.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic have security surveys conducted of them. Administrators from the Dean's Office, Physical Plant, Residence Life, and other

concerned areas review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the Directors of Facilities Management, Housing, Residence Life, SWOSU Campus Police, and Maintenance meet monthly to discuss issues of pressing concern.

MAINTENANCE OF CAMPUS FACILITIES

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. SWOSU Campus Security officers regularly patrol and report malfunctioning lights and other unsafe physical conditions to Physical Plant for correction. Other members of the SWOSU community are helpful when they report equipment problems to the SWOSU Campus Security Department at (580) 928-5533.

DEFINITION OF TERMS FOR STATISTICAL CHARTS

The charts setting forth statistical data on reported crimes include the following terms.

Statistical Information-location Definitions*:* The following definitions are used to determine locations for inclusion of reported incident statistics that follow in this document:

Campus*:* Any building or property owned or controlled by the institution within the same contiguous geographic area and used by the institution in the direct support of, or related to, its educational purpose.

Clery Geography*:* Buildings and property that are part of the institution's campus; the institution's no campus buildings and property; and public property within or immediately adjacent to and accessible from the campus.

Campus-Housing (Residential): Any facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Other: Any non-residential area on campus.

Non-Campus Building or Property**:** Buildings or property owned or controlled by a student organization, such as a fraternity or sorority, recognized by the institution, and any building or property (other than a branch campus) owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is used by students and is not within the same reasonable contiguous geographical area of the institution

Public Property*:* All public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, street or other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution, if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

CRIME DEFINITIONS

The definitions that follow are provided for ease of reference when interpreting data included on the statistical summary that follows. Questions about crime data should be forwarded to SWOSU Campus Police at 200 E. College Ave. Weatherford, OK 73096, or telephone at (580) 774-3111 or e-mail at police@swosu.edu. The following definitions of criminal activities are based on Uniform Crime Reporting definitions as provided by the FBI and in accordance with Clery Act provisions. These definitions are for use by "Campus Security Authorities" at SWOSU. Any activity that meets any of these definitions, if reported to a "Campus Security Authority," is included in the statistical section of the annual report in compliance with the Clery Act. Definitions under Oklahoma law can be found in appendix A.

CRIMINAL OFFENSES

Murder and Non-negligent manslaughter: The willful (negligent or non-negligent) killing of one human being by another.

Manslaughter by Negligence: The killing of another person through gross negligence.

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 victim**.**

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack of one person by another for inflicting severe or aggravated bodily injury. This type of assault is usually accompanied using a weapon, likely to produce death or great bodily harm. Simple assaults are excluded.

Burglary: The unlawful entry of a structure to commit a felony or theft. Attempted forcible entry is included.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

Arson: Any willful or malicious attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft, personal property of another, etc.

SEX OFFENSES

Forcible*:* Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

- ***Forcible Rape:*** The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. (Includes intoxication by drug or alcohol.)
- ***Forcible Sodomy:*** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- ***Sexual Assault with an Object:*** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body by another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- ***Forcible Fondling:*** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Non-forcible*:*

- ***Incest***: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. (Under Oklahoma statute, Title 21 § 1111, no one UNDER the age of sixteen can lawfully give consent to sexual intercourse.)

HATE CRIMES

A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim of their Race, Religion, and Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin or Disability.

Hate Crimes include any of the following offenses that are motivated by bias. Murder and Non-negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson as defined above. In addition to those offenses, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property.

Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another person.

- ***Pocket picking***: The theft of articles from another person's physical possession by stealth where the victim usually does not become immediately aware of the theft.
- ***Purse snatching:*** The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.
- ***Shoplifting:*** The theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.
- ***Theft from Building:*** A theft from within a building, which is either open to the public or where the offender has legal access.
- ***Theft from Coin Operated Machine or Device***: A theft from a machine or device, which is operated or activated using coins.
- ***Theft from Motor Vehicle*** (Except "Theft of Motor Vehicle Parts or Accessories"): The theft of articles from a motor vehicle, whether locked or unlocked.
- ***Theft of Motor Vehicle Parts or Accessories***: The theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle, or necessary for its operation.
- ***All Other Larceny:*** All thefts, which do not fit any of the definitions of the specific subcategories of Larceny/Theft, listed above.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily, harm using threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property: To destroy willfully or maliciously, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

VIOLENCE AGAINST WOMEN ACT (VAWA)

In accordance with the Violence Against Women Act, statistics on domestic violence, dating violence, and stalking are reportable under the Clery Act. Upcoming federal regulations will further define these terms, but the following definitions are used in good faith compliance with applicable laws:

Domestic Violence: A felony or misdemeanor crime 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 cohabitating 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 the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic of family violence laws of the jurisdiction in which the crime of violence occurred.

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 relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, 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.

***Stalking**:* Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION DEFINITIONS

Arrest is defined as persons processed by arrest, citation, or summons. Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction. Clery Act statistics are disclosed for arrests and referrals regarding violations of liquor, drug abuse, and weapons laws. Only violations of the law resulting in arrest or referral are disclosed. Violations of institutional policy alone are not included in Clery Act statistics.

Arrests/Disciplinary Referrals for Drug Law Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment of devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine), marijuana, synthetic narcotics (Demerol, methadone), and dangerous non-narcotic drugs (barbiturates, Benzedrine). Classify as a drug abuse violation: all drugs, without exception, which are illegal under local or state law where your institution is located, and all illegally obtained prescription drugs.

Arrests/Disciplinary Referrals for Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Classify as a liquor law violation: the manufacture, sale, transporting, furnishing, possessing, etc. of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the aforementioned acts.

***Arrests/Disciplinary Referrals for Weapon Law Violations**:* The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Classify as a weapon: carrying, possessing, etc. violation: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the aforementioned acts. SWOSU policy prohibits deadly weapons on campus with limited exceptions. In accordance with state law, no one other than a commissioned law enforcement officer may carry firearms on campus. Firearms on campus must be stored at the SWOSU Campus Police Department.

KNOWN CRIMINAL OFFENSES

OFFENSES	GEOGRAPHIC LOCATION				
	YEAR	ON-CAMPUS PROPERTY	ON- CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
CRIMINAL HOMICIDE:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
MURDER/NON-NEGLIGENT MANSLAUGHTER	2021-2022	0	0	0	0
	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2021-2022	0	0	0	0
SEXUAL ASSAULT:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
RAPE	2021-2022	0	0	0	0
	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
FONDLING	2021-2022	0	0	0	0
	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
INCEST	2021-2022	0	0	0	0
	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
STATUTORY RAPE	2021-2022	0	0	0	0
ROBBERY:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
AGGRAVATED ASSAULT:	2019-2020	3	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
BURGLARY:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
MOTOR VEHICLE THEFT:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
ARSON:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0

KNOWN HATE CRIMES					
OFFENSES	GEOGRAPHIC LOCATION				
	YEAR	ON-CAMPUS PROPERTY	ON- CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
CRIMINAL HOMICIDE:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
MURDER/ NON-NEGLIGENT MANSLAUGHTER	2021-2022	0	0	0	0
	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2021-2022	0	0	0	0
SEXUAL ASSAULT:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
RAPE	2021-2022	0	0	0	0
	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
FONDLING	2021-2022	0	0	0	0
	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
INCEST	2021-2022	0	0	0	0
	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
STATUTORY RAPE	2021-2022	0	0	0	0
ROBBERY:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
AGGRAVATED ASSAULT:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
SIMPLE ASSAULT:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
BURGLARY:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
LARCENY/THEFT:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
VANDALISM/DESTRUCTION/DAMAGE OF PROPERTY:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
MOTOR VEHICLE THEFT:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
ARSON:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
INTIMIDATION:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
HATE CRIMES: (RA) RACE, (RE) RELIGION, (SO) SEXUAL ORIENTATION, (GE) GENDER, (GI) GENDER IDENTITY					
(DI) DISABILITY, (EN) ETHNICITY/NATIONAL ORIGIN					
NO HATE CRIMES FOR 2019-2022					

KNOWN VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES					
OFFENSES	GEOGRAPHIC LOCATION				
	YEAR	ON-CAMPUS PROPERTY	ON- CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
DATING VIOLENCE:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
STALKING:	2019-2020	0	0	0	0
	2020-2021	0	0	0	0
	2021-2022	0	0	0	0

ARRESTS AND DISCIPLINARY REFERRALS					
OFFENSE	GEOGRAPHIC LOCATION				
	YEAR	ON-CAMPUS PROPERTY	ON- CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
ARRESTS	2019-2020	0	0	0	0
WEAPONS:	2020-2021	0	0	0	0
CARRYING, POSSESSING, OTHER	2021-2022	0	0	0	0
ARRESTS:	2019-2020	0	0	0	0
DRUG LAW VIOLATIONS	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
ARRESTS:	2019-2020	0	0	0	0
LIQUOR LAW VIOLATIONS	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
DISCIPLINARY REFERRALS:	2019-2020	0	0	0	0
WEAPONS	2020-2021	0	0	0	0
CARRYING, POSSESSING, OTHER	2021-2022	0	0	0	0
DISCIPLINARY REFERRALS:	2019-2020	0	0	0	0
DRUG LAW VIOLATIONS	2020-2021	0	0	0	0
	2021-2022	0	0	0	0
DISCIPLINARY REFERRALS:	2019-2020	0	0	0	0
LIQUOR LAW VIOLATIONS	2020-2021	0	0	0	0
	2021-2022	0	0	0	0

UNFOUNDED CRIMES

No Unfounded Crimes for 2019-2022

SWOSU DRUG-FREE SCHOOLS/COMMUNITIES POLICY STATEMENT

In compliance with the Drug-Free and Communities Act Amendments of 1989, SWOSU recognizes that drug and alcohol abuse diminishes the integrity of the institution and erodes the strength and vitality of its human resources. Employees are expected to be in suitable mental and physical condition and able to perform their assigned duties satisfactorily. It is the intent of SWOSU to educate students and employees about the dangers of drug and alcohol abuse and to discourage the illegal possession and distribution of drugs and alcohol. Accordingly, SWOSU adopts the following policy:

The unlawful possession uses or distribution of illicit drugs and alcohol by students and employees on SWOSU property, or as a part of any SWOSU student sponsored activity, is prohibited. Students and employees must abide by this policy as a condition of enrollment or employment. Continuance of employment or enrollment following receipt of this policy constitutes acceptance of this policy by the employee or student. Sanctions will be imposed for violation of this policy. Employees and students are required to notify SWOSU Human Resources of any state or federal drug statute conviction for a violation occurring on SWOSU campus no later than five (5) days after conviction. Students are required to notify the Dean of Students within the same period.

DRUG-FREE WORKPLACE AND SCHOOLS

Southwestern Oklahoma State University recognizes its responsibility as an educational and public service institution to promote a safe and productive educational and work environment. This responsibility demands implementation of programs and services which facilitate that effort. Southwestern supports federal laws requiring the establishment of antidrug programs which prohibit the use of illegal drugs in the schools and the workplace. Toward this goal, the University has implemented the following policies:

- Students and employees are required to abide by the terms of the Drug-Free Schools and Drug-Free Workplace Policies as a condition of enrollment and/or employment.
- Illegal manufacture, distribution, possession, or use of illegal drugs on university property is prohibited.
- A violation of the policy is to be considered a major offense that can result in immediate expulsion for students, termination of employment or require satisfactory participation in a drug rehabilitation program. A criminal conviction is not required for sanctions to be imposed upon an individual for violation of this policy.
- Employees are required to notify their supervisors of a criminal conviction for drug-related offenses occurring in the workplace no later than five days following the conviction. Students are required to notify the Dean of Students of such a conviction on university property within the same period.
- Students and employees are provided access to the University's Employee Assistance Program (EAP), counseling and training programs which are designed to inform individuals about the dangers of drug abuse. Voluntary participation in or supervisory referrals to the Employee Assistance Program are on a confidential basis.
- Students and employees are forbidden from performing sensitive safety functions while a prohibited drug is in their system.
- Drug testing is mandated for sensitive safety positions prior to employment when there is reasonable cause, after an accident, on a random basis, and before returning to duty after refusing to take a drug test or after not passing a drug test. (Sensitive safety employees are defined in CFR Volume 32, Part 280, and CFR Volume 49 Part 653.) This legislation is available for review in the Human Resources Office.

All students, faculty and staff receive a copy of this policy annually.

SWOSU's policy on drug-free workplace and schools may be found online.

"Controlled dangerous substance," means a drug, substance, or immediate precursor in Schedules I through V of the Uniform Controlled Dangerous Substances Act (63 Section 2-101 et seq.). Also referred to as "illegal drugs" or alcohol, which includes alcoholic beverages or low-point beer.

THE DRUG-FREE SCHOOLS AND CAMPUSES ACT

The Drug-Free Schools and Campuses Act (EDGAR Part 86) requires an institution of higher education to conduct a biennial review of campus programming. The objective of the biennial review is to examine the institution's program inventory to determine its effectiveness. Based upon identified strengths and weaknesses, the program shall be modified to ensure maximum effectiveness. In the event of policy violations, the biennial review also provides for consistent application of sanctions.

A comprehensive prevention program for alcohol and other drug (AOD) use includes university policy, education, enforcement, and collaboration. The participation of multiple individuals, departments, and programs culminate in a campus-wide plan that promotes a safe, healthy environment. Stakeholders collectively share in the responsibility for appropriate programming, data collection and review, recommendations for needed changes, and the implementation of those changes over the following two-year cycle.

The biennial review process includes a discussion of University policies, a review of campus prevention activities and their effectiveness, an analysis of violation types, sanctions incurred, and the effectiveness of such sanctions, as well as an action plan with details for improvement. For full 2020 Biennial Review Report. online.

ALCOHOL AND DRUG PROGRAMS AND SERVICES

SWOSU provides access to SWOSU Employees' Assistance Program (EAP) that is free to all students, faculty, and staff. EAP provides counseling and training programs that inform participants of the dangers of drug and alcohol abuse. Assistance in locating an in or out- patient rehabilitation site is available through EAP. Additionally, health insurance benefited employees may contact BCBS (toll free number on back of their card) for preauthorization benefits to access in or outpatient treatment. Volunteer participation in or referrals to these services is confidential.

Any questions regarding the rules, regulations, and policies concerning the Drug-Free Schools or the Drug-Free Workplace standards of SWOSU may be referred to the Human Resources Office.

Those needing help or advice may also use the following hotline numbers:

SWOSU Counseling Service (EAP)	(580) 774-3776
SWOSU Campus Police Department (after hours)	(580) 774-3111
National Institute on Drug Abuse	(800) 662-HELP
National Alcohol & Drug Abuse Hotline	(800) 234-0420
Reach-Out Hotline	(800) 522-9054
Other resources include:	
Celebrate Recovery, Weatherford First Baptist Church	(580) 772-2771
Alcoholics Anonymous Referral Service	(800) 711-6375
Narcotics Anonymous Referral Service	(800) 711-6375

DRUGS, ALCOHOL AND WEAPONS ON CAMPUS

The University enforces all state laws regarding the possession, use, and sale of alcoholic beverages, including those prohibiting the consumption of alcoholic beverage to persons under the age of twenty-one.

The University's Alcohol Policy is available for review as part of the SWOSU Drug Free Workplace document available in Human Resources and on the office's website.

SWOSU Campus Police enforces all state and federal laws concerning illegal drugs, and will apprehend anyone found in possession of, using, or selling drugs. Students may additionally be charged under any existing University student disciplinary code.

FIREARMS ON CAMPUS

In accordance with state law, no one other than a commissioned law enforcement officer may carry firearms on campus.

Oklahoma statute states that any firearms, machetes, blackjacks, loaded canes, hand chains, or metal knuckles are not permitted on university property, nor may they be removed from a vehicle without the prior consent of the university president while the vehicle is on university property. The university may notify the Oklahoma State Bureau of Investigation of any violation as well as take administrative action against any student found to be in violation.

Oklahoma Self-Defense Act-No person in possession of any concealed handgun pursuant to the Oklahoma Self-Defense Act is authorized to carry the handgun into or upon university property. Under 21 O.S. §1277, the following property shall not be construed as prohibited for persons having a valid concealed handgun license: a)Any property set aside for the use of any vehicle, whether attended or unattended, provided the handgun is carried or stored as required by law and the handgun is not removed from the vehicle without the prior consent of the University president while the vehicle is on University property; b)Any property authorized for possession or use of handguns by University policy; and c)Any property authorized by the written consent of the University president, provided the written consent is carried with the handgun and the valid concealed handgun license while on University property. Lawfully stored handguns may not be removed from vehicles without prior valid written consent of the college or University President while the vehicle is on university property. (21 O.S. 1277.) To obtain permission to safely and lawfully store or display unloaded and approved weapons while on campus property, contact the SWOSU Campus Police Department at (580) 774-3111.

Persons who have a valid Oklahoma carry permit pursuant to the Oklahoma Self Defense Act must have written permission from the SWOSU President to carry a firearm on campus. Currently employed and commissioned city, state or federal law enforcement officers are not subject to this approval process.

MEDICAL MARIJUANA

In June 2018, State Question 788 was approved by the voters of Oklahoma and became law. The state question legalized medical marijuana in the state. Despite the passage of this initiative, it is important to know that the use, possession, sale, or distribution of marijuana (including medical marijuana and products containing marijuana) on any SWOSU owned/controlled property or event is illegal and against SWOSU conduct guidelines. Additionally, it is prohibited to attend class or work impaired or under the influence of a prohibited substance. Violations of these laws and policies may result in disciplinary action.

Even though medical marijuana is now legal under Oklahoma law, it remains illegal under federal law and the policies of SWOSU's governing board – Regional University System of Oklahoma (RUSO). As a recipient of federal funding, SWOSU must abide by the Controlled Substances Act, the Drug Free Schools and Communities Act, and the Drug Free Workplace Act. Any deviation from these federal statutes and rules will place SWOSU's federal funding, including student financial aid, in jeopardy.

COVID-19 SAFETY RESPONSE

The university encourages all students who are eligible to be vaccinated. The College of Pharmacy Rural Health Center may organize vaccination clinics on campus as warranted.

SWOSU is a mask-friendly campus. Although not required, the Center for Disease Control (CDC) continues to promote facial coverings as an effective way to mitigate virus spread. Please refer to SWOSU's COVID-19 webpage for continuous up-to-date information about the virus.

Students who have been in close contact with someone who has COVID-19 should follow CDC guidelines regarding quarantine.

HEALTH RISKS

Alcohol and other drug use represent serious threats to health and the quality of life. Alcohol and other drug use increase the risk of accidents, birth defects, HIV/AIDS, and other disease. Health risks associated with alcohol and drug abuse can result in, but are not limited to, a lowered immune system, damage to critical nerve cells, lung damage, heart problems, liver disease, physical and mental depression, increased infection, irreversible memory loss, personality changes and thought disorders.

Further information concerning health risks may be found in the Student Health & Counseling Services. Individuals should also consult their personal physician about alcohol and drug-related health risks. Drug Enforcement Agency (DEA) provides Drug Fact Sheets, which may be found at the Drug Enforcement Administration's website.

DEA RESOURCE GUIDE

Education plays a critical role in preventing substance abuse. Drugs of Abuse, A DEA Resource Guide, is designed to be a reliable resource on the most abused and misused drugs in the United States. This comprehensive guide provides vital information about the harms and consequences of drug use by describing a drug's effect on the body and mind, overdose potential, origin, legal status, and other key facts. Drugs of Abuse also offers a list of additional drug education and prevention resources, including the DEA website for teenagers. the DEA website for parents, educators, and caregivers, and at operation prevention.

UNIVERSITY SANCTIONS

Under Federal Regulations, the University must impose sanctions for violations of its Drug-Free School Policy. The University sanctions include, but are not limited to reprimand, restriction of activities, conduct probation, administrative leave, and termination of employment. Administrative sanctions shall be imposed immediately or within 30 days of notification or awareness of the employee's workplace related criminal drug statute conviction. The University may require the completion of an approved rehabilitation program at the employee's or student's expense. All disciplinary action will be taken in accordance with the applicable policies.

Local, state, and federal laws provide for a variety of legal sanctions, both civil and criminal, for the unlawful possession and/or distribution of illegal drugs or alcohol (see Drug-Free Schools/Workplace Policy Statement).

Sanctions following a violation of the code of conduct may include, but is not limited to, one or more of the following:

- **Warning:** A verbal and/or written notice to the student that they are violating or has violated university regulations.
- **Specified Restrictions and/or Requirements:** The imposing of specified restrictions, including but not limited to: letter of apology, program participation, presentation of a workshop, preparation of a research paper project, social probation, community service, assessment or evaluation, counseling sessions, restitution for damages, punitive fines, residence hall transfer, eviction from residence halls, loss of privileges (i.e., visiting privileges in housing or denial of access to computer services), or any combination of the above, and any other appropriate educational expectation.
- **Conduct Probation:** Conduct probation is a formal probation. A second violation means that disciplinary action will be based on both charges. The record of conduct probation is kept in the student's disciplinary file and the disciplinary hold on his or her record is removed at the discretion of the DOS.
- Temporary Suspension:
    - To ensure the safety and well-being of members of the university community or preservation of university property;
    - To ensure the student's own physical or emotional safety and well-being; and/or
    - If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the university.
        - The Conduct Officer may impose a university or university housing temporary suspension prior to the student meeting with the student regarding their conduct.
        - During the temporary suspension, a student may be denied access to university housing and/or to the campus (including classes) and/or all other university activities or privileges for which the student might otherwise be eligible, as the Conduct Officer may determine to be appropriate.
        - The student shall be notified in writing of this action and the reasons for the temporary suspension. The notice shall include the time, date, and place of a subsequent show cause meeting at which the student may show cause why his or her continued presence on the campus or in university housing does not constitute a threat.

- **Suspension:** A student may be suspended for reasons of conduct for a defined period of time not less than the remainder of the current semester in which he or she is enrolled. The student who has been suspended may apply for readmission at the close of the period for which he or she was suspended. A Dean's Hold will be placed on the transcript during the period of the suspension.

- **Indefinite Suspension:** A student may be indefinitely suspended from the University, which includes a denial of admission or re-admission for an indefinite period of time. Readmission may be granted only under exceptional circumstances. A suspension hold will be placed on the transcript.

- **Expulsion:** When a student is expelled, a record of this action will be made a part of the student's permanent record in the Office of the Academic Records. A student who is expelled will not be allowed to re-enter the university.

- **Rescission of Credit or Degree Revocation:** For those students found to have violated University policy, the University may elect to rescind credit for a specific course or program. Likewise, for those students who are found in violation of university policy and who have already graduated, the University may elect to revoke the degree(s) of a given student. When a degree is revoked or credit rescinded, a record of this action will be made a part of the official record of the student or graduate in the Office of the Academic Records.

- **Disciplinary Hold:** A disciplinary hold may be placed on records of students who have been placed on suspension or expulsion. A disciplinary hold may also be utilized to ensure compliance with other sanctions or requests to appear.

Employees: Under Federal Regulations, SWOSU must impose sanctions for violations of its Drug-Free Schools Policy. SWOSU sanctions include, but are not limited to, reprimand, restriction of activities, conduct probation, administrative leave, expulsion, and termination of employment. Administrative sanctions shall be imposed immediately or within 30 days of notification or awareness of the employee's workplace related criminal drug statute conviction. SWOSU may also require the completion of an approved rehabilitation program at the employee's or student's expense. All disciplinary action will be taken in accordance with the applicable policies of SWOSU.

It is also within the discretion of SWOSU to refer any violations to the appropriate authorities for criminal prosecution. Local, state, and federal laws provide for a variety of legal sanctions for the unlawful possession and distribution of illicit drugs and alcohol. Sanctions include, but are not limited to, incarceration and monetary fines.

Each new employee (student, staff, administrative, or faculty) will receive a printed copy of the Drug Free School/Workplace on or before the first day of employment. A signed acknowledgment of receipt will be imaged in personnel file. Refusal, failure, or neglect by any SWOSU employee to sign and return the written acknowledgment statement shall be deemed an act of insubordination and will subject the employee to appropriate disciplinary action.

UNIVERSITY IMPLEMENTATION OF SANCTIONS

The office of the Dean of Students shall be responsible for maintaining discipline files on student conduct violations, including alcohol and other drug violations.

LEGAL SANCTIONS: LOCAL & STATE

Local, state, and federal laws provide for a variety of legal sanctions, both civil and criminal, for the unlawful possession and/or distribution of illegal drugs or alcohol. As an example of a civil penalty, 70 O.S. Section 624 provides that student loans, grants, fellowships, teaching fellowships, or other means of financial assistance may be revoked or terminated for the unlawful manufacture, preparation, delivery, sale, offering for sale, barter, furnishing, giving away, possession, control, use or administering of narcotic drugs, marijuana, barbiturates, or stimulants. The cities of Weatherford and Sayre follow state and federal guidelines. The Oklahoma Drug Statutes Chart outlines specific penalties.

LEGAL SANCTIONS: FEDERAL

U.S. Department of Justice, Drug Enforcement Administration. (2017). *Drugs of abuse: A DEA resource guide.* Retrieved online.

ALCOHOL AND DRUG ABUSE EDUCATION & PREVENTION PROGRAMS

SWOSU Health Services provides an overall coordination of the Drug-Free School Program. However, services are the responsibility of other areas of the institution. These include:

- Alcohol and Drug Education: SWOSU Health Services, Employee Assistance Program, University Health Class.
- Counseling and Rehabilitation: SWOSU provides access to SWOSU Employees' Assistance Program and Counseling Services for counseling and training programs that inform participants of the dangers of drug and alcohol abuse. Volunteer participation in or referrals to these services is confidential.
- Referral Services: Student Development Counselors, Campus Nurse, Employee Assistance Program.
- University Disciplinary Actions: Faculty/Student Judicial Review Committee. Director of Student Development.

The State of Oklahoma sets twenty-one as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from the SWOSU Campus Police.

A violation of any law regarding alcohol is also a violation of the University's Student Code of Conduct and will be treated as a separate disciplinary matter by the University.

ALCOHOL ABUSE AND DRUG USE PREVENTION ACTIVITIES

Campus prevention activities are designed and implemented to meet the University's alcohol and drug free policies. Prevention activities are correlated to General Education Goal Five: Intellectual and Professional Aptitudes to "foster a safe, healthy, and diverse intellectual, cultural, and social environment that encourages emotional well-being."

Athletics:

- Year-round random and selective drug testing administered by SWOSU and the NCAA on student-athletes. Students can be assessed for illegal drugs as well as performance enhancing drugs University sponsored sporting events on campus.
- Drug-free education for athletes, provided through guest speakers, pamphlets, and posters.
- SWOSU sponsored sporting events on campus. Social recreational extra-curricular options that do not include alcohol and other drugs.

Campus Police:

- SWOSU Connect alcohol education classes. Decrease in number of on-campus DUI's and alcohol offenses.
- Increase patrols via bicycle program. Mobility, visibility, and detectability increase when the bikes are utilized.
- DUI goggle workshops. When student groups request extra alcohol awareness demonstrations with the DUI goggles, we increased awareness of the dangers and consequences of illegal alcohol use.
- Fall Freshman Orientation course drug-free educational program that includes alcohol poisoning, adverse effects of alcohol, criminal penalties, job and career penalties from drinking, and addiction resources.
- Drug-free tailgating, SWOSU palooza, rodeo, ballgames, and additional events on campus.
- Assist with mental health/emergency detentions.

Dean of Students-Student Affairs:

- Application for Approval of Student Organization Activity includes statement, "no one is permitted to bring alcoholic beverages on campus; this includes members of dance bands. Violations may result in disciplinary action for students

and the sponsoring organization and/or breach of contract and termination of the band. ALL SWOSU events are alcohol and drug free." 933 activities in 2018-2019 & 873 events in 2019-2020 conducted.

- Campus Safety Month is campus-wide event that addresses the dangers of drugs and alcohol. The focus emphasizes healthy decisions, treatment, and strategies to avoid harmful behavior. The Dean of Students office placed seven large rolling storyboards, displaying alcohol/drug awareness posters and flyers, across campus in various buildings.

- Safe Spring Break Week promotion is a campus-wide event that highlights substance issues and strategies to avoid drugs and alcohol during spring break. Tables are placed in the lobbies of campus buildings with informational pamphlets on these issues.

Health and Counseling Services:

- Individual and group counseling sessions by Licensed Professional Counselor are offered at no charge. Promotes healthy lifestyles, reduce stress, increase persistence and retention of students.

- Group Contingency Management (CM) counseling sessions. Group therapy provides both challenges and support by peers and encourages students to abstain from drug use and engage in healthy behaviors.

- Referrals to licensed alcohol and drug counselor (LADC). Contracting with LADC to accurately assess and provide long-term, ongoing treatment to students for substance abuse.

Human Resources:

- Employee Assistance Plan. Benefit for employees and their dependents. Up to three sessions per calendar year. Employees choose from a list of counselors provided by the University, or they can schedule on their own. All EAP sessions have been moved off-campus. SWOSU continues to provide time off work for those attending EAP sessions.

- New Hire Information. All new faculty, staff, administration, and students receive a copy of the Drug Free Workplace pamphlet when completing new hire paperwork. This pamphlet provides new employees with information specific to certain substance, sanctions, policy & hotline numbers. This message is reaffirmed at New Employee Orientation.

New Student Orientation:

- Required drug- and alcohol-free university sponsored activities. On-campus programming awareness for first-year students.

- AOD awareness module in Freshmen Orientation, taught by SWOSU police. Informative session followed by written reflection on canvas discussion board.

- Student handbook review during Freshmen Orientation course. Provides students with additional information on campus policies.

Residence Life and Housing:

- Back-to-School Block Party: This event promotes a social option that does not include alcohol and other drugs. The Block Party consists of free food, games, and a live band.

- Residence Life Staff Training: All resident assistants go through extensive training on all campus policies and procedures regarding drug and alcohol usage in the Halls. They are also trained on how to recognize and safely intervene when they believe a resident is struggling with substance abuse.

- Judicial Board-J-Board is a seven-member board, plus one advisor, which maintains the standards of the University and community living. J-Board passes on judicially all incidents occurring within the residential facilities, as well as make referrals to the Dean of Students or Campus Police.

Sayre Campus:

- Red Ribbon Awareness Week. SGA presented to the student body the hazards of drug and alcohol abuse. Literature distributed to student body in areas for easy access.

- New Student Orientation and Freshmen Orientation course information regarding AOD and medical marijuana. Provides students with additional information on campus policies.

DISTRIBUTION OF ANNUAL DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM NOTIFICATIONS

All current students (enrolled for any type of academic credit except continuing education units) and all current employees will receive an annual reminder of SWOSU's Drug Free Schools and Workplace Policy.

Students: The annual notice of Drug Free Schools and Workplace will be distributed by email to all students on the Weatherford and Sayre campuses. Documentation lists of students receiving email will be retained. SWOSU Public Relations & Marketing will distribute the email to all students. Public Relations & Marketing will send documentation list to the Vice President for Student Affairs and Associate Provost.

This annual notice will be distributed with the Clery Act notification on or before October 1 of each year.

Employees: The annual notice of Drug Free Schools and Workplace will be distributed by email to all employees on the Weatherford and Sayre campuses who work with computers daily. Otherwise, employees who do not have access to a computer will receive a hard copy provided to each supervisor to distribute in respective departments (Physical Plant, Food Services, etc.). Documentation lists of employees receiving email and regular mail copies will be retained. SWOSU Human Resources will distribute the email to all employees. Human Resources will retain a distribution list.

This annual notice will be distributed with the Clery Act notification on or before October 1 of each year.

All new employees are given a copy of the Drug Free Workplace Policy on or before their first day of employment. A signed receipt is imaged in their personnel file. In addition, this policy is addressed at each new employee and faculty orientation.

STUDENT CONDUCT PROCESS

Violations of SWOSU's Student Code of Conduct are referred to the Dean of Students for investigation and adjudication. Students should refer to the Code, which is found in the Student Handbook.

SWOSU provides students with a safe learning environment that is conducive to academic success. This Code of Conduct sustains policies and procedures that support student development by outlining expectations of behaviors and practices that are fundamental to student life at SWOSU.

STUDENT CODE OF CONDUCT

SWOSU's basic standard of behavior requires a student (a) not violate any municipal, state, or federal laws, or (b) not interfere with or disrupt the orderly educational process of SWOSU. Any student violating either of these basic principles is violating the rules and regulations of SWOSU. A student is not entitled to greater immunities or privileges before the law than those privileges enjoyed by the citizens of the state of Oklahoma.

The University's authority is vested in the Oklahoma State Regents for Higher Education, the Regional University System of Oklahoma, and the President of Southwestern Oklahoma State University. The President of Southwestern Oklahoma State University delegates to the Vice President for Student Affairs or the Vice President's designees the authority to investigate potential or alleged violations of university regulations or law and to determine and administer appropriate penalties using a preponderance or weight of the evidence standard. This includes authority to control and regulate various aspects of student behavior through disciplinary means. Disciplinary authority and judicial latitude necessary to accomplish it are delegated to the Dean of Students' (DOS) Office. The objective of SWOSU is to provide an opportunity for education to all students. To achieve this objective, it is important to define standards of conduct or limits of behavior that will enable students to work together with the faculty, staff, and administration in a positive manner.

The enrollment of a student into SWOSU means that the student voluntarily assumes obligations of performance and behavior expected by the University. University rules and regulations are designed to insure optimal conditions for learning

for all students. Standards of conduct for students are a base or foundation of behavior rather than arbitrary limits of behavior.

The University's policies concerning students' behavior are an educational and rehabilitative approach. The former approach emphasizes assisting students to understand and accept responsibilities for their behavior. Both the interests of the student and the University are considered in deciding the desirability of undertaking a program of rehabilitation within the University.

SWOSU provides students with a safe learning environment that is conductive to academic success. This code of Conduct sustains policies and procedures that support student development by outlining expectations of behaviors and practices that are fundamental to student life at SWOSU.

SWOSU code of conduct supports an educational process. The procedures herein were developed under specific learning outcomes. These learning outcomes encourage students to: Evaluate the impact of behaviors upon oneself, others, and the community; Better understand the conduct process and its purpose; Apply what was learned from the conduct process to future decisions to increase positive outcomes; Repair any harm done to others.

The Regional University System of Oklahoma (RUSO) adopted the following disciplinary regulations and administrative procedures. Additional changes become effective upon their adoption by RUSO.

NON-DISCRIMINATION AND HARASSMENT STATEMENT

SWOSU's policy is in compliance with federal regulations. SWOSU does not discriminate against any individual on the basis of race, color, creed, religion, alienage or national origin, citizenship status, age, sex, gender identity, disability, sexual orientation, genetic information, marital status, veteran status, or any other characteristic protected by applicable federal, state, or local law in any of its policies, practices, or procedures. This policy includes, but is not limited to, admissions, employment, financial services, residential life, educational programs, and other activities the university operates. SWOSU demonstrates a zero-tolerance environment related to any kind of discrimination or harassment.

RETALIATION POLICY

SWOSU prohibits retaliation against anyone who has submitted a complaint for discrimination, harassment, or sexual misconduct under this policy or local, state, or federal laws. SWOSU also prohibits retaliation against someone participating in an investigation or assisting another to submit a complaint of discrimination or harassment.

The Dean of Students serves as the Title IX Officer and the Assistant Vice President of Human Resources serves as the Deputy Title IX Officer for incidents within the entire SWOSU community. Any concerns should be immediately reported using the forms provided on the Dean of Students website or by directly contacting the Dean of Students.

If you are experiencing retaliation, or are aware of retaliation, please notify the Title IX Officer or Deputy Title IX Officer.

JURISDICTION

To best serve the SWOSU community and ensure the safety and development of all students, the university may enforce its conduct standards in all actions defined as misconduct under the Definitions section in the Student Code of Conduct whether the misconduct occurred on or off campus property.

STANDARD OF PROOF

A Preponderance of the Evidence standard shall be used for conduct investigations when determining if a party is responsible for misconduct. Preponderance of the Evidence is defined as whether the evidence shows that it is more likely than not that misconduct occurred.

DEFINITIONS

The following definitions are to be applied under the student Code of Conduct:

1. **Hostile Environment:** Sufficiently serious conduct that denies or limits someone's ability to participate or benefit from programs and activities. A hostile environment may be created by a single or isolated incident, if sufficiently severe, or by persistent or pervasive conduct.
2. **Complainant:** The Complainant refers to the individual claiming to have been the victim of misconduct.
3. **Conduct Officer:** an individual designated by the university to investigate instances of conduct violations.
4. **Respondent:** The Respondent refers to the individual accused of violating the Student Code of Conduct.
5. **Sanction:** refers to a purposefully educational consequence following a misconduct investigation. Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.
6. **Student:** The term "student" includes all persons enrolled at the university, both full-time and part-time, pursuing undergraduate, graduate, or professional studies. Persons who are not officially enrolled for a particular term but who have a relationship with the university are considered "students." This definition includes but is not limited to new, continuing, and returning enrolled persons, anyone participating in university sponsored programs and activities for students, persons who enroll for courses from time to time, and participants in third party programs. Failure to observe the following regulations will subject the student to disciplinary action.

PROHIBITED ACTIVITIES DEFINED/NON-ACADEMIC MISCONDUCT

Non-Academic Misconduct-Any student that has committed any of the following misconduct is subject to disciplinary sanctions outlined within the Disciplinary Sanctions section of the Student Code of Conduct:

- Unsafe Conduct: Any action which endangers or threatens the safety of oneself or another person.
- Harassment: Engaging in two or more acts that targets another individual with or without the intention of causing serious distress.
- Threat or Physical Assault: any action used to intimidate another and cause reasonable fear, or any action which would cause physical harm to another person.
- Illegal use or possession of alcohol or a controlled substance: any use, possession, or distribution of alcohol or controlled substance except as permitted by law.
- Use, possession, or distribution of marijuana: any use, possession, or distribution of marijuana is prohibited.
- Unauthorized use of property: the unauthorized use of university property, and/or.
- Theft: taking the possession of another without consent, with the intention of depriving them of their property.
- Vandalism or Destruction of Property: defacing or damaging any property within the boundaries of university-owned property or that belonging to another student.
- Disturbing the Peace: No student or group of students shall disturb the peace, injure any person, (including hazing), damage or remove university property, or disrupt the functions of the university including its teaching, research, administration, or disciplinary proceedings, public-service functions or other authorized university activity, or interfere with its faculty or staff in the performance of their duties. No student shall encourage or in any way participate in the formation or prolonging of such a gathering.
- Hazing: an activity which recklessly or intentionally endangers the mental health or physical safety of a student for the purpose of initiation or admission into or affiliation with any organization.
- Weapons: The possession or firing of firearms, fireworks, explosives, or weapons including but not limited to bows, knives, or guns by students is prohibited on campus, in any student residence, sorority, fraternity, approved private housing or university operated facility, except as they are used in officially approved university programs.
- Violation of criminal law: any violation of municipal, state, or federal law.
- Technology Theft and/or Abuse: Technology theft or other abuse of computer resources and facilities, including but not limited to the following is not permitted:

- Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- Attempts to circumvent established security procedures or to obtain access privileges to which the user is not entitled.
- Unauthorized transfer of a file.
- Use of another's identification and password.
- Use of computing facilities to interfere with the work of another student, faculty member, or university official.
- Use of computing facilities to send obscene or abusive messages.
- Use of computing facilities to willfully publish, distribute, or exhibit any obscene expression.
- Use of computing facilities to interfere with normal operation of the university computing system.
- Use of computing facilities and resources in violation of copyright laws.
- Disruption of university activities: actions which impede or disrupt a university authorized activity or conduct which would impede a student's access or participation in a university authorized activity.
- Violation of university rules: any action which would cause a violation of any published university rules, regulations, or policies.
- Noncompliance with sanctions: conduct which would violate any sanction or requirement imposed by a previous disciplinary procedure.
- Refusal to comply: a refusal to comply with law enforcement or university official in performance of his or her duties.
- Acts of Dishonesty: No student shall commit acts of dishonesty, including but not limited to the following:
- Cheating, plagiarism, or other forms of academic dishonesty.
- Furnishing false information to any university official, faculty member, or office.
- Forgery, alteration or misuse of any university document, record, or instrument of identification.
- Falsifying or participating in the falsification of any university record.
- Assuming the identity of another.
- Any other act of dishonesty which adversely affects the university or the pursuit of its objectives.

EXPLANATION OF RIGHTS

- Prior to the commencement of any disciplinary action, the DOS shall explain to the accused student the student's rights under the terms of the Student Code of Conduct.
- Prior to disciplinary action resulting in suspension, expulsion, or degree revocation, the DOS or a representative shall explain to the student the student's rights under the terms and conditions of these rules and regulations.
- Each student involved in a proposed disciplinary action of suspension, expulsion, or degree revocation, will be asked to sign a statement explaining the disciplinary policies and procedures of the University. A copy of this statement is available in the Office of the DOS.
- To initiate an appeal, a student must make the request. The request and reason for appeal should be made in writing, by hard copy, signed, and dated, to the Vice President for Student Affairs within twenty-four (24) hours after the disciplinary decision is rendered. If the student appeals a decision of temporary suspension, suspension, expulsion, degree revocation, or rescission of credit, the student may indicate in the appeal to choose an administrative hearing or a hearing before the Committee on Student Conduct. If the student appeals a decision of

suspension, expulsion, degree revocation, or rescission of credit, the decision will not become effective until after the administrative hearing or after the Committee on Student Conduct hearing. A decision to suspend becomes effective immediately but may be overturned after an appeal hearing. Hearings will be held as soon as practical after the student makes the request.

- In cases of an appeal of an expulsion decision with a request for a hearing with the Committee on Student Conduct; shall follow expulsion-hearing procedures outlined according to the RUSO Policy Manual, Chapter 4 on Student Policies.

COMMITTEE ON STUDENT CONDUCT

A committee will be created to consider the appeal of cases resulting in temporary suspension, suspension, indefinite suspension, expulsion, rescission of credits, or degree revocation. The president of the university who shall have the authority to determine the composition of the committee shall appoint the committee. The committee makeup **may** include any combination of the following: (1) administrative staff members, the president may appoint administrative staff members or seek nominations for committee membership from the Administrative Council; (2) faculty members, the president may appoint faculty members or seek nominations for committee membership from the Faculty Senate; and/or (3) student members, the president may appoint student members or seek nominations for committee membership from the Student Government Association. The student filing the appeal shall have the right to exclude the student members of the committee upon proper request. A quorum of the committee shall consist of a majority of the currently appointed members of the committee.

SEX OFFENSES, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

This policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 or Title VII of the Civil Rights Act of 1964. Such behavior also requires the University to fulfill certain obligations under the Violence Against Women Reauthorization Act of 2013 (VAWA) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

The University prohibits forms of gender discrimination or sexual misconduct which includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, stalking, domestic violence, dating violence, complicity in the commission of any act prohibited by this policy, and retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy. Gender discrimination or sexual misconduct by any member of the university community may be a violation of federal or state law, as well as policy of the Regional University System of Oklahoma, and will not be tolerated.

The University adopts this policy with a commitment to: (1) eliminating, preventing, and addressing the effects of sexual misconduct; (2) fostering the University's values, vision, and mission; (3) cultivating a climate where all individuals are well-informed and supported in reporting gender discrimination or sexual misconduct; (4) providing a fair and impartial process for all parties; and (5) identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed. Employees or students who violate this policy may face disciplinary action up to and including termination or expulsion. The University will take prompt and equitable action to eliminate gender discrimination or sexual misconduct, prevent its recurrence, and remedy its effects. The University conducts ongoing prevention, awareness, and training programs for Employees and Students to facilitate the goals of this policy.

It is the responsibility of every member of the University community to foster an environment free of gender discrimination and sexual misconduct. All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop an act of gender discrimination or sexual misconduct. The University will support and assist community members who take such actions. The University provides active bystander training through the

This policy applies to Students, University Employees, and Third Parties. This policy pertains to acts of Gender Discrimination or Sexual Misconduct committed by or against Students, Employees and Third Parties when:

- the conduct occurs on University grounds or other property owned or controlled by the University.

- the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, online, or internship programs; or
- the conduct occurs outside the context of a University employment or education program or activity but has continuing adverse effects on or creates a hostile environment for Students, Employees or Third Parties while on University grounds or other property owned or controlled by the University or in any University employment or education program or activity.

This policy supersedes any conflicting provisions that may exist in policies addressing other forms of gender discrimination and harassment prior to the date of this document. Where gender discrimination or sexual misconduct violates this policy and violates other policies, the University's response will be governed by the procedures referenced in this policy. Questions about which policy applies in a specific instance should be directed to the University's Title IX Officer.

Cindi Albrightson
Title IX Officer
Hays Administration Building 202
(580) 774-3108
Cindi.albrightson@swosu.edu

TITLE IX COORDINATION

Southwestern Oklahoma State University (SWOSU) acknowledges the Department of Education changes made to Title IX complaint investigation procedures under the guidance of Nondiscrimination based on Sex in Education Programs or Activities Receiving Federal Financial Assistance (2020).

SWOSU values student participation and recognizes Title IX in addressing issues related to sexual harassment and sexual violence. To address instances of sexual harassment, and to ensure an educational environment free of harassment and discrimination, SWOSU has developed the Title IX Policies & Procedures Handbook to address conduct violations under the policies held therein. These policies and procedures ensure a fair and prompt due process for Complainants and Respondents under Title IX guidance.

OVERVIEW

The Regional University System of Oklahoma ("RUSO") and its member universities are committed to providing an educational, living and working environment that is free from discrimination based on sex for all members of its community to include students, faculty, staff, contractors, and visitors. The member universities are East Central University, Northeastern State University, Northwestern Oklahoma State University, Southeastern Oklahoma State University, Southwestern Oklahoma State University, and University of Central Oklahoma. For purposes of this Policy, sex-based misconduct includes act of sexual harassment, sexual misconduct, dating violence, domestic violence, and stalking. The purpose of this Policy is to provide RUSO and its member universities with a clearly articulated set of behavioral standards, ordinary understanding of definitions and key concepts, and descriptions and examples of prohibited conduct, including sexual harassment, sexual violence, stalking, and domestic and dating violence. All members of RUSO are expected to adhere to the requirements of this Policy and to the standards of each member university. It is intended to guide students, faculty, staff, and other employees who have been affected by sexual harassment or misconduct, whether as a Complainant, Respondent, or a third party. This Policy prohibits all forms of sexual or sex-based harassment, discrimination, or sexual misconduct, including sexual violence, sexual assault, and stalking. Misconduct of this nature is contrary to the RUSO's and each member university's institutional values and prohibited by state and federal law, as referenced by Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 and its implementing regulations. RUSO will review this Policy periodically in order to ensure compliance with legal requirements and improve the institutional response, including support services and resources. RUSO may modify this Policy at any time for compliance with federal, state, local law, or applicable guidance.

POLICY

1.01 APPLICABILITY

This Policy applies to all campus community members, including students, faculty, staff, contractors, and visitors within the university's control. It applies to conduct that occurs on RUSO or university owned or controlled premises, in an educational program or activity, including RUSO or university sponsored or supported events, in buildings owned or controlled by student organizations officially recognized by the university or off-campus when the conduct potentially affects a person's education or employment with the university or potentially poses a risk to the safety of other members of the RUSO community. This Policy applies regardless of the sex, gender, gender identity, or sexual orientation of the parties. In accordance with regulations issued by the United States Department of Education, this Policy does not apply to conduct occurring against a person outside the United States or conduct that is not specifically addressed herein. Alleged conduct reported pursuant to this Policy, whether or not the conduct constitutes a violation of this Policy, may violate other RUSO or university policies. The member university reserves the right to take disciplinary action for conduct reported under this Policy that constitutes a violation of any other university policy.

1.02 DEFINITIONS

The definitions provided in this Policy are the definitions adopted by the Regional University System of Oklahoma. State law definitions, as applicable, are included in Appendix A for the Oklahoma statutory definition. In the event a criminal investigation is conducted by law enforcement, the state law definition will apply.

a. 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.

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

c. 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.

d. 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.

e. 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; 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.

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.

f. 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.

g. 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.

h. 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.

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

j. Responsible Employee – a member university employee who has the duty to report information related to incidents 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.

k. 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.

l. 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.

m. 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 (iii)-(vii) in this definition are not evaluated for severity, pervasiveness, offensiveness, because such conduct is sufficiently severe to deny access to the 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.

n. 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.

o. 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

2.01 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 (as described in Section 4.03 of this Policy). 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.

2.02 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, as outlined below.

a. 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.

a. 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.

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

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-Southwestern Oklahoma State University
Cindi Albrightson
Hays Administration Building 202
(580)774-3108
cindi.albrightson@swosu.edu

a. 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.

b. Campus Security Authorities. In compliance with the Clery Act, employees are identified as a Campus Security Authority ("CSA"). CSAs are identified through the Clery Act and outlined in the member 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.

c. 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.

b. 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.

c. 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)	U.S. Department of Justice, Civil
One Petticoat Lane	Rights Division
1010 Walnut Street, Suite 320	950 Pennsylvania Avenue, N.W.
Kansas City, MO 64106	Educational Opportunities Section, PH.B.
Phone: (816) 268-0559	Washington, D.C. 20530
Facsimile: (816) 268-0559	Email: education@usdoj.gov
TTY: (800) 877-8339	Phone: (202) 514-4092
Email: OCR.KansasCity@ed.gov	Toll-Free: (877) 292-3804
Web: http://www.ed.gov/ocr	Facsimile: (202) 514-8337

2.03 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.

SUPPORTIVE MEASURES

3.01 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 non-punitive 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.

FORMAL COMPLAINT PROCESS

4.01 Reporting. Member universities are obliged to act when it receives "actual knowledge" of allegations of Sexual Harassment. Persons who believe they have been subject to prohibited Sex Discrimination or Sexual Harassment are encouraged to seek assistance, to directly report such conduct to appropriate supervisors, or to directly report such conduct to the Title IX Coordinator or Deputy Title IX Coordinator.

4.02 Emergency Removals. Applicable only to students, an emergency removal is a removal, either partially or entirely, of a student from the member university and its activities on an emergency basis when an individualized safety and risk analysis has determined an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal. The individualized risk assessment will be conducted by the appropriate member university personnel, in conjunction with the member university's team that assesses behavior (e.g., Behavioral Assessment Team) using its standard risk assessment procedures. A removed student will receive a written notice of the decision, which notice will include information about how the student may challenge the removal decision.

4.03 Initial Assessment. Upon receiving a Formal Complaint, the Title IX Coordinator or Deputy Title IX Coordinator will conduct an initial assessment and provide information about Supportive Measures. At the conclusion of the preliminary inquiry, the Title IX Coordinator will provide the Complainant with information regarding the appropriate procedural process. The Complainant will be advised if the information discovered during the preliminary inquiry warrants proceeding with the grievance process as outlined in this Policy or if the allegations, if true, may constitute a violation of another member university Policy. If the information does not warrant proceeding under this Policy, the case will be dismissed under this Policy (see Section 4.07 for more information on dismissals).

4.04 Investigation Notice. After a Formal Complaint is received, if it is determined there is sufficient evidence to proceed with an investigation, a written notice and copy of the Title IX procedures will be provided to the Complainant and Respondent. The notice will detail the allegations, to include, if known, the identities of the parties, the date and location of the incident, and the specific alleged Policy violation(s). The notice will also state the Respondent is presumed not to be responsible until a determination. The notice will advise both parties of their right to have an advisor of their own choosing.

a. Employee Respondents. When the Respondent is an employee, the notice will also be provided to the Respondent's supervisor and the appropriate senior administrator, with sensitivity to protect the privacy of the Complainant and Respondent.

4.05 Investigation. A trained investigator, or multiple trained investigators, if necessary, will be assigned. The investigator(s) will conduct a fair, thorough, and impartial investigation. The Respondent is entitled to a presumption of innocence unless a finding is determined. Both parties will have an equal opportunity to present facts, witnesses, and evidence to support their positions, with no restrictions on the parties' ability to discuss the investigation. Both parties will have an equal opportunity to attend any proceedings, along with their advisor. Reasonable efforts will be made to conduct interviews with all parties and relevant witnesses in a timely fashion.

a. Delaying Investigation. When a law enforcement agency is conducting its own investigation into the alleged conduct, the member university's investigation may be delayed temporarily to meet the specific needs of the criminal investigation.

b. Investigation Notice. A notice will be sent to the parties prior to each investigation meeting. In all instances, the member university, not the Complainant, will bear the responsibility for investigating and taking appropriate action, including the decision to seek disciplinary action against a Respondent.

c. Amended Notice. In the event new allegations or potential violations of Policy arise during the investigation that were not included in the initial investigation notice, an amended notice will be sent to the parties outlining the additional allegations.

d. Role of the Advisor. During participation in the investigative process, the Complainant and Respondent have the right to choose an individual who will serve as advisor. The advisor's role is to assist the Complainant and Respondent in understanding and navigating through the investigative process. An advisor may not be a witness in the same investigation, or whose participation will create a conflict of interest. The advisor shall not impede or act in a manner that obstructs or disrupts the investigative process.

4.06 Investigation Report. Upon conclusion of the investigation, the investigator will prepare a report summarizing their findings. The investigation report will be provided to the Complainant and Respondent. To confirm accuracy, both the Complainant and Respondent will have ten (10) business days to review the investigation report and provide feedback to the investigator about their account of information.

4.07 Dismissal Prior to Hearing. During the initial assessment or during the course of an investigation, a determination may be made that issues surrounding the case do not rise to a violation of this Policy.

a. Pursuant to applicable law, the Complaint must be dismissed in the following circumstances:
   i. The conduct alleged does not meet the definition of any prohibited conduct under this Policy;
   ii. The alleged conduct did not occur on RUSO or member university-owned or controlled premises;
   iii. The alleged conduct did not occur in the member university's education program or activity;
   iv. The alleged conduct did not occur against a person in the United States; or
   v. If at the time of a Formal Complaint, the Complainant is not participating in or attempting to participate in the member university's education program or activity.

b. At the discretion of the Title IX Coordinator or Deputy Title IX Coordinator the following are additional grounds for dismissal:
   i. If the Complainant requests in writing to dismiss a Formal Complaint or any allegations therein;
   ii. The Respondent is no longer enrolled in or employed by the member university; or
   iii. Any specific circumstances exist which prevent the investigator from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein; or

c. If a Formal Complaint is dismissed for any of the above reasons, the Complainant and Respondent will be provided a written notice of the dismissal and the reason(s) for dismissal. In addition, if the alleged misconduct may be addressed by another member university policy or process, that information will be included in the written notice of dismissal.

   i. For Employee Respondents. If a Formal Complaint against an employee Respondent is closed, the Title IX investigation will be closed administratively, and all parties, including the appropriate supervisor or Department Head and Administrator, will be notified in writing of the administrative closure. The findings and determination as to any non-Title IX Policy violation will be forwarded to Human Resources for review and subsequent actions.

   ii. For Student Respondents. A Formal Complaint being dismissed under this Policy does not preclude it from being addressed through the Student Code of Conduct.

d. A Complainant or Respondent may appeal a dismissal by following the procedures outlined in Section 6.03.

HEARING PROCEDURES

5.01 Title IX Hearing. Upon the conclusion of an investigation involving a RUSO or member university employee or student as a Respondent, the Complainant and Respondent will be notified in writing with the name and contact information of a panel of trained Decision Makers assigned to conduct a live hearing that will be recorded by audio- or audio-visual means. The Decision Maker shall consist of at least three (3) individuals one of which shall serve as the chair of the Decision Maker panel. The Complainant and Respondent will be provided the scheduled date, time, and location of the hearing, as well as written information regarding the hearing process. Within ten (10) business days of receipt of the notification, both parties may provide the Decision Maker with the name and contact information of their Advisor for the hearing, supporting evidence and a list of witnesses. If either the Complainant or Respondent is unable or chooses not to name an Advisor, one will be selected by the member university's Title IX Coordinator for the respective party. At any time during the process, requests for extensions to provide information or to reschedule hearings may be made and approved by the Decision Maker in their sole discretion. Any request for an extension must be in writing, no later than two (2) days prior to the applicable due date. All parties and Advisors will be notified of approved extensions in writing. If the Decision Makers determine that a Respondent violated this Policy, the possible sanctions range from a written admonishment or reprimand to dismissal from the member university.

a. Title IX Hearing Location. The privacy of both parties is taken into consideration when determining the location of the hearing. A request by either party may be made that both parties will participate in the hearing from separate rooms. The designated rooms will be furnished with audio and visual equipment to allow both parties to see and hear each other during the hearing process.

b. Attendance at Title IX Hearing. While information from the Complainant, Respondent, and witnesses to the incident may be included in the Investigation Report, if a party or witness does not appear at the Title IX Hearing to be available for cross-examination, the Decision Maker cannot rely on any statement of that party or witness in reaching a determination regarding responsibility. The Decision Maker also may not draw an inference about the determination regarding responsibility based solely on the absence of a party or witness. It is the responsibility of the parties to arrange for the attendance of any witnesses; the member university cannot compel or mandate attendance at the Title IX Hearing.

c. Title IX Hearing Process. At the beginning of the hearing, the Decision Maker shall set forth the rules of procedure for the hearing. The Decision Maker is allowed to question supported evidence witness list provided, for relevancy, and ask questions before determining if the information provided is admissible. Each party is allowed a reasonable time to present their opening statement. The Complainant will present their case first in all phases of the hearing.

Each party is allowed to ask relevant questions of their respective witnesses, followed by cross-examination by the other party's Advisor. The other party's Advisor must conduct cross-examination. The parties may not under any circumstances conduct cross-examination. If necessary, a party will be allowed additional time for follow-up questions of their witness, followed by additional time for cross-examination by the other party's Advisor. The Decision Maker will determine whether questions asked during cross-examination by an Advisor are relevant.

The Decision Maker may also ask questions of the parties and witnesses for clarification.

The process will be repeated until all testimony is concluded.

d. Standard of Evidence. The standard of evidence to be used to decide is Preponderance of the Evidence. Under this standard, the burden of proof is met when the party with the burden convinces the Decision Maker there is a greater than 50% chance that the claim is true.

e. Title IX Hearing Determination. Following the hearing, the Decision Maker will issue a written determination, within five (5) business days. In the event circumstances require more time to issue a written determination, the Decision Maker will notify the parties. The written decision will include the following elements:

i. the allegations made against the Respondent;

ii. a description of the procedural steps undertaken, including notifications to parties, interviews and site visits, methods used to gather evidence, and hearings;

iii. findings of fact that support the determination;

iv. an explanation regarding the result of each allegation, including a determination as to whether the Respondent did or did not violate this Policy as to each allegation;

v. any disciplinary actions/sanctions against the Respondent, and any remedies to be provided to the Complainant; and

vi. procedures and bases for appeal.

f. Effect of Hearing Determination. The determination will become final one (1) day after the appeal deadline set in Section 6.01. The Title IX Coordinator will coordinate the implementation of any remedies. Copies of the written determination will be provided to both parties, and their respective department heads to include the Deans, the Provost's office, and/or Vice Presidents.

g. Advisor. The Complainant and Respondent may have their own Advisor of choice. If either the Complainant or Respondent is unable or chooses not to name an Advisor, the member university will provide an advisor selected by the member university's Title IX Coordinator. During the hearing, questions asked to the other party must be asked through the participant's Advisor. If the participant's Advisor does not act in accordance with the hearing and the Advisor's privileges are withdrawn or they are barred from the hearing, the Title IX Coordinator will appoint an advisor to assist in asking questions to other participants.

APPEALS

6.01 Time for Appeal. A Complainant or Respondent may appeal in writing either a dismissal of a Formal Complaint or the Title IX Hearing Determination within ten (10) days of notification of such determination on the grounds set forth in Section 6.02.

6.02 Grounds for Appeal. A Complainant or Respondent may appeal either a dismissal of a Formal Complaint or the Title IX Hearing Determination for the following reasons:

a. A procedural irregularity occurred that affected the outcome of the matter;

b. New evidence that was not available at the time the Title IX Hearing Determination or dismissal was made, that could affect the outcome of the matter; or,

c. The Title IX Coordinator, Deputy Title IX Coordinator, investigator(s), or Decision Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

6.03 Appeal Process. Upon receiving a written appeal, the Title IX Coordinator or Deputy Title IX Coordinator will notify the other party.

a. Appeals. An Appellate Officer(s), who is not the same person as the Title IX Coordinator, investigator(s), or Decision Maker in the Title IX Hearing, will be assigned. The non-appealing party will have seven (7) days from the notification of appeal to submit a written response. The Appellate Officer will consider the appeal, any response submitted, and the record of the Title IX Hearing and make a written determination within ten (10) business days, which determination will be sent to both parties and will be final.

i. If the Appellate Officer finds there is no merit to any of the grounds cited in the appeal, it will issue a finding as such, and that decision will be final.

ii. If the Appellate Officer finds there was a procedural irregularity that affected the outcome of the matter, the matter may be remanded for a new Title IX Hearing before the original Decision Maker.

iii. If the Appellate Officer finds new evidence exists that was not available that could affect the outcome, the matter may be remanded to the original Title IX Hearing Decision Maker.

iii. If the Appellate Officer finds that the Title IX Coordinator, investigator(s), or Decision Maker had a conflict of interest or bias for or against the parties (or specifically in this matter) that affected the outcome of the matter, the case may be remanded to a new Title IX Hearing before a different Decision Maker.

INFORMAL RESOLUTION

7.01 Informal Resolution. At any time after the filing of a Formal Complaint and but not less than ten (10) days prior to a live hearing, either party may request that the member university facilitate an informal resolution. Informal resolution is an available option when both parties voluntarily agree to participate and if the Title IX Coordinator agrees that informal resolution is appropriate given the nature of the allegations and the relationship of the parties.

The member university's informal resolution process is facilitated by the Title IX Coordinator or personnel in Student Affairs, Human Resources, or University Ombuds services. If the parties reach agreement during the informal resolution process, the facilitator will reduce the agreement to writing and present it to the Title IX Coordinator, who may approve or disapprove the agreement. An approved informal resolution agreement will be recognized as a binding agreement between the parties enforceable by the member university. Once the parties have entered into an approved informal resolution agreement, the grievance will be deemed resolved and may not be re-opened.

If the non-requesting party declines to participate, chooses to withdraw from participation, or if informal resolution is not successful, the grievance process continues.

RETALIATION

8.01 Retaliation. Retaliation is any adverse action taken against a person because of that person's participation in protected activity. In accordance with the member universities non-retaliation policies, RUSO and the member universities prohibit retaliation against any person for making any good faith report of discrimination, harassment, or sexual misconduct or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination, harassment, or sexual misconduct. Any person who engages in such retaliation shall be subject to disciplinary action, up to and including termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to promptly notify the Title IX Coordinator. The member university will promptly investigate all claims of retaliation.

RECORDKEEPING

9.01 Records. In implementing this Policy, records of all reports, complaints, investigations, resolutions, and records of any action taken under this Policy including Supportive Measures will be kept by the Title IX Coordinator for each respective member university (or designee) depending on the nature of the report or complaint. The records will be kept for a minimum of seven (7) years following final resolution. Such records shall include documentation that neither RUSO nor its member universities were deliberately indifferent to any report pursuant to this Policy and the basis for such conclusion.

9.02 Annual Security Reports. Each member university disseminates a public annual security report Annual Security Report ("ASR") to employees and students every October 1st. The ASR includes statistics of campus crime for the preceding three calendar years, plus details about efforts taken to improve campus safety. The report includes definitions of sexual harassment, what to do if you are victimized, support services, on and off campus resources, preventive measures, and the sex offender registration. Additionally, there are policy statements regarding crime reporting, campus facility security and access, incidence of alcohol and drug use, and the prevention of/response to sexual assault, domestic and dating violence, and stalking.

TRAINING

10.01 Training. Member universities will ensure the Title IX Coordinator, Deputy Title IX Coordinator, Title IX Investigators, and Decision Makers do not have conflicts of interest or any bias for or against the Complainant or Respondent. These persons will receive mandatory training on the topics of sexual harassment, and sex-based misconduct, to include how to conduct investigations, how to conduct hearings and appeals, and how to remain impartial throughout the process.

APPENDIX A-STATE LAW DEFINITIONS

Consent: The term "consent" means the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter which can be revoked at any time. Consent cannot be:

1. Given by an individual who:
   a. is asleep or is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason, or
   b. is under duress, threat, coercion, or force; or

2. Inferred under circumstances in which consent is not clear including, but not limited to:
   a. the absence of an individual saying "no" or "stop," or
   b. the existence of a prior or current relationship or sexual activity.

21 Okla. Stat. § 113

Dating violence is not defined in Oklahoma; however, violence against a person with whom the perpetrator is in a dating relationship is considered domestic violence, defined below. A ***dating relationship*** is defined as a courtship or engagement relationship. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship. 22 Okla. Stat. § 60.1.

Domestic violence is not defined in Oklahoma law. However, the criminal definition of ***domestic abuse*** is defined as: Any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse. 21 Okla. Stat. § 644.

Sexual assault:

- rape, or rape by instrumentation, as defined in Sections 1111, 1111.1 and 1114 of this title, or
- forcible sodomy, as defined in Section 888 of this title. 21 Okla. Stat. § 142.20.

Rape (as used in the definition for "sexual assault)":

- Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:
  - Where the victim is under sixteen (16) years of age.
  - Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent.
  - Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.
  - Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privacy of the accused as a means of forcing the victim to submit.
  - Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused.

- Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty ofrape.
- Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality, or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim; or
- Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who iseighteen
- (18) Years of age or older and is an employee of the same school system.
- Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person. 21 Okla. Stat. § 1111

- Rape by instrumentation (as used in the definition of "sexual assault"):
  - Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is at least sixteen years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of the same school system, or where the victim is under the legal custody or supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, consent shall not be an element of the crime. Except for persons sentenced to life or life without parole, any personsentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post- imprisonment supervision shall be in addition to the actual imprisonment. 21 Okla. Stat. § 1111.1.

Forcible sodomy (as used in the definition of "sexual assault"):

- Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a period of not more than twenty (20) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this section, where the victim of the third or subsequent offense is a person under sixteen (16) Years of age shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury

fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, a violation of Section 1123 of this title or sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of said offenses, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

- The crime of forcible sodomy shall include:
  - Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age; or
  - Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime;or
  - Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state; or Sodomy committed upon a person who is at least sixteen (16) years of age but less than twenty (20) years of age and is a student of any public or private secondary school, junior high or high school, or public vocational school, with a person who is eighteen (18) years of age or older and is employed by the same school system. 21 Okla. Stat. § 888.

Stalking:

- Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:
  - Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and
  - Actually, causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested, upon conviction, shall be guilty of the crime of stalking, which is a misdemeanor punishable by imprisonment in a county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment

For purposes of this section:

- "Harasses," means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated, or continuing unconsented contact, which would cause a reasonable person to suffer emotional distress, and that actually causes emotional distress to the victim. Harassment shall include harassing or obscene phone calls as prohibited by Section 1172 of this title and conduct prohibited by Section 850 of this title. Harassment does not include constitutionally protected activity or conduct that serves a legitimatepurpose.
- "Course of conduct" means a pattern of conduct composed of a series of two (2) or more separate acts over a period, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."
- "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling.
- "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:
  - following or appearing within the sight of that individual,
  - approaching or confronting that individual in a public place or on private property,
  - appearing at the workplace or residence of that individual,

- entering onto or remaining on property owned, leased, or occupied by that individual,
- contacting that individual by telephone,
- sending mail or electronic communications to that individual, and
- placing an object on, or delivering an object to, property owned, leased, or occupied by that individual;and

  - "Member of the immediate family," for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months.21 Okla. Stat. § 1173.

REPORTING

All forms of sexual harassment, including sexual violence, should be reported, no matter the severity. Southwestern Oklahoma State University's primary concern is safety; therefore, individuals should not be deterred from reporting even if the use of alcohol or other drugs was involved. The University encourages complainants of sexual violence to report the offense directly to a Title IX officer, or a SWOSU employee whom they trust, so they can receive support and so the University can respond appropriately. SWOSU will provide that, when a student or employee reports to SWOSU that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense has occurred on or off campus, SWOSU will provide the student or employee with a written explanation of the student's or employee's rights and options.

SWOSU encourages victims of sexual violence to talk to someone about what happened so they can receive support and so that the institution can respond appropriately. SWOSU offers both confidential reporting and non- confidential reporting options. It is important to be aware that different individuals who victims can contact for assistance following an incident may have different responsibilities regarding confidentiality, depending on their position. Under state law, individuals can assure a victim of confidentiality, including counselors and certified victims' advocates. In general, however, any other institution employee cannot guarantee complete confidentiality, unless specifically provided by law. As is the case with all colleges and universities, the institution must balance the needs of the individual victim with an obligation to protect the safety and well-being of the community at large.

Different employees on campus have different abilities to maintain a victim's request for confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- Other employees may talk to a victim in confidence, and report only that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger an institution investigation into an incident against the victim's wishes. This report is done through a Clery Report and does not include the victim's name or other identifying information.

Thirdly, employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator or Deputy Title IX Officer.

TITLE IX REPORTING

Students, Faculty, Staff, and guests are encouraged to submit a report in the event an incident of sexual harassment or sexual assault occur. Complaints may be submitted using the Dean of Students reporting forms located on the Dean of Students web page (click here), or by direct report to the Title IX Officer or Deputy Title IX officer. Reports submitted are maintained as confidential. Reports not submitted directly to the Title IX Officer or Deputy Title IX Officer may not constitute the institution having Actual Knowledge of the incident.

Each report submitted to the institution is reviewed by the Title IX Officer or the Deputy Title IX Officer. Allegations that, if assumed true, would indicate a Title IX policy violation shall be subject to investigation. Allegations that would not meet criteria of a Title IX violation are referred to the appropriate misconduct process.

ZERO TOLERANCE ENVIRONMENT

SWOSU is a zero-tolerance environment related to any kind of discrimination or harassment. This includes sexual related discrimination as covered by Title IX and Title VII, respectively. Title IX states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance."

CONFIDENTIAL REPORTING OPTIONS

Confidential reporting options provide students with the ability to confidentially report and discuss an instance of sexual violence without their information being shared with others. Please note confidential reporting limits the institution's ability to respond to incidents. Silent Witness Form

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 about an incident to the Title IX coordinator without a victim's permission. These individuals are also not required by the Clery Act to report.

VICTIM ADVOCATE: SWOSU treats the Victim Advocate as a confidential reporting option. Victims can visit with the Victim Advocate to learn about resources available on campus. The Victim Advocate is not required to report any information about an incident to the Title IX Coordinator without a victim's permission. However, the Victim Advocate will report incidents to SWOSU Campus Police Department for the purpose of the Clery Act. Additionally, the Victim Advocate will report quarterly to the Board of Regents on trends of incidents.

UNIVERSITY HEALTH PROVIDERS: University Health Services providers are confidential reporting options. They are not required to report any information about an incident to the Title IX Coordinator without a victim's permission. However, they will report incidents without any identifiable information to SWOSU Campus Police for the purpose of the Clery Act.

While these professional counselors, non-professional counselors (those who act under the supervision of a licensed counselor), advocate, and health providers may maintain a victim's confidentiality, they may have reporting or other obligations under state law, such as mandatory reporting to law enforcement in the case of minors, imminent harm to self or others, or requirement to testify if subpoenaed in a criminal case.

If SWOSU determines that the alleged individual(s) pose a serious and immediate threat to the campus, SWOSU may issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

NON-CONFIDENTIAL REPORTING OPTIONS

The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges and the Clery Act require all other employees (excluding counselor, health care providers, pastorals, and complainant advocate) who become aware of an instance of sexual violence to report the instance to SWOSU Campus Police. The victim's name should not be reported to the police without the victim's permission. The report should include the nature, date, time, and general location of an incident. This is a limited report, which includes no information that would directly or indirectly identify the victim. This allows the institution to track patterns, evaluate the program, and develop appropriate campus- wide responses.

When an instance of sexual violence is reported to a "responsible employee," the reporter can expect the incident will be reported to the Title IX Coordinator or Student Conduct Office. A responsible employee must report to the Title IX Coordinator or Student Conduct Office all relevant details about the alleged sexual harassment or sexual violence shared by the victim including names, date, time, and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for overseeing the institution's response to the report. A responsible employee should not share information about the victim to law enforcement.

A “responsible employee” is an employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could believe has this authority or duty. Examples include but are not limited to faculty members, advisors, employees in student services offices and anyone in a supervisory role.

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the institution will investigate the alleged sexual violence, end any sexual violence, prevent the sexual violence from reoccurring, and educate on sexualviolence.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee is reporting obligations and if the victim wants to maintain confidentiality, then the student should be directed to a confidential resource.

NON-CONFIDENTIAL REPORTING OPTIONS

SWOSU Campus Police	(580) 774-3111
Weatherford Police Department	(580) 772-7791
Sayre Campus Security	(580) 928-5527
Sayre Police Department	(580) 928-2122
SWOSU Dean of Students/Title IX Coordinator	(580) 774-3767
SWOSU Title IX Coordinator	(580) 774-3108

REQUESTS FOR CONFIDENTIALITY FROM A NON-CONFIDENTIAL REPORTER

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or conduct action taken, SWOSU must weigh that request against the obligation to provide a safe environment for all students, including the victim.

If the institution honors the request for confidentiality, a victim must understand that the institution’s ability to meaningfully investigate and respond to the incident may be limited.

Although rare, there are times when SWOSU may not be able to honor a victim’s request to provide a safe environment for all students.

When weighing a victim’s request for confidentiality or that no investigation or conduct process be pursued, the following will be considered:

- The increased risk that the alleged respondent will commit additional acts of sexual or other violence.
- whether there have been other sexual violence complaints about the same alleged respondent.
- whether the alleged respondent has a history of arrests or records from a prior school indicating a history of violence.
- whether the alleged respondent threatened further sexual violence or other violence against the victim or others.
- whether multiple respondents committed the sexual violence.
- whether the sexual violence was perpetrated with a weapon.
- whether the victim is a minor.
- whether the institution possesses other means to obtain relevant information of the sexual violence (e.g., security cameras or personnel, physical evidence).
- whether the victim’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the institution to investigate and, if appropriate, pursue conduct action. If none of these factors is present, the institution will respect the victim's request for confidentiality.

If it is determined that the institution cannot maintain a victim's confidentiality, the institution will inform the victim prior to starting an investigation. SWOSU will remain ever mindful of the victim's well-being and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. The institution may not require a victim to participate in any investigation or conduct process.

Retaliation against the victim, whether by students or institution employees, will not be tolerated.

BYSTANDER INTERVENTION

Bystanders are individuals who witness emergencies, criminal events, or situations that could lead to criminal events or policy violations and by their presence may have the opportunity to provide assistance, do nothing, or contribute to the negative behavior. SWOSU promotes the development of proactive bystanders, individuals whose behaviors intervene in ways that influence the outcome positively. An active bystander can intervene before, during or after an act of violence or any misconduct has occurred. By being an active bystander, one can provide a positive social support system, which is essential in the resilience and recovery of the individual who has experienced a form of violence, coercion, intimidation, harassment, or any other treatment that causes distress.

Bystanders have safe and positive options for intervening effectively. Bystanders can provide a positive social support system, which is essential in the resilience and recovery of the individual who experienced a form of violence, whether through force, coercion, intimidation, or harassment.

Bystanders can also intervene before, during, or after an act of violence has taken place. There are effective measures an individual can take to preventing a risky situation from escalating, while at the same time keeping out of harm's way. Active bystanders must (1) notice the event, (2) interpret the incident as an emergency, (3) assume responsibility for intervening, and (4) have the bystander intervention skills to intervene effectively.

SWOSU will provide safe and positive options for bystander intervention that may be conducted 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.

REPORTING TO THE POLICE

SWOSU strongly encourages individuals to report sexual violence and any other criminal offenses to the police. This does not commit you to prosecute but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, institution conduct actions and/or civil actions against the perpetrator.

If the incident happened on campus, it can be reported to the SWOSU Campus Security Department at (580) 928-5533 ext. 2172. If the incident occurred elsewhere in Sayre, it can be reported to the Sayre Police Department at 1000 N 4th, Sayre, or at (580) 928-2122. 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 preventing further incidents.

DEFINITIONS

SEX DISCRIMINATION

Sex Discrimination involves treating a student, applicant, employee, or participant in SWOSU employment, educational programs, or activities adversely because of that person's sex, in hiring, firing, compensation, admissions, financial aid, or academic status. Discrimination against a person because of sex, gender, sexual orientation, pregnancy, or marital status is

discrimination because of sex in violation of Title IX and, for employees, Title VII. Sex discrimination includes, but is not limited to, *sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking.*

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:

- When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic standing, or participation in any SWOSU programs or activities.
- 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
- When such conduct creates a hostile environment. A hostile environment exists when such conduct is sufficiently severe or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from SWOSU's education or employment programs or activities.

A hostile environment may be created by a single or isolated incident, if sufficiently severe, or by persistent or pervasive conduct.

This policy shall not abridge academic freedom or the University's educational mission.

Examples of conduct prohibited by this policy:

Conduct, whether in-person, in writing, by telephone, through social media, by electronic means, or otherwise, which is prohibited by this policy includes but is not limited to:

- Unwelcomed sexual flirtation, advances, or propositions for 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.
- Continued or repeated sexually suggestive comments or sexually explicit jokes, innuendoes or turning discussions to sexual topics.
- Sexually offensive or degrading language used to describe an individual.
- Remarks of a sexual nature to describe a person's body or clothing.
- Calling a person, a "hunk," "doll," "babe," "sugar," "honey," or similar descriptive terms.
- Displaying sexually demeaning or offensive objects and pictures.
- Making sexual gestures with hands or body movements.
- Offensive physical contact, such as unwelcome touching, inching, massaging, or brushing against another's body.
- Rating a person's sexuality.
- Coerced sexual intercourse.
- Sexual assault.

Actions or words indicating that benefits will be gained or lost based on response to sexual advances.

SEXUAL MISCONDUCT

- SWOSU has the following procedures to provide for the prompt and equitable resolution of student complaints pursuant to Title IX.
- Any Title IX report should be submitted using the reporting form located on the Dean of Students webpage, or by direct report to the Dean of Students.
- Complaints may be resolved informally or may proceed through the applicable formal complaint proceedings.

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

- Unwelcome sexual touching/ exposure the touch of an unwilling or non-consensual person's intimate part (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts. This also includes indecent exposure and voyeurism.
- Non-consensual sexual assault Unwilling or non-consensual penetration of any bodily opening with an object or body part. This includes, but is not limited to, penetration of a bodily opening without effective consent using coercion.
- Forced sexual assault 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 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.

Effective/Affirmative Consent is:

- informed.
- freely and actively given.
- mutually understandable words or actions; and
- the willingness to participate in mutually agreed upon sexual activity.

Further:

- 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 the following:

- Mental, developmental, or physical disability; or
- S/he is under the legal age to give consent; or
- S/he is incapacitated by alcohol and/or other drugs.

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

- Ignoring an individual's protest and engaging in sexual activity.
- Convincing somebody to have sex constitutes intimidation or coercion. If someone is coerced, the 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 incapacitated may agree to have sex at the time but have no memory of the consent. This person may have been functioning in a "blackout" and could 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/CYBER STALKING

Stalking is to engage in a course of conduct directed at a specific person, either online or in person, which would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Stalking is defined to mean 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, surveys, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress would include significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is the willful, malicious, and repeated following or harassment of a person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested and actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened harassed or molested. Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, demonstrating a continuity of purpose or unwelcomed contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. This may include repeatedly contacting another person (through any means, such as in person, by phone, electronic means, text messaging, etc.), following another person, or having others contact another person.

Any actions that a stalker takes to contact, harass, track, or frighten another that could include, but is not limited to, repeatedly:

- following
- unsolicited visits or communication
- using online social media inappropriately
- damaging property
- showing up at places an intended complainant frequents
- sending unsolicited mail, e-mail, texts, and pictures
- creating a website about a target of stalking
- sending unsolicited gifts
- stealing things that belong to intended complainant
- calling.

Stalking can occur by someone that is known casually, a current boyfriend or girlfriend, someone dated in the past or a stranger.

Definition consistent with *Violence Against Women Act Volume 79 CFR* and Oklahoma state statute.

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

- Length of the relationship
- Type of relationship
- 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.

Definition consistent with Violence Against Women Act Volume 79 CFR.

DOMESTIC VIOLENCE

Domestic violence is a crime of violence committed by a:

- current or former spouse or intimate partner of the complainant,
- person with whom the complainant shares a child in common,
- person who is cohabitating with or has cohabited with the complainant as a spouse,
- person similarly situated to a spouse of the complainant.

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.

Definition consistent with Violence Against Women Act Volume 79 CFR.

QUID PRO QUO SEXUAL HARASSMENT

"This" for "that;" i.e., unwelcome sexual advances, requests for sexual favors or other verbal, physical, or non-physical conduct of a sexual nature, the submission to or rejection of which may result in an adverse educational or employment action.

Oklahoma Criminal Law Definitions see Appendix A

VICTIM INFORMATION

If you are a victim of sexual violence, you are not alone, and you are in no way responsible for your assault.

If you are a victim of a sexual assault at this institution, your priority should be to get to a place of safety. You should then obtain necessary medical treatment. The SWOSU Campus Police strongly advocates that a victim of sexual assault reports the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the SWOSU Campus Police and/or to a Housing official. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim.
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam).
- assure the victim has access to free confidential counseling from counselors specifically trained in sexual assault crisis intervention.

When a sexual assault victim contacts the SWOSU Campus Police, the local police will also be notified. A representative from Residence Life and Dean of Students will also be notified. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and/or SWOSU. A representative from the SWOSU Campus Police or Residence Life/Dean of Students will guide the victim through the available options and support the victim in his or her decision. Explanation of a victim's rights will be provided in writing. Various counseling options are available in writing from SWOSU through the Student Health Services, the Women's Center, University Ministries, Employee Assistance, and the Psychological and Counseling Center. Literature on Oklahoma Crime Victim's Rights is available through the SWOSU Campus Police. Counseling and support services outside SWOSU can be obtained through the District Attorney's office.

SWOSU disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct, are detailed in the *Student Handbook* (click here). The *Handbook* provides, in part, that the accused and the victim will each be allowed to choose one person who has had no formal legal training to accompany them throughout the hearing. Both the victim and accused will be informed of the outcome of the hearing. If alleged victim is deceased because of such crime or offense, the next of kin of the victim shall be treated as the alleged victim for purposes of disclosure under this policy. A student found guilty of violating the SWOSU sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from the University for the First Offense. Student victims have the option to change their academic and/or on-campus living situations after an alleged sexual assault if such changes are available.

- The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding.
- Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding that is brought alleging a sex offense. Compliance with this paragraph does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA). For this paragraph, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.
- Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape or other forcible or no forcible sex offenses; expulsion- temporarily or indefinite.

SWOSU prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined in the "Definitions" section on Page 36. SWOSU further prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined under Oklahoma law.

WHAT TO DO IF YOU ARE A VICTIM OF SEXUAL VIOLENCE

- If you are not safe and need immediate help, call the police at 911.
- Go to a safe location as soon as you are able.
- If the incident happened on the Sayre campus, call the SWOSU Campus Police at (580) 928-5533 ext. 2172. If the incident occurred elsewhere in Sayre, call the Sayre Police Department at (580) 928-5527.
- If the incident happened on the Sayre campus, call the SWOSU Campus Police at (580) 928-5527. If the incident occurred elsewhere in Sayre, call the Sayre Police Department at (580) 928-2122.
- If the incident happened anywhere else, call the law enforcement agency that has authority in the location where it occurred.
- Seek immediate medical attention if you are injured or believe you may have been exposed to an STI/STD or potential pregnancy.
- It is important to preserve physical evidence. Do not shower, bathe, douche, change or destroy clothes, eat, drink, smoke, chew gum, take any medications or straighten the room or place of the incident. Preserving evidence is critical for criminal prosecution. Although you may not want to prosecute immediately after the incident, that choice will not be available without credible evidence. The evidence collected can also be useful in the campus conduct process.

Anyone who feels victimized should contact the Dean of Students/Title IX Co-Coordinator or the Assistant Vice President for Human Resources/Title IX Deputy Officer. (Employees may also choose to notify law enforcement, the proper supervisory personnel, chairperson, and/or academic dean, who **must** notify the Office of Human Resources.)

COMPLAINT PROCEDURES

Anyone who feel victimized should contact the Dean of Students/Title IX Officer or the Assistant Vice President for Human Resources/Title IX Deputy Officer. (Employees may also choose to notify law enforcement, the proper supervisory personnel, chairperson, and/or academic dean, who must notify the Office of Human Resources.) A complaint should be filed as soon as possible, preferably within 180 calendar days of the incident.

If either the victim or the accused is a student, the incident will be addressed through the Student Conduct process once a complaint is filed.

Additionally, as stated above, SWOSU strongly encourages individuals to report any instance of sexual violence to the police.

INTERIM MEASURES

Interim measures are those services, accommodations, or other assistance that the University puts in place for victims after receiving notice of alleged sexual misconduct but before any final outcomes (investigatory, disciplinary, or remedial) have been determined. SWOSU wants students and employees to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue to access their educational opportunities. Common interim measures include, but are not limited to:

ASSISTANCE IN REPORTING*:* Student Conduct can assist you in filing a complaint withthe institution conduct process and the appropriate law enforcement agencies against the student(s) who caused harm.

NO CONTACT ORDER*:* Student Conduct can put in place a NoContact Order between the complainant and the respondent, which would prohibit contact between both parties through any means of communication, as well as not having others make contact on their behalf.

Emergency Protective Order*:* Student Conduct can assist you in filing for an Emergency Protective Order in court. This is a court- ordered petition that prohibits contact between the complainant and respondent.

SAFETY MEASURES*:* Student Conduct is obligated to coordinate any reasonable arrangements that are necessary for your ongoing safety. This includes transportation arrangements or providing an escort.

LIVING ARRANGEMENTS*:* Student Conduct can assist in changing your on-campus living arrangements or that of the accused to ensure safety and a comfortable livingsituation.

ACADEMIC ARRANGEMENTS*:* Student Conduct can assist in adjusting your academic schedule or that of the accused as well as assist in providing access to academic supportservices.

OTHER INTERIM MEASURES*:* Student Conduct can coordinate any reasonable arrangements to address the effects of the sexual violence on you, including connecting you with counseling, health care or academic support resources.

When Student Conduct becomes aware of a student who potentially could have been a victim of sexual violence, they will contact the victim in writing through SWOSU email to share these interim measures, reporting options and other resources available. This will be done no matter the location of the incident.

INVESTIGATION PROCEDURE

The following procedure will be initiated once the university is aware of an alleged conduct violation:

- Interim measures will be implemented as needed.

- The Title IX officer will inform the Respondent of the allegations made against them. The Title IX Officer will assign Process Advisors.
- The Process Advisors will invite the Complainant and Respondent to explain the investigation process and campus policies.
- The Title IX officer will begin an investigation.
- The Investigator will interview the parties and witnesses and collect evidence.
- A Title IX Conduct report will be written and shall include a review of the relevant evidence, determination of responsibility, and any recommended sanctions.
- The Title IX Team will convene to review the Title IX report and evaluate the recommended findings and sanctions of the Title IX Report. The Title IX team may request supplemental information to assist with determining the outcome of the investigation.
- The Investigator will concurrently inform the Complainant and Respondent of the investigation findings and any sanctions, as needed. The Complainant and Respondent will also be informed of appeal procedures.
- Appeal procedures will begin, if initiated.

APPEALS REQUEST

The decision of the Investigator in Non-Academic Misconduct investigations shall be final and not appealable except in cases of suspension, expulsion or degree revocation which may be appealed to a Committee on student conduct.

Appeals will be granted only under the following circumstances:

- A procedural or substantive error occurred in either the investigative or adjudicatory process that significantly impacted the outcome of the Hearing (e.g., substantial bias, material deviation from established procedures, the findings and decision are contrary to the great weight of the evidence, etc.); or
- The sanctions imposed are disproportionate to the severity of the violation found.

APPEALS PROCESS

To initiate an appeal, a student must make the request. The request and reason for appeal shall be submitted to the Investigator in writing, or delivered via facsimile or email, and include the date of submission. The appeal request must be delivered to the Investigator within 3 days after the disciplinary decision was sent by the university.

The Investigator will provide the student appeal request and the corresponding report to the Vice President for Student Affairs and all members of the Appeals Committee at least 5 days prior to the appeal Hearing. Within thirty (30) days of a request, a Hearing will be scheduled unless unanticipated circumstances prevent this.

If the student appeals a decision of suspension, expulsion, degree revocation, or rescission of credit, the decision will not become effective until after a Hearing before the Committee unless a temporary suspension remains in place in accordance with the policies herein.

NON-ACADEMIC MISCONDUCT APPEALS

The decision of the conduct officer in Non-Academic Misconduct investigations shall be final and not appealable except in cases of suspension, expulsion, or degree revocation which may be appealed to a committee on student conduct.

Appeals will be granted only under the following circumstances:

- A procedural or substantive error occurred in either the investigative or adjudicatory process that significantly impacted the outcome (e.g., substantial bias, material deviation from established procedures, the findings and decision are contrary to the great weight of the evidence, etc.); or
- The sanctions imposed are disproportionate to the severity of the violation found.

NON-ACADEMIC MISCONDUCT HEARING APPEALS COMMITTEE

The Appeals Committee will have no less than three members. The Committee will include the Vice President of Student Affairs as the Committee Chair. Two other members may include any number of other administrators, faculty, and staff, and may include no more than one student. The chair of the Committee will present the investigation report to other committee members. The committee will determine whether or not it determined by the Conduct Officer are reasonable. The committee hearing will result in one of two outcomes:

- The Conduct Officer's determination is affirmed; or
- The Conduct Officer's determination is modified or reversed.

The committee's decision shall be final.

HEARING ADVISOR

During the Hearing, an advisor of the student's choice may accompany a Complainant and Respondent so long as the availability of the advisor does not hamper the timeliness of the Hearing. The student may choose to have an attorney serve as advisor; however, the advisor does not represent the student in a student conduct Hearing and the student will always be expected to speak for him or herself.

A Hearing Advisor may accompany the Committee. The Hearing Advisor will not question witnesses or evaluate evidence. The Hearing Advisor shall be responsible for the effective implementation of policies and procedures throughout the Hearing.

APPEAL HEARING PROCEDURE

No more than thirty (30) days following the request of an appeal, the Committee shall convene for an appeal hearing. All hearings are closed, and information presented in them, and all supporting documents are confidential.

No request for new witnesses and/or evidence may be presented at the Hearing unless the Chair receives notification and approves the request at least 5 days prior to the scheduled Hearing. During the Hearing, the student can offer information on their own behalf and to review all information, statements, or evidence presented.

This Hearing will have the following procedure:

- The Chair will explain to the appealing student their rights under the terms and conditions of the Hearing rules and regulations. The Chair will then read a statement explaining the allegations made as well as the misconduct violation and its definition. The Chair will then read the Preponderance of Evidence definition used when determining outcomes of misconduct.
- The Chair will then explain the Hearing procedure.
- The Investigator will describe the evidence collected, the rationale used to make their determination, and the rationale used when determining the sanctions assigned.
- The appealing student will then have an opportunity to ask questions of the Investigator and their investigation process.
- The Committee may ask questions of the Investigator and the appealing student.
- The appealing student will then describe their reason for appeal. The appellant may then question any witnesses. The Committee will have an opportunity to question witnesses presented by the appellant.

- The Committee may then ask any questions of the Investigator and the appealing student.
- Witnesses and other students involved during the conduct investigation may then be called and questioned by the Committee. The appellant will have an opportunity to question witnesses presented by the Committee.
- After the chair has determined that all necessary information has been presented and questions answered, the Committee will go into closed session and all other persons will be excused. The chair may reconvene the Hearing if the Committee decides that essential information has not been presented. The Committee will determine whether it believes the accused student is responsible for a violation of the regulations and, if so, whether the penalties determined by the Investigator are reasonable. The Committee Hearing will result in one of two outcomes: 1) that the Investigator's determination is affirmed; or 2) that the Investigator's determination is modified or reversed.

The Committee's decision shall be final unless, within 3 days following the entry thereof, the student lodges an appeal with the president of the university. Appeals with the president shall relate to procedural matters only.

EDUCATIONAL PROGRAMMING

SWOSU prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined in the "Definitions" section on Page 34.

Educational materials related to sexual misconduct will be disseminated to each incoming student during Orientation, as well as those students currently enrolled on the campus. Orientation of all new students will include a component related to sexual assault and its prevention. SWOSU contracts with EVERFI to provide annual Title IX training to students and employees. Programming to promote the awareness and prevention of sexual misconduct will continue to be offered in the residence halls as well as other locations accessible to the greater student body and to personnel. Additional information is available in the offices of the SWOSU Campus Police, Dean of Students and Human Resources.

HEALTH SERVICES

Medical treatment is available through local physicians or at the Weatherford Regional Hospital, where evidence may be collected to preserve the option of prosecution, if the victim so chooses. Students are encouraged to see the University Nurse, who will make an appropriate referral to area physicians, Red Rock West Behavioral Health Services, or Custer County Health Department.

Note: Victims may request an examination by a Sexual Assault Nurse Examiner (SANE), if one is available, at the hospital or other medical treatment facility. A SANE is a registered nurse who has received special training so that s/he can provide comprehensive care to sexual assault victims. In addition, s/he can conduct a forensic exam and may provide expert testimony if a case goes to trial. Receiving a SANE exam does not commit the victim to a full prosecution but will preserve any potential evidence if it is decided to prosecute later.

COUNSELING SERVICES

The Student Counseling Services office will provide initial counseling and referral to those students requesting assistance. SWOSU also offers a campus-based Employee Assistance Program through Counseling Services. The services are available for SWOSU employees and their dependents.

ON AND OFF CAMPUS RESOURCES

Sexual violence can be very emotionally disruptive, and it takes time to come to terms with such a major stress. In addition to support that may be found in family and friends, the following agencies and departments can serve as resources for you.

It is important to be aware that different individuals who you may contact for assistance following an incident may have different responsibilities regarding confidentiality, depending on their position. Under state law, individuals can assure the victim of confidentiality, including counselors and certified victims' advocates. In general, however, any other institution employee cannot guarantee complete confidentiality, unless specifically provided by law. As is the case with all colleges and

universities, Southwestern Oklahoma State University must balance the needs of the individual victim with an obligation to protect the safety and well-being of the community at large.

It is important to have a thorough medical examination after a sexual assault even if you do not have any apparent physical injuries. Medical providers can treat any injuries and provide tests for sexually transmitted diseases.

Victim Advocate -Confidential Reporting Option, the Victim Advocate can confidentially provide students with information about on and off campus resources available to victims.

COUNSELING RESOURCES

SWOSU Health Services-Counseling- Location: Wellness Center (580) 774-3776, Monday through Friday 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. while class is in session.

Red Rock Behavioral Health Services (580) 323-5635

Immigration
Citizenship & Immigration Services for Visa and immigration assistance
(800) 375-5283, website
SWOSU International Program (580) 774-6172

Legal Aid Services of Oklahoma
Civil assistance (888) 534-5243
Criminal assistance website
Oklahoma Bar Association website

MEDICAL SERVICES

SWOSU Health Services (on-campus)
Hours: 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Monday through Friday while class is in session Location: Wellness Center (580) 774-3776
Weatherford Regional Hospital-3701 East Main-(580) 772-5551
Elk City Hospital-1801 W 3rd St.-Elk City-(580)225-2511

DISCIPLINARY PROCEEDINGS

Anyone can report any instances of sexual harassment and sexual violence, as well as other crimes or violations of the Student Code of Conduct, to the Dean of Students or at (580) 774- 3767. A complaint should be filed as soon as possible, preferably within 180 calendar days of the incident.

If either the victim or the accused are students, the incident will be addressed through the Student Conduct Process once a complaint is filed.

SWOSU strongly encourages individuals to report any instance of sexual harassment and sexual violence to the police.

MISSING STUDENT NOTIFICATION

In accordance with Section 485 of the Higher Education Act, 20 U.S.C. § 1092(j), SWOSU has developed this investigation and notification policy regarding students who reside in campus housing and have been reported as missing but may be implemented to aid other students on a case-by-case basis.

- SWOSU encourages all SWOSU students to use the option to register a confidential contact person they want to be notified in the case the student is reported missing for 24 hours.
- This information will be kept confidential and reported only to law enforcement and offices mentioned above.

- Students may register their contacts with the Director of Housing office or the Dean of Students office. If a SWOSU student is not registered, and has been reported missing for 24 hours, the SWOSU Campus Police will still be notified.
- IF A SWOSU STUDENT IS UNDER 18 YEARS OLD, IS NOT EMANCIPATED, AND IS MISSING FOR 24 HOURS, THE PARENT OR LEGAL GUARDIAN MUST BE NOTIFIED. ANY REPORTED MISSING SWOSU STUDENT FOR 24 HOURS WOULD ALSO BE REPORTED TO THE SWOSU CAMPUS POLICE.
- SWOSU will follow specific procedures when there is a reported SWOSU student missing for 24 hours, including but not limited to, contacting the confidential person or persons registered, housing director or his designate to check dorm room if applicable, dean of students and the VP of Student Affairs to check with faculty to determine if student has been attending classes. SWOSU Campus Police will also notify local police departments and any other police agency deemed necessary after the student is missing for 24 hours.
- If the missing student is under the age of eighteen and is not an emancipated individual, SWOSU Campus Police will notify the student's parent or legal guardian immediately after the investigation has determined that the student has been missing for 24 hours.
- SWOSU encourages anyone who knows or believes a student may be missing to report this to the SWOSU Campus Police, or other persons listed above, immediately.
- If another office receives, the first report of a presumed missing student the SWOSU Campus Police shall be notified.

This requirement does not preclude implementing these procedures in less than 24 hours if circumstances warrant a faster implementation.

CONTACT INFORMATION

Any SWOSU student presumed missing for 24 hours, shall be reported to the SWOSU Campus Police Chief and presumed missing. The Chief will contact other parties as listed below.

SWOSU Campus Security	(580) 928-5533
SWOSU Title IX Coordinator	(580) 774-3108
SWOSU Dean of Students	(580) 928-5533 x 2107

VICTIM SERVICES	
Custer County	(580) 323-3232
ACTION Associates	(580) 323-2604
Adult Protective Services	(580) 928-3330
SAFE LINE/Crisis Hotline	(800) 522-7233
Beckham County DHS	(580) 928-4000

ANNUAL FIRE SAFETY REPORT

No residential facilities on SWOSU Sayre Campus.

POLICIES FOR FIRE SAFETY EDUCATION AND TRAINING PROGRAMS FOR FACULTY/STAFF/STUDENTS

Fire safety education programs for all students living in on-campus student housing and all faculty and staff that have any association with on-campus student housing are held at the beginning of each semester. These programs are designed to familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information on the college's fire safety policies. Everyone is also provided with maps of each on-campus student housing facility that illustrate evacuation routes and fire alarm equipment locations. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with disabilities are given the option to have a "buddy" assigned to them.

Local fire authorities as well as the director of Student Housing who is experienced in fire safety matters teach fire safety education and training programs. The information provided during the fire safety programs is also available online at any time.

A list of Titles/Persons to which individuals should report when a fire has occurred, or if you find evidence of such a fire or if you hear about such a fire, please contact one of the following:

SWOSU Campus Security	(580) 928-5533
President	(580) 774-3766
Vice President for Administration and Finance	(580) 774-3000
Vice President for Academic Affairs	(580) 774-3771
Vice President for Student Affairs	(580) 774-7172
Human Resource Department	(580) 774-3275
Dean of Sayre	(580) 928-5533 x 2107

There are no plans for future improvements in Fire Safety currently.

APPENDIX A

Definitions under Oklahoma law:

Dating violence is not defined in Oklahoma; however, violence against a person with whom the perpetrator is in a dating relationship is considered domestic violence, defined below. A ***dating relationship*** is defined as a courtship or engagement relationship. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship. 22 Okla. Stat. § 60.1.

Domestic violence is not defined in Oklahoma law. However, the criminal definition of ***domestic abuse*** is defined as: Any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse. 21 Okla. Stat. § 644.

Sexual assault:

- rape, or rape by instrumentation, as defined in Sections 1111, 1111.1 and 1114 of this title, or
- forcible sodomy, as defined in Section 888 of this title. 21 Okla. Stat. § 142.20.

Rape (as used in the definition for "sexual assault)":

- Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:
    - Where the victim is under sixteen (16) years of age.
    - Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent.
    - Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.
    - Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privacy of the accused as a means of forcing the victim to submit.
    - Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused.
    - Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape.
    - Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim; or
    - Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen
    - (18) Years of age or older and is an employee of the same school system.
    - Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person. 21 Okla. Stat. § 1111

- Rape by instrumentation (as used in the definition of "sexual assault"):
    - Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is at least sixteen years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of the same school system, or where the victim is under the legal custody or supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, consent shall not be an element of the crime. Except for persons sentenced to life or life without parole, any personsentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post- imprisonment supervision shall be in addition to the actual imprisonment. 21 Okla. Stat. § 1111.1.

Forcible sodomy (as used in the definition of "sexual assault"):

- Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a period of not more than twenty (20) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this section, where the victim of the third or subsequent offense is a person under sixteen (16) Years of age shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, a violation of Section 1123 of this title or sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of said offenses, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.
    - The crime of forcible sodomy shall include:
        - Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age; or
        - Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime;or
        - Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state; or Sodomy committed upon a person who is at least sixteen (16) years of age but less than twenty (20) years of age and is a student of any public or private

secondary school, junior high or high school, or public vocational school, with a person who is eighteen (18) years of age or older and is employed by the same school system. 21 Okla. Stat. § 888.

Stalking:

- Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:
    - Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and
    - Actually, causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested, upon conviction, shall be guilty of the crime of stalking, which is a misdemeanor punishable by imprisonment in a county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment

For purposes of this section:

- "Harasses," means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated, or continuing unconsented contact, which would cause a reasonable person to suffer emotional distress, and that actually causes emotional distress to the victim. Harassment shall include harassing or obscene phone calls as prohibited by Section 1172 of this title and conduct prohibited by Section 850 of this title. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

- "Course of conduct" means a pattern of conduct composed of a series of two (2) or more separate acts over a period, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

- "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling.

- "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:
    - following or appearing within the sight of that individual,
    - approaching or confronting that individual in a public place or on private property,
    - appearing at the workplace or residence of that individual,
    - entering onto or remaining on property owned, leased, or occupied by that individual,
    - contacting that individual by telephone,
    - sending mail or electronic communications to that individual, and
    - placing an object on, or delivering an object to, property owned, leased, or occupied by that individual; and
        - "Member of the immediate family," for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months. 21 Okla. Stat. § 1173.