



# 2020 ANNUAL SECURITY AND FIRE SAFETY REPORT

Prepared in Compliance with The Jeanne Clery Disclosure of  
Campus Security Policy and Campus Crime Statistics Act

**GOING SOMEWHERE  
STARTS HERE.**

ASFSR Revisions and Changes		
Date	Event	Reason
12 / 22 / 2020	ASFSR distributed	• Annual requirements

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### WELCOME FROM THE PRESIDENT

Dear Campus Community:

Welcome to Rose State College! As members of the College community, each of us assumes the obligation of compliance with all college policies and campus regulations. I am therefore pleased to announce the Rose State College Annual Security and Fire Safety Report 2020 is now available. This report is prepared by a comprehensive team representing various campus sectors: Human Resources, Student Conduct, Safety/Security and Risk Management, Residence Life, and the



Office of the Executive Vice President. Not only does this report comply with the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act, it is part of our continuing effort to inform you of the safety programs and services available and the steps you can take to maintain your safety and the security of others.

The safety and well-being of our students, faculty, staff, and visitors are of the utmost importance to Rose State College. The best protections against campus crime are: a strong law enforcement presence; an aware, informed, alert campus community; and a commitment to a proactive culture on preventing crime. The college invests substantial personnel and resources to keep the campus one of the safest in the region and to comply with all federal regulations and laws. While Rose State College works hard to provide a higher level of safety, the best defense against crimes and accidents is to be informed and educated on personal safety, be aware of your surroundings, and report suspicious activity to proper authorities. The principal focus of our work is education and with that we strive to ensure students, faculty, and staff educate themselves about personal safety and the safety of those around them.

I hope you will join me in keeping Rose State College a safe and welcoming campus.

A handwritten signature in black ink that reads "Jeanie Webb". The signature is fluid and cursive.

Dr. Jeanie Webb

President

## INTRODUCTION



This report was prepared by Rose State College in compliance with the **Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act**, as amended by the Higher Education Opportunity Act, and the initiatives identified by the Oklahoma Campus Life and Safety and Security (CLASS) Task Force. This report includes statistics for the previous three calendar years concerning reported crimes that occurred on-campus; in on-campus student housing facilities; in certain off-campus buildings or property owned or controlled by Rose State College; and on public property within, or immediately adjacent to and accessible from the Campus. The report also includes institutional policies on-campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, missing persons and other matters.

Campus crime, arrest, and referral statistics include those incidents reported to the Midwest City Police Department, designated campus security officials as defined under the Act, and other local law enforcement agencies. Each year, an email notification is sent to all enrolled students, faculty, and staff, providing information on how to access the Annual Security Report online. Copies of this report may also be obtained from the Rose State College Susan Loveless Center, Room 109, and the Office



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**Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act:** A federal statute requiring all colleges and universities participating in federal student aid programs to publish an annual security report that accurately discloses campus crime statistics and security information.

of Administrative Services, 6420 S.E. 15th Street, Midwest City, Oklahoma.

The policies and procedures identified in this document have been developed to ensure the safety and security of students, faculty, staff and visitors to the campus. The commitment of Rose State College to the most fundamental principles of academic freedom, equality of opportunity, and human dignity requires that decisions involving students and employees be based on individual merit and be free from discrimination in all its forms.

Rose State College prohibits discrimination or harassment against any person on the basis of race, color, sex, age, national origin, religion, disability, genetic information, sexual orientation, or status as a veteran in any of its policies, practices or procedures. Rose State College will comply with all federal and state nondiscrimination, equal opportunity and affirmative action laws, orders and regulations. This nondiscrimination policy applies to, but is not limited to: admissions, employment, financial aid, and education programs, activities or services.

College complaint and grievance procedures provide employees and students with the means to resolve complaints alleging discrimination. Members of the public should direct their inquiries or complaints to Rose State College's Associate Vice President of Human Resources/AAO, Administration Building, Room 104, 6420 SE 15 St, Midwest City, OK 73110; telephone (405) 733-7979. (See College's Policies and Procedures Manual, Thirty-Ninth Revision, Chapter-III, Section 1-2. Equal Employment Opportunity Statement.)

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***“Rose State College prohibits discrimination or harassment against any person on the basis of race, color, sex, age, national origin, religion, disability, genetic information, sexual orientation, or status as a veteran in any of its policies, practices, or procedures.”***



### REPORTING A CRIME OR EMERGENCY

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Community members, students, faculty, staff and visitors are encouraged to accurately and promptly report all crimes and public safety-related incidents to the Rose State College security staff, Midwest City Police or Campus Security Authorities.

For general information, contact the Campus Security Office at 733-7313 or the Rose State College Security Coordinator at 736-0213 for non-emergencies.

Regarding emergencies, dial 911 or use the emergency telephones located in campus parking lots and campus buildings. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or in the campus mall areas should be reported to security or police. Crimes should be reported to the Campus Security Office for the purpose of issuing timely warning reports to the community and for inclusion in the annual disclosure report.

#### Emergency Response

In response to a call of a reported crime or emergency, Midwest City Police will dispatch an officer to investigate the incident. Incidents reported to the Campus Security Office that are criminal in nature are forwarded to the Midwest City Police Department for investigation. College incident reports and information obtained during investigations may also be forwarded to the Office of the Coordinator of Safety, Security and Risk Management for review and referral for potential action, as appropriate. If assistance is required from the local police or fire departments, Campus Security will contact the appropriate department. If a sexual offense should occur, staff on the scene, including Midwest City Police, will offer the victim a wide variety of services.

### ANNUAL DISCLOSURE OF CRIME STATISTICS

As required by federal law, Rose State College's yearly crime statistics are compiled on a calendar-year basis in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system. The report includes statistics for the previous three years concerning crimes that occurred on-campus and were reported to designated campus officials. Additionally, these statistics include individuals referred for campus disciplinary action for categories required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, including Violence Against Women Act (VAWA) and liquor and drug law violations and illegal weapons possession.

Statistical information for certain off-campus locations or property owned or controlled by the College, as well as public property within or immediately adjacent to and accessible from campus if they fall within the geographic designations of the Clery Act, are collected or requested from the Midwest City Police Department and Oklahoma County Sherriff's Department. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year in which the crime was reported.

Information on what constitutes Campus Property, On-campus Student Housing, Non-Campus Property, and Public Property can be found on page 7. A map of the property owned or controlled by Rose State College subject to Clery Act reporting can be located at the end of this report, in Appendix B.

The following crime statistics tables are reflective of the requirements mandated by federal law for compiling this report, which became effective July 1, 2000.

#### Daily Crime Log

A daily crime log is available for public review by contacting the office of Safety, Security, and Risk Management at (405) 736-0213 or the security office at (405) 733-7313. This log lists all criminal offenses (not necessarily limited to Clery Act crimes) that occurred within the campus Clery Geography.

#### Privacy

The daily crime log and the crime statistics shall have all personally identifiable information removed. This is to ensure the privacy of the individuals involved.

## 2020 ANNUAL SECURITY AND FIRE SAFETY REPORT

### Rose State College Annual Crime Statistics

This table covers calendar years 2017-2019. A map of the College's Clery Geography can be found in Appendix B.

Note that events counted in "On-campus Student Housing" are also counted in the total for "Campus Property Total". That is, if you have one (1) crime of Robbery in On-campus Student Housing, there will be at a minimum of one (1) crime of Robbery under "Campus Property". If two (2) additional crimes of Robbery occurred elsewhere on-campus (such as the Learning Resource Center), then there would be three (3) total crimes of Robbery under Campus Property for that year.

This information may also be accessed from the U.S. Department of Education website at the following URL: <http://ope.ed.gov/security/>

Offences	Campus Property Total			On-campus Student Housing Facilities			Non-Campus Property			Public Property		
	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017
Murder / Non-Negligent Homicide	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	1	0	0	1	0	0	0	0	0	0
Fondling	0	1	1	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	2	0	0	0	0	0	0	0	0	0
Burglary	1	0	4	1	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	0	0	0	0
Arson	0	0	1	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>												
Domestic Violence	1	0	1	0	0	1	0	0	0	0	0	0
Dating Violence	1	0	1	0	0	1	0	0	0	0	0	0
Stalking	2	6	0	0	0	0	0	0	0	0	0	0
<b>DISCIPLINARY ACTIONS / JUDICIAL REFERRALS</b>												
Weapons (Possession, etc)	Arrests:	0	0	0	0	0	0	0	0	0	0	0
	Disciplinary Ref:	1	0	1	0	0	1	0	0	0	0	0
Drug Abuse Violations	Arrests:	0	1	1	0	0	1	0	0	0	0	0
	Disciplinary Ref:	3	0	8	3	0	8	0	0	0	0	0
Liquor Law Violations	Arrests:	0	0	0	0	0	0	0	0	0	0	0
	Disciplinary Ref:	29	36	8	29	36	8	0	0	0	0	0

### Hate Crime Reports

There were no reported hate crimes for the years 2017, 2018, or 2019.

## CLERY ACT REPORTING DESCRIPTIONS

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) is the landmark federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crime on and around their campuses. The law is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Act is enforced by the United States Department of Education.



The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery. Subsequent amendments in 2000 and 2008 added provisions dealing with registered sex offender notification and campus emergency response. The 2008 amendments also added a provision to protect crime victims, "whistleblowers", and others from retaliation.

For purposes of reporting statistics, Rose State College must distinguish criminal offenses according to where they occur. Geographic locations are defined as follows:

**On-Campus:** (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or retail vendor).

**On-Campus Student Housing Facility:** Any student housing 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 reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

**Non-Campus Building or Property:** (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** All public property including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from Campus.

**Hate crimes** are crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, religion, sexual orientation, gender, ethnicity, or disability. Additional categories for reporting hate crime data include larceny, simple assault, intimidation, and destruction, damage, or vandalism of property.

Individuals in violation of campus policies regarding liquor law violations, drug law violations, or illegal weapons possession, who are not arrested, may be referred for campus disciplinary action. A referral for campus disciplinary action for violation of Rose State College policies regarding alcohol, drugs, or weapons does not necessarily mean that a violation of law has occurred. Referrals that were the result of arrest or citation are reflected elsewhere in the chart. Data reported by the number of individuals referred for campus disciplinary action are from the Director of Service Learning and Student Conduct.

### Classifying Crime Statistics

The statistics listed in the Rose State College Annual Crime Statistics chart on page 6 is published in accordance with the standards and guidelines used by the Federal Bureau of Investigation **Uniform Crime Reporting** Handbook and the Clery Act. The number of victims involved in a particular incident is indicated for the following crime classifications: murder/non-negligent manslaughter, negligent manslaughter, forcible and non-forcible sex offenses, and aggravated assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart.

The number of incidents involving a particular offense is indicated for the following crime categories (includes one offense per distinct operation): robbery, burglary, larceny, and arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart.

In cases of motor vehicle theft, each vehicle stolen is counted as a single crime.

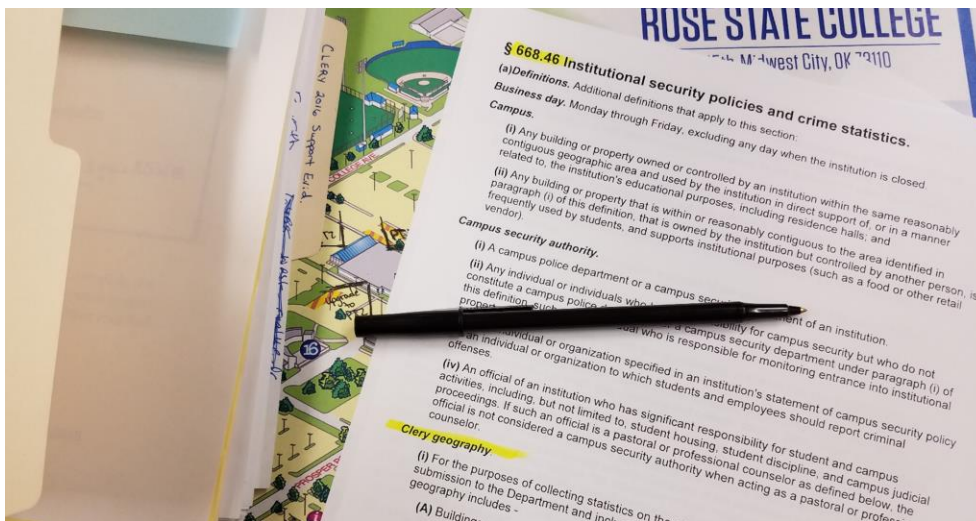
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#### Uniform Crime Reporting

**(UCR):** A nationwide, cooperative statistical effort of nearly 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies voluntarily reporting data on crimes brought to their attention.

In cases involving liquor law, drug law, and illegal weapons violations, each person who was arrested is indicated in the arrest statistics. If an arrest includes offenses for multiple liquor or drug law violations, it is only counted as a drug law violation since it is the more egregious offense.

The statistics captured under the “Referred for Disciplinary Action” section for liquor law, drug law, and illegal weapons violations indicate the number of people who are referred to the judicial system and in which the Director of Service Learning and Student Conduct found person(s) responsible for violating those specific laws. Being found responsible includes a referral that resulted in disciplinary action being initiated by the judicial system and a record of the action being kept on file.



Statistics for hate crimes are counted in each specific Clery reportable crime category and therefore are part of the overall statistics reported for each year. The only exception to this is the addition of a bias-motivated simple assault resulting in bodily injury; the law requires that this statistic be reported as a hate crime even though there is no requirement to report the crime in any other area of the compliance document.

### CLERY ACT CRIMINAL OFFENSE DEFINITIONS

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The following provides a description of Clery Act reportable offense crime definitions, which are taken from the FBI Uniform Crime Reporting Handbook. Sex offenses are defined per the FBI National Incident-Based Reporting System Handbook.

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

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Forcible Sex Offenses:** 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 the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity or because of his/her youth.

**Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly 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.

**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 of 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 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 Sex Offenses:** Unlawful, non-forcible sexual intercourse.

**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.

**Domestic Violence:** Violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant or person protected under the domestic or family violence law.

**Dating Violence:** Violence by a person who has been in a romantic or intimate relationship with the victim.

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

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Robbery:** The taking or attempted taking of anything of value under confrontational circumstances from another person by force or threat of force or violence.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding.)

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

**Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)



**Drug Abuse Violations:** Violations of state and local laws 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).

**Illegal Weapons Law Possession:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

### Hate Crime Definitions

**Larceny/theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**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.

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

**Destruction/damage/vandalism of property (except "arson"):** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

CAMPUS HOUSING MISSING STUDENT POLICY AND PROCEDURE

Rose State College

Campus Housing Missing Student Policy & Procedure

This Policy established a frame work for locating and assisting residential students who are reported missing. A student shall be deemed missing when he or she is absent from College housing for more than 24 hours without any known reason. All reports of missing students shall be directed to RSC Campus Security who shall investigate each report and make a determination whether the student is missing in accordance with this policy. All students shall have the opportunity to identify an individual to be notified by the college in case a student is determined to be missing. If a missing student is under 18 years of age, The Director of Residence Life is required to notify the parent of guardian of the missing student not later than 24 hours after the determination by Campus Security that the student is missing. The Director of Residence Life will also notify the Midwest City Police Department and Oklahoma County Sheriff’s Office not later than 24 hours after it determines that the student is missing. The Director of Residence Life shall have the responsibility to make provisions of this policy and the procedures set forth below available to all residential housing students.

Annually, all students living in student housing are offered the opportunity to identify a “registered” person of contact who will then be utilized as the person to be notified in the case of a missing student report. This registered contact will be the ONLY person notified in the case of a missing student report for all students 18 years of age or older. Parents or guardians will be the only option for contact for any student under the age of 18 who is NOT emancipated.

A student residing in Campus Housing may register an emergency contact(s) by contacting the Director of Residence Life at 405-733-7490 or via electronic mail at residencelife@rose.edu. Student contact information shall be kept confidential and maintained by the Office of Residence Life. This information may not be disclosed unless to law enforcement officers in furtherance of a missing persons investigation.

1. Any report of a missing student, from whatever source, should immediately be directed to Campus Security (405-733-7313) and the Coordinator of Safety, Security, and Risk Management (405-736-0213), who shall:
  - a) Initiate an investigation to determine the validity of the missing person report.
2. When notified by Campus Security that a valid missing student situation exists, the Director of Residence Life shall:
  - a) Contact the Safety and Risk Management Coordinator, Chief Conduct & Service Learning Officer, Senior Director of Student Life, and Vice President of Student Affairs.
  - b) Make a determination as to the status of the missing student
  - c) Notify the individual identified by the missing student as the emergency contact within 24 hours of making a determination that the student is missing.
  - d) If the missing student is under the age of 18, notify the student’s custodial parent or guardian as contained in college records within 24 hours of the determination that the student is missing.
  - e) Notify the Midwest City Police Department and Oklahoma County Sheriff’s Office within 24 hours after determine that the student is missing.

Student Name (printed): \_\_\_\_\_

If I am reported “missing” 24 hours or longer, please notify:

Registered contact person: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

Contact Address: \_\_\_\_\_

Student Signature: \_\_\_\_\_

### ANNUAL FIRE SAFETY REPORT

With housing at Rose State College, Rose State College is obligated under The Clery Act to provide students and community members with annual fire statistics as well as information on fire protection and prevention.

Housing at Rose State College, formally called *The Village @ Rose State*, has room for 180 students in apartment style rooms. These rooms are spread over three buildings, with a separate communal clubhouse that also houses the offices of the Residence Life staff.

Each building within The Village conducts two fire drills per year, once both in the spring and fall semesters. In 2019, these fire drills were successfully conducted on January 24<sup>th</sup> and August 26<sup>th</sup>.

#### Fire Statistics

Rose State College maintains a copy of a fire log. As there have been no fires in campus housing in 2017, 2018, or 2019, this log is currently empty. A copy of this log may be requested from the Security office located in SLC 109.

Annual Fire Incident Reports				
Total Fires Reported For:	2017, 2018, & 2019			
Residence Building	Number of Fires	Cause of Fire	Number of Injuries	Property Damage Amount
The Village@Rose State – Building A	0	N/A	0	\$0
The Village@Rose State – Building B	0	N/A	0	\$0
The Village@Rose State – Building C	0	N/A	0	\$0
The Village@Rose State – Clubhouse	0	N/A	0	\$0



### Fire Safety and Emergency Evacuations

In conjunction with the city of Midwest City Fire Inspection Division, Rose State College’s Coordinator of Safety, Security and Risk Management is responsible for all fire protection and prevention activities within the college. The Coordinator of Safety, Security and Risk Management is involved in plan review and inspections of every new and remodeled project that occurs on the Rose State campus. In addition, this office inspects every existing facility on-campus to eliminate any potential fire hazards and to ensure that the fire and life-safety systems located in those buildings are functioning properly. The Coordinator of Safety, Security and Risk Management is also responsible for the investigation of fires that occur on-campus to determine the origin and cause, again in conjunction with the city of Midwest City Fire Inspection Division. The Coordinator of Safety, Security and Risk Management also provides classes to educate college employees on how to use fire extinguishers, eliminate hazards, and what to do in case of a fire emergency. The Coordinator of Safety, Security and Risk Management also acts as a liaison between the college and the local fire department on any matters relevant to fire safety and preparedness on-campus. Persons can contact the Coordinator of Safety, Security and Risk Management for any general fire safety questions, perceived hazards or requests for services at 405-736-0213.

Specifications for On-Campus Housing Facility Fire Systems			
Residence Building	Fire Safety Control System	Location of Sprinklers	Alarm Types
The Village@Rose State – Building A	Hochiki-FireNet Reports to Monitoring Company	Common areas, lounges, stairwells, bedrooms	Heat and smoke activated. Pull station. Audio/Visual
The Village@Rose State – Building B	Hochiki-FireNet Reports to Monitoring Company	Common areas, lounges, stairwells, bedrooms	Heat and smoke activated. Pull station. Audio/Visual
The Village@Rose State – Building C	Hochiki-FireNet Reports to Monitoring Company	Common areas, lounges, stairwells, bedrooms	Heat and smoke activated. Pull station. Audio/Visual
The Village@Rose State – Clubhouse	Hochiki-FireNet Reports to Monitoring Company	Common areas, lounges, stairwells, bedrooms	Heat and smoke activated. Pull station. Audio/Visual

### Campus Fire Safety Month

Annually, during the month of September, the Coordinator of Safety, Security and Risk Management works in conjunction with the Director of Residence Life and Student Affairs and the Midwest City Fire Department to provide learning opportunities for faculty, staff and students. Individuals take part in a number of fire safety training programs all across campus, fire drills are conducted for all Residence Life facilities, and fire safety tips are sent via social media throughout the month.

### Mandatory Fire Drills

The Coordinator of Safety, Security and Risk Management and the Director of Residence Life coordinates, monitors and evaluates mandatory fire drills within the first two weeks of occupancy in each residence life facility.

### Residence Staff Training

Specialized training is provided at the beginning of the fall and spring semesters to instruct residence life staff on fire extinguisher usage, evacuation procedures, activating the fire alarm system, identifying fire and life safety hazards and tampering with fire safety equipment.

### Evacuation Procedures for Fires and Other Emergencies

Whenever the fire alarm sounds, all occupants in the residence life facilities must meet at the emergency evacuation safe location designated by the Director of Residence Life and Student Affairs. In the case of an actual fire or other emergency, you will be moved to a designated alternate shelter area until you are notified it is safe to return to your building and room. As you leave your room, close your door. Students who do not vacate the building during the sounding of the alarm will be subject to disciplinary action.

### Upon the sounding of the alarm

1. Move quickly and quietly to the exit for your area. In an orderly fashion, go to the designated waiting area for further instructions.
2. Wear a coat and shoes. Carry a towel in case of smoke. Keep these items easily accessible for emergency use. Bring along your keys and ID.
3. If you are away from your room when the alarm sounds, proceed to the nearest exit without returning to your room.

Do not use elevators during a fire emergency. Use stairways only.

### Fire Prevention Policies

If you use combustibles in decorating your room, such as fabrics, cardboard or similar materials, please ensure the items are flame-proof. Purchase only UL-listed or FM-approved material marked “flameproof” or “flame retardant”. The following items are deemed fire hazards by the Coordinator of Safety,

Security, & Risk Management and are strictly prohibited within all residence life facilities:

- Fireworks or explosives are prohibited.
- Unauthorized appliances, candles or incendiary devices are prohibited.
- Smoking, and the use of any tobacco products or simulated tobacco products and all vaping devices in the residence halls is prohibited.
- Incense burning is prohibited.
- Open flame devices such as lanterns, candles, potpourri pots or warmers using votives or canned fuel are strictly prohibited in the residence halls.

### Future Life Safety upgrades and improvements

The life safety equipment located at The Village is functioning as intended. As of December 10, 2020, there are no plans to upgrade the equipment currently located at The Village.

### Reporting Fires

All fires should be reported to the Midwest City Fire Department by dialing 911. It is important to remember that your safety comes first, therefore, only dial 911 once you have reached a safe and secure location.

Once 911 has been informed of the situation, contact the Coordinator of Safety, Security, and Risk Management at (405) 736-0213 or Campus Security (405) 733-7313.

### EMERGENCY NOTIFICATIONS AND TIMELY WARNINGS

#### Emergency Notification

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**Emergency Notification:** A notice sent to the college population when there is an immediate, imminent, or impending threat to the safety and health of students, visitors, or employees.

**Emergency Notifications** are issued whenever there is an immediate, impending, or imminent threat to the health or safety of Rose State College students, employees, or visitors.

Examples of an immediate, impending, or imminent threats could include, but are not limited to, the following:

- Tornadic activity in vicinity,
- An armed intruder on-campus,
- An outbreak of a serious illness, and
- Civil unrest or rioting.



The determination for issuing an emergency notification shall be made by the Executive Policy Group. The final decision authority for issuing an emergency notification is the campus President or designee as outlined in the Campus Emergency Response Plan. This decision will be made based off reports (both internal and external), current mitigations in place, and the potential impact on the safety and health of students, employees, or visitors.

Pre-scripted and approved emergency notifications have been developed. These messages have been loaded into the Raider Alert notification system, which will expedite delivery of the emergency notification.

If it is determined that an emergency notification is required, a notice will be immediately pushed through the following means:

- The Raider Alert notification system,
- Posting on the Rose State College website,
- Messages through social media, and
- A notice through the campus emergency phone system.

#### Timely Warnings

If an incident is determined not to be a situation that necessitates an Emergency Notification, the Coordinator of Safety, Security, and Risk Management shall make a determination if the incident requires a Timely Warning.

**Timely Warnings** are issued when an incident that occurred represents a serious or continuing threat to students, employees, or property. Timely warnings will include pertinent information about the crime that triggered the warning. However the information shared may be limited so as not to impede law

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**Timely Warning:** A notice sent to the college population when there is a serious or continuing threat to students, visitors, employees, or property.

enforcement efforts. Examples of serious or continuing threats could include, but are not limited to, the following:

- Trends of burglaries,
- multiple motor vehicle thefts,
- trend of aggravated assault incidents, and
- rapes that occur within Clery geography where the perpetrator has not been apprehended.

The Coordinator of Safety, Security, and Risk Management may consult with the campus VP of Marketing and Public Relations and the Midwest City Police Department when developing timely warning notifications. If the threat does not pose a risk to the entire college community, the timely warning will be addressed to those community members who are subject to risk. Timely warnings will be issued without delay.

The timely warning will be issued through the Raider Alert system. Depending on the nature and scope of the threat, notices may also be issued through the campus website and social media.

### Raider Alert: Notification via Cellular Phone and Email

All faculty, staff and students are encouraged to participate in the Rose State College Notification Program, formally referred to as **Raider Alert**. College email addresses and phone numbers are automatically enrolled in the Raider Alert program upon enrollment or employment with the College.

This enables notifications and warnings to be sent simultaneously in the following ways:

- Email notification,
- Text notification, and
- Voice call notification.

### Emergency Phone System

Rose State College has implemented an emergency telephone system that includes phones located in each classroom and in strategic locations around campus. These phones are clearly labeled with a high visibility orange sticker that states "For Emergency Use Only".

This system provides instantaneous communication with the Campus Security Office and is capable of providing emergency notification to individual classrooms, buildings or campus-wide announcements.

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**Raider Alert:** The emergency notification system adopted by the College. Once a person is subscribed, emergency notifications can be delivered by text, email, and voice call.

Employees and students can subscribe at URL: [www.getrave.com/login/rose](http://www.getrave.com/login/rose)

Visitors can subscribe by texting *RSCAlert* to 67283.



### Website and Social Media Notification

Rose State College shall issue emergency notifications via the College's web page. In addition, College authorities will update through the College Twitter (@RoseState) and Facebook accounts.

### Notifying the Surrounding Community

In the event that an emergency arises that may affect the surrounding vicinity, the Coordinator of Safety, Security, and Risk Management shall contact the Midwest City Emergency Manager, Midwest City Police Department, and/or Midwest City Fire Department. The purpose of this contact shall be to coordinate efforts to inform surrounding areas.

<b>Emergency Numbers</b>	
Emergency (Police, Fire, Ambulance) .....	911
Campus Security .....	405-733-7313
<b>Campus Assistance</b>	
Coordinator, Safety Security and Risk Management .....	405-736-0213
Campus Counselor .....	405-733-7373
Student Conduct .....	405-736-0355
Anonymous Crime Reporting .....	405-733-7516
Media Inquiries .....	405-733-7961
Threat Assessment and Behavioral Intervention Team .....	405-736-0355
<b>References / Referrals</b>	
Domestic Violence .....	405-949-1866
YWCA Crises Services .....	405-943-RAPE
YWCA Domestic Violence Hotline .....	405-917-9922
Reach Out Hotline .....	1-800-522-9054
Suicide Hotline .....	1-800-SUICIDE

## VOLUNTARY CONFIDENTIAL REPORTING

Rose State College encourages individuals who witness or have been a victim of a crime to immediately report the incident by calling 911 (or 9-911 from a College phone). For non-emergency incidents, contact 736-0213. Police reports in the state of Oklahoma are public records and Midwest City Police cannot hold reports of crime in confidence. Confidential reports for inclusion in the annual disclosure of crime statistics can be made to other campus authorities as identified below.

Additionally, the College encourages all professional counselors of the college to inform the individuals they counsel of the options available on-campus to voluntarily report crimes in a confidential manner. This includes utilizing the available Midwest City Police Officers located on-campus, the identified Rose State College Campus Security Authorities, or providing the individual with information to perform this reporting on their own time.

### Campus Security Authorities

**Campus Security Authorities (CSAs)** are defined by the Clery Act as campus officials who are responsible for relaying allegations of Clery Act crimes that are reported to them. Per the Clery Act, CSAs are designated from the following categories:

- Campus Security Department,
- Individuals who have a responsibility for campus security but do not constitute a campus police or security department,
- Individuals outlined in the campus security policy, and
- Any official who has significant responsibility for student and campus activities.

The Rose State College Coordinator of Safety, Security and Risk Management manages the CSA program. Documentation, to include reports, full CSA roster, and procedures, are located in the same office. An incomplete list of CSAs is included below. The policies and procedures surrounding the CSA program were last updated in March 4, 2019.

### PREFERRED CAMPUS SECURITY AUTHORITIES

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• <b>Vice President, Student Affairs</b><br/>405-736-0281, Office SSB 101</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Director, Residence Life</b><br/>405-736-0373, The Village Clubhouse Offices</li> </ul> |
| <ul style="list-style-type: none"> <li>• <b>Vice President, Academic Affairs</b><br/>405-736-0243, Office FA 100</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Coordinator, Safety &amp; Security</b><br/>405-736-0213, Office SLC 100</li> </ul>      |
| <ul style="list-style-type: none"> <li>• <b>AVP, Human Resources</b><br/>405-733-7933, Office ADM 104</li> </ul>            | <ul style="list-style-type: none"> <li>• <b>College Security Staff</b><br/>405-733-7313, Office SLC 109</li> </ul>                  |
| <ul style="list-style-type: none"> <li>• <b>Director, Student Engagement</b><br/>405-733-7371, Office SSB 107</li> </ul>    |   |

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**Campus Security Authority (CSA):** A Clery Act-specific term that encompasses four groups of individuals associated with an institution.

Further information regarding CSAs can be found in 34 CFR 668.46(a)

### CAMPUS LAW ENFORCEMENT AUTHORITY AND JURISDICTION

Security for Rose State College students, faculty, staff and visitors is provided by contract security forces and Midwest City Law Enforcement Officers. Each organization is responsible for specific areas of campus security and the organization's cooperation fully ensures College participants enjoy a safe and secure campus environment.

#### Contract Security Officers



Campus contract security officers are on duty 24-hours a day, 7 days a week, and are responsible for ensuring the daily security of campus facilities and grounds. Contract security officers are fully CLEET certified and provide parking and traffic control, building access, 24/7 monitoring of the campus

closed circuit security camera system and special security requests, such as security escort. Contract security officers do not have law enforcement authority, nor do they provide investigation of criminal activity on-campus.

#### Midwest City Police Officers

Rose State College employs MWCPD officers in a part-time status to provide full law enforcement services on-campus. MWCPD officers have full law enforcement authority as authorized by the State of Oklahoma and have authority to conduct investigations into criminal activity and egregious violations of College policy involving students, staff or faculty. Their jurisdiction includes all property owned or controlled by the College, as well as streets adjacent to and running through the campus. On September 24, 2019, Rose State College and MWCPD entered into a Memorandum of Understanding that memorializes the relationship that currently exists which is beneficial to both parties.



#### Interagency and Inter-local Coordination

Rose State College cooperates fully with the Midwest City Police Department, the Oklahoma County Sheriff's Department, the Oklahoma Highway Patrol and other state and federal law enforcement agencies. These agencies routinely exchange crime-related reports and statistics and conduct cooperative patrols, special events, investigations and special unit operations.

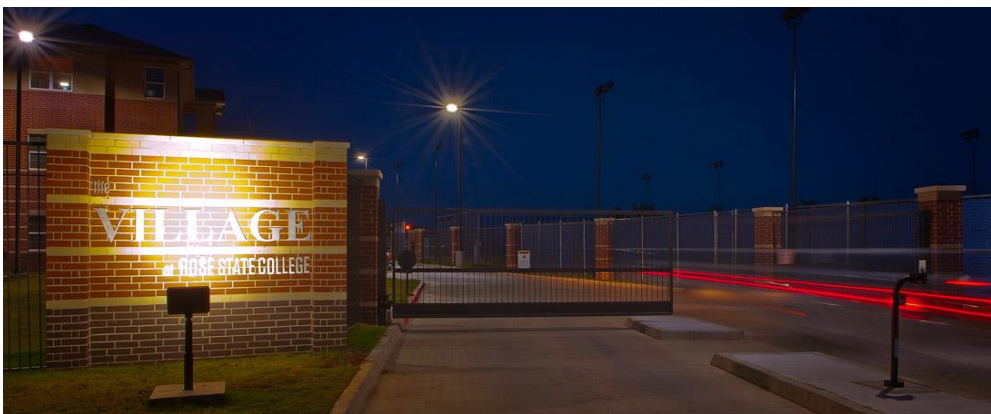
### Security and Access to Campus Facilities

Most campus buildings and facilities are accessible to members of the campus community, guests and visitors during normal business hours – Monday through Friday – and for limited designated hours on Saturday, Sunday and holidays. Facilities are maintained, and their security monitored, in the interest of campus security. Many cultural and athletic events held in College facilities, such as the Professional Training Center and the Communications Center, are open to the public. Other facilities such as the Rose State Student Union, bookstore, Learning Resource Center and cafe also provide services to the public.

Access to academic and administrative facilities on-campus is generally limited to students, employees and visitors for the purpose of studying, working, teaching and conducting other College business. However, the academic buildings are open and accessible during normal business hours and often into the evening hours for classes and meetings, and as such visitors can gain access during those hours. Each academic building has established its hours based on the needs of the specific academic division.



Access to Student Housing, formally referred to *The Village @ Rose State*, is controlled by an automatic gate that surrounds the four-building complex. After evening hours, entry requires an issued residence card. Access to The Village clubhouse, which is a communal recreation area, is also controlled by this residence card.



Student apartments utilize standard keys that will open the front door and the assigned bedroom door within the apartments. Overnight guests are permitted

only after they have submitted proper identification and Residence Life staff have verified the background of the guest.

### Maintenance of Campus Facilities

Campus facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Contract security and Midwest City Police Officers regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to the Physical Plant for correction. Other members of the College community are encouraged to report equipment problems to the Security office or to the Operations Department.

### SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS



The goal of Rose State College's administration is to prevent crimes from occurring, rather than react to crimes after the fact. The goal of crime prevention is to eliminate or minimize criminal opportunities whenever possible and to encourage students, faculty and staff to be responsible for both their own safety and the safety of others. During Raider Takeoff, students and their parents are informed about the types of crimes that occur on-campus and the prevention resources offered by the College. Additionally, the Midwest City Police Department provides a variety of crime prevention workshops that are available to faculty, staff and students. Information about these presentations/workshops is available by contacting the Coordinator of Safety, Security and Risk Management at 736-0213.

Additionally, the College provides an annual Safety Week where local emergency service members from around the community present different topics throughout the week to help educate students and faculty on the various ways they can protect themselves when faced with being a potential victim of a crime. A list of the presented activities include:

- Labyrinth: Unwind Your Mind Stress Relief Exercise,
- Title IX Training: Know your IX Bingo,
- Glowga, glow in the dark yoga on the lawn,
- Therapy Dogs in the LRC, and
- Dinner with Midwest City First Responders (Police, Fire, and Ambulance) with an alcohol safety education presentation afterward with MWCPD.

### Security Awareness

Training and awareness on-campus security policies, procedures, and best practices is completed during multiple events throughout the year. This includes:

- Raider Takeoff, an annual orientation brief that is available to students and parents,
- Convocation, a bi-annual orientation seminar that is administered to faculty and staff,
- Security Seminars, briefings given each semester to divisions and departments, and
- Drills & exercises (fire, tornado) conducted throughout the year in each building.

### Domestic Violence Month

Every October the College hosts a Domestic Violence month to bring awareness to victims of domestic and dating violence, sexual assault, and stalking. Additionally, the College offers various training sessions to any interested students, faculty and staff during this month long event to include self-defense for females being attacked, different options victims have to report crimes of sexual assault, and awareness programs for individuals to see signs of potential domestic violence.

### Campus Safety and Security Advisory Committee (CSSAC)

This committee was established to serve in an official advisory capacity to College administration. Comprised of individuals with various responsibilities relative to the safe and secure operation of the Rose State College campus, the mission of the CSSAC is to provide the College's Executive Staff with information regarding crime and fear abatement, law enforcement, public safety and emergency preparedness. The role of the CSSAC is advising and consulting – with the goal of enhancing the College's community-oriented public safety philosophy.

### Threat Assessment and Behavioral Intervention Team (TABIT)

The Threat Assessment and Behavioral Intervention Team (TABIT) is comprised of professional staff members from Rose State College. TABIT was created to serve the College in balancing the needs of individual students and the greater campus community. TABIT's mission is to identify and address alleged concerning student behaviors that are potentially disruptive and may include mental health and/or safety issues.

### CRIMINAL ACTIVITY OFF-CAMPUS

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The Coordinator of Safety, Security and Risk Management maintains close communication with the Campus Security Office and Midwest City Police Department staff to monitor criminal activity involving students and student organizations. Administrative reports from the police departments are forwarded to other on-campus departments for further action as appropriate.

The College may pursue disciplinary action for off-campus violations of College rules in those instances in which the College was substantially affected, whether or not the activity was criminal in nature. Reports of violations by students may be referred to the office of the Coordinator of Safety, Security and Risk Management for review and recommendations.

Although the College does not have a recognized student organization with an off-campus housing facility, we do maintain close relationships with local law enforcement agencies to monitor crimes involving students and investigate those offenses thoroughly.



### EMERGENCY RESPONSE PLAN

As required by federal and state law, Rose State College has developed a comprehensive Emergency Operations Plan that details immediate response and evacuation procedures, including the use of electronic and cellular communication. The College's Emergency Operations Plan, referred to as the Emergency Response Plan, includes information about the Executive Policy Group, Emergency Response Teams, response and recovery procedures, continuity of operations, functional annexes, and hazard-specific annexes.



Rose State College authorities have received FEMA certified training in **Incident Command System (ICS)** and the **National Incident Management System (NIMS)**. When a serious incident occurs that poses an immediate threat to the campus, the first responders to the scene are usually members of the Security Office, Midwest City Police Department, Midwest City Fire Department, Midwest City Regional Medical Center, or other emergency response professionals. These organizations cooperate with Rose State College administrative staff to manage any incidents on-campus. Depending on the size, scale and seriousness of the incident, other College departments and other local, state or federal agencies may also be involved in responding to the incident.

If a situation arises that poses a verified, imminent, or ongoing potential threat to the safety, security, or health of students or employees, an emergency notification will be issued to expedite emergency response and/or evacuation procedures. The goal of an emergency notification is to notify as many people as possible, as rapidly as possible, with adequate follow-up information as needed. Follow-up information will be available via use of the College's Raider Alert System (use of text, email, and phone calls) on a case-by-case basis. If follow-up information is critical to the community, it may be disseminated using additional mechanisms at the discretion of the Rose State College President or their designee. Additional mechanisms may include public media outlets, NOAA emergency alert radios and/or the telephone alert directory. Emergency Notifications are issued for incidents such as an active threat/shooter, major hazardous materials release, major fire, extended power outage, infectious disease outbreak, or a tornado that would directly impact campus.

The College has implemented a formal process that gives the President or Executive Policy Group the authority to confirm a significant emergency or dangerous situation; to develop the content; to determine the appropriate segment(s) of the campus community to receive the notification; and to initiate

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#### **Incident Command System (ICS):**

A standardized on-scene emergency management construct. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure. It can be used for all kinds of emergencies and is applicable to small as well as large/complex incidents.

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#### **National Incident Management System (NIMS):**

A system that provides a consistent nationwide approach for multiple agencies to work effectively and efficiently to prepare for, respond to, and recover from emergency incidents. This interoperability is accomplished through the ICS framework.

some or all of the campus alert systems to send an emergency message to the campus community. The process also stipulates that an immediate emergency message will not be sent if, in the professional judgment of authorities, the message would compromise efforts to assist a victim, or to contain, respond to or otherwise mitigate the emergency. It also authorizes the President or member of the Executive Staff to create and initiate the emergency notification. The President or member of Executive Staff issuing the alert may also consult directly with the Vice Presidents of Student Affairs and of Marketing to ensure the immediate, timely notification of the campus via the emergency notification mechanisms mentioned above.

As a part of the comprehensive Emergency Response Plan for the College, regularly scheduled exercises are conducted throughout the year. The exercises are either **discussion-based** (orientation seminars, workshops, tabletop exercises, and games) or **operation-based** (drills, functional exercises, full-scale exercises). All exercises



are documented and appropriate after-action-reports are completed and submitted for evaluation. After-action-reports are completed detailing lessons learned and follow-up items are identified with responsibilities assigned to appropriate campus entities.

As part of planning and preparation for exercises, the Office of the College President and Executive leadership, in part or in full, will be notified. In certain circumstance, these offices or areas may not be informed if it enhances realism and training value of an upcoming exercise.

In keeping with recommended best practices from FEMA, the Emergency Response Plan is no longer available for public viewing. However, components of the plan (such as functional annexes dealing with evacuation or shelter-in-place) are permitted for release and are available throughout campus in the red Emergency Response Procedures books. Additionally, training is provided through a seminar format during Raider Takeoff (annual orientation to the students) and convocation (bi-annual orientation to the faculty and staff).

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**Discussion-based exercises:**  
These exercises familiarize participants with current plans, policies, agreements, and procedures. Examples include seminars, workshops, tabletop exercises, and games.

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**Operation-based exercises:**  
These exercises validate policies, agreements, and procedures. They clarify roles, responsibilities, and identify resource gaps. These types of exercises include drills, functional exercises, and full-scale exercises.

### **ALCOHOL AND ILLEGAL DRUGS AND SUBSTANCE ABUSE EDUCATION**

The information in this section is in accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 (P.L. 101-226).

Rose State College promotes a safe and healthy educational environment that rejects substance abuse as an acceptable life style. Abuse of alcohol and/or controlled substances can seriously impair your health and your ability to work and study. Additionally, it can cause you to endanger the safety and well-being of others. To that end, the College has implemented stringent policies regarding alcohol and illegal drug use. You should familiarize yourself with the College's standard of conduct and disciplinary actions taken against students or employees who violate that standard, as outlined below.

Prevention of substance abuse is sought in several ways by:

- Promoting accurate information on drug use;
- Encouraging healthy use of leisure time through recreation and other activities;
- Enhancing skills for dealing with stress, and;
- Working with campus leaders to establish a healthy environment.

#### **Alcohol and Drug Education Events**

During the fall semester, the College promotes during Safety Week to inform students of various safety and security tips. The College, in conjunction with the Midwest City Police Department hosts a series of drug education courses to include a live drug dog demonstration. Additionally, the Midwest City Police Department provides a DUI education course that involves victim impact sessions and live simulated "drunk" driving sessions that safely allows the students to understand the dangers of driving while impaired. During the spring semester, Rose State College hosts an alcohol education course that has interactive games for the students as well as various topics presented by College staff and counselors to ensure the students are aware of the dangers and responsibilities that come with alcohol consumption.

#### **How Drugs Affect Your Health**

Adverse health effects can range from nausea and anxiety to coma and death. There are risks associated with the chronic use of all psychoactive drugs, including alcohol. A pregnant woman who uses alcohol, cigarettes, or other drugs exposes her fetus to serious risks, including miscarriage, low birth weight and brain damage. Substance abuse may involve controlled substances, illegal drugs, and alcohol—all of which pose a health risk. When drugs are used in combination, their negative effects on the mind and body are often multiplied beyond the effects of the same drugs taken on their own.

**Alcohol** is the drug most frequently abused on college campuses and in our society. Even small amounts of alcohol significantly impair the judgment and coordination required to drive a vehicle, increasing your chances of having an accident. Consumption of alcohol may be a factor in the incidence of aggressive crimes, including date rape and domestic abuse. Moderate to large amounts of alcohol severely impair your ability to learn and remember information. Because alcohol is a depressant, very large amounts can cause respiratory and cardiac failure, resulting in death.



**Marijuana** impairs short-term memory and comprehension. Its use can cause confusion, anxiety, lung damage and abnormalities of the hormonal and reproductive system. Hours after the feeling of the drug-induced euphoria fades, the effects of the drug on coordination and judgment remain, heightening the risk of driving or performing other complex tasks. Cannabis, a fat-soluble substance, may remain in the body for weeks, and an overdose can cause paranoia, panic attacks, or psychiatric problems.



**Club Drugs** refers to a wide variety of drugs including MDMA (Ecstasy, Molly), GHB, rohypnol, ketamine, methamphetamine, and LSD, and are often used at dance clubs and bars. No club drug is safe due to variations in purity, potency and concentration, and they can cause serious health problems or death. They have even more serious consequences when mixed with alcohol.

**Narcotics** like heroin, codeine, morphine, methadone and opium cause such negative effects as anxiety, mood swings, nausea, confusion, constipation and respiratory depression. Overdose may lead to convulsions, coma and death. The risk of being infected with HIV/AIDS or other diseases increases significantly if you inject drugs and share needles, and there is a high likelihood of developing a physical and psychological dependence on these drugs





**Depressants** such as barbiturates, Valium and other benzodiazepines, Quaaludes and other depressants cause disorientation, slurred speech and other behaviors associated with drunkenness. The effects of an overdose of Depressants range from shallow breathing, clammy skin, dilated pupils, and weak and rapid pulse to coma and death.

**Hallucinogens** such as LSD, MDA, PCP (angel dust), mescaline and peyote can cause powerful distortions in perception and thinking. Intense and unpredictable emotional reactions can trigger panic attacks or psychotic reaction. An overdose of hallucinogens can cause heart failure, lung failure, coma and death.

**Stimulants** – cocaine, amphetamines and others – can cause agitation, loss of appetite, irregular heartbeat, chronic sleeplessness and hallucinations. Cocaine and crack cocaine are extremely dangerous and psychologically and physically addictive. An overdose can result in seizures and death.

**Tobacco**, with its active ingredient nicotine, increases your heart rate and raises your blood pressure. The tar in cigarette smoke is a major cause of cancer and other respiratory problems. Carbon monoxide in cigarette smoke can promote arteriosclerosis, and long-term effects of smoking include emphysema, chronic bronchitis, heart disease and lung cancer.

### Notification of Counseling Services

At the beginning of every semester, the Rose State College Director of Special Services sends out an email notification to all students, faculty, and staff of the counseling services available to all members of the College at no cost to the individual seeking help. The Office of Special Services is located in the Learning Resources Center, Room 106 and is open Monday-Friday 8:00 a.m. to 5:00 p.m., or can be reached via phone at 736-7373.

## DRUG USE BY STUDENTS AND EMPLOYEES

Rose State College is committed to maintaining a drug-free and alcohol-free environment for its students and employees in compliance with applicable federal and state laws. Students or employees who violate federal or state laws concerning the possession, use, or sale of drugs or alcohol are subject to criminal prosecution; those who violate College policies may also be subject to institutional sanctions (See College's Policies and Procedures Manual, Thirty-Ninth Revision, Chapter IV, Section 1-1. Drug-Free Campus Policy).

The unlawful or unauthorized possession, use, distribution, dispensation, sale, or manufacture of controlled substances or alcohol is prohibited on College property and/or as part of any College activity. Students may also be subject to disciplinary action for violations of the alcohol or drug policy that occur off-campus or on private property. Employees or students who violate the policy may be disciplined in accordance with College policies, statutes, rules, regulations, employment contracts and labor agreements, up to and including dismissal and referral for prosecution. The College may contact the parents of students under the age of 21 for violations of the Student Code.

### Disciplinary Actions of College Employees

Employees are subject to disciplinary action – including termination – for the following: possession or consumption of alcohol on institutional time or property; inability to perform satisfactorily their assigned duties as a result of consuming alcohol; illegal or excessive use of drugs, narcotics, or intoxicants; or the unauthorized sale or distribution of drugs, narcotics, or intoxicants.

Employees that have problems with controlled substances or alcohol are encouraged to seek professional advice and treatment. Employees may seek confidential help with or obtain a list of counseling and referral programs by calling the Rose State College Counseling Office at 733-7373. In some cases, the supervisor may direct employees to request this information.

### Drug and Alcohol Testing of College Employees

Student and employee safety is of paramount concern to the Rose State College Board of Regents. Employees under the influence of alcohol, drugs, or controlled substances are a serious risk to themselves and to others. The Board of Regents hereby commits itself to a continuing good faith effort to maintain a drug-free workplace. Drug and alcohol testing of employees shall be conducted in accordance with federal and state law (See College's Policies and Procedures Manual, Forty-First Revision, Chapter IV, Section 1-1. Drug-Free Campus Policy, (b) Alcohol and Drug Testing Policy applicable to RSC employees and applicants).

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***“Employees may seek confidential help with or obtain a list of counseling and referral programs calling the Rose State College Counseling Office...”***

Employees of the College are subject to for-cause drug and alcohol testing; post-accident drug and alcohol testing; and post-rehabilitative testing. Employees of the College engaged in activities which directly affect the safety of others are subject to random alcohol and drug testing and scheduled periodic alcohol and drug testing. Employees of the College who work in direct contact with inmates in the custody of the Department of Corrections or work in direct contact with juvenile delinquents or children in the need of supervision in the custody of the Department of Human Services are subject to random alcohol and drug testing and periodic alcohol and drug testing (See College's Policies and Procedures Manual, Thirty-Ninth Revision, Chapter IV, Section 1-1. Drug-Free Campus Policy, (d) (2) (3) (4)).

### Drug or Alcohol Convictions in the Workplace

An employee must notify his or her supervisor of a criminal conviction or Plea of Guilty or No Contest for drug-related or alcohol-related offenses no later than five calendar days following the conviction or Plea of Guilty or No Contest. Additionally, if an employee working on a federal contract or grant is convicted of a drug or alcohol offense occurring in the workplace, the College will notify the granting or contracting federal agency within ten days of receiving notice of the conviction. The employee may be required to complete a drug rehabilitation program in order to continue employment at the College (See College's Policies and Procedures Manual, Forty-First Revision, Chapter IV, Section 1-1. Drug-Free Campus Policy, (a) (3)).

### Violation of the Drug Policy by College Students

Students who illegally possess, use, distribute, sell, or manufacture drugs are subject to disciplinary action and may be dismissed from the College. The standard disciplinary response to students who are distributing illegal drugs is dismissal. For more information about the College's drug policy, refer to Section V, Part II, Page 30-34 of 2020- Student Handbook.

The College provides counseling and referral services to students who are substance abusers or who are affected by the substance abuse of others. For confidential help with these problems, contact the Counseling Center at 733-7373 or the Coordinator of Safety, Security and Risk Management at 736-0213.

### Drug and Alcohol Use: State Laws

Oklahoma State law prohibits the sale or delivery of alcohol to anyone under 21 (twenty-one), or to any intoxicated person. Violations can result in fines of up to \$1,000 and one year in jail. It is also illegal for a person under 21 to present false identification in an attempt to purchase alcohol.

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***“The College provides counseling and referral services to students who are substance abusers or who are affected by the substance abuse of others.”***

On-campus violations of Rose State College policies regarding drug and alcohol use are strictly enforced by the College, and additional penalties may be imposed:

The Secretary of State is authorized to suspend or revoke without a hearing the driver's license or instruction permit of a person under 21 who has purchased or attempted to purchase alcohol from a duly licensed establishment or who has consumed alcohol on licensed premises.

Local liquor vendors have the duty to report to the Secretary of State any conviction for a violation of the Liquor Control Act, or a similar provision of a local ordinance, prohibiting a person under 21 from purchasing, accepting, possessing, or consuming alcohol and prohibiting the transfer or alteration of identification cards, the use of the identification card of another or a false or forged identification card, or the use of false information to obtain an identification card.

The Secretary of State is authorized to suspend or revoke the driver's license or learner's permit of any person convicted of violating any of the prohibitions listed above.

Substantial penalties exist in Oklahoma for the operation of a motor vehicle by a driver with a blood or breath alcohol concentration of .08 or greater. Arrests are also possible at lower alcohol levels if driving is impaired. The first offense can result in a \$1,000 fine, incarceration for up to one year, and suspension or revocation of the offender's driver's license. Subsequent offenses entail penalties of significantly greater severity. Transporting open alcohol containers in a motor vehicle is also punishable under Oklahoma State law.

Possession and delivery of illicit drugs are prohibited in Oklahoma through Oklahoma Statute 63 O.S. § 2 and the federal Controlled Substances Act. Penalties vary with the amount of the drug confiscated; the type of drug found; the number of previous offenses by the individual; and whether the individual intended to manufacture, sell, or use the drug. A first-time conviction of possession of a controlled substance can result in a 1 to 3 year prison sentence, plus a fine of up to \$15,000. More severe penalties may be imposed for conviction of class 2, 3, or 4 felonies involving manufacture or delivery to a minor. Vehicles used with knowledge of the owner in the commission of any offense prohibited by Oklahoma statutes or Controlled Substances Act can be seized by the government, and all ownership rights are forfeited.

### [Drug and Alcohol Use: Federal Laws](#)

Under federal sentencing guidelines, federal courts can sentence simple-possession first offenders to one year in prison and a \$100,000 fine. Penalties for subsequent convictions are significantly greater [21 U.S.C. 844 (a)]. A



sentence of life imprisonment can result from a conviction for possession of a controlled substance that results in death or bodily injury. Possession of more than five grams of cocaine can trigger an intent-to-distribute penalty of 10 to 16 years in prison [U.S.S.G.S. 2D2.1 (b) (1)].

## CODES OF CONDUCT, STANDARDS OF EVIDENCE, AND ACCOMMODATION

According to Oklahoma law, sex crimes involve the use of force or threat of force to sexually touch or sexually penetrate the victim’s body or forcing the victim to touch or penetrate the offender’s body. Threats of death or use of a weapon increases the severity of legal charges. Sex crimes can be prosecuted even if the victim knew the attacker; the victim did not fight back; the victim had consensual sex with the attacker previously; or the victim was intoxicated or unconscious.

Rose State College is committed to ensuring the safety and security for all members of the Rose State College campus community. Rose State College prohibits all forms of sexual misconduct, sexual harassment, and unlawful harassment in compliance with **Title IX**, The Violence Against Women Act (VAWA), and The Clery Act. Rose State College shall conduct investigations and disciplinary proceedings in a prompt, fair, and impartial manner for all sexual misconduct, gender discrimination, sex discrimination, unlawful harassment, and sexual violence complaints including: sexual assault; sexual harassment, domestic violence; dating violence; and stalking. Rose State College while conducting investigations and all disciplinary proceedings in resolution of complaints regarding sexual misconduct, gender discrimination, sex discrimination, unlawful harassment, and sexual violence shall:

1. Utilize the **preponderance of evidence** standard.
  - A. The Student Code of Conduct (SCC) and the Sexual Misconduct, Sex Discrimination and Unlawful Harassment Policy (SMSDSHP) are enforced utilizing the preponderance of the evidence standard of review.
  - B. All alleged violations of the SCC and SMSDSHP will be evaluated by examining the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred by utilizing the preponderance of the evidence standard. The preponderance of the evidence standard shall be defined as; whether or not it is more likely than not that the actions in question were committed by the student as alleged in the complaint. The College bears the burden of proof and the burden shall not shift from the College to any other party.
2. Provide the parties with information regarding the College’s policy on Confidentiality and Retaliation in response to a good faith reporting.
  - A. Confidentiality.  
Employees of the Human Resources/Affirmative Action Office, the Office of the Coordinator of Safety, Security and Risk Management, and all responsible administrators receiving reports of sexual misconduct, sex discrimination and/or unlawful harassment shall

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**Title IX:** Title IX protects people from discrimination based on sex in education programs or activities that received federal aid. Title IX states that:

“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 Aid.”

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***“The preponderance of the evidence standard shall be defined as; whether or not it is more likely than not that the actions in question were committed by the student as alleged in the complaint.”***

maintain confidentiality of information received, except where disclosure is required by law or is necessary to facilitate legitimate College processes, including the investigation and resolution of sexual misconduct, sex discrimination and/or unlawful harassment allegations.

B. Retaliation.

No reprisals or retaliation shall be allowed to occur as a result of the good faith reporting of charges of misconduct, discrimination, unlawful harassment and/or any other complaint. Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint of misconduct, discrimination, and/or unlawful harassment will be treated as a separate and distinct violation of this policy.

3. Ensure that investigations regarding sexual misconduct, gender discrimination, sex discrimination, unlawful harassment, and sexual violence by Rose State College shall be conducted by College officials who have received annual training in the areas of: sexual misconduct, sexual harassment, and unlawful harassment in compliance with Title IX, VAWA, The Clery Act, protection of victims' rights, and Confidentiality & Retaliation.
4. Permit the Complainant and Respondent during the investigation, the proceedings, and any other related meeting to have an advisor or support person present in compliance with the Policies and Procedures Manual and the Student Code of Conduct.
5. Upon completion of the investigation and all proceedings provide prompt written notice of the resolution and any change in such resolution to both the Complainant and Respondent in a reasonably simultaneous manner. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of disclosing the report or the results of any disciplinary proceedings.
6. Victim's Protection Order (VPO).
  - A. If you have been a victim of domestic or dating abuse; a victim of stalking; a victim of harassment; and/or a victim of rape, under 22 O.S. § 60.2 at [www.oscn.net](http://www.oscn.net) you may have the right to request a Victim Protective Order (VPO). VPOs are filed through the Oklahoma County Court Clerk's office located at 320 Robert S. Kerr, Oklahoma County, OK.
  - B. For questions regarding the process for filing a VPO, please contact the Oklahoma County Court Clerk's office at (405) 713-1735. For further assistance regarding a VPO, you may also contact the Midwest

City Police Department (MWCPD) at (405) 732-2266 for non-emergency inquiries.

- C. For emergencies regarding incidents of domestic or dating abuse; a victim of stalking; a victim of harassment; and/or a victim of rape call 911.
- D. Rose State College honors and enforces Victim Protective Orders that are registered with the institution.

7. Provide a statement of preserving evidence

Midwest City Police Department (MWCPD) is in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim's person within 120 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a victim of a criminal sexual assault, you should go to the nearest Hospital Emergency Room (Alliance Health Midwest), before washing yourself or your clothing. The Sexual Assault Nurse Examiner (a specially trained nurse) at the hospital is usually on call 24 hours a day, 7 days a week (call the Emergency Room if you first want to speak to the nurse; ER will refer you). A representative from the College can also accompany you to the Hospital and law enforcement or Campus Security can provide assistance in arranging transportation. If a victim goes to the hospital, MWCPD will be contacted, but s/he is not obligated to talk to MWCPD or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a victim, but will not obligate him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim decide later to exercise it.

For the Victim: the hospital staff will collect evidence, check for injuries, address pregnancy concerns and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible. Personnel will likely keep the clothes you are wearing as evidence. You can take a support person with you to the hospital, and they can accompany you through the exam, if you desire. Do not disturb the crime scene; leave all sheets, towels, and materials that may bear evidence for the police to collect.

8. Provide reasonable accommodation(s) and reasonable protective measure(s) as requested in compliance with the Sexual Misconduct, Sex Discrimination, and Unlawful Harassment Policy (SMSDSHP).

- A. A victim of sexual misconduct, sex discrimination and/or unlawful harassment requiring reasonable accommodation should make their requests to the Title IX Coordinator. The AVP for Human Resources/AAO is the designated Title IX Coordinator and is located at 6420 S.E. 15th Street, Midwest City, OK 73110, ADM Room 104 or by calling (405) 733-7979. A student may additionally contact the Coordinator of Safety, Security and Risk Management and Deputy Title IX Coordinator of students for further assistance regarding reasonable accommodations and reasonable protective measures and is located at 6420 S.E. 15th Street, Midwest City, OK 73110, Susan Loveless Center Room 109 or by calling (405) 736-0355. The procedures set forth shall mirror the College's procedures regarding requests for reasonable accommodation under the Americans with Disabilities Act as outlined in (See College's Policies and Procedures Manual, Thirty-Ninth Revision, Chapter II, Section 1-69, (b), (1), (2)).
  - B. Reasonable accommodation may include, but is not limited to:
    - i Exam (paper, assignment, etc.) rescheduling;
    - ii Taking an incomplete in a class;
    - iii Transferring class sections;
    - iv Temporary withdrawal; and
    - v Alternative course completion options.
  - C. Reasonable protective measure may include, but is not limited to:
    - i Campus Security Escorts;
    - ii Campus Security Parking Accommodations; and
    - iii Other reasonable requested security/protective services.
9. Should you be a victim or witness of an alleged incident of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off-campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options.

### Sex Offender Registration and Information

In accordance with the Oklahoma Sex Offender Registration Act (57 O.S. 583), convicted sex offenders are required to register with the Rose State College Campus Security Office within three days of becoming a full or part time student. The offender must complete and update the Campus Security Sex Offender Registration Form and file it with the Campus Security Office within three days of any change in status, to include breaks in study and graduation. Registering with the Rose State College Campus Security Office does not satisfy the offender's responsibility to register with the law enforcement agency having jurisdiction over the offender's residence. For questions regarding compliance with the Oklahoma Sex Offender Registration Act, please contact (405) 736-0213.

The Oklahoma Department of Corrections maintains an online database that permits access of all registered sex offenders in Oklahoma. To learn the identity of registered sex offenders on or near campus, or anywhere in Oklahoma, visit the Sex Offender Database. Once there, you can search by city, county, or ZIP code. The Rose State College campus is located in Midwest City, in Oklahoma County, and in ZIP code 73110. The information in the database is collected by other agencies and Rose State College cannot guarantee the accuracy or the completeness of the information. The Oklahoma Sex Offender Registry may be accessed at the following URL:

<https://sors.doc.state.ok.us/svor/f?p=119:1:>

The Federal Campus Sex Crimes Prevention Act requires colleges and universities to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. The act also requires registered sex offenders to provide notice of each institution of higher education in that state at which the offender is employed, carries on a vocation, or is a student.

Information contained in the Sex Offender Registry shall not be used to commit a crime against an offender or to engage in illegal discrimination or harassment of an offender. Any person who improperly uses Sex Offender Registry information shall be punished by no more than 2 ½ (two and one-half) years imprisonment or by a fine of no more than \$1,000 or by both such fine and imprisonment.

### APPENDIX A: ROSE STATE COLLEGE CAMPUS POLICIES ON SEXUAL MISCONDUCT, SEX DISCRIMINATION, AND UNLAWFUL HARASSMENT

#### The Policy & Procedures Manual

The following information is from the Campus Policy and Procedures (P&P) Manual (Forty-first Revision). The P&P is the campus-wide source of all official policy and procedures. When there are discrepancies in policy throughout campus publications, this manual shall be the ultimate authority in policy and procedure.

The two sections from the P&P that will be quoted for this report are in Chapter IV of the manual. These sections are:

- Section 1-5: Sexual Misconduct, Sex Discrimination and Unlawful Harassment Policy and Grievance Procedures.
- Section 7-1: Grievance Procedures

The campus Policy and Procedures manual, which also covers a wide array of other topics, can be accessed online in its entirety at the following URL:

<https://www.rose.edu/policies-procedures/>

#### Chapter IV, Section 1-5: Sexual Misconduct, Sex Discrimination and Unlawful Harassment Policy and Grievance Procedures

(a) **Statement.** Rose State College (College) is committed to providing equal employment and educational opportunities and, therefore, forbids discrimination against any employee, student or applicant for employment on the basis of gender. Furthermore, the College condemns the sexual misconduct, sex discrimination and/or unlawful harassment of students, faculty and staff, to include:

- (1) Domestic Violence;
- (2) Dating Violence;
- (3) Stalking;
- (4) Sexual Assault;
- (5) Sexual Harassment; and/or
- (6) Any other form of sexual misconduct as defined by law and available at [www.oscn.net](http://www.oscn.net).

(b) **Positions of authority.** Since some members of the College community hold positions of authority that may involve the legitimate exercise of power over others, they have the responsibility to be sensitive to that power. Faculty and supervisors in particular, in their relationships with students and subordinates, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity. Because there is an inherent power difference in these relationships, the potential exists for the

less powerful person to perceive a coercive element in suggestions regarding activities outside those appropriate to the professional relationship. The responsibility of faculty and supervisors is to behave in such a manner that their words or actions cannot reasonably be perceived as sexually coercive, abusive or exploitive.

- (c) **Consensual relationships.** Consensual romantic or sexual relationships are not appropriate or allowed when they occur between any faculty member or other employee of the institution and any student for whom that employee has a professional responsibility. This includes students enrolled in courses for credit and student-workers.
- (d) **Management responsibilities.** Employees or agents who (a) supervise other employees, contractors or agents; (b) teach or advise students; or (c) have management authority related to a College sponsored activity, student program or activity are required to:
  - (1) Engage in appropriate measures to prevent violations of this policy; and
  - (2) Promptly notify the Human Resources/Affirmative Action Office after being informed of or having a reasonable basis to suspect a policy violation. In instances where the supervisor has taken independent action, the supervisor shall notify the Human Resources/Affirmative Action Office as soon as possible after taking such action. Additionally, any action taken may not disadvantage the complaining party.
- (e) **Environment of study and work.** The College is committed to providing an environment of study and work free from sexual misconduct, sex discrimination and unlawful harassment and to ensuring the accessibility of appropriate grievance procedures for addressing all complaints regarding sexual misconduct, sex discrimination and unlawful harassment.
- (f) **Definitions.** Offenses prohibited under the College’s policy include, but are not limited to: sexual harassment; sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination); non-consensual sexual intercourse (or attempts to commit same); non-consensual sexual contact (or attempts to commit same); sexual coercion; domestic/dating violence; stalking; and sexual exploitation (or attempts to commit same).

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***“Consensual romantic or sexual relationships are not appropriate or allowed when they occur between any faculty member or other employee of the institution and any student for whom that employee has a professional responsibility.”***



(1) Sex Discrimination:

(A) Includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity and gender expression discrimination). It may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

(B) Pregnancy Discrimination:

(i) The College prohibits discrimination on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom. Discrimination on the basis of pregnancy should be reported in accordance with this policy. Employees, students and visitors with questions regarding accommodations during pregnancy are encouraged to contact the Office of Human Resources, 6420 S.E. 15th Street, Midwest City, OK 73110, ADM Room 104, (405) 733-7979. For complaints arising under this policy, please report to the AVP for Human Resources/AAO.

(2) Sexual Harassment:

(A) Sexual harassment is a form of sex discrimination. Sexual harassment is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving an individual of educational, institutional or employment access, benefits, activities or opportunities. Students, employees and visitors who are subject to or who witnesses unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Senior Director, Human Resources/AAO.

(i) Hostile Environment Sexual Harassment includes conduct that is sufficiently severe, pervasive or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:

- (a) The frequency of the conduct;
- (b) The nature and severity of the conduct;
- (c) Whether the conduct was physically threatening;

- (d) Whether the conduct was deliberate, repeated humiliation based upon sex;
  - (e) The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
  - (f) Whether the conduct was directed at more than one person;
  - (g) Whether the conduct arose in the context of other discriminatory conduct;
  - (h) Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
  - (i) Whether the speech or conduct deserves constitutional protections.
- (ii) Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant:
- (a) Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
  - (b) Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the victim's submission to such activity.
- (B) For the purpose of this policy, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment if:
- (i) Submission to the conduct is made either an explicit or implicit condition of employment or academic instruction/standing;
  - (ii) Submission to or rejection of the conduct is used as a basis for employment or academic decisions affecting the harassed employee or student;
  - (iii) The conduct, either by intent or by effect, creates an intimidating, hostile or offensive work or learning environment; or
  - (iv) Submission to or rejection of the conduct is used as a basis for providing the College's services or participation in the College's programs.
- (C) Sexual harassment can occur in a variety of circumstances, including but not limited to:
- (i) The individual who is sexually harassed, as well as the harasser, may be female or male and does not have to be of the opposite sex from the harasser;

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***“The individual who is sexually harassed does not have to be the specific person to whom the harasser directs the conduct... but must be a person who was directly affected by the offensive conduct of the harasser.”***

- (ii) The harasser can be the supervisor or the individual who is sexually harassed, an agent of the employer, a supervisor in another area, a coworker, a subordinate, a professor or a non-employee;
  - (iii) The individual who is sexually harassed does not have to be the specific person to whom the harasser directs the conduct which constitutes sexual harassment but must be a person who was directly affected by the offensive conduct of the harasser; and
  - (iv) Unlawful sexual harassment may occur without economic injury to or discharge of the individual who is sexually harassed.
- (3) Sexual Violence:
- (A) Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of acts fall into the category of sexual violence, which includes, but is not limited to: rape, sexual assault, sexual battery, sexual misconduct and sexual coercion.
    - (i) Non-Consensual Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal or genital opening of the victim, including sexual intercourse or penetration by any part of a person’s body or by the use of an object, however slight, by one person to another without consent or against the victim’s will. This definition includes rape and sexual assault, sexual misconduct and sexual violence.
    - (ii) Non-Consensual Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the victim’s intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim’s body using the perpetrator’s genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.
    - (iii) Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone’s will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.
- (4) Sexual Exploitation:
- (A) Occurs when a person takes non-consensual, unjust or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being

exploited, and that behavior may not otherwise constitute one of the other sexual misconduct offenses.

- (i) Examples of sexual exploitation include, but are not limited to:
  - (a) Non-consensual video or audio-taping of any form of sexual activity;
  - (b) Going beyond the boundaries of consent (such as letting a person or people hide in the closet to watch an individual have consensual sex without their partner's knowledge or consent);
  - (c) Sexually-based stalking or bullying;
  - (d) Engaging in non-consensual voyeurism, such as observing sexual acts or body parts of another from a secret vantage point;
  - (e) Knowingly transmitting a sexually transmitted disease or illness to another;
  - (f) Exposing one's genitals in a non-consensual circumstance or inducing another to expose his or her genitals;
  - (g) Prostituting another person; and
  - (h) Other forms of invasion of sexual privacy.

(5) Domestic and Dating Violence:

(A) Dating violence is violence between individuals in the following circumstances:

- (i) The party is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (ii) The existence of such a relationship shall be determined based on a consideration of the following factors:
  - (a) Length of the relationship;
  - (b) Type of relationship;
  - (c) Frequency of interaction between the persons involved in the relationship.

(B) Domestic Violence under College policy means violence committed by a:

- (i) Current or former spouse of the victim;
- (ii) A person with whom the victim shares a child in common;
- (iii) A person who is cohabitating with or has cohabitated with the victim as a spouse;
- (iv) A person similarly situated to a spouse of the victim under Oklahoma domestic or family violence laws;
- (v) Any other person against an adult or youth victim who is protected from that person's acts under Oklahoma domestic or family violence laws.

(C) For purposes of this section, "prior pattern of physical abuse" means three (3) or more separate incidences, including the current incident,

occurring on different days, where all incidences occurred within the previous twelve (12) month period, and each incident relates to an act constituting assault and battery or domestic abuse committed by the defendant against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, a person living in the same household as the defendant, a current intimate partner or former intimate partner, or any combination of such persons, where proof of each incident prior to the present incident is established by the sworn testimony of a third party who was a witness to the alleged physical abuse or by other admissible direct evidence that is independent of the testimony of the victim (Oklahoma Penal Code, § 21-644, [www.oscn.net](http://www.oscn.net)).

(6) Sexual Assault:

- (A) Assault as applied to an act when committed in a sexual context, in furtherance of sexual demands or based on sex stereotyping is defined in Oklahoma Penal Code as any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another (Oklahoma Penal Code, § 21-641, [www.oscn.net](http://www.oscn.net)).
- (B) Battery as applied to an act when committed in a sexual context, in furtherance of sexual demands or based on sex stereotyping is defined in Oklahoma Penal Code as any willful and unlawful use of force or violence upon the person of another (Oklahoma Penal Code, § 21-642, [www.oscn.net](http://www.oscn.net)).
- (C) Aggravated Assault and Battery as applied to an act when committed in a sexual context, in furtherance of sexual demands or based on sex stereotyping is defined in Oklahoma Penal Code as:
  - (i) An assault and battery becomes aggravated when committed under` any of the following circumstances:
    - (a) When great bodily injury is inflicted upon the person assaulted; or
    - (b) When committed by a person of robust health or strength upon one who is aged, decrepit or incapacitated, as defined in Section 641 of Title 21 (Oklahoma Penal Code, § 21-641, [www.oscn.net](http://www.oscn.net)).
  - (ii) For purposes of this section "great bodily injury" means bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental faculty or substantial risk of death (Oklahoma Penal Code, § 21-646, [www.oscn.net](http://www.oscn.net)).

(7) Stalking:

- (A) Any person who willfully, maliciously and repeatedly follows or harasses another person in a manner that:
  - (i) Would cause a reasonable person or a member of the immediate family of that person as defined in subsection D of this section to feel frightened, intimidated, threatened, harassed or molested; and
  - (ii) Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested.
- (B) Any person who violates the provisions of subsection A of this section when:
  - (i) There is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction; or
  - (ii) Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party or under the conditions of a community or alternative punishment; or
  - (iii) Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party.
- (C) Evidence that the individual continued to engage in a course of conduct involving repeated unconsented contact, as defined in subsection D of this section, with the victim after having been requested by the victim to discontinue the same or any other form of unconsented contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- (D) For purposes of this section:
  - (i) "Harasses" means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated or continuing unconsented contact, that 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 Title 21 (Oklahoma Penal Code, § 21-1173, [www.oscn.net](http://www.oscn.net)) and conduct prohibited by Section 850 of Title 21 (Oklahoma Penal Code, § 21-1173, [www.oscn.net](http://www.oscn.net)). Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;
- (ii) "Course of conduct" means a pattern of conduct composed of a series of two (2) or more separate acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct";
  - (iii) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;
  - (iv) "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:
    - (a) Following or appearing within the sight of that individual;
    - (b) Approaching or confronting that individual in a public place or on private property;
    - (c) Appearing at the workplace or residence of that individual;
    - (d) Entering onto or remaining on property owned, leased or occupied by that individual;
    - (e) Contacting that individual by telephone;
    - (f) Sending mail or electronic communications to that individual; and
    - (g) Placing an object on, or delivering an object to, property owned, leased or occupied by that individual.
  - (v) "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 (Oklahoma Penal Code, § 21-1173, [www.oscn.net](http://www.oscn.net)).
- (8) Other Misconduct:
- (A) Other forms of misconduct based on one's gender also constitute violations of this policy including, but not limited to: threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person;

- (B) Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
  - (C) Harassment, defined as unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or that is sexual in nature that has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional or employment access, benefits, activities or opportunities;
  - (D) Gender-based intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
  - (E) Gender-based hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Campus community, when related to the admission, initiation, pledging, joining or other group-affiliation activity;
  - (F) Gender-based bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the First Amendment);
  - (G) Violence, including assault, battery or other physical abuse between those in an intimate or dating or romantic relationship with each other;
  - (H) Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community or the safety of any of the immediate family members of the community.
- (9) Consent:
- (A) Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what behavior they are providing consent. Under this policy, "No" always means "No," and the absence of "No" may not mean "Yes."
    - (i) Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
    - (ii) Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
    - (iii) Previous relationships or consent does not imply consent to future sexual acts.
    - (iv) Consent cannot be procured by use of physical force, compelling threats, intimidating behavior or coercion. Coercion is unreasonable pressure for sexual activity.



***“In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness, age, or use of alcohol, drugs, medication...”***

(v) In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age or use of alcohol, drugs, medication and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent (e.g. to understand the “who, what, when, where, why or how” of their sexual interaction). Incapacity may result from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication. It is less severe than alcohol poisoning or overdose. Whether a person is incapacitated is a subjective determination that will be made after the incident and in light of all facts available. Individuals reach incapacitation at different points and as a result of different stimuli [and] exhibit incapacity in different ways. Note: Indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

(B) Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

(g) **Examples of prohibited conduct.** Conduct prohibited by this policy may include, but is not limited to:

(1) Unwelcome conduct of a sexual nature.

(A) Conduct of a sexual nature may include, but is not limited to:

(i) Verbal or physical sexual advances, including subtle pressure for sexual activity, flirtation, advances and/or propositions of a sexual nature;

(ii) Touching, pinching, patting or brushing against;

(iii) Unwarranted displays of sexually suggestive or sexually explicit objects or pictures, including greeting cards, articles, books, magazines or cartoons;

(iv) Comments regarding physical or personality characteristics of a sexual nature;

(v) Sexually-oriented “kidding,” “teasing,” double meanings and jokes; and

(vi) Sexual assault.

(2) Conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, either orally or by his or her conduct, that it is unwelcome.

(3) If a person has initially welcomed such conduct by active participation, the person must give specific notice to the alleged harasser that such conduct is no longer welcome in order for the subsequent conduct to be deemed unwelcome.

(h) **State Law Definitions.** In accordance with the Violence Against Women Reauthorization Act of 2013 (VAWA), please be advised that the following definitions are applicable should an individual wish to pursue Oklahoma state criminal or civil actions. These definitions may differ from the College's administrative policy definitions noted above. The College's administrative system and disciplinary procedures are separate and distinct from those available to someone in a state civil or criminal action. Individuals may seek administrative remedies in accordance with this policy and also may seek state or federal civil or criminal remedies for the same incident through the applicable systems. The definitions set forth below are reviewed and verified annually; for a more frequently updated resource, please consult Oklahoma's State Court Network site (<http://www.oscn.net>).

(1) Oklahoma Criminal Law Definition of Rape Oklahoma Penal Code, §21-1111:

(A) 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:

- (i) Where the victim is under sixteen (16) years of age;
- (ii) Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
- (iii) Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
- (iv) Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
- (v) Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
- (vi) 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;

- (vii) 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
  - (viii) 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.
- (B) 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.
- (2) Definition of Consent under Oklahoma Criminal Law Oklahoma Penal Code, §21-1114A, provides lack of consent in rape cases where:
- (A) Rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age;
  - (B) Rape 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;
  - (C) Rape accomplished where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
  - (D) Rape accomplished where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
  - (E) Rape 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 person committing the crime;
  - (F) Rape by instrumentation resulting in bodily harm is rape by instrumentation in the first degree regardless of the age of the person committing the crime; or
  - (G) Rape by instrumentation committed upon a person under fourteen (14) years of age.
- (3) Definition of Domestic/Dating Violence under Oklahoma Criminal Law Oklahoma Penal Code, §21-644 defines domestic and dating violence 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.

(4) Definition of Stalking under Oklahoma Criminal Law Oklahoma Penal Code, §21-1173, defines stalking as:

(A) Any person who willfully, maliciously and repeatedly follows or harasses another person in a manner that:

(i) Would cause a reasonable person or a member of the immediate family of that person to feel frightened, intimidated, threatened, harassed or molested; and

(ii) Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested.

(5) Rape as defined by the Federal Bureau of Investigation's (FBI) updated definition in the Uniform Crime Reporting (UCR) Summary Reporting System:

(A) 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.

(i) **Bystander Intervention.** Rose State College seeks to promote the health, safety, security and wellbeing of all members of the College community. If an individual witnesses a violation of the Sexual Misconduct, Sex Discrimination and Unlawful Harassment Policy, or any behavior that may appear to be a violation of the policy, there are a range of options available including, but not limited to:

(1) For emergency situations, contact the Midwest City Police Department (MWCPD) by calling 911.

(2) For non-emergency situations, contact the Campus Security Office by calling (405) 733-7313.

(3) For information regarding nonviolent bystander intervention training and education, please contact the Office of Special Services located at 6420 S.E. 15th Street, Midwest City, OK 73110, Learning Resources Center, Room 106 or by calling (405) 733-7373.

(i) **Anonymous requests for accommodations/support.** RSC Advocates is a group of staff advocates trained to respond if any of our community experiences any type of sexual assault, relationship violence, stalking or harassment. RSC Advocates is an anonymous, free and LGBTQAI friendly service. A Title IX complaint is not necessary to access the services available through the RSC Advocates program.

- (k) **Reporting sexual misconduct, sex discrimination and unlawful harassment to law enforcement, seeking outreach and reporting to College officials.** Please see Section 7, Grievance Procedures.
- (l) **Availability of other Complaint Procedures.** In addition to seeking criminal charges through local law enforcement, members of the Campus community may also file complaints with the following entities irrespective of whether they choose to file a complaint under this procedure:

### **Office of Civil Rights:**

Kansas City Field Office: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)  
1-816-268-0550  
Washington D.C.: [OCR@ed.gov](mailto:OCR@ed.gov)  
1-800-421-3481

### **Equal Employment Opportunity Commission:**

Oklahoma City Field Office: 1-800-669-4000  
Washington D.C.: 1-800-669-4000  
[Eeoc.gov/contact/](http://Eeoc.gov/contact/)

### **State of Oklahoma Attorney General's Office:**

Office of Civil Rights Enforcement: 405-521-3921  
[OCRE@oag.gov](mailto:OCRE@oag.gov)

\*Definitions taken, in part, from the model policy of National Center for Higher Education

Risk Management (NCHERM): [www.ncherp.org](http://www.ncherp.org). Effective September 01, 2014

## **Chapter IV, Section 7-1: Grievance Procedures**

This policy covers the complaint and grievance procedures for all forms of discrimination, harassment, retaliation, or violence (whether on-campus or off-campus) that occur in conjunction with any Rose State College activity, athletic program, educational program, employment, or in conjunction with an application for enrollment or employment, as well as administrative redress for employee grievances not in the aforementioned categories. All students, faculty, staff, guests, vendors, and visitors are required to comply with this policy.

This section covers formal complaints of discrimination based on various protected statuses and Administrative Grievances, for Informal Grievance Procedures, please see Sec. 7B of this policy.

### **Sec. 7A-1. General Statement**

Rose State College (College) does not discriminate on the basis of race, color, sex, age, national origin, religion, disability, genetic information, sexual orientation, gender identify or expression, or status as a veteran in any of its

policies, practices, or procedures. This includes, but is not limited to admissions, employment, financial aid, and educational programs, activities, or services. If discrimination, including harassment or retaliation, occurs, the College will take prompt and appropriate corrective and remedial action.

The person designated to handle inquiries regarding the nondiscrimination policies, including issues of noncompliance, is the Associate Vice President, Human Resources/Affirmative Action Officer (A.V.P. HR/AAO), 6420 SE 15th Street, ADM Room 104, Midwest City, OK 73110, (405) 733-7979.

### **A. Duty to Report**

Rose State College encourages any person who believes that they have experienced discrimination, harassment, retaliation, or violence based on a protected status in conjunction with a College activity, athletic program, educational program, employment, or in conjunction with an application for enrollment or employment, to report that complaint to the Associate Vice President, Human Resources/AAO (A.V.P. HR/AAO), 6420 SE 15th Street, ADM Room 104, Midwest City, OK 73110, (405) 733-7979.

Where violations of sexual misconduct, harassment, and/or discrimination may have occurred, please see Section 7C of this policy.

Certain employees, who are prohibited from reporting due to privilege. The only “by-law” exempt employee at Rose State College is the certified Licensed Professional Counselor in Student Services.

### **B. Duty to Report Child Abuse**

Oklahoma law requires every person having reason to believe that an unmarried child under the age of 18 is a victim of abuse (including sex abuse) or neglect to report the matter promptly to the Oklahoma Department of Human Services. Under Oklahoma law, “abuse” means harm or threatened harm or failure to protect the health, safety, or welfare of a child by a person responsible for the child’s health, safety, or welfare. This includes, but is not limited to, nonaccidental physical or mental injury, sexual abuse, or sexual exploitation. Under Oklahoma law, no privilege or contract shall relieve any person of this duty to report. The duty to report is individual, and no employer, supervisor, or administrator shall interfere with any person’s reporting duties or in any manner discriminate or retaliate against any person who in good faith reports suspected child abuse or neglect.

## **Sec. 7A-2. Initial Report and Complaint Procedure**

### **A. The Initial Report**

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***“...Oklahoma law requires every person having reason to believe that an unmarried child under the age of 18 is a victim of abuse... to report the matter promptly...”***

When the A.V.P. HR/AAO receives notice, either from the complainant or from any other source, that discrimination based on a protected status has possibly occurred, the A.V.P. HR/AAO will:

1. Determine the identity and contact information of the complainant (whether that be the reporting party, the alleged victim, a College representative, or other party).
2. Identify the portions of this policy allegedly violated.
3. Advise the complainant that both formal and informal resolution options are available.
4. Review the process of a formal complaint.
5. Respect complainant's wishes not to pursue a complaint; formal or informal (see 7ABb-ii for possible exceptions).
6. Advise the complainant that they may file a non-employment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR), where such a complaint is within that agency's jurisdiction.
7. If the complaint is employment-related, advise the complainant that they may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC), where such a complaint is within that agency's jurisdiction.
8. If the complainant alleges abuse or neglect of a child under the age of 18, report the matter promptly to the Oklahoma Department of Human Services

### **B. Complaint Procedure**

1. All complaints involving discrimination based on a protected status shall be reviewed, investigated, and adjudicated only by persons with training or experience in:

- a. Title VI, Title VII and ADA grievances.
- b. The College's relevant grievance procedures.
- c. Relevant confidentiality requirements.

#### 2. Submitting a Complaint

- a. Timeliness

Generally, any complaint should be filed with the College within 180 calendar days of the alleged discrimination, harassment, or retaliation, to facilitate the process of gathering facts and evidence. Complaints that are filed after that

time will be reviewed, but a lengthy lapse of time, may make an investigation difficult.

### b. Obtaining the Complaint Form

Complaint Forms (ADM 44 - Discrimination/Harassment Complaint Form) are available online through the intranet Forms Handbook, the Title IX Resources page at [www.rose.edu](http://www.rose.edu), and from the A.V.P. HR/AAO. The complaint shall include the following information:

- i. The complainant's name and address.
- ii. The College program or activity in which the complainant was participating, or attempting participation, at the time of the alleged misconduct.
- iii. The name and title of the person(s) against whom the complaint is filed.
- iv. A statement describing the specific acts allegedly committed by the respondent.
- v. The specific dates on which those alleged actions took place.
- vi. A clear and concise statement of any other facts that form the basis of the complaint.
- vii. If the complainant is not the alleged victim, the complainant's relationship, if any, to the person who experienced the prohibited conduct.
- viii. A clear and concise statement of the remedy the complainant seeks.
- ix. The complainant's signature.

### c. Submitting the Complaint Form

The signed complaint form must be submitted to the A.V.P. HR/AAO by mail, electronic mail, or in person; 6420 SE 15th Street, ADM Room 104, Midwest City, OK 73110, (405) 733-7979, [anutter@rose.edu](mailto:anutter@rose.edu).

## 4. Review of the Complaint

Within 5 business days or less of receiving the complaint, A.V.P. HR/AAO shall review the complaint to determine whether:

- a. The written complaint is complete.
- b. The alleged misconduct took place while the complainant was participating in, or attempting to participate in, a College program activity and the allegations are against someone in the U.S.



c. The written complaint alleges conduct prohibited by this Policy.

d. The complainant experienced the alleged conduct, is a personal representative of someone who experienced the alleged misconduct, or witnessed the alleged misconduct.

### 5. Anonymity and Confidentiality

The College does not reveal information about complaints of discrimination except as necessary to fulfill its legal obligations. Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the College to respond.

If a complainant insists that his or her name not be revealed, the A.V.P. HR/AAO or designee should take all reasonable steps to investigate while maintaining the complainant's confidentiality and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other students or employees.

### 6. Dismissals of Complaints

The College will dismiss complaints with allegations failing to place the complainant in a protected category.

The College may dismiss a complaint if:

- a. The complainant gives the A.V.P. HR/AAO written notice to withdraw the complaint.
- b. The respondent is no longer affiliated with the College.
- c. There are circumstances preventing the A.V.P. HR/AAO or designee from collecting necessary evidence to make a determination of responsibility.

## **7A-3. Investigations**

### **A. Selection of the Investigator**

If the A.V.P. HR/AAO determines the written complaint is sufficient, within two (2) business days or as soon as possible, the investigation will be assigned to a qualified designee.

The investigator selected will be a neutral individual, who is not party to the complaint, the complainant, or the accused, nor should the investigator have a vested interest in the outcome of the investigation. The A.V.P. HR/AAO may choose to personally investigate some complaints.

Both the complainant and respondent are entitled to the same rights regarding representation and supportive services, as well as other rights throughout the investigation and into the live hearing processes.

### **B. Rights of the Parties**

#### 1. Representation

a. Parties shall be entitled to be accompanied by a representative or advocate (such as a colleague, parent, student advocate, etc.) of their choosing at all complaint meetings.

b. Representatives and advocates shall act as a supporting presence for the party but may not participate directly in the process.

c. Representatives and advocates are prohibited from disclosing any information concerning the content of a meeting or hearing.

d. Representatives and advocates are prohibited from any retaliatory conduct related to information disclosed during a meeting or hearing.

e. Legal advisors and attorneys may be present during any meetings but cannot participate directly in the process. They may only interact with the party they are representing.

#### 2. Supportive Services

a. Supportive services that do not favor either party may continue throughout the formal complaint process; the College will provide the parties with information about how to obtain services from resources available on and off campus, including those listed in 7A.1.C.2.

b. The College may consider steps, such as, administrative leave and alternate work/classroom locations, etc. These supportive services will be granted, as appropriate, on a case-by-case basis and to both the complainant and respondent.

#### 3. Other Rights

a. To be informed when an investigation begins of the allegations, any known facts surrounding the allegations, and a proposed timeline for resolving the complaint.

b. To seek counseling and advice from the A.V.P. HR/AAO.

c. To obtain services and resources from the College's advocates program; see Sec. 7-1(c).

d. To present relevant witnesses, evidence, and information at any meeting or hearing.

e. To have access to any information, to the extent permitted by the Family Educational Records and Privacy Act (FERPA) and by rules of privilege and confidentiality, that will be used at any meeting.

f. Not to be personally questioned or cross-examined by the accused.

g. To the College's taking reasonable steps to maintain the complainant's reputation during the entire process and/or to restore the complainant's reputation if it is damaged during any proceeding.

h. To be protected against retaliation from the accused or from other persons during or after the complaint process.

i. To a prompt and equitable resolution of the complaint.

j. To receive a written notice of the investigation's findings.

### **C. Notification to the Accused**

Within a reasonable time, usually as soon as possible, after the complaint is reviewed and determined to be a valid complaint, the A.V.P. HR/AAO shall inform the respondent of the filing and the general nature of the complaint in a manner that is appropriate under the circumstances.

The A.V.P. HR/AAO shall advise the respondent:

1. That the accuracy of the allegations has not been assessed.
2. That they are presumed not responsible of the alleged misconduct until the entire complaint process is complete.
3. That they will have an opportunity to present their side of the matter
4. That any conduct that could be viewed as retaliatory against the complainant or witnesses is strictly prohibited and would constitute a separate violation of this policy.
5. In cases where the complainant voluntarily requests the informal resolution process, the respondent will be notified, presented with information to what that process entails, and provided the opportunity to accept or decline the use of this process.

### **D. Conducting the Investigation**

If both parties have voluntarily requested an informal process, the College will follow the informal process procedure located in Section 7B. Once an

investigator has been selected, they shall conduct the investigation in as timely a manner as possible unless the matter is informally resolved, or the complainant withdraws the complaint. The investigation will be conducted free of discrimination. The investigation will comply with the following:

### 1. Collection of Evidence/Witness Interviews and Statements

- a. The burden of collecting evidence rests with the investigator, not the parties.
- b. The investigator will not restrict the parties from collecting their own evidence.
- c. The investigator will give equal opportunity for parties to present witnesses/evidence.
- d. Investigator will not seek or use private medical, psychiatric, or treatment records for any party or witness without the individual's voluntary, written consent.

### 2. Advisors, Advocates and Representatives

Both parties will have equal opportunity to select an advisor, advocate, or representative.

### 3. Communication with Parties and Representatives

- a. The investigator will send written notice regarding meetings, interviews, and hearings.
- b. The investigator will provide each party with the evidence related to the allegations collected by the investigator or opposing party.
  - i. Evidence may be in hard copy or electronic format.
  - ii. Parties shall have 10 days to review, inspect, and respond to the investigator.

### 4. Relation of the Investigation to Law Enforcement Investigation

- a. The investigation conducted pursuant to this policy may be concurrent with an investigation by law enforcement officers, but it is not dependent on any law enforcement investigation.
- b. The College may, at its discretion, delay the investigative process long enough to allow local law enforcement to collect evidence. Any delay for this purpose will be as short as possible.
- c. Additional information about the College's interaction with local law enforcement is contained in a Memorandum of Agreement and can be found at <https://www.rose.edu/content/about-us/our-campus/safety-security/>.

### 5. Investigative Report

Investigator will send both parties an investigative report containing:

- a. Summary of the complaint.
- b. Identification of complainant witnesses and summary of the witnesses' inputs.
- c. Identification of respondent witnesses and summary of the witnesses' inputs.
- d. General timeline of events related to the complaint.
- e. Identification of specific policy related to the investigation.
- f. Any other items of interest the investigator deems appropriate and relevant to the complaint.

### **E. Lack of Objection to the Findings**

If neither the complainant nor the respondent objects, in writing, to the investigative findings within 5 business days of receiving the notice of those findings, the investigative report's findings and the proposed resolution shall be final and binding with no right of appeal.

### **Sec. 7A-5. Further Proceedings (Appeals)**

The notice of results will also provide the parties with information on appealing the decisionmaker's findings through further proceedings.

#### **1. Right to Further Proceedings/Review of Findings**

The parties to a complaint may initiate further proceedings, within 5 business days of receiving the notification of findings if a party is not satisfied with the findings of the College's investigation. The further proceedings request must be in writing and is submitted to the A.V.P. HR/AAO, who will review the submission for sufficiency. In the event the requirements below are not met in the request, the A.V.P. HR/AAO will deny the request and inform the requesting party of the denial. The requesting party must state one of the following justifications supporting the need for further proceedings:

- a. There is new evidence that could have affected the decision that was not reasonably known prior to the issuance of the notification of findings.
- b. The investigation or findings exhibited prejudice, bias, or other unfair treatment that affected the outcome of the case.
- c. The institution's stated policies and procedures were not followed.

#### **2. Rights of parties during Further Proceedings**

The A.V.P. HR/AAO will inform the opposing party of the further proceedings request within a reasonable timeframe, usually within 5 business days, of

receiving the request, and will afford the opposing party the opportunity to submit, within a reasonable timeframe, usually 5 business days, a written response to the request for further proceedings.

### 3. Decision of the Executive Vice President

a. The Executive Vice President will review the original complaint, the investigative process and report, the notification, and the party's request for further proceedings.

b. The Executive Vice President's decision is final. The Executive Vice President, or designee, will inform both parties, in writing, of the Executive Vice President's decision. Once the requesting party is notified of the Executive Vice President's final decision, all administrative actions have been exhausted.

## **Sec. 7A-6. Sanction Officials, Risk Management Notifications and Retaliation**

### **A. Sanctions**

#### 1. Faculty/Staff/Employee Sanctions for Violations of this Policy

a. In accordance with the College's policies and procedures, the College may impose sanctions such as verbal reprimands, mandatory enrollment in seminars pertaining to prohibited discrimination and sexual harassment issues, written reprimands, demotions, suspensions without pay, and termination of employment. Referral to law enforcement may be appropriate as set out in section 7.1.C.1. above or as required by law.

b. The A.V.P HR/AAO, will notify the department Vice President of the matter, along with recommended sanctions imposed by the decision-maker and, if appropriate, upheld by the Appellate Authority.

#### 2. Student Sanctions for Violations of this Policy

a. The A.V.P. HR/AAO will notify the Director, Service Learning and Student Conduct of the matter, along with the sanctions imposed by the decision-maker, and when appropriate, the outcome of the further proceedings process.

b. The Director, Service Learning and Student Conduct is responsible for ensuring the sanctions imposed are properly executed and notification of the completion of sanctions is provided to the A.V.P. HR/AAO within a reasonable timeframe.

c. In accordance with the College's student disciplinary procedures, the College may impose sanctions such as verbal reprimands, mandatory enrollment in seminars pertaining to prohibited discrimination, written reprimands, dismissal

from class and/or other College activities, suspension, or expulsion, depending upon the severity of the act.

d. Referral to law enforcement may be appropriate as set out in section 7A-3-4d or as required by law.

### **B. Risk Management Notification**

Unless unusual or complex circumstances exist, the A.V.P. HR/AAO shall complete and distribute a final summary of the complaint and outcome to:

1. College President.
2. General Counsel.
3. Oklahoma Management Enterprise Services (OMES) Risk Management Office.

### **C. Rose State College Prohibition of Retaliation**

Consistent with the law and this policy, the College prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the College's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Any attempt to retaliate against a person for filing a complaint or participating in the investigation of a complaint may be treated as a separate violation of this policy.

The prohibition of retaliation applies to the entire Grievance Procedure, from notice, to complaint, through the investigation and live hearing, post decision actions, execution of sanctions and future interaction of the parties.

### **D. Intentionally False Reports.**

If, during or after an investigation, the College finds the complainant submitted an intentionally false statement, the College will consider and execute appropriate sanctions. Caution – a complaint resulting in a finding of “not responsible” is not reviewed for intentionally false motives.

### **Sec. 7A-7. Records Retention**

A confidential file of all materials, including the complaint, interview and investigation notes and records relating to the investigation of the complaint will be maintained in the Office of Human Resources. The investigator, A.V.P. HR/AAO, sanction official and appellate authority, if applicable, will be the only persons who have access to the file. The file will then be handled in a manner consistent with applicable state and federal guidelines for maintaining records for this type of complaint. Nothing will be placed in either person's official College files, including employment, contract or student records, unless

disciplinary action is taken against the person. All records pertaining to the complaint must be maintained under the same rules as personnel files

**SECTION 7B INFORMAL GRIEVANCE PROCEDURE**

**7B-1 – Types of Discrimination.**

Informal resolution of some grievances may be possible in some cases. The informal grievance procedure is explained below and is potentially available upon initial report of a potential violation falling into one of the following categories:

**A. Disability Discrimination**

Americans With Disabilities Act (and “As Amended”) (a.k.a., ADA/ADAAA) Rehabilitation Act of 1973 (a.k.a., Section 504 Discrimination)

Protects students, faculty, staff, applicants, visitors and guests with physical or mental disabilities from employment and/or participant discrimination.

**B. Sexual Harassment and Misconduct**

Title IX of Education Amendments Act of 1972

- Amended the Higher Education Act of 1972
- Revised and re-released for August, 2020
- Prohibits gender and sex-based discrimination specifically in higher education

Informal resolution for sexual misconduct and/or harassment may only be used for those complaints that are not faculty/staff vs. student and only after completion of 7C-2.B3f of this policy. A formal complaint must be submitted before informal resolution can begin.

**C. Civil Rights Harassment and Discrimination**

Title VII of the Civil Rights Act of 1964

- Established the Equal Employment Opportunity Commission
- Is a federal law that protects employees against discrimination based on certain specified characteristics: race, color, national origin, sex, and religion. Under Title VII, an employer may not discriminate with regard to any term, condition, or privilege of employment.

Title VI – (a.k.a., Title VII, except protects students, visitors and guests instead of employees) No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

**7B-2 Informal Grievance Procedure**

**A. Parties’ Preference to Use Informal Grievance Procedures.** Reporting complainants may voluntarily express a preference to resolve the matter informally. The preference for an informal process will be shared with the



respondent. Likewise, initial contact with the respondent will assess preference for an informal resolution. Regardless of which party first expresses this preference, the option for informal resolution will be shared with the other party before a formal grievance is initiated.

**B. Parties' Agreement to Use Informal Grievance Procedure.** If both parties agree to consider this option, the Associate Vice President for Human Resources/AAO will explain to each party individually the Rules of Engagement:

1. An investigator will not be appointed
2. Representatives are not allowed
3. Evidence will not be collected
4. Witnesses will not be interviewed
5. Either party can withdraw from the informal process at any time. Formal grievance procedures are available for each of the discrimination issues in 7B-1.
6. The A.V.P. HR/AAO is a neutral facilitator of the process.

### **7B-3 Informal Grievance Process.**

#### **A. Complaining Party's Inputs:**

If both parties agree to an informal resolution, the A.V.P. HR/AAO requests input from the complaining party:

1. Complaining party provides A.V.P. HR/AAO with the allegations
  - a. The allegations should clearly explain how the responding party's conduct was discriminatory.
2. Responding Party's Inputs:

Once reviewed, the A.V.P. HR/AAO relays the allegations to the responding party and asks the responding party for inputs. The responding party's inputs should:

- a. Clearly explain how the conduct was not discriminatory and/or
- b. Indicate agreement with the complaining party's version of events and/or
- c. Offer a different version of events and/or
- d. Indicate the responding party's desire to continue with or withdraw from the Informal Process

#### **3. Inputs Shared**

The A.V.P. HR/AAO relays the responding party's inputs to the complaining party. If there are substantial areas of agreement between both parties inputs, the A.V.P. HR/AAO may share those areas of agreement with both parties since

substantial agreement between both parties may indicate a probability of success of the informal process.

#### 4. Remedies and Closure

Depending on the responding party's inputs, the complaining party may then:

- a. Request a meeting with the A.V.P. HR and the responding party to sign a resolution agreement and close the grievance process
- b. Withdraw from the informal process in favor of a formal complaint process
- c. In cases of responding party agreement with complaining party's initial inputs, the complaining party may suggest remedies for consideration
  - i. Suggested remedies are shared with the responding party
  - ii. Depending on the responding party's acceptance of some kind of remedy:
    - a) The parties may meet with the A.V.P. HR/AAO to sign a resolution agreement, impose the remedies, and close the grievance process
    - b) The A.V.P. HR/AAO notifies the parties the informal process was not successful and the complaining party is free to seek resolution through a formal grievance process

#### **Rose State College Prohibition of Retaliation**

Consistent with the law and this policy, the College prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the College's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Any attempt to retaliate against a person for filing a complaint or participating in the investigation of a complaint may be treated as a separate violation of this policy.

The prohibition of retaliation applies to the entire Grievance Procedure, from notice, to complaint, through the investigation and live hearing, post decision actions, execution of sanctions and future interaction of the parties.

#### **Intentionally False Reports.**

If, during or after an investigation, the College finds the complainant submitted an intentionally false statement, the College will consider and execute appropriate sanctions. Caution – a complaint resulting in a finding of "not responsible" is not reviewed for intentionally false motives.

#### **Record-Keeping**

Any signed resolution agreements are placed in confidential personnel file storage separate from all other personnel files. Confidential personnel records are accessible only by the party, the A.V.P. HR/AAO or by a valid attorney subpoena.

### **SECTION 7C: GRIEVANCE PROCEDURES**

### Higher Education Act of 1972, Title IX Violations

This policy covers the complaint and grievance procedure for all forms of sexual misconduct and sex discrimination, including harassment, retaliation, or violence that occur in conjunction with any Rose State College activity, athletic program, educational program, including enrollment and admissions, housing, etc. All students, faculty, staff, guests, vendors, and visitors are required to comply with this policy.

#### **Sec. 7C-1. General Statement**

Rose State College (College) does not discriminate on the basis of race, color, sex, age, national origin, religion, disability, genetic information, sexual orientation, gender identify or expression, or status as a veteran in any of its policies, practices, or procedures. This includes, but is not limited to admissions, employment, financial aid, and educational programs, activities, or services. If discrimination, including harassment or retaliation, occurs, the College will take prompt and appropriate corrective and remedial action.

The person designated to handle inquiries regarding the nondiscrimination policies, including issues of noncompliance, is the Associate Vice President, Human Resources/Affirmative Action Officer, 6420 SE 15th Street, ADM Room 104, Midwest City, OK 73110, (405) 733-7979. This designee, in addition to handling inquiries regarding nondiscrimination policies, including issues of noncompliance, also coordinates the College's Title IX Investigative Staff to ensure services to students, employees, and guests of the College. Coordinator duties include periodic assessment of the College's Title IX compliance, overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints, annual review of the College's anti-discrimination statement, policies, and complaint procedures, and leadership of the investigative and record-keeping requirements set forth in this policy. The Title IX coordinator or designee will be available to meet with students, as needed, and to assist College law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

#### **A. Duty to Report**

Rose State College encourages any person who believes that they have experienced discrimination, harassment, retaliation, or violence based on a protected status in conjunction with a College activity, athletic program, educational program, employment, or in conjunction with an application for enrollment or employment, to report that complaint to the Associate Vice President, Human Resources/AAO, 6420 SE 15th Street, ADM Room 104, Midwest City, OK 73110, (405) 733-7979.

Where violations of sexual misconduct, harassment, and/or discrimination may have occurred, College employees who have witnessed or who have been advised of the alleged violations should report that information to the Title IX Coordinator or a Deputy Title IX Coordinator. The campus Title IX Coordinator is the Associate Vice President, Human Resources/Affirmative Action Officer, 6420 SE 15th Street, ADM Room 104, Midwest City, OK 73110, (405) 733-

7979. The Deputy Title IX Coordinators is the Director, Service Learning and Student Conduct, 6420 SE 15th Street, Midwest City, OK 73110, Student Services Building (SSB) Room 208, (405) 736-0355. For purposes of determining actual knowledge of a sexual misconduct and/or discrimination incident, the Title IX Coordinator, also the A.V.P. HR/AAO, or Deputy Title IX Coordinator are the designated officials with sanction authority.

Certain employees, who are prohibited from reporting due to privilege need not report such information when the employee receiving the complaint is acting in the privileged capacity. The only “by-law” exempt employee at Rose State College is the certified Licensed Professional Counselor in Student Services. Employees may also, or instead, refer the victim to the College’s advocacy team. Members of the advocacy team are trained in handling initial reports of sexual misconduct and discrimination; including addressing immediate medical and personal needs such as exams, collecting evidence, sleeping and eating, and how to file a formal complaint.

### **B. Duty to Report Child Abuse**

Oklahoma law requires every person having reason to believe that an unmarried child under the age of 18 is a victim of abuse (including sex abuse) or neglect to report the matter promptly to the Oklahoma Department of Human Services. Under Oklahoma law, “abuse” means harm or threatened harm or failure to protect the health, safety, or welfare of a child by a person responsible for the child’s health, safety, or welfare. This includes, but is not limited to, nonaccidental physical or mental injury, sexual abuse, or sexual exploitation. Under Oklahoma law, no privilege or contract shall relieve any person of this duty to report. The duty to report is individual, and no employer, supervisor, or administrator shall interfere with any person’s reporting duties or in any manner discriminate or retaliate against any person who in good faith reports suspected child abuse or neglect.

### **C. Reporting Cases of Sexual Violence**

#### **1. Who to Contact**

Any person who has experienced or witnessed sexual violence, including sexual assault, sexual battery, sexual coercion or another sex offense, should immediately contact the Campus Title IX Coordinator/Associate Vice President, Human Resources/Affirmative Action Officer, 6420 SE 15th Street, ADM Room 104, Midwest City, OK 73110, (405) 733-7979.

Any person who has experienced or witnessed sexual violence, including sexual assault, sexual battery, sexual coercion, or another sex offense, may also contact:

a. Midwest City Police Department (MWCPD) at 911

b. College’s Security Office located at 6420 S.E. 15th Street, Midwest City, OK 73110, Susan Loveless Center Room 117 or by calling (405) 733-7313

#### **2. Suggested Supportive Services/Additional Contacts for Victims**

In addition to services available from reporting contacts above, victims are encouraged to seek additional support from campus/community resources such as:

- a. Rose State College Advocates Program • (405) 208-3748
- b. Domestic Violence/Sexual Assault • (800) 522-7233 • (405) 917-9922•(917-YWCA)
- c. Rape Crisis Center • (405) 943-7273 (943-RAPE)
- d. YWCA DVVP (for VPO Assistance and Information) • (405) 297-1139
- e. Professional Counseling Services available on campus • (405) 736-0266

### **Sec. 7C-2. Initial Report and Complaint Procedure**

#### **A. The Initial Report**

When the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, receives notice, either from the complainant or from any other source, that a possible violation of sexual misconduct policies has occurred, the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, will:

1. Initiate any necessary actions to ensure the safety of the complainant and the campus at large.
  - a. Consider the need for a Timely Notice or Emergency Notification
  - b. Consider if incident is a mandatory Clery report and notify as appropriate
  - c. Consider referral to the College's advocacy team
2. Determine the identity and contact information of the complainant (whether that be the reporting party, the alleged victim, a College representative, or other party).
3. Identify the portions of this policy allegedly violated.
4. Advise the complainant that both formal and informal resolution options are available.
5. Review the process of a formal complaint; including the College's required live hearing process.
6. Assure the complainant that they will not be required to confront, or work out problems with, the person accused of the prohibited conduct.
7. Assess complainant's preference for an informal resolution in lieu of a formal hearing.
8. Respect complainant's wishes not to pursue a complaint (see C.2.b for exception).
9. Advise the complainant that they may file a non-employment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR), where such a complaint is within that agency's jurisdiction.

10. If the complaint is employment-related, advise the complainant that they may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC), where such a complaint is within that agency's jurisdiction.

11. If the complainant alleges abuse or neglect of a child under the age of 18, report the matter promptly to the Oklahoma Department of Human Services

## B. Complaint Procedure

### 1. Complaints Involving Sexual Discrimination or Sexual Harassment

A complaint involving allegations of sexual discrimination, sexual harassment, or sexual violence shall be reviewed, handled, investigated, and adjudicated only by persons with training or experience in:

- a. Handling complaints involving sexual discrimination or sexual violence.
- b. The College's relevant grievance procedures.
- c. Relevant confidentiality requirements.

### 2. Complaints Involving Sexual Violence

A complaint alleging sexual violence, including sexual assault or sexual coercion shall be reviewed, handled, investigated, and adjudicated only by persons with adequate training or knowledge regarding sexual violence.

### 3. Submitting a Complaint

#### a. Timeliness

Generally, any complaint should be filed with the College within 180 calendar days of the alleged discrimination, harassment, or retaliation, to facilitate the process of gathering facts and evidence. Complaints that are filed after that time will be reviewed, but a lengthy lapse of time may make an investigation difficult.

b. Obtaining the Complaint Form - Complaint Forms (ADM 44 - Discrimination/Harassment Complaint Form) are available online through the intranet Forms Handbook, the Title IX Resources page at [www.rose.edu](http://www.rose.edu), and from the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate. The complaint shall include the following information:

- i. The complainant's name and address.
- ii. The Title IX Coordinator or a Title IX Deputy Coordinator, as appropriate, may, at their discretion and over the wishes of the complainant, elect to file a Title IX complaint to enable a thorough investigation of the allegations.
- iii. The College program or activity in which the complainant was participating, or attempting participation, at the time of the alleged misconduct and
- iv. The name and title of the person(s) against whom the complaint is made
- v. A statement of the accused's specific acts that allegedly violated this Policy.

- vi. The specific dates on which those actions allegedly took place.
- vii. A clear and concise statement of any other facts that form the basis of the complaint.
- viii. If the complainant is not the alleged victim, the complainant's relationship, if any, to the person who experienced the prohibited conduct.
- ix. A clear and concise statement of the remedy the complainant seeks.
- x. The complainant's signature.

### c. Submitting the Complaint Form

The signed complaint form may be submitted to the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, by mail, electronic mail, or in person. The campus Title IX Coordinator is the Associate Vice President, Human Resources/Affirmative Action Officer, 6420 SE 15th Street, ADM Room 104, Midwest City, OK 73110, (405) 733-7979, [anutter@rose.edu](mailto:anutter@rose.edu).

The Deputy Title IX Coordinator is the Director, Service Learning and Student Conduct, 6420 SE 15th Street, Midwest City, OK 73110, Student Services Building (SSB) Room 208, (405) 736-0355.

### 4. Review of the Complaint

Within a reasonable timeframe, 5 business days or less, of receiving the complaint, Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, shall review the complaint to determine whether:

- a. The written complaint is complete.
- b. The alleged misconduct took place while the complainant was participating in, or attempting to participate in, a College program activity and the allegations are against someone in the U.S.
- c. The written complaint alleges conduct prohibited by Policy.
- d. The complainant experienced the alleged conduct or is a personal representative of someone who experienced the alleged misconduct or witnessed the alleged misconduct.

### 5. Anonymity and Confidentiality

The College does not reveal information about complaints of discrimination except as necessary to fulfill its legal obligations. Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the College to respond.

If a complainant previously insisted that his or her name not be revealed, the Title IX Coordinator/Deputy will inform the complainant the ability for the institution to move forward is limited by due process, and without informing the responding party of the details of the complaint, the institution will dismiss the

complaint (see below). The responsible officer may also refer the complainant to the Rose State College Advocates program; see

Section 7C-1 (c).

### 6. Dismissals of Complaints

There are justifications which require the College to dismiss complaints, as well as justifications that may be used to dismiss complaints under Federal Title IX guidance. In situations resulting in the dismissal of a Title IX complaint, the College may address the complaint under other policies, processes, or procedures. Justifications for mandatory dismissal apply only to Title IX complaints.

a. The College will dismiss a complaint with allegations which:

- i. Do not meet the definition of sexual harassment or sexual misconduct.
- ii. Did not occur against in the U.S., regardless of the relationship to College.

b. The College may dismiss a complaint if:

- i. The complainant gives the Title IX Coordinator written notice to withdraw the complaint.
- ii. The respondent is no longer affiliated with the College.
- iii. There are circumstances preventing the College from collecting necessary evidence to make a determination of responsibility.

### 7C-3. Investigations and Live Hearings

#### A. Investigations

##### 1. Selection of the Investigator

If the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, determines the written complaint is sufficient, within two (2) business days, the investigation will be assigned to a qualified internal designee.

In cases of sexual discrimination, sexual harassment, or sexual violence, the investigator must meet the qualifications established in 73-B of this Policy. In all cases, the investigator selected will be a neutral, disinterested individual. The selected individual should not be a party to the complaint, the complainant, or the accused, nor should the selected individual have a vested interest in the outcome of the investigation.

Both parties are entitled to the same rights regarding representation and supportive services, as well as other rights throughout the investigation and into the live hearing process.

##### 2. Rights of the Parties

###### a. Representation



i. Parties shall be entitled to be accompanied by a representative or advocate (such as a colleague, parent, student advocate, etc.) of their choosing at all complaint meetings.

ii. Representatives and advocates are prohibited from disclosing any information concerning the content of a meeting or hearing.

iii. Representatives and advocates are prohibited from any retaliatory conduct related to information disclosed during a meeting or hearing.

iv. Legal advisors and attorneys may be present during any meetings or hearings but cannot participate directly in the process except when serving in a cross-examination role for the live hearing. They may only interact with the party they are representing.

v. To request a representative be provided by the College to act on the party's behalf if the party does not have their own representative or advocate.

### b. Supportive Services

i. Supportive services that do not favor either party may continue throughout the formal complaint process; the College will provide the parties with information about how to obtain services from resources available on and off campus, including those listed in 7C.1.C.2.

ii. The College may also consider steps, such as, but not limited to, transfer to new sections of the same or similar courses; housing transfers to different buildings or floors; security escorts to and from parking areas, classes, housing and activities, etc.; these supportive services will be granted, as appropriate, on a case-by-case basis and to both the complainant and respondent.

iii. Supportive Services which may modify or impact a student or employee's equal access to educational programs and activities may require an emergency Behavioral Intervention Team hearing, within a timely manner, before the requested service is granted. In those cases, the institution will grant or deny the request based upon the results of the emergency hearing.

### c. Other Rights

i. To be informed when an investigation begins of the allegations, any known facts surrounding the allegations, and a proposed timeline for resolving the complaint.

ii. To seek counseling and advice from the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate.

iii. To obtain services and resources from the College's advocates program; see Sec. 7-1(c).

iv. To present relevant witnesses, evidence, and information at any meeting or hearing.

v. To have access to any information, to the extent permitted by the Family Educational Records and Privacy Act (FERPA) and by rules of privilege and confidentiality, that will be used at any meeting or hearing.

- vi. Not to be personally questioned or cross-examined by the accused.
- vii. To the College's taking reasonable steps to maintain the complainant's reputation during the entire process and/or to restore the complainant's reputation if it is damaged during any proceeding.
- viii. In cases of sexual assault and pursuant Rape Shield laws, neither the institution nor the responding party shall publish any image or identifying information of the complainant.
- ix. To be protected against retaliation from the accused or from other persons during or after the complaint process.
- x. To a prompt and equitable resolution of the complaint.
- xi. To receive a written notice of the outcome of the investigation.

### 3. Notification to the Accused

Within a reasonable time, usually as soon as possible, after the complaint is reviewed and determined to be a sufficient, valid complaint, the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, shall inform the accused of the filing and the general nature of the complaint in a manner that is appropriate under the circumstances. The Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, shall advise the accused:

- a. That the accuracy of the allegations has not been assessed.
- b. That the accused is presumed not-responsible for the alleged misconduct until the entire complaint process is complete.
- c. That the accused will have an opportunity to present their side of the matter
- d. Offer of informal resolution if the complainant has voluntarily requested.
- e. That any conduct that could be viewed as retaliatory against the complainant or witnesses is strictly prohibited and would constitute a separate violation of this policy.

### 4. Conducting the Investigation

If both parties have voluntarily requested an informal process, the College will follow the informal process procedure located in Section 7-8. Once an investigator has been selected, they shall conduct the investigation in as timely a manner as possible unless the matter is informally resolved, or the complainant withdraws the complaint. The investigation will be conducted free of discrimination. The investigation will comply with the following:

- a. Collection of Evidence/Witness Interviews and Statements
  - i. The burden of collecting evidence rests with the College, not the parties.
  - ii. The investigator will not restrict the parties from collecting their own evidence.
  - iii. The investigator will give equal opportunity for parties to present witnesses/evidence.

iv. Investigator will not seek or use private medical, psychiatric, or treatment records for any party or witness without the individual's voluntary, written consent.

b. Advisors, Advocates and Representatives

i. Both parties will have equal opportunity to select an advisor, advocate, or representative.

ii. If either party cannot select an advisor for any reason, the College will provide one.

iii. If the College provides this function, it will be free of fee or charge.

iv. Regardless of how representation is obtained, parties will provide the investigator with:

a) Name and contact information for representative.

b) Professional title or credentials of representative to enable the institution to provide an similarly credentialed representative for opposing parties.

c. Communication with Parties and Representatives

i. The College will send written notice regarding meetings, interviews, and hearings.

ii. The investigator will provide each party and their respective representative with the evidence related to the allegations collected by the investigator, opposing party, and the opposing party's representative.

a) Evidence may be in hard copy or electronic format.

b) Parties shall have 10 days to review, inspect, and respond to the investigator.

d. Relation of the Investigation to Law Enforcement Investigation

i. The investigation conducted pursuant to this policy may be concurrent with an investigation by law enforcement officers, but it is not dependent on any law enforcement investigation.

ii. The College may, at its discretion, delay the investigative process long enough to allow local law enforcement to collect evidence. Any delay for this purpose will be as short as possible.

iii. If the written complaint alleges sexual discrimination, sexual harassment (including sexual violence), or retaliation for claims of sexual discrimination and sexual harassment, the law enforcement investigation does not relieve the College of its independent obligation under Title IX to investigate. The College is not obliged to notify law enforcement of an alleged violation of this policy at any time, including prior to, during, or at the conclusion of an investigation.

e. Additional information about the College's interaction with local law enforcement is contained in a Memorandum of Agreement and can be found at <https://www.rose.edu/content/about-us/our-campus/safety-security/>.

### f. Investigative Report

i. Investigator will send both parties an investigative report containing:

- a) Summary of the complaint.
- b) Identification of complainant witnesses and summary of the witnesses' inputs.
- c) Identification of respondent witnesses and summary of the witnesses' inputs.
- d) General timeline of events related to the complaint.
- e) Identification of specific policy related to the investigation.
- f) Any other items of interest the investigator deems appropriate and relevant to the complaint.
- g) Investigator will provide a copy of the investigative report and all evidence to the Title IX Coordinator/Deputy Title IX Coordinator, as appropriate

### **B. The Live Hearing**

As soon as possible after receiving the investigative report, see Sect. 7C-D3f, the Title IX Coordinator/Deputy Coordinator, as appropriate, will coordinate a live hearing to allow a decision-maker to hear matters from both parties, examine evidence, and decide, based upon the preponderance of evidence, the respondent's responsibility. All respondents are assumed not responsible until the outcome of the live hearing.

#### 1. Scheduling the Hearing

The Title IX Coordinator/Deputy Coordinator, as appropriate, will contact all participants to establish availability, as well as locate acceptable locations to conduct the live hearing:

- a. Determine availability of all participants:
  - i. Complainant and Respondent.
  - ii. Advisors to the Complainant and Respondent.
  - iii. Decision-Maker.
  - iv. Title IX Coordinator/Deputy Coordinator, as appropriate.
  - v. Investigator.
  - vi. Technical Advisors (as needed).
- b. Determine availability of separate locations:
  - i. Technology-enabled location for the Complainant/Advisor.
  - ii. Technology-enabled location for the Respondent/Advisor.
  - iii. Technology-enabled host-location for the Decision-Maker, witnesses, etc.

#### 2. Notification of the Hearing:

The Title IX Coordinator/Deputy Coordinator, as appropriate, will simultaneously inform all

participants (sans the technical advisors) of the available details of the live hearing. This notice will include:

- a. Brief review of the complaint.
- b. Brief summary of the evidence collected.
- c. Brief review of witness inputs.
- d. Title IX Coordinator/Deputy Coordinator's, as appropriate, referral of the complaint to a decision-maker via. a live hearing.
- e. Time, date and location of the live hearing.
- f. Reminder to the parties they may be accompanied into the actual hearing location by only their advisors.
- g. Notice that the intent of the hearing is to determine whether the respondent is responsible for any of the allegations in the complaint.
- h. Reminder of the retaliation restriction.
- i. Procedures to request rescheduling of the live hearing.

### 3. Day of the Hearing

#### a. Final preparation

The Title IX Coordinator/Deputy Coordinator, as appropriate, will ensure all required parties are present, in the appropriate locations, and witnesses are nearby with the ability to respond within a few minutes of their required presence. The Title IX Coordinator/Deputy Coordinator, as appropriate, along with a technical advisor, will ensure operational capability of the required technical support:

- i. Ability to record the hearing from the host location.
- ii. Ability for the host location to communicate with both parties' locations.
- iii. Ability for the host location to lock out either or both parties' locations.

#### b. Introduction of Parties and Complaint

The Title IX Coordinator/Deputy Coordinator, as appropriate, will:

- i. Introduce all participants present, including name, affiliation to the College or Community, and affiliation to the complaint.
  - ii. Review the details of the complaint.
  - iii. Review the technology aspect of the live hearing.
- c. Refer the complaint to the Decision-Maker

The Title IX Coordinator/Deputy Coordinator, as appropriate, will:

- i. Ask the investigator to introduce and read the investigative report.
- ii. Ask the decision-maker if they need any additional information before proceeding.
- iii. Refer the matter to the decision-maker with a request for the decision-maker to determine, based on a preponderance of the evidence, if the respondent is responsible for any or all of the allegations in the complaint.

#### d. Conducting the Live Hearing

The decision-maker will conduct the main portion of the live hearing in a manner that allows for equal opportunity of input from each party. The technical advisor will assist the decision-maker as needed.

- i. The decision-maker asks for each party's opening statement.
- ii. The decision-maker asks for complainant, through the complainant's advisor, to submit evidence and interview witnesses to support the allegations in the complaint.
- iii. The respondent, through the respondent's advisor, may challenge evidence's relevance and may ask challenging questions, including questions regarding credibility, of complainant's witnesses

#### a) Complainant

1) RAPE SHIELD – irrelevant questions and evidence about a complainant's prior sexual behavior are prohibited unless they are asked to prove that someone other than the respondent committed the alleged misconduct or are offered to prove the presence of consent.

2) Cross-examination questions must first be shared between responding party and decision-maker, who will approve or disapprove use of the question(s). The decision-maker will explain to the respondent why the question is not relevant or violates the Rape Shield.

3) Witnesses may decline cross examination entirely or may decline to answer specific cross examination questions.

4) If a party or witness declines cross-examination, the decisionmaker must not rely on statements of that party or witness in making a decision; and the decision-maker cannot draw an inference using the party's absence from the live hearing or their refusal to answer cross-examination questions.

#### b) Respondent

1) The same procedure is for the complainant is repeated for the respondent, through the respondent's advisor

i) Witnesses and evidence.

ii) Cross examination

e. Closing the Live Hearing

After both parties have had equal opportunity to challenge evidence and witness input, the decision-maker offers each party an opportunity for summary closing statements.

i. The decision-maker may make any closing statements they feel are appropriate.

ii. The decision-maker departs.

iii. The Title IX Coordinator/Deputy Coordinator, as appropriate, advises parties the live hearing has concluded and advises both parties will be notified simultaneously of the decision-maker's determination.

iv. The Title IX Coordinator/Deputy Coordinator, as appropriate, dismisses the parties.

f. Post Hearing Actions

i. The Title IX Coordinator/Deputy Coordinator, as appropriate, retrieves the live hearing recording and any remaining evidence.

ii. The Title IX Coordinator/Deputy Coordinator, as appropriate, sends a copy of the live hearing recording to the decision-maker.

iii. The decision-maker renders a decision within a reasonable timeframe, usually as soon as possible, and notifies the Title IX Coordinator/Deputy Coordinator, as appropriate, regarding the allegations, including the following statements, as appropriate, for each allegation:

a) The respondent is, more likely than not, RESPONSIBLE.

a) Specific allegations are identified.

b) Specific College policy related to the allegations.

b) The respondent is, more likely than not, NOT RESPONSIBLE for all or a portion of the allegations.

c) The decision-maker is unable to determine responsibility based on a preponderance of the evidence.

**Sec 7C-4 Notification of Live Hearing Results and Further Proceedings (appeals)**

A. Notification of Live Hearing Results

Within a reasonable period, usually as soon as possible, after receiving the decision-maker's findings, the Title IX Coordinator/Deputy Coordinator, as appropriate, will prepare and simultaneously send both parties and their respective advisors a Notice of Results containing:

1. Brief review of the complaint.

2. Reference to the live hearing.

3. The decision-maker's findings of all allegations, listing each allegation and the corresponding finding separately.

4. If the decision-maker finds the respondent responsible for any of the allegations, then the decision-maker will address the complainant's requested remedies and sanctions, including:

a. The decision-maker's opinion on relevance and appropriateness of complainant's requested remedies.

b. The decision-maker's opinion that the remedies requested are or are not focused on the complainant's access to educational programs and activities.

c. Proposed sanctions or continuing supportive services no longer need not be equitable between parties, but can now favor the complainant.

### B. Lack of Objection to the Findings

If neither the complainant nor the respondent objects, in writing, to the investigative findings within 5 business days of receiving the notice of those findings, the investigative report's findings and the proposed resolution shall be final and binding.

### C. Further Proceedings (Appeals)

The notice of results will also provide the parties and their respective representatives with information on appealing the decision-maker's findings through further proceedings.

1. Right to Further Proceedings/Review of Findings - The parties to a complaint may initiate further proceedings, within 5 business days of receiving the notification of findings if a party is not satisfied with the findings of the College's investigation. The further proceedings request must be in writing and is submitted to the Title IX Coordinator. The requesting party must state one of the following justifications supporting the need for further proceedings:

a. There is new evidence that could have affected the decision that was not reasonably known prior to the issuance of the notification of findings.

b. The investigation or findings exhibited prejudice, bias, or other unfair treatment that affected the outcome of the case.

c. The institution's stated policies and procedures were not followed.

2. Rights of parties during Further Proceedings - The Title IX Coordinator will inform the opposing party of the further proceedings request within a reasonable timeframe, usually within 5 business days, of receiving the request, and will afford the opposing party the opportunity to submit, within a reasonable timeframe, usually 5 business days, a written response to the request for further proceedings.



3. Decision of the Executive Vice President - The Executive Vice President will review the original complaint, the investigative process and report, the notification, and the party's request for further proceedings.

a. The Executive Vice President will issue a final decision in the matter within 30 days of receiving the request for further proceedings.

b. The Executive Vice President's decision is final. The Executive Vice President, or designee, will inform both parties, in writing, of the Executive Vice President's decision. Once the requesting party is notified of the Executive Vice President's final decision, all administrative actions have been exhausted.

### **Sec. 7C-5. Sanction Officials and Risk Management Notifications**

#### **A. Sanctions**

##### 1. Faculty/Staff/Employee Sanctions for Violations of this Policy

a. In accordance with the College's policies and procedures, the College may impose sanctions such as verbal reprimands, mandatory enrollment in seminars pertaining to prohibited discrimination and sexual harassment issues, written reprimands, demotions, suspensions without pay, and termination of employment. Referral to law enforcement may be appropriate as set out in section 7.1.C.1. above or as required by law.

b. The Title IX Coordinator/Deputy Coordinator, as appropriate, will notify the department Vice President of the matter, along with recommended sanctions imposed by the decision-maker and, if appropriate, upheld by the Appellate Authority.

##### 2. Student Sanctions for Violations of this Policy

a. The Title IX Coordinator/Deputy Coordinator, as appropriate, will notify the Director, Service Learning and Student Conduct of the matter, along with the sanctions imposed by the decision-maker, and when appropriate, the outcome of the further proceedings process.

b. The Director, Service Learning and Student Conduct is responsible for ensuring the sanctions imposed are properly executed and notification of the completion of sanctions is provided to the Title IX Coordinator within a reasonable timeframe.

c. In accordance with the College's student disciplinary procedures, the College may impose sanctions such as verbal reprimands, mandatory enrollment in seminars pertaining to prohibited discrimination and sexual harassment issues, written reprimands, dismissal from class and/or other College activities, suspension, or expulsion, depending upon the severity of the act.

d. Referral to law enforcement may be appropriate as set out in section 7.1.C.1. above or as required by law.

#### **B. Risk Management Notification**

Unless unusual or complex circumstances exist, the Title IX Coordinator/ Deputy Title IX Coordinator, as appropriate, shall complete and distribute a final summary of the complaint and outcome to:

1. College President.
2. General Counsel.
3. Oklahoma Management Enterprise Services (OMES) Risk Management Office.

## **Sec. 7C-6. Title IX and Other Key Higher Ed Compliance Guidance**

### **A. Title IX and The Clery Act**

In addition, the College is subject to the federal Clery Act, which requires that “both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense.” Compliance with this requirement does not constitute a violation of FERPA. Furthermore, the FERPA limitations on re-disclosure of information do not apply to information that the College is required to disclose under the Clery Act. Accordingly, the College may not require a complainant to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of this information.

### **B. Title IX and FERPA**

1. The Family Educational Rights and Privacy Act (FERPA) generally prohibits the nonconsensual disclosure of personally identifiable information from a student’s educational record. However, FERPA permits the College to disclose to a harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student. This information includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or that the harasser transferred to other classes or another residence building. Disclosure of other information in the accused student’s “education record,” including information about sanctions that do not relate to the harassed student, may result in a violation of FERPA.

2. When harassing conduct involves a crime of violence or a non-forcible sex offense, FERPA permits the College to disclose to the alleged victim the final results of a disciplinary proceeding against the alleged perpetrator, regardless of whether the College concluded that a violation was committed. Additionally, the College may disclose to anyone – not just the alleged victim – the final results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or a nonforcible sex offense, and, with respect to the allegation made, the student has committed a violation of the College’s rules or policies.

### **C. Title IX and the EEOC**

1. The Title IX Coordinator, or their designee, shall complete the investigative report within 90 days of the filing of a formal written complaint and within that time will distribute the report and make the notifications described above.
2. The complainant also has the right to file a complaint with the EEOC or state agency where the case is within the jurisdiction of that agency.

### **D. Title IX and Rose State College Prohibition of Retaliation**

Consistent with the law and this policy, the College prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the College's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Any attempt to retaliate against a person for filing a complaint or participating in the investigation of a complaint may be treated as a separate violation of this policy.

The prohibition of retaliation applies to the entire Grievance Procedure, from notice, to complaint, through the investigation and live hearing, post decision actions, execution of sanctions and future interaction of the parties.

### **E. Intentionally False Reports.**

If, during or after an investigation, the College finds the complainant submitted an intentionally false statement, the College will consider and execute appropriate sanctions. Caution – a complaint resulting in a finding of “not responsible” is not reviewed for intentionally false motives.

### **Sec. 7C-7. Records Retention**

A confidential file of all materials, including the complaint, interview and investigation notes and records relating to the investigation of the complaint will be maintained by the Title IX Coordinator/Deputy Coordinator, as appropriate. The Title IX Coordinator, or a Deputy Title IX Coordinator, as appropriate, will be the only persons who have access to the file. The file will then be handled in a manner consistent with applicable state and federal guidelines for maintaining records for this type of complaint. Nothing will be placed in the accused person's official College files, including employment, contract or student records, unless disciplinary action is taken against the person. All records complaining to the complaint cannot be destroyed for at least 7 years. In cases involving employees, any records deemed personnel records must be maintained perpetually.

# APPENDIX B: GEOGRAPHIC BOUNDARIES OF ROSE STATE COLLEGE FOR CLERY ACT REPORTING





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# ROSE STATE COLLEGE

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Rose State College is accredited by The Higher Learning Commission; 230 South LaSalle Street, Suite 7-500, Chicago, IL 60604-1411, Telephone: 1-800-621-7440. Rose State College does not discriminate on the basis of race, color, sex, age, national origin, religion, disability, genetic information, sexual orientation, gender identity or expression, or status as a veteran in any of its policies, practices or procedures. This includes, but is not limited to: admissions, employment, financial aid, and educational programs, activities, or services. The person designated to handle inquiries regarding the nondiscrimination policies, including issues of noncompliance, is the Associate Vice President, Human Resources/Affirmative Action Officer, 6420 SE 15th Street, ADM Room 104, Midwest City, OK 73110, (405) 733-7979. Complaints and grievances will be handled in accordance with the College's Grievance Procedures. This publication is issued by Rose State College, as authorized by the Board of Regents.