

SEXUAL AND OTHER PROHIBITED HARASSMENT

Policy

Oral Roberts University (ORU) is committed to providing an environment in which its employees and students are treated with courtesy, respect and dignity. Harassment on the basis of race, color, national origin, disability, sex, age, genetic information, or any other protected status under federal, state or local law applicable to the university is a violation of this policy. ORU does not discriminate on the basis of sex in its education programs and activities. In addition, sexual harassment and gender based discrimination are prohibited by Title IX. Sexual or other prohibited harassment may involve unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct or communications by a faculty member, administrator, staff, contractor or fellow student. Sexual violence is also form of sex harassment prohibited by ORU and Title IX. Inquiries regarding Title IX can be referred to ORU's Title IX Coordinator or the Office of Civil Rights, Department of Education.

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

Applications

This policy is applicable to all students, administrators, faculty, staff and contractors of ORU. These individuals are responsible for immediately reporting any knowledge or information concerning harassment to the appropriate ORU official identified below. This policy shall be published on the ORU website; included in student, faculty and staff handbooks; and published in such other forms/manners as may be deemed appropriate.

Definitions

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

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

1. Submission to or rejection of such conduct is made explicitly or implicitly a term or condition of an individual's employment, or educational opportunity whether those

programs take place in university facilities, on a bus, at a class or training program or a school-sponsored trip.

2. Acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or when an individual may be unable to give consent due to an intellectual or other disability.
3. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual, or determining academic performance, evaluation, grades, advancement or continuation as a student
4. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment

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

An amorous relationship between any faculty or administrator and any student for whom he or she has a professional responsibility is inappropriate. In a relationship between any faculty or administrator and a student for whom there is no current professional responsibility, there should be sensitivity to the constant possibility that he or she may unexpectedly be placed in a position of responsibility for the student's instruction or evaluation.

Complaint Procedures

Employees should report the incident to their supervisor as soon as possible. In the event a supervisor is notified, the supervisor should then notify the Director of Human Resources. If the supervisor is the source of the alleged harassment, the employee should report the problem to the Director of Human Resources and/or the supervisor's superior. All reports of sexual harassment and violence should be reported to the Director of Human Resources, who serves as ORU's Title IX Coordinator.

In the event a student is subject to harassment, sexual violence or has knowledge or information concerning its occurrence, it is his/her responsibility to report the matter to the appropriate dean. Undergraduate students should report to the Dean of Men or Dean of Women. Graduate students should report to the dean of their graduate school. It is the respective dean's responsibility to immediately inform the Director of Human Resources of any such complaints. In the event a report to the applicable dean is not practical, the student is requested to report the matter directly to the Director of Human Resources. Should the complaint allege harassment of a student by a staff or faculty member, the Dean receiving the complaint should immediately contact the Director of Human Resources. All reports of sexual harassment and violence should be reported to the Director of Human Resources, who serves as ORU's Title IX Coordinator.

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Initially, the reporting party will be requested to complete a Complaint Form, identifying the parties involved, the conduct complained of, and other pertinent information. After receipt of the Complaint Form, the matter will be referred to the Director of Human Resources who serves as the Title IX Coordinator for a prompt, thorough and impartial investigation. The reporting party and other individuals who have knowledge or information concerning the subject of the complaint are expected to cooperate in the investigation. While ORU will endeavor to maintain the sensitive nature of any complaint, absolute confidentiality is not and cannot be guaranteed. Both parties involved in the investigation of a complaint will be afforded to present information, evidence and identify witnesses to be interviewed by ORU.

In the event the outcome of the investigation indicates conduct or communications in violation of this policy, ORU will institute remedial action to address the conduct and communication that are designed to prevent re-occurrence. To the extent appropriate, ORU will advise the parties of any remedial or disciplinary measures to be taken as a result of its investigation into the complaint. Any student adversely affected by these measures may, under certain circumstances, institute a formal grievance procedure.

The standard for determining whether conduct in violation of this policy occurred shall not be greater than the preponderance of the evidence standard – i.e. more likely than not that sexual harassment occurred, however, ORU may take disciplinary action based upon a lesser standard depending upon the facts and circumstances of the complaint.

Student, Faculty or Staff aggrieved by the outcome of the investigation, may appeal the decision through ORU's grievance procedure applicable to students, faculty and staff.

The investigative process generally takes sixty (60) days, however, the facts and circumstances of a particular complaint may vary the timetable. Upon completion of the investigation, the parties involved will receive notice of the outcome of the complaint. The parties have thirty (30) days following receipt of the notice to file any appeal.

No Retaliation

All faculty, staff and students of ORU have a responsibility to report inappropriate conduct occurring at ORU. No one who in submits a complaint in good faith or who, in good faith, cooperates in the investigation of a complaint shall suffer harassment, retaliation or adverse consequences because of these protected activities. Any individual who retaliates against another individual who has submitted a complaint or has cooperated in the investigation of a complaint is subject to disciplinary action up to or including termination or expulsion from the University.