



OKLAHOMA  
**PANHANDLE STATE**  
UNIVERSITY

# 2024 Annual Security & Fire Safety Report

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September 2024

**Oklahoma Panhandle State University**  
**ANNUAL CRIME REPORT AND ANNUAL FIRE SAFETY REPORT**

**Contents**

INTRODUCTION..... 3

NOTICE OF AVAILABILITY OF ANNUAL SECURITY REPORT ..... 4

CAMPUS SECURITY AUTHORITIES ..... 5

DESIGNATED CAMPUS SECURITY AUTHORITIES ..... 5

Campus Law Enforcement Authority..... 5

Relationship with Other Law Enforcement Agencies..... 6

TIMELY WARNING POLICY..... 7

DAILY CRIME LOG..... 7

EMERGENCY RESPONSE AND EVACUATION PROCEDURES STATEMENT ..... 7

NOTIFICATION TO UNIVERSITY COMMUNITY ABOUT AN IMMEDIATE THREAT ..... 8

MEDICAL EMERGENCIES ..... 9

CAMPUS WIDE EMERGENCY RESPONSE ..... 9

Crime Prevention Programs for Students and Employees ..... 12

PERSONAL SAFETY ..... 12

ESCORT SERVICE ..... 14

NATURAL DISASTERS..... 15

SEX OFFENDER REGISTRY ..... 15

REPORTING PROCEDURES (GENERAL PROCEDURES FOR REPORTING A CRIME OR EMERGENCY) ..... 16

CRIME REPORTING..... 16

CONFIDENTIAL CRIME REPORTING..... 16

CRIMES DISCLOSED TO A PASTORAL OR MENTAL HEALTH COUNSELOR ..... 17

CRIMES IN PROGRESS ..... 17

CRIME DISCLOSURE ..... 18

DEFINITION OF TERMS FOR STATISTICAL CHARTS ..... 18

CRIME DEFINITIONS..... 21

CRIME STATISTICS..... 24

OBTAINING REPORTS..... 30

OFF-CAMPUS CRIME ..... 30

ACCESS TO CAMPUS FACILITIES ..... 31

MAINTENANCE OF CAMPUS FACILITIES..... 31

ALCOHOL AND DRUG POLICIES..... 31

ALCOHOL AND DRUG ABUSE EDUCATION PROGRAMS.....	32
LOST AND FOUND .....	33
DISCIPLINARY PROCEEDINGS .....	33
Student Conduct Process .....	34
SEX OFFENSES, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING.....	43
Educational Programming .....	43
Victim Information.....	44
Definition of Consent.....	44
What to do if you are a Victim of Sexual Violence .....	45
On and Off Campus Resources .....	46
Medical Services .....	48
Interim Measures.....	48
Reporting .....	50
Requests for Confidentiality from a Non-Confidential Reporter .....	52
Reporting to the Police .....	53
Report to Student Conduct.....	54
MISSING STUDENT NOTIFICATION.....	55
CONTACT INFORMATION.....	56
ANNUAL FIRE SAFETY REPORT .....	56
Rules on Portable Electric Appliances, Smoking and Open Flames in a Student Housing Facility .....	56
Student Housing Evacuation in the Case of a Fire .....	57
Fire Safety Education and Training Programs Provided to Students and Employees .....	58
To Report a Fire .....	59
Future Improvements in Fire Safety .....	59
Fire Drills.....	59
TITLE IX POLICY AND DISCIPLINARY PROCEDURES.....	80

## INTRODUCTION

### A Message from the Police Chief

To the OPSU-Goodwell Community,

Thank you for taking the time to read this publication. It is packed with helpful information about safety and security on our campus. The Oklahoma Panhandle State University Police Department is a professional, full-service law enforcement agency with the responsibility to provide police services to all areas of our campus community.

We are committed to establishing a partnership with the community and with OPSU to address safety concerns, reduce crime and improve quality-of-life issues.

This report is part of our on-going effort to inform you of the safety programs and services available to the university community, the crimes that are reported to our police, and the steps you can take to maintain a safe and secure campus. It also is provided as our compliance document as called for under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as required by the Higher Education Opportunity Act. We take the commission of crimes against our students, faculty, staff, and visitors personally. We aggressively investigate reported crimes. We also collaborate with other law enforcement agencies and campus groups to reduce crime on campus.

For more information about the Jeanne Clery Act, visit the Clery Center for Security on Campus website below:

<http://www.clery.org>

We must work to ensure that our persons and property are secure and protected by a responsible, vigilant and caring population of involved people who report suspicious and unlawful behavior immediately to Police.

Please do your part by getting involved and securing your property. Let's work together to keep campus safe.

Sincerely,  
Andrew Ramirez  
Chief OPSU Police  
Goodwell, OK

**OPSU/ OPSU Police Telephone Directory**

Emergencies .....911

OPSU Police Department ..... 580-468-0915

Goodwell Police Department.....580-338-4400

Texas County Sheriff’s Office/Texas County Dispatch.....580-338-4000

Maintenance/Physical Plant .....580-349-1590

Housing Office ..... 580-349-1360

Dean of Student Affairs.....580-349-1359

Texas County Sheriff’s Office.....580-338-4000

OSBI ..... 580-338-5821

Goodwell Fire Department.....580-349-2209

**NOTICE OF AVAILABILITY OF ANNUAL SECURITY REPORT**

The OPSU Police Department and Oklahoma Panhandle State University are committed to assisting all members of the community in providing for their safety and security. The annual security and fire safety compliance document is available. If you would like to receive the combined Annual Security and Fire Safety Report which contains this information, you can stop by the OPSU Police Department at 216 S Aggie Blvd., Goodwell, OK 73939 or you can request that a copy be mailed to you by calling (580) 349-1359. The Annual Security and Fire Safety Report is also available by request through the Office of Student Services in the Student Union Building, Room 1 at 316 W. Sewell St., Goodwell OK 73939 or by calling the OPSU Dean of Student Services at (580)349-1359.

The booklet contains information regarding campus security and personal safety including topics such as: crime prevention, fire safety, law enforcement authority, crime reporting policies, disciplinary procedures and other matters of importance related to security and safety on campus. They also contain information about crime statistics for the three previous calendar years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by OPSU; and on public property within, or immediately adjacent to and accessible from the campus.

This information is required by law and is provided by the OPSU Police Department and Oklahoma Panhandle State University.

## **CAMPUS SECURITY AUTHORITIES**

The U.S. Department of Education defines campus security authorities as:

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

## **DESIGNATED CAMPUS SECURITY AUTHORITIES**

The following individuals are designated campus security authorities:

### ***OPSU Police Department***

All Sworn Police Officers

### ***Student Affairs***

Dean of Student Affairs

Student Health Clinic Nurse

Housing Director

Resident Assistants

### ***Athletic Department***

Director of Athletics

Head Coaches for Athletic Teams

Assistant Coaches for Athletic Teams

## **Campus Law Enforcement Authority**

OPSU Police have complete police authority to apprehend and arrest anyone involved in illegal acts on-campus and areas immediately adjacent to the campus. If minor offenses involving University rules and regulations are committed by a University student, the campus police may also refer the individual to the disciplinary division of StudentServices.

Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are to be

reported to the local police and joint investigative efforts with investigators from Texas County Sheriff's Office and any other applicable agencies are deployed to solve these serious felony crimes. The prosecution of all criminal offenses, both felony and misdemeanor, is conducted at either the Municipal Court or the District Court of Texas County.

OPSU Police personnel work closely with local, state, and federal police agencies and have direct radio communication with the Texas County Sheriff's Office. The OPSU Police Department is also a part of the Texas County E-911 Emergency System.

By mutual agreement with state and federal agencies, The OPSU Police Department maintains an NLETS terminal (National Law Enforcement Telecommunications Network). Through this system police personnel can access the National Crime Information Computer system. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations of student organizations is monitored and recorded. This information is provided to the Dean of Student Services for any action or follow-up that may be required.

### **Relationship with Other Law Enforcement Agencies**

The OPSU Police Department maintains a close working relationship with the Texas County Sheriff's Office (TCSO). The OPSU Police Department staff occasionally works with other law enforcement agencies in the area, including the Oklahoma State Bureau of Investigation (OSBI), Oklahoma Highway Patrol (OHP), Oklahoma Bureau of Narcotics (OBN), Department of Fish and Game and the Federal Bureau of Investigation (FBI). Meetings are held between the leaders of these agencies on both a formal and informal basis.

The officers communicate regularly on the scene of incidents that occur in and around the campus area. The OPSU Police Department investigators work closely with the investigative staff at the above-named agencies when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary. There is no written memorandum of understanding between OPSU Police Department, and every agency named herein.

### **TIMELY WARNING POLICY**

In the event that a situation arises, either on or off campus, that in the judgement of the OPSU Police Chief or the Dean of Student Services, constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The warning will be issued through the university e-mail system and the RAVE text messaging system.



Depending on the circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Dean of Students may also coordinate a post with the Director of Communications to notify the campus through a campus-wide electronic message boards, the University website ([www.opsu.edu](http://www.opsu.edu)), and/or social media. The Dean of Students, in coordination with the Communications Office and the campus web designer may post additional and more detailed information to the University website. Additional paper notices may be posted at the entrances to each residence hall and the Student Union. Anyone with information warranting a timely warning should report the circumstances to the OPSU Police Department, by phone at 580-468-0915.

## **DAILY CRIME LOG**

A daily crime log is available for review at the OPSU Police Department Office in the Clubhouse. The information in the crime log typically includes the case number, classification, date reported, date occurred, time occurred, general location and disposition of each crime. It does not include names of the parties involved.

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES STATEMENT**

The OPSU Emergency Operations Plan includes information about incident response teams, including University operating status parameters; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements. University departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The University conducts numerous emergency response exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

OPSU Police officers and supervisors have received training in Incident Command and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the OPSU PD and Fire and Emergency Medical Services Department, and they typically respond and work together to manage the incident. Depending on the nature of the incident, other law enforcement agencies and other local or federal agencies could also be involved in responding to the incident.

General information about the emergency response and evacuation procedures for OPSU Police Department are publicized each year as part of the institution's Clery Act compliance efforts. Detailed information about and updates to the OPSU Emergency Operations Plan are available in the OPSU Dean of Student Services' office.

All members of the OPSU Community are notified on an annual basis that they are required to

notify the OPSU Police Department (OPSU PD) of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. OPSU PD has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the OPSU Police Department has a responsibility to respond to such incidents to determine if the situation does in fact pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

## **NOTIFICATION TO UNIVERSITY COMMUNITY ABOUT AN IMMEDIATE THREAT**

The OPSU Office of Student Services receives information regarding threats to the campus community from various offices/departments on campus, such as the OPSU Police Department, the Texas County Sheriff's Office, local Emergency Management, etc. If OPSU PD or the Office of Student Services confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the community, they will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the campus community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. OPSU will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: OPSU PD, TCSO, and/or the Fire and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include network emails, voice mails, emergency text messages that can be sent to a phone or PDA (individuals can sign up for this service on the Aggie Access web site), and University social media and websites. The University will post updates during a critical incident on the OPSU website at [www.opsu.edu](http://www.opsu.edu).

## **MEDICAL EMERGENCIES**

Steps to take in a medical emergency:

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

4. Meet emergency personnel to guide them to the patient.

The OPSU Student Health Clinic is located in Student Union room 2 and is open Monday through Thursday, 10:00 a.m.-3:00 p.m. during the fall and spring semesters. The Student Health Clinic is closed when classes are not in session (i.e., spring break). Most services are provided to students free of charge. Medications, including antibiotics, flu shots, Hepatitis B, and tetanus immunizations and selected laboratory tests are obtainable at cost. Employees may use the Student Health Clinic at a fee of \$5 per visit. A local doctor is available for consultation through the registered nurse in the health clinic. If the nurse is not available, please go to the Student Services Office to obtain a referral to a doctor.

## **CAMPUS WIDE EMERGENCY RESPONSE**

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

### **Testing Emergency Response and Evacuation Procedures**

An evacuation drill is coordinated by the OPSU Housing Office each semester for all community-living facilities on campus. Thus, the emergency response and evacuation procedures are tested at least twice each year. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. OPSU and OPSU Police Department do not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, OPSU PD and OPSU staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At OPSU, evacuation drills are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of fire alarm system components.

Evacuation drills are monitored by the OPSU PD, GFD, and OPSU Housing Office to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

Students receive information about evacuation and shelter-in-place procedures during their first-floor meetings and during other educational sessions that they can participate in throughout the year. The Residential Life staff members are trained in these procedures as well and act as an on-going resource for the students living in residential facilities.

OPSU conducts numerous announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. OPSU PD coordinates announced and unannounced evacuation drills each semester, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities.

### **Active Shooter**

If an incident occurs, get as far away as possible from the sound of shots. If that is not possible, lock yourself indoors, ideally in a location as far from the entry door as possible, turn off all lights, and silence your cell phone. Stay away from any windows. In the event an active shooter breaches your location, fight back in any way possible. OPSU trains building supervisors and then drills on active shooter responses, including check-in procedures, each semester in all campus buildings. The OPSU PD coordinates with surrounding agencies for Law Enforcement, EMS, and Fire response.

### **Shelter-in-Place/Lockdown Procedures**

If an incident occurs and the buildings or areas around you become unstable, or if the outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to "shelter-in-place" means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

#### *Basic "Shelter-in-Place/Lockdown" Guidance*

If an incident occurs and the building you are in is not damaged, stay inside-seeking an interior room-until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, OPSU ID card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If police or fire department personnel are on the scene, follow their directions.

#### *How You Will Know to "Shelter-in-Place"*

A shelter-in-place notification may come from several sources, including the OPSU PD,

Residential Life staff members, other University employees, the County or State government, or other authorities utilizing the University's emergency communications tools.

### *How to "Shelter-in-Place/Lockdown"*

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - An interior room
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (Residential Life staff, faculty, or other staff) to call the list in to OPSU PD/TCSO so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

## **Crime Prevention Programs for Students and Employees**

Crime Prevention Programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. OPSU Police and/or OPSU personnel facilitate programs for student, parent, faculty, and new employee orientations, student organizations, community organizations, in addition to quarterly programs for Resident Advisers and residents providing a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes. Starting in the fall we will be offering Rape Prevention and personal defense training. It is a comprehensive course that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. Certified instructors will teach the courses provided.

## **PERSONAL SAFETY**

The following precautions provide guidance.

*General Precautions and Crime Prevention Tips:*

1. Program the OPSU Police Department's phone number into your cellphone. Report any suspicious activity to the OPSU Police Department immediately.
2. Never take personal safety for granted. Always be aware of your surroundings.
3. Try to avoid walking alone at night. Request an escort from the OPSU Police Department by calling 580-468-0915.
4. Limit your alcohol consumption and leave social functions that get too loud or too crowded, or that have too many people drinking excessively. Remember to call the OPSU Police Department for help at the first sign of trouble.
5. Use lighted walkways and thoroughfares, even if it means going out of your way.
6. Carry only small amounts of cash and keep purses, backpacks and money belts close to the body.
7. Do not struggle if someone attempts to take your property.
8. Never leave valuables (wallets, purses, books, calculators, laptops, etc.) unattended.
9. Carry your keys at all times and do not lend them to anyone.
10. Lock up bicycles and motorcycles. Lock doors and close windows when leaving your car.
11. Remember to lock the doors at your residence. Be certain that your door is locked to your residence when you go to sleep and keep windows closed and locked when you are not at home.
12. Do not leave valuables in your car, especially if they can be easily noticed.
13. Engrave serial numbers or owner's recognized numbers, such as a driver's license number, on items of value.
14. Inventory your personal property and insure it appropriately with personal insurance coverage.

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

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

*When driving:*

1. Park your vehicle in a well-lit and populated area.
2. Have your car keys in your hand when approaching your vehicle so you can enter quickly.
3. Scan the area before getting into your vehicle and always check underneath your car upon approach and in the rear seat for intruders before entering the automobile.
4. Lock your doors and keep windows rolled up whenever possible.
5. Drive on well-traveled and well-lit streets.
6. Never hitchhike, and never pick up hitchhikers.
7. If someone tries to enter your stopped vehicle, sound the horn and drive to a safe area such as a convenience store.
8. If your vehicle breaks down, ask any person who stops to help to call the police. Do not allow any person access to you or inside your car. Roll down your window no more than an inch. Be aware that an accident may be staged to provide the other driver an

opportunity to commit a criminal act.

9. Leave enough room between your car and the one ahead so you can drive around it if necessary.
10. Call ahead when driving to your home or apartment late at night and have someone watch you walk from your car to the residence.
11. Limit distractions such as cellphones.

#### *While walking or jogging*

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

### **ESCORT SERVICE**

OPSU does not offer an on-call escort service for individuals crossing the campus alone or at night. However, the Residence Life and the OPSU Police Department will escort a student upon request. Contact the Holter Hall office at 580-349-1364 or the OPSU Police Department at 580-468-0915.

### **NATURAL DISASTERS**

The following information is a guideline to aid you in determining what action you should take in severe weather.

*Tornado WATCH:* Conditions are such that storms capable of producing a tornado may develop.

*Tornado WARNING:* Either a tornado has been sighted or it is highly probable that one will develop. A warning will be signaled by the storm warning sirens.

Tornado sirens are maintained by the town of Goodwell and cover the OPSU campus. Sirens are tested periodically in the spring and summer months, usually at 12 p.m.

*Tornado Precautions:*



1. If you are in the warning area, seek shelter immediately. Priority shelters are located in the Sewell-Loofbourrow Hall basement and the Noble Center women's locker room. These shelters are open as soon as the Goodwell area is placed under a tornado warning.
2. If you are in a vehicle, get out and seek shelter in a sturdy building. If a building is not available, a depression such as a ditch or ravine offers some protection but be alert for flash floods.
3. Do not open windows. This can actually increase damage to the building. Stay away from windows and exterior doors.
4. Basements, interior hallways on the lower floors and small interior rooms on the lower floors offer the best shelter.
5. Do not attempt to turn utilities on or off.
6. Report injuries and damage to the OPSU Police Department at 580-468-0915. After the all clear, leave badly damaged buildings and do not attempt to return unless directed to do so by emergency personnel.

## **SEX OFFENDER REGISTRY**

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the *Jeanne Clery Act* and the Family Educational Rights and Privacy Act of 1974, the OPSU Police Department is providing a link to the State of Oklahoma Sex Offender Registry.

This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In the state of Oklahoma offenders must register with the Oklahoma State Bureau of Investigation (OSBI) and with local law enforcement.

The Oklahoma Department of Corrections is responsible for maintaining this registry. Follow this link <https://sors.doc.state.ok.us/svor/f?p=105:1:> to access the Oklahoma Sex offender list. The website works best with Internet Explorer.

## **REPORTING PROCEDURES (GENERAL PROCEDURES FOR REPORTING A CRIME OR EMERGENCY) CRIME REPORTING**

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

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

To report a crime in progress, dial 911 or call 580-468-0915.

## **CONFIDENTIAL CRIME REPORTING**

Confidential reporting of crimes is allowed at OPSU. If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Director of Student Services or their designee can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime regarding a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

## **CRIMES DISCLOSED TO A PASTORAL OR MENTAL HEALTH COUNSELOR**

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

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

A mental health counselor is a person whose official responsibility includes providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition also applies

to professional counselors who are not employees of the institution but are under contract to provide counseling to the institution.

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

## **CRIMES IN PROGRESS**

To report a crime in progress, a person, victim, or witness can dial 911 or call Texas County Dispatch at 580-338-4000. Any reporting method will stimulate the response of police, fire, ambulance or other first responders. In addition, the victim of a serious crime can request support personnel, such as ministers and rape crisis or domestic violence counselors, during or after reporting the incident.

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

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

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

1. **Call the police immediately:** Dial 911 for emergencies or call 580-468-0915.
2. **Obtain a description:** Attempt to obtain a description of the offender(s), including gender, age, race, hair, clothing, and distinguishing features. Also attempt to obtain a description and license number of any vehicle(s) involved. Note the direction of travel of any offender(s) or vehicle(s) and report these to the police.
3. **Preserve the crime scene:** Do not touch any items involved in the incident. Close off the area of the incident, and do not allow anyone in the crime area until police arrive.

## **CRIME DISCLOSURE**

OPSU policies and procedures require the publication of annual crime statistics. Included in this report are crimes reported to the OPSU Police Department and other campus officials, including Office of Student Services, Counseling, Career Services and Testing, and Housing and Residential Life, and local law enforcement. Crime statistics are collected by: OPSU Police Department and the Dean of Student Services who review all reported incidents as well as citation records for on-campus, non-campus, and property adjacent to campus incidents.

The tables on pages 22-26 (Campus Crime Report) comply with the Clery Act.

The crime and arrest statistics reported are those that occurred within the jurisdictional boundaries of campus. They do not include off-campus private housing, which is within the Goodwell jurisdiction. Crimes occurring on public property immediately adjacent to campus are also reported when available. Crime statistics concerning other locations are available at the OPSU Police Department.

### **DEFINITION OF TERMS FOR STATISTICAL CHARTS**

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

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

**Clery Geography:**

- (i) For the purposes of collecting statistics on the crimes listed in paragraph (c) of this section for submission to the Department and inclusion in an institution's annual security report, Clery geography includes –
- a. Buildings and property that are part of the institution's campus;
  - b. The institution's non campus buildings and property; and
  - c. Public property within or immediately adjacent to and accessible from the campus.

For the purposes of maintaining the crime log required in paragraph (f) of this section, Clery geography includes, in addition to the locations in paragraph (i) of this definition, areas within the patrol jurisdiction of the campus police or the campus security department:

**Residential:** Those buildings designated as Residence Halls and University Apartments.

**Other:** Any non-residential area on campus.

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

**OPSU Non-campus Building or Property:**

Methodist Student Center, 409 N. Tyler Ave., Goodwell, OK 73939

Baptist Student Union, 209 N. College St., Goodwell, OK 73939

Church of Christ Student Center, 103 S. Aggie Ave., Goodwell, OK 73939 Doc

Gardner Rodeo Arena, 2843 N. Monroe Ave., Goodwell, OK 73939 OPSU

Farm, 2872 OPSU Farm Rd., Goodwell, OK 73939

OPSU Guymon Classroom, 304 NW 5th St., Guymon, OK 73942

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

## **GENDER BASED DISCRIMINATION AND VIOLENCE**

**Sexual Violence:** Oklahoma Panhandle State University takes all acts of sexual harassment, which include sexual violence, extremely seriously.

Sexual harassment and sexual violence are forms of gender discrimination that are not tolerated at OPSU. The University encourages victims to report all acts of gender discrimination. Additionally, students have the option of filing a formal complaint with the Dean of Student Services, Administration, and the OPSU Police Department. Please be aware that even if an individual chooses not to file a formal complaint, the University may take interim measures, such as changing academic schedules and housing arrangements. These measures may be taken to provide safety for the victim in the educational setting.

Oklahoma Panhandle State University does not discriminate on the basis of race, color, national origin, sex, qualified disability, religion, sexual orientation, gender identity, veterans' status, genetic information or age in its program and activities. OPSU will address all complaints of sexual harassment, including sexual violence, the same, regardless of whether the complainant or respondent is of a protected class or sex.

Where it is determined that sexual misconduct is more likely than not to have occurred, University conduct sanctions can include suspension or expulsion. Even if law enforcement and criminal justice authorities choose not to prosecute a particular incident, the University may still pursue the incident through the student conduct process. All student conduct processes are separate from law enforcement investigations. In instances where gender discrimination is not addressed through the student conduct system, the University still has the obligation under Title IX to take immediate action to eliminate the harassment, prevent its recurrence and address its effects, irrespective of formal legal processes.

**Sexual Harassment:** Sexual harassment is any unwelcome sexual advances, requests for sexual favors and other verbal or physical contact or communication of a sexual nature when:

- Submission to such conduct or communication is made either explicitly or implicitly as a term or condition of educational benefits, employment, academic evaluations or other academic opportunities,
- Submission to or rejection of such conduct or communication by an individual is used as the basis for an employment decision or academic decision affecting such individual, or
- Such conduct is sufficiently severe, pervasive or persistent and objectively offensive that it has the effect of creating an intimidating, hostile, or offensive environment that negatively affects an individual's academic or employment environment.

Sexual harassment can create a hostile environment. Sexual harassment should be reported even if it doesn't reach the point of creating a hostile environment. A hostile environment is defined as subjectively and objectively offensive and sufficiently severe or pervasive to alter the conditions of the victim's educational, employment or University environment.

Examples of behavior that could be sexual harassment:

- Unwelcome sexual flirtation, or advances or propositions of sexual activities.
- Asking about someone else's personal, social or sexual life or about their sexual fantasies,

preferences or history.

- Discussing your own personal sexual fantasies, preferences or history.
- Repeatedly asking for a date from a person who is not interested.
- Sexually suggestive jokes, innuendoes or turning discussions into sexual topics.
- Sexually offensive or degrading language used to describe an individual or remarks of a sexual nature to describe a person's body or clothing.
- Calling a person, a "hunk," "doll," "babe," "sugar," "honey," or similar descriptive terms.
- Displaying sexually demeaning or offensive objects and pictures.
- Making sexual gestures with hands or body movements.
- Rating a person's sexuality.
- Unwelcome touching of a person's body including massaging a person.

## CRIME DEFINITIONS

The following definitions are those used in the Uniform Crime Reporting System of the United States Department of Justice's Federal Bureau of Investigation.

**Aggravated Assault:** An unlawful attack of one person by 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 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 that could and probably would result in serious personal injury if the crime were successfully completed.

**Arson:** Any willful or malicious attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft, personal property of another. Only fires determined to have been willfully or maliciously set are classified as arson.

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

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(ii) For the purposes of this definition-

- a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

b. Dating violence does not include acts covered under the definition of domestic violence.

(iii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting Domestic Violence:

- a. A felony or misdemeanor crime of violence committed:
  - i. By a current or former spouse or intimate partner of the victim;
  - ii. By a person with whom the victim shares a child in common;
  - iii. By a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;
  - iv. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - v. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- b. For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person.

**Drug Law 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 nonnarcotic drugs (barbiturates, Bensedrine).

**Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program:**

A nationwide, cooperative statistical effort in which city, university and college, county, State, tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in Appendix A to this subpart and the requirements for classifying crimes in this subpart.

**Hate Crimes:** A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, genderidentity, sexual orientation, ethnicity, national original, and disability.



**Hierarchy Rule:** “Definition: A requirement in the FBI’s UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.”

**Larceny:** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another without use of force or violence. It includes shoplifting, picking pockets, purse snatching, thefts from motor vehicles including parts and accessories, bicycle and computer thefts.

**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; and all attempts to commit any of the aforementioned. Drunkenness and driving under the influence are not included in this definition.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle by someone other than the registered owner.

**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.

**Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking.**” Definition:

- a. Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that –
  - i. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
  - ii. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and social levels.
- b. Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees, as defined in paragraph (j)(2) of this section.

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

**Sex offenses:** Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.

**Sexual assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape, defined in the FBI's UCR program and included in Appendix A of this subpart.

- Rape means 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.
- Fondling means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest means non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape means non-forcible sexual intercourse with a person who is under the statutory age of consent (age 16).

**Sexual Violence:** Sexual violence is physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including sexual misconduct, stalking, dating violence, and domestic violence.

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

- **Unwelcome sexual touching:** The touching of an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth or clothing covering same); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts.
- **Exposure:** Engaging in indecent exposure, sexual acts in a public place, voyeurism, or non-consensual sharing of sexually explicit images.
- **Non-consensual sexual assault:** Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part.

- **Forced sexual assault:** Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition (such as lack of consciousness, incapacitation due to ingestion of drugs or alcohol, age, or mental disability) or which the respondent was aware or should have been aware.

**Stalking:**

- a. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
  - i. Fear for the person's safety or the safety of others; or
  - ii. Suffer substantial emotional distress.
- b. For the purposes of this definition –
  - i. *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - ii. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
  - iii. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For the purposes of complying with the requirements of this section and Section 668.41, any incident meeting this definition is considered a crime for Clery Act reporting

**Weapon Law Violations:** 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; and all attempts to commit any of the aforementioned. OPSU policy prohibits deadly weapons on campus with limited exceptions. Firearms on campus must be stored at the OPSU Police Department.

## CRIME STATISTICS

### Crimes Reported by OPSU Police Department - 2023

This chart includes offenses that were reported to the Goodwell Police Department in accordance with the Uniform Crime Reporting procedures and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime

Statistics Act.

Offense Type (includes attempts)	On Campus	Non-Campus	Public Property	Total	Residential Facilities <sup>1</sup>
Murder/Non-negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Sex Offenses					
Rape	1	0	0	1	1
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Harassment	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	1	0	0	1	1
Burglary	2	0	0	2	2
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Dating Violence	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Stalking	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0
Weapons Law Arrests	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	0	0	0	0	0

No hate crimes were reported for 2021.

## Crimes Reported by OPSU Police Department - 2022

This chart includes offenses that were reported to the Goodwell Police Department in accordance with the Uniform Crime Reporting procedures and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime

Statistics Act.

<b>Offense Type (includes attempts)</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Residential Facilities<sup>1</sup></b>
Murder/Non-negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Sex Offenses					
Rape	0	1	0	1	0
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Harassment	1	0	0	1	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	1	0	0	1	1
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Dating Violence	0	0	0	0	0
Domestic Violence	1	0	0	1	1
Stalking	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0
Weapons Law Arrests	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	1	0	0	1	1
Weapons Law Violations Referred for Disciplinary Action	0	0	0	0	0

No hate crimes were reported for 2022.

## Crimes Reported by University Officials or other Law Enforcement Agencies - 2023

This chart includes offenses that were reported to the Goodwell Police Department in accordance with the Uniform Crime Reporting procedures and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime

Statistics Act.

<b>Offense Type (includes attempts)</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Residential Facilities<sup>1</sup></b>
Murder/Non-negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Sex Offenses					
Rape	1	0	0	1	1
Fondling	1	0	0	1	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Harassment	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	3	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Dating Violence	0	0	0	0	0
Domestic Violence	1	0	0	1	1
Stalking	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0
Weapons Law Arrests	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	3	0	0	3	3
Drug Law Violations Referred for Disciplinary Action	4	0	0	4	4
Weapons Law Violations Referred for Disciplinary Action	0	0	0	0	0

No hate crimes were reported for 2023.

## Crimes Reported by University Officials or other Law Enforcement Agencies - 2022

This chart includes offenses that were reported to the Goodwell Police Department in accordance with the Uniform Crime Reporting procedures and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime

Statistics Act.

<b>Offense Type (includes attempts)</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Residential Facilities<sup>1</sup></b>
Murder/Non-negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Sex Offenses					
Rape	0	0	0	0	0
Fondling	1	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Harassment	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	3	0	0	3	3
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Dating Violence	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Stalking	0	0	0	0	0
Liquor Law Arrests	1	0	0	1	1
Drug Law Arrests	1	0	1	1	0
Weapons Law Arrests	1	0	0	1	1
Liquor Law Violations Referred for Disciplinary Action	7	0	0	7	7
Drug Law Violations Referred for Disciplinary Action	5	0	0	5	5
Weapons Law Violations Referred for Disciplinary Action	0	0	0	0	0

No hate crimes were reported for 2022.

## Crimes Reported by University Officials or other Law Enforcement Agencies - 2021

This chart includes offenses that were reported to the Goodwell Police Department in accordance with the Uniform Crime Reporting procedures and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime

Statistics Act.

Offense Type (includes attempts)	On Campus	Non-Campus	Public Property	Total	Residential Facilities <sup>1</sup>
Murder/Non-negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Sex Offenses					
Rape	0	0	0	0	0
Fondling	1	0	0	1	1
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Harassment	0	0	0	0	0
Robbery	2	0	0	2	2
Aggravated Assault	0	0	0	0	0
Burglary	3	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Dating Violence	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Stalking	0	0	0	0	0
Liquor Law Arrests	1	0	0	1	1
Drug Law Arrests	1	0	0	1	1
Weapons Law Arrests	1	0	0	1	1
Liquor Law Violations Referred for Disciplinary Action	5	0	0	5	5
Drug Law Violations Referred for Disciplinary Action	2	0	0	2	2
Weapons Law Violations Referred for Disciplinary Action	0	0	0	0	0

No hate crimes were reported for 2021.

<sup>1</sup> Campus residential facilities are a subset of the "On Campus" category. Statistical data included in this column is



also included in the "On Campus" column.

## **OBTAINING REPORTS**

To request a copy of a report or ask other related questions, contact the OPSU Police Department at 580-349-2566 or the Dean of Student Services at 580-349-1362.

Requests for incident reports or traffic crash reports by persons involved generally will be processed when the investigation is completed.

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

## **OFF-CAMPUS CRIME**

The OPSU Police Department has responsibility for police services both in the town of Goodwell, Oklahoma and on the OPSU campus. When an OPSU student is involved in an off-campus offense, OPSU Police Department officers will investigate and routinely notify the Office of Student Services of off-campus incidents that involve OPSU students. The OPSU Police Department also assists with investigations in cooperation with other local, state, or federal law enforcement. The OPSU Police Department routinely serves as a liaison between campus officers and other law enforcement agencies on any serious incidents involving OPSU students.

OPSU operates no off-campus housing or off-campus student organization facilities. However, many students live off-campus and in neighboring communities. While local departments have primary jurisdiction in all other communities, OPSU Police Department officers can and do assist with student-related incidents that occur in neighboring communities. OPSU Police Department officers have direct radio communications with the

sheriff's office, fire department, and ambulance services to facilitate rapid response in any emergency.

## **ACCESS TO CAMPUS FACILITIES**

The OPSU campus is open to the public.

It is OPSU policy to lock the doors of buildings that are not in use. When working or studying, you're urged to lock your office, assuming that unrestricted access to the building is possible.

Some buildings on campus are rarely locked at the request of the department, because students study and work on projects all hours of the day and night. Individual offices should be locked by the user on the presumption that the building is accessible.

Residence halls have open access when residents are present in the buildings. During University breaks (i.e. Christmas) or when no residents are present, most residence hall doors are locked. Individual rooms should be locked at all times for your safety.

## **MAINTENANCE OF CAMPUS FACILITIES**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. OPSU Police officers, OPSU Physical Plant and Student Services employees regularly patrol and report malfunctioning lights and other unsafe physical conditions to Physical Plant for correction. Other members of the OPSU community are helpful when they report equipment problems to the OPSU Police Department or Physical Plant at 580-349-1590.

## **ALCOHOL AND DRUG POLICIES**

OPSU seeks to encourage and sustain an academic environment that respects individual freedoms and promotes the health, safety and welfare of its students, faculty, staff and visitors. These participants are expected to know and follow the applicable laws and all OPSU rules and regulations. Each person is responsible for his/her own behavior. OPSU enforces compliance with state law and alcoholic beverage laws on campus and at University-sponsored activities.

Consumption, possession, or service of beer and alcoholic beverages on the campus (including residence halls) is prohibited. Students who participate in off-campus events where alcohol is consumed are expected to obey all civil laws. Any misconduct at an off-campus event shall be referred to the Dean of Student Services or his/her designee for possible disciplinary action against the organization and/or the individual(s) involved, in accordance with university policies. Alleged violations by student organizations shall be referred to the Dean of Student Services or his/her designee for action.

The State of Oklahoma sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from the OPSU Police Department.

The OPSU campus has been designated “Drug Free” and the possession and consumption of alcohol prohibited. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the OPSU Police Department. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment. For more details on the OPSU Drug-Free Policy, refer to the OPSU Student Handbook.

It is illegal to possess drugs, including marijuana, in the State of Oklahoma. Specific ordinances regarding violations of drug laws are available from the OPSU Police Department.

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

## **ALCOHOL AND DRUG ABUSE EDUCATION PROGRAMS**

The target populations for alcohol/drug abuse education include the following: the student body through the residence halls, the freshman orientation program, guest speakers and other special programs on substance abuse, education as a part of disciplinary action for misbehavior involving substance, and appropriate academic offerings.

OPSU has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college disciplinary actions.

OPSU’s Counseling, Career Services and Testing provides an overall coordination of the Drug-Free School Program. However, many services are the responsibility of other areas of the institution. These include:

**Alcohol and Drug Education:** Counseling, Career Services and Testing, Human Resources, Student Success (UCSS 1111).

**Counseling Services:** Counseling, Career Services and Testing.

**Referral Services:** Counseling, Career Services and Testing, Student Health Clinic, Human Resources.

**College Disciplinary Actions:** Dean of Student Services, Student Conduct Committee

## **LOST AND FOUND**

The OPU Lost and Found is located at Student Union Building Room 10. Additionally, there are lost and found areas located in other campus buildings. After a certain period of time, all buildings and officers are encouraged to forward any found items to the Office of Student Services to maintain a central location for persons seeking lost property.

Inquiries about lost and found property can be made by calling 580-349-1360.

## **DISCIPLINARY PROCEEDINGS**

Anyone can report any instances of sexual harassment and sexual violence, as well as other crimes or violations of the Student Code of Conduct, to the Office of Student Services in Student Union Building Room 10 or at 580-349-1362. A complaint should be filed as soon as possible, preferably within 180 calendar days of the incident. A complaint can be filed in person with the Dean of Student Services or the OPU Police Department, by making a report to another Campus Security Authority (CSA), by email to the Dean of Student Services or a CSA, or through the OPU Ethics Point site at <https://secure.ethicspoint.com/domain/media/en/gui/10933/index.html>.

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

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

## **Student Conduct Process**

The responsibility for the campus student conduct system is delegated from the Board of Regents for Oklahoma Panhandle State University to the Vice President of Academic and Student Affairs through the President. The VPASA further delegates authority for student conduct to the Dean of

Student Services. The Dean of Student Services further delegates authority to the Resident Life and Housing Coordinator and designated conduct officers. A conduct officer is a University employee who is an officially designated administrator or staff member or an individual who is working under the direct supervision of a professional staff member. The goal is to resolve cases by the lowest appropriate authority for maximum educational benefit.

## **A. Student Conduct Procedures**

The following information is provided to inform students of the procedures in place at Oklahoma Panhandle State University for resolving alleged violations of University regulations. The procedures are designed to allow for fact-finding and decision-making in the context of the Oklahoma Panhandle State University educational community. The objective is to provide procedures that balance the rights of the individual with the legitimate interests of the University community.

### **1. Complaints:**

- a. Any member of the University community (faculty, staff or student) or any person who is unaffiliated with the University who has knowledge of an alleged violation of the Student Code of Conduct may file a complaint against a student alleging that a violation of the Student Code of Conduct has occurred. The University may itself initiate a complaint.
- b. Such complaints should be filed with the Dean of Student Affairs as soon as possible but within 180 calendar days (not University business days) of the alleged violation. A late complaint may be accepted with the approval of the Dean of Student Affairs or their designee.
- c. The complaint must be submitted in writing and signed by the complainant(s), or submitted via approved online form and electronically signed by appropriate technical method, and must include the date, time, place, name(s) of person(s) involved (e.g., the accused, witnesses) and sufficient detail to make a determination of whether disciplinary action may be warranted.
- d. Complaints may be initiated for incidents where concurrent criminal charges are pending. The University may adjudicate incidents without regard to either pending civil litigation or criminal prosecution. University conduct proceedings may proceed before, during or after court proceedings.

**2. Interim Suspension:** In cases where student health or safety is reasonably believed to be significantly jeopardized, the Dean of Student Affairs, in consultation with the President of the University, or designee, may suspend a student for the period of time required to allow a thorough investigation and opportunity for hearing. Students who are so suspended are not permitted on campus or in University buildings, facilities or activities at any time for any reason during the period of the interim suspension, unless otherwise permitted in writing by the Dean of Student Affairs.

If the conduct or behavior of a student residing in an Oklahoma Panhandle State University residence hall is determined by the Dean of Student Affairs or the Resident Life and Housing Coordinator, to be a threat to self or others, the ability to live in the residence hall may be immediately suspended for a brief period of time pending the outcome of a hearing. During an interim housing suspension, the student is immediately removed from the residence hall and is not to enter any campus residence hall until a hearing is held and a decision regarding the pending complaint has been made.

**3. Evidentiary Standard:** For a student to be found responsible, the information must support a determination by a preponderance of the evidence standard, meaning that it is more likely than not that a violation of the Student Code of Conduct occurred. Hearsay evidence may be considered but will be weighed accordingly.

**4. Disposition of Allegations:** The University conduct process is administered through the Student Affairs office. Alleged violations of University regulations where neither suspension nor expulsion are a possibility are normally resolved through a **Student Conduct Meeting (see IIIC below)**.

Allegations which may result in suspension and where a one-on-one meeting between the conduct officer and the respondent would be the most effective way to establish the facts of the case are typically referred to a **Student Conduct Hearing (see IIID below)**.

Allegations which could result in suspension or expulsion, or that are complex, sensitive, or require a number of witnesses or that involve an alleged victim are often referred to a **Hearing Panel (see IIIE below)**.

At the conclusion of a Student Conduct Hearing, the conduct officer may refer the case for a Hearing Panel if further development of the facts is warranted and would be aided by a more formal hearing; if this is done, the conduct officer will not make any findings. Additionally, a respondent or complainant in a case assigned to a Student Conduct Hearing may request that their case be resolved at a Hearing Panel. Such a request must be made before the scheduled hearing.

If a student is assigned to go to a Hearing Panel and admits responsibility for the alleged violation(s) a Student Conduct Hearing may be conducted. In instances when a complainant is involved, both parties must agree on any changes to the hearing type.

In instances where a student has been convicted of a felony through the criminal process or the University believes they have enough information that would make it more likely than not a violation of the Student Code of Conduct has occurred the University may file a complaint against the alleged student without the cooperation from the victim.

## **B. Student Rights in Conduct Process**

The University views the conduct process as an educational experience that can promote growth in personal understanding of one's role as a member of an educational community and one's rights, responsibilities and privileges therein. However, sanctions such as suspension or expulsion from the university may be necessary to uphold community standards and to protect the campus community.

During a conduct process, both the respondent and the complainant have the rights to:

1. A written notice of the alleged violation(s);
2. An explanation of the student conduct process upon request;
3. Have no violation assumed;
4. A timely hearing;
5. Be accompanied by an advisor during the conduct process. In matters not involving possible suspension or expulsion, the advisor is limited to advising the student and may not present information, question relevant parties or make statements during the proceedings;
6. Have access to the information and documents to be presented at the hearing in advance.
7. Be present during the entire proceeding, except during deliberation;
8. Question any party or witness present, either directly or indirectly, at the discretion of Hearing Panel Chair;
9. Present material witnesses (those with firsthand knowledge of the incident). The respondent and complainant are responsible for contacting and arranging for the attendance of their own witnesses in all cases;
10. The respondent will receive a written notification of the outcome of the hearing; the complainant can receive written notification of the outcome of the hearing when permitted by federal law;
11. An avenue for appeal from a hearing.

### **C. Student Conduct Meeting**

Upon determining that sufficient evidence exists to believe that a violation of the Student Code of Conduct may have occurred, the Dean of Student Affairs or other conduct officer with jurisdiction will notify the student in writing of the alleged violations against them. The written notice will be hand delivered directly to the student, sent electronically to the student's Oklahoma Panhandle State University email address, or mailed to the student's last known address as filed in the Registrar's Office.

Students are responsible for providing and maintaining a current local address and e-mail address with the Registrar's Office.

At the meeting, the student will be provided with the following:

1. An explanation of the alleged violation(s) of University policy;
2. A summary of the facts and information that substantiate the allegations;
3. The opportunity to reflect upon and give their account of the incident or circumstances pertaining to the allegation(s);

4. An explanation of the decision of the conduct officer that may result in the following:
  - a. The allegation(s) may be dismissed as unfounded.
  - b. The student may admit responsibility for the violation(s) and have a sanction(s) imposed.
  - c. The student may be found responsible for violating the Student Code of Conduct and have a sanction(s) imposed.
  - d. Any sanction, except suspension, deferred suspension and expulsion may be imposed.
  - e. Decisions reached at the meeting will be final with no option to appeal or other proceedings.
  - f. Failure to respond to a written allegation(s) or failure to complete the assigned sanction(s) will result in either a hold being placed on the student's enrollment privileges or graduation, additional alleged violations or a decision being made based on the information available at the time.

#### **D. Student Conduct Hearing**

Hearing procedures are provided for allegations against an individual where suspension from the University is possible, if found responsible. Cases of suspension and expulsion are only processed through Student Affairs.

Students have the right to be accompanied by an advisor, who may advise and support the student. The advisor may participate directly to the same extent as the student could. Such direct participation is a privilege which, if abused, may be withdrawn by the conduct officer. If the privilege is withdrawn, the advisor may continue to advise the respondent. However, if the advisor fails to act in accordance with hearing procedure, the conduct officer may bar the advisor from the hearing. The student must notify Student Affairs two (2) University working days in advance of the hearing if accompanied by an attorney. In such cases, the University may have an attorney in attendance.

#### **1. Pre-Hearing Procedures**

The Dean of Student Affairs will prepare and send a written notice to the respondent and complainant at least five days before the hearing. The notice will be delivered in person, sent electronically to the student's Oklahoma Panhandle State University email address or mailed to the student's last known address of record as filed in the Registrar's Office and will include:

- a. The date, time, place and nature of the hearing;
- b. Reference to the section(s) of the Student Code of Conduct involved;
- c. A brief explanation of the alleged violation(s), including the approximate date and place where the alleged violation(s) occurred;
- d. Names of witnesses, if known;
- e. The right to be accompanied by an advisor and the advisor's role in the hearing;
- f. Names of the conduct officer(s) for the case.

The Dean of Student Affairs or designee will be available to meet with the complainant and the respondent, separately, to discuss and explain the hearing procedure and answer questions.



## **2. Three Days in Advance of the Hearing**

1. The respondent and the complainant will provide to the Student Affairs office copies of documents to be presented at the hearing and the names of witnesses who will be called.
2. Each student must notify their witnesses of the date, time and location of the hearing.
3. The respondent and the complainant will have access to copies of documents to be presented at the hearing by prior appointment.

## **3. Hearing Procedures**

The hearing provides a forum where all the information and documents can be presented, where questions can be asked of all parties and where the conduct officer(s) can deliberate and decide using a preponderance of the evidence standard (more likely than not) that a violation of the Student Code of Conduct did, or did not, occur. Formal rules of process, procedure and technical rules of evidence, such as those applied in criminal or civil court, are not used in student conduct proceedings. Deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to the student or the University may result.

If the student admits that a violation did occur, the conduct officer(s) decides what conduct action is appropriate.

To protect the privacy of all parties and in accordance with FERPA (Family Educational Rights and Privacy Act), hearings will be closed.

The respondent and complainant can present witnesses who may be questioned by the conduct officer(s). Questioning by the complainant or the respondent is permitted so long as it is not threatening or harassing.

In the case of sexual harassment or sexual misconduct, the conduct officer may, in their discretion, exclude evidence of the complainant's sexual history with the respondent from discussion during the hearing. The sexual history of the complainant with persons other than the respondent is irrelevant.

The hearing (excluding the deliberations) will be audio recorded. The recordings are the property of the University. Others will not be allowed to make a recording of any type. The University is not responsible for equipment malfunctions. Requests to review audio recordings may be made to the Dean of Student Affairs.

If the respondent elects not to appear for the hearing, the hearing will be held in their absence. Failure to appear will be noted without prejudice. Findings will be based on information presented at the hearing.

Material witnesses will be present during the introductory comments of the hearing, including the honesty statement, at which point they will be excused until time to give

their testimony. Witnesses will be excused upon completion of testimony and questioning, but they may be asked to remain available for recall. The complainant and respondent may remain throughout the hearing.

At the conclusion of the hearing, all parties will be dismissed except for the conduct officer(s), who will deliberate and reach a decision.

A student's past conduct record may be subject to an educational discussion at the hearing. Past conduct history does not impact the finding of responsibility but could be used as information in determining appropriate sanctions.

The conduct officer(s) may accommodate concerns for the personal safety, well-being or fears of confronting the complainant, respondent, or other witnesses. Procedures for the hearing environment may be modified as determined by the Dean of Student Affairs to be appropriate.

#### **4. Hearing Deliberations and Decision**

The conduct officer(s) will deliberate whether it is more likely than not that a violation(s) of the Student Code of Conduct did or did not occur as alleged.

- a. The conduct officer(s) may find that the information presented was not sufficient to establish that a violation of the Student Code of Conduct was committed and dismiss the case.
- b. The conduct officer(s) may find that the information presented was sufficient to affirm the alleged violations and impose a sanction appropriate for the violation(s).

The decision of the conduct officer(s) will be communicated in writing to the respondent and, if appropriate, the complainant within two days. The notification letter will include findings of fact, sanction(s) imposed (if any) and the rationale for the decision. The notification letter will be delivered in person, sent electronically to the Oklahoma Panhandle State University email address or sent by certified mail to the student's last known address of record as filed with the Registrar's Office. The notification letter may also be picked up in the Student Affairs office within two days of the hearing.

#### **E. Hearing Panel Hearing**

Hearing procedures are provided for allegations against a student where suspension or expulsion from the University are possible, if they are found responsible, and for student discrimination grievances.

The Hearing Panel option may not be available during dead week, final examinations, breaks or other periods. If feasible for the Hearing Panel, a hearing will proceed during these times. Additionally, a Hearing Panel may not be available when the Dean of Affairs determine that appearing before the panel poses a threat to the physical welfare of panel members or

witness(es).

The Hearing Panel shall be selected from the Student Conduct Committee which is comprised of a minimum of 5 faculty nominated by the Faculty Council and appointed by the President; 5 staff nominated by the Staff Advisory Council and appointed by the President; and 5 students, appointed by the Vice President of Academic and Student Affairs.

A Hearing Panel shall consist of three disinterested members — one faculty member, one student and one staff member — selected from the Student Conduct Committee by Student Affairs. The faculty member will be the chairperson. A list of panel members will be available three days in advance of the hearing. Prior to the hearing, alternate Hearing Panel members may be seated to be available in case of conflicts.

A professional staff member from Student Affairs and/or a member of Legal Counsel will be present as a non-voting participant. Their role will be to facilitate dialogue between the Hearing Panel and the students involved, direct the attention of the panel and the parties to relevant points, act as an advisor to the Hearing Panel and answer procedural questions as needed.

If an attorney accompanies the respondent or the complainant at the hearing, the University will have an attorney present. The University's attorney will serve as a non-voting advisor to the Hearing Panel. The advisor may participate directly to the same extent as the student could. Such direct participation is a privilege which, if abused, may be withdrawn by the Chair of the Hearing Panel. If the privilege is withdrawn, the advisor may continue to advise the student. However, if the advisor fails to act in accordance with hearing procedure, the Chair of the hearing panel may bar the advisor from the hearing. The student must notify Student Affairs two (2) University working days in advance of the hearing if accompanied by an attorney. In such cases, the University may have an attorney in attendance.

In cases of sexual harassment, sexual misconduct, discrimination, and/or when the University conducts an investigation, the University investigator will present an investigation report as part of the hearing proceedings. The investigator will present the report and answer questions. The role of the investigator is to serve as an unbiased party conducting a thorough investigation of all allegations of sexual harassment or sexual misconduct. The investigation report is a compilation of facts, not a verbatim report, and is not appealable or rebuttable.

### **1. Pre-Hearing Procedures**

Hearing panel members will be selected by Student Affairs based on their availability.

Student Affairs will prepare and send a written notice to the respondent and the complainant at least five days before the hearing. The notice will be delivered in person, sent electronically to the Oklahoma Panhandle State University email address, or sent via certified mail to the student's last known address of record as filed with the Registrar's Office and will include:

- a. The date, time, place and nature of the hearing;
- b. Reference to the section(s) of the Student Code of Conduct involved

- c. A brief explanation of the alleged violation(s) including the approximate date, time and place where the alleged violation(s) occurred;
- d. Names of witnesses, if known;
- e. The right to be accompanied by an advisor and the advisor's role in the hearing.

The Dean of Student Affairs or designee will be available to meet with the complainant and the respondent, separately, to discuss and explain the hearing procedure and answer questions.

## **2. Three Days in Advance of the Hearing**

- a. The respondent and the complainant will provide to the Student Affairs copies of documents to be presented at the hearing and the names of witnesses who will be called.
- b. It is the responsibility of each student to notify witnesses of the date, time and location of the hearing.
- c. The respondent and the complainant have the right to have access to documents to be presented at the hearing, by prior appointment.

## **3. Hearing Procedures**

The hearing provides a forum where all the information and documents can be presented, where questions can be asked of all parties, and where the Hearing Panel can deliberate and decide to the preponderance of the evidence standard (more likely than not) that a violation of the Student Code of Conduct did or did not occur. Formal rules of process, procedure and technical rules of evidence, such as are applied in criminal or civil court do not apply in student conduct proceedings. Deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to the student or the University may result.

If the Hearing Panel concludes that a violation did occur, the Hearing Panel decides what conduct action is appropriate.

To protect the privacy of all parties and in accordance with FERPA (Family Educational Rights and Privacy Act), hearings will be closed.

The respondent and complainant can present witnesses, who may be questioned by the Hearing Panel. Questioning by the complainant or the respondent is permitted so long as it is not threatening or harassing.

In the case of sexual harassment and sexual misconduct, the Hearing Panel may, in its discretion, exclude evidence of the complainant's sexual history with respondent from discussion during the hearing. The past sexual history of the complainant with persons other than the respondent is irrelevant.

The hearing (excluding the deliberations) will be audio recorded. The recordings are the

property of the University. Others will not be allowed to make a recording of any type. The University is not responsible for equipment malfunctions. Requests to review audio recordings may be made to Student Affairs.

If the respondent or complainant elects not to appear for the hearing, the hearing will be held in their absence. Failure to appear will be noted without prejudice. Findings will be based on information presented at the hearing.

Material witnesses will be present during the introductory comments of the hearing, including the honesty statement, at which point they will be excused until time to give their testimony. Witnesses will be excused upon completion of testimony and questioning, but they may be asked to remain available for recall. The complainant and respondent remain throughout the hearing.

At the conclusion of the hearing, all parties will be dismissed except for the Hearing Panel so they may deliberate and reach a decision.

Conduct history is not relevant in determining responsibility but can be used as information in determining an appropriate sanction. A student's conduct history will be available to the Hearing Panel if the respondent is found responsible.

The order of presentation at the hearing will be as follows:

- a. Opening statement provided by the Hearing Panel Chair.
- b. The complainant may present an opening statement.
- c. The respondent may present an opening statement.
- d. If relevant, the University investigator will present the investigation report and answer related questions in cases of sexual harassment, sexual misconduct, discrimination, or when the University has conducted an investigation.
- e. The complainant will present information and call witnesses.
- f. The respondent will present information and call witnesses.
- g. At the conclusion of each witness statement, the witness may be questioned by the Hearing Panel, the respondent and the complainant either directly or indirectly.
- h. The complainant may make a closing statement.
- i. The respondent may make a closing statement.
- j. All parties are dismissed for Hearing Panel deliberation.

The Hearing Panel may accommodate concerns for the personal safety, well-being or fears of confronting the complainant, respondent, or other witnesses. Procedures or the hearing environment may be modified as determined by the Dean of Student Affairs.

#### **4. Hearing Panel Deliberations and Decision**

The Hearing Panel will deliberate and, by majority vote, determine whether it is more likely than not that a violation(s) of the Student Code of Conduct did or did not occur as alleged.

- a. The panel may find that the information presented was not sufficient to establish a finding of responsibility for a violation(s) of the Student Code of Conduct and dismiss the case.
- b. The panel may find that the information presented was sufficient to affirm the



allegations and impose a sanction appropriate with the violation(s).

The Hearing Panel decision will be communicated in writing to Student Affairs which will notify the respondent and, if appropriate, the complainant in writing within two days.

The notification letter will include findings of fact, sanction(s) imposed (if any) and the rationale for the decision. The notification letter will be delivered in person, sent electronically to the Oklahoma Panhandle State University email address or sent by certified mail to the student's last known address of record as filed with the Registrar's Office. The notification letter may also be picked up in the Student Affairs Office, Student Union Room 10, within two (2) days of the hearing.

In compliance with Department of Education requirements in cases of sexual violence, sexual harassment or physical violence, the complainant will be notified of the outcome at the same time as the respondent. In other violations, the complainant will not be notified of the outcome.

#### **F. Complainant Notification**

Complainants are entitled to know about the results of proceedings involving alleged crimes of violence or non-forcible sex offenses, as defined by FERPA. Both the respondent and complainant will be notified in writing of the results of any hearing involving alleged crimes of violence or non-forcible sex offenses. If the victim is deceased as a result of such a crime or offense, the next of kin of the victim shall be treated as the victim for purposes of disclosure.

Complainants who have alleged a sexual assault, dating violence, domestic violence, or stalking will be provided with notification in writing of the final outcome of the conduct hearing against the alleged perpetrator, as required by federal law.

### **SEX OFFENSES, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING**

#### **Educational Programming**

OPSU prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined in the "Definitions" section on pages 52-56.

All new students are required to complete the Student Success Seminar which includes a section on domestic violence, dating violence, sexual assault, stalking, and bystander intervention.

Additional special programs are offered to student athletes on these offenses.

OPSU and the OPSU Police Department cohost a Women's Sexual Assault and Rape Prevention and Defense class once each semester open to all female students, faculty, staff, and community members. OPSU and Northwest Domestic Crisis Services and OPSU Police sponsor an annual

Sexual and Domestic Assault Awareness program open to all students, faculty, staff and the community.

The OPSU Counseling, Career Services, and Testing Office has posters placed throughout campus regarding sexual assault awareness.

OPSU prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined in the Definitions section on pages 52-56. OPSU further prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined under Oklahoma law, set forth in the attached Appendix A.

***Bystander Intervention:*** To prevent sexual violence, it is important that people are approached as potential witnesses or bystanders to behaviors related to sexual violence. As a witness to these behaviors, there are certain ways to step up to prevent a risky situation from escalating.

To intervene, someone has to:

- Notice the incident: Bystanders first must notice the incident taking place. It is important to become attuned to what situations may be risky (e.g., if you're at a party, and you see someone stumbling as they're being led into a different room, this is a risky situation).
- Interpret the incident as emergency: By 'emergency,' we mean a situation wherein there is risk of sexual or physical violence occurring in the near future.
- Assume responsibility for intervening: It has been found that often, people believe that someone else will help in a situation where there are many people around. However, it is important to realize that others may also be thinking the same thing. If you're unsure if you should do something, ask a friend what they think – it might be the case that they've been thinking the same thing.
- Have the bystander intervention skills to help: There are a number of different techniques that someone can use to intervene in a risky situation.

## **Victim Information**

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

## **Definition of Consent**

Effective Consent is:

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

Indicators of sexual activity are responsible for obtaining effective consent. Silence or passivity is not effective consent. The use of intimidation, coercion, threats, force or violence negates

any consent obtained. Consent is not effective if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental

disability or incapacitation due to ingestion of drugs or alcohol.

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

This definition of consent is the exclusive definition used in the Student Code of Conduct. It is also used for Title IX purposes throughout the University.

### **What to do if you are a Victim of Sexual Violence**

1. If you are not safe and need immediate help, call the police. If the incident happened on campus or in Goodwell, call the OPSU Police Department at 580-468-0915. If the incident occurred elsewhere in Guymon, call the Guymon Police Department at 580-338-6525. If the incident happened anywhere else, call the law enforcement agency that has jurisdiction in the location where it occurred.
2. Do what you need to do to feel safe. Go to a safe place or contact someone with whom you are comfortable. You can call Northwest Domestic Crisis Services 24-hour crisis line at 580-338-7081 to get advice and discuss options for how to proceed.
3. Do not shower, bathe, douche, change or destroy clothes, eat, drink, smoke, chew gum, take any medications or straighten the room or place of the incident. Preserving evidence is critical for criminal prosecution. Although you may not want to prosecute immediately after the incident, that choice will not be available without credible evidence. The evidence collected can also be useful in the campus conduct process.
4. Go to the Memorial Hospital of Texas County in Guymon to receive care for any physical injuries that may have occurred. While in the emergency room, treatment will be provided for sexually transmitted diseases and to prevent pregnancy. Memorial Hospital has Sexual Assault Nurse Examiners (SANE) available. Urgent Care of Guymon also has SANE nurses available.
5. If you call the Northwest Domestic Crisis Services 24-hour crisis line at 580338-7081, a sexual assault nurse examiner (SANE), a police officer and a rape volunteer advocate will be sent to the exam site.
6. Upon arrival at Memorial Hospital of Texas County, you will be taken to a private exam area. The nurse, advocate and police officer will be directed to this same location. You will be examined to treat any injuries and to gather evidence.

7. The rape advocate will support you throughout the entire exam, which will be performed by the nurse. The advocate will provide a packet of written materials that contains information about common reactions to rape, follow-up medical needs and support services.

## **On and Off Campus Resources**

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

Upon notification or request, the University will provide to students and employees information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims both within the University and in the community.

It is important to be aware that different individuals who you may contact for assistance following an incident may have different responsibilities regarding confidentiality, depending on their position. Under state law, some individuals can assure the victim of confidentiality, including counselors and certified victims' advocates. In general, however, any other institution employee cannot guarantee complete confidentiality, unless specifically provided by law. As is the case with all colleges and universities, OPSU must balance the needs of the individual victim with an obligation to protect the safety and well-being of the community at large.

Additionally, when a student or employee reports that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, whether on or off campus, the University will provide a written explanation of the student's or employee's rights and options.

### *Victim Advocate - Confidential Reporting Option*

The Victim Advocate can confidentially provide students with information about on and off campus resources available to victims.

**Victim Advocate**

Laci Unruh  
Oklahoma Panhandle State University  
McKeeLibrary 109  
Goodwell, OK, 73939  
580-349-1556

**Counseling Resources- Confidential Reporting Options****OPSU Counseling, Career Services & Testing**

Students who need personal counseling, or who are in a crisis situation can request help by contacting the Counseling Center. Confidentiality is of utmost importance. When necessary, referrals will be made to appropriate off-campus agencies. The OPSU Counseling, Career Service and Testing Office is located inside of McKee Library 108 or at 580-349-1556.

Informational and self-help pamphlets about a variety of issues affecting students today are also available. OPSU is also involved in sponsoring special campus events and screenings targeted toward specific social issues such as eating disorder, alcohol use, depression, and sexual assault and violence.

**Northwest Domestic Crisis Services, Inc.**

Northwest Domestic Crisis Services provides shelter, crisis counseling, emergency transportation, court and social service advocacy and referral services for adult victims (and their children) of domestic abuse and sexual assault. Call 580-338-2780 to learn more about their services or visit the NWDCS office at 406 S Main St. in Guymon, Oklahoma. NWDCS maintains a 24-hour crisis line at 580-338-7081.

**Other Local Services Available to Victims- Non-Confidential Reporting Options****OPSU Police Department**

580-468-0915 or 580-349-1365 (weekdays only)  
216 S Aggie Blvd., Goodwell, OK 73939

**Goodwell Police Department**

580-338-4000 or 580-349-2566 (weekdays only)  
104 S. Main, Goodwell, OK 73939

**Texas County Sheriff's Office**

580-338-4000  
1102 S. Ellison, Guymon, OK 73942

**Guymon Police Department**

580-338-6525

906 NW 5th St., Guymon, OK 73942

**OPSU Office of Student Affairs**

Laura Hutchinson

Dean of Student Affairs

580-349-1359 or 765-

259-4011

Sewell 202 Goodwell, OK 739393

**Title IX Coordinator**

Rebekah

Wagenbach

580-349-1413

Hamilton 211

Sewell 125 G Goodwell, OK 73939

**OPSU Housing Director**

Keyonna Morrow

580-349-1360

Student Union Building 4, Goodwell, OK 73939

**Medical Services**

It's important to have a thorough medical examination after a sexual assault even if you do not have any apparent physical injuries. Medical providers can treat any injuries and provide tests for sexually transmitted diseases. Memorial Hospital of Texas County and Urgent Care of Guymon both have SANE nurses available.

**OPSU Student Health Center (on-campus)**

Mistina Merwin, RN

580-349-1358

Student Union Building 2, Goodwell, OK 73939

**Memorial Hospital of Texas County (off-campus)**

580-338-6515



520 Medical Drive, Guymon, OK 73942

## **Urgent Care of Guymon (off-campus)**

580-338-2637 403

NE 12<sup>th</sup> St., Guymon, OK 73942

### **Interim Measures**

Student Affairs, Counseling, Career Services and Testing, and the Title IX Coordinator can put in place interim measures for student victims of sexual violence as needed. A formal complaint does not need to be submitted to have interim measures put in place. OPSU will maintain as confidential any interim measures provided as long as it does not impair the ability to provide the interim measures.

- A. **Assistance in Reporting:** Student Affairs can assist you in filing a complaint with the institution conduct process and the appropriate law enforcement agencies against the student(s) who caused harm.
- B. **No Contact Order:** Student Affairs can put in place a No Contact Order between the complainant and the respondent, which would prohibit contact between both parties through any means of communication, as well as not having others make contact on their behalf. Students will need to visit Student Affairs in room 10 of the Student Union Building for this order to be put in place. If a No Contact Order is believed to be violated, the complainant should contact Student Affairs immediately at (580) 349-1359. The University and not the police enforce No Contact Orders. Violations of a No Contact Order will result in disciplinary action where suspension from the university will be considered as a possible sanction.
- C. **Emergency Protective Order:** Student Affairs can assist you in filing for an Emergency Protective Order in court with Northwest Domestic Crisis Services. This is a court-ordered petition that prohibits contact between the complainant and respondent.
- D. **Safety Measures:** Student Affairs can coordinate any reasonable arrangements that are necessary for your ongoing safety. This includestransportation arrangements or providing an escort.
- E. **Living Arrangements:** Student Affairs can assist in changing the on campus living arrangements or that of the accused to ensure safety and a comfortable living situation.
- F. **Academic Arrangements:** Student Affairs can assist in adjusting your academic schedule or that of the accused as well as assist in providing access to academic support services.

- G. **Other Interim Measures:** Student Affairs can coordinate any reasonable arrangements to address the effects of the sexual violence on you, including connecting you with counseling, health care or academic support resources.

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

The University will provide written notification to victims about options for available accommodations. Additionally, the University will maintain as confidential any protective measures or accommodations that are put in place, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures. Any necessary disclosure of information will be communicated to the complainant in compliance with the Family Educational Rights and Privacy Act (FERPA).

## Reporting

All forms of sexual violence should be reported, no matter the severity. OPSU's primary concern is safety; therefore, individuals should not be deterred in reporting even if the use of alcohol or other drugs was involved.

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

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

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- Other employees may talk to a victim in confidence, and generally report only that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger an institution investigation into an incident against

the victim's wishes. This report is done through a Clery Report and does not include the victim's name or other identifying information.

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

## **A. Confidential Reporting Options**

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

### *Professional Counselors*

Professional and licensed counselors who provide mental health counseling (including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission. These individuals are also not required by the Clery Act to report.

This would include counselors who work in OPSU Counseling, Career Services and Testing on campus.

### *Victim Advocate*

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

### *University Health Providers*

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

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

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

## **B. Non-Confidential Reporting Options**

The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges and the Clery Act

require all other employees (excluding counselors and Victim Advocate) who

become aware of an instance of sexual violence to report the instance to OPSU Police. The victim's name should not be reported to the police without the victim's permission. The report should include the nature, date, time, and general location of an incident. This is a limited report which includes no information that would directly or indirectly identify the victim. This allows for the institution to track patterns, evaluate the program, and develop appropriate campus-wide responses.

Note that the Clery Act requires other crimes to be reported. Visit <http://www.clery.org> to learn more.

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

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

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

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

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

### **Requests for Confidentiality from a Non-Confidential Reporter**

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



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

Although rare, there are times when the University may not be able to honor a victim's request in order to provide a safe environment for all students.

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

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

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

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

## **Reporting to the Police**

OPSU strongly encourages individuals to report sexual violence and any other criminal offenses to the police. This does not commit you to prosecute but will allow the

gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, institutional conduct actions and/or civil actions against the perpetrator.

If the incident happened on campus or in Goodwell, it can be reported to the OPSU Police Department at 580-468-0915. If the incident occurred elsewhere in Guymon, it can be reported to the Guymon Police Department at 906 NW 5th St., Guymon, OK or at 580-338-6525. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred.

**Police Report Process:** A police report begins the moment you contact the authorities about a given situation, whether it be a crime that was committed earlier, or a crime currently in progress. The OPSU Police Department or Texas County Sheriff's Department will obtain basic information from you about the incident and relay the information to patrol officers working in your area. You can have the officers meet you on scene or you can request they meet you at the police department in an effort to resolve the issue, document the facts of the incidents, and begin investigating the case if follow-up is required. By simply calling Texas County Sheriff's Department at (580)338-4000, the reporting process begins. The OPSU Police Department and Texas County Sheriff's Department operates 24 hours a day, 7 days a week, including all holidays and University breaks.

Please know that the information you report can be helpful in supporting other reports and preventing further incidents.

## **Report to Student Conduct**

Anyone can report any instances of sexual violence to Student Affairs at the Student Union Building 10 or at 580-349-1359. A complaint should be filed as soon as possible, preferably within 180 calendar days of the incident.

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

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

***University Complaint Process:*** A complaint is an official report to the University alleging that an OPSU student has violated the Student Code of Conduct. A paper complaint form can be completed and submitted in the Student Affairs office located in the Student Union Building room 10.

## **MISSING STUDENT NOTIFICATION**

In accordance with Section 485 of the Higher Education Act, 20 U.S.C. § 1092(j), OPSU has developed this investigation and notification policy regarding students who reside in campus housing and have been reported as missing.

Students, faculty, staff, and others should notify the Student Life Coordinator or the Dean of Student Affairs that a student has been missing for 24 hours. Any Oklahoma Panhandle State University student reported missing for 24 hours will be reported as presumed missing to the OPSU Police Department at (580) 349-2566.

OPSU students may register a confidential contact person to notify in case the student is reported missing for 24 hours. Students may register their contacts in the OPSU Housing/Student Affairs Office. Contact information will be kept confidential and reported only to law enforcement and university personnel directly involved with the search for a missing student.

If the missing OPSU student is under 18 years old, is not emancipated, and is missing for 24 hours, a custodial parent or legal guardian must be notified in addition to the OPSU Police Department.

If an OPSU student has not registered and is reported missing for 24 hours, the OPSU Police Department will still be notified.

### *Missing Student Procedures*

Upon receiving a report of a missing student, the OPSU Police Department will notify the Dean of Student Affairs and Vice-President of Academic and Student Affairs.

OPSU personnel and the OPSU Police Department will attempt to locate the student and/or verify that the student is missing and has been missing for 24 hours. This includes, but is not limited to: contacting the confidential contact person registered, checking the student's on-campus residence, and checking class attendance records.

If OPSU and the OPSU Police Department verify that the student has been missing for 24 hours, OPSU Police will begin a missing person investigation in conjunction with other appropriate area law enforcement agencies.

These procedures may begin in less than 24 hours if circumstances require faster implementation.

## **CONTACT INFORMATION**

OPSU Police Department	580-349-2566
Goodwell Police Department	580-338-4000
Texas County Sheriff's Office	580-338-4000
Guymon Police Department	580-349-6525
Dean of Student Affairs	580-349-1359
Title IX Coordinator	580-349-1574
Housing & Residential Life Supervisor	580-349-1360
Counseling, Career Services & Testing	580-349-1558
OPSU Victim's Advocate	580-349-1556
Student Health Clinic	580-349-1358
Northwest Domestic Crisis Services	580-338-2780
24-Hour Crisis Line	580-338-7081
Memorial Hospital of Texas County	580-338-6515
Urgent Care of Guymon	580-338-2637

## **ANNUAL FIRE SAFETY REPORT**

### **Rules on Portable Electric Appliances, Smoking and Open Flames in a Student Housing Facility**

#### *Electrical Appliances*

The following items are allowed: clocks, irons, coffee makers with automatic shut-offs, hair dryers, electric curlers, shavers, electric blankets, lamps, radios, computers, stereos, microwaves (except in Field Hall), mini fridges (4.0 cu. ft. or less), fans, George Foreman-type grills (Aggie Apartments and Aggie Annexes only), crock pots (Aggie Apartments and Aggie Annexes only), and televisions. Any electrical extension cord must be 14 gauges or heavier.

The following items are prohibited: open coil cooking appliances, all other cooking appliances, deep freezes, portable heaters, sunlamps, broadcasting equipment, air conditioners, and other such items.

Please be aware that over loading an electrical circuit with too many appliances can cause problems. Computer equipment may be affected by other electrical appliances used in your room.

### *Firearms, Fireworks, and Explosives*

Under state and federal law, these may never be kept in residence hall rooms or on university property. Possession of these items will result in the immediate removal from the residence hall.

### *Flammable Materials*

Candles and incense are prohibited, as well as kerosene lamps and other flammable liquid fuel devices. Smoking is not allowed in the residence halls.

### *Health & Safety Checks*

Each semester Housing and Residential Life staff will inspect rooms for safety concerns. When performing Health and Safety checks, staff will:

- Post notification in advance
- Knock and announce themselves before entering
- Enter rooms in pairs
- Inspect only items that are in plain view (no closets, drawers, or refrigerators will be opened)
- Look for – unsafe cord placement (over doors, across door jams), unclean environment (rotting food, mold, offensive odor), doorway obstruction, electrical outlet overloading, maintenance concerns, pests, and paper covering more than 1/3 of door/walls.
- Document any policy violations

### *Confiscation*

Housing & Residential Life staff may confiscate items that are deemed illegal, in violation of Housing & Residential Life or OPSU policy or deemed unsafe. In instances when Housing & Residential Life has confiscated an item, a notice will be left in the room in question and the residents of that room should expect to receive further notification from the Residence Halls Supervisor about conduct follow-up.

## **Student Housing Evacuation in the Case of a Fire**

In the event of a fire, OPSU expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the Office of Student Affairs and OPSU Physical Plant. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, University policy is that all occupants must evacuate from the

building, closing doors as they leave. Each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

#### *Fire Alarm Instructions*

- In inclement weather, wear a coat and shoes and carry a towel.
- Close windows and leave lights on in room. Take room key.
- Leave door closed and walk to exit. If smoke is encountered, stay low for air.
- Physical assistance for evacuation – Call OPSU Police Department at 580-468-0915 or 911
- If unable to leave room, place a towel under the door if smoke is either seen or smelled.
- Hang a towel out of the window, indicating to a person below that a person is in that room.
- Await assistance in the room or area of refuge.

### **Fire Safety Education and Training Programs Provided to Students and Employees**

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

Fire safety education and training programs are taught by local fire authorities as well as the Residence Halls Supervisor who is experienced in fire safety matters.

If a fire occurs, students are instructed to leave hazardous areas per the evacuation routes and get to a predetermined location before calling 911 for help. They are to remain in that location so that someone from the Student Housing office has documented that the student has left the building. RAs are instructed to pull the fire alarm as they are leaving the building if they can do so without risking their safety.

**Fire Drills:** For the protection and safety of our community, announced and unannounced fire drills will be held at the direction of the Residence Halls Supervisor

during the academic year. To become familiar with evacuation routes, cooperation is mandatory. Anytime the alarm sounds residents are to leave the building. Participation in fire semi-annual evacuations are required by state law.

## **To Report a Fire**

Per federal law, OPSU is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the emergency and nonemergency numbers to call to report a fire that is occurring or has occurred please contact one of the following:

Fire Emergency.....	911
OPSU Dean of Student Affairs.....	580-349-1359
OPSU Housing & Residence Life Supervisor.....	580-349-1360

When calling, please provide as much information as possible about the location, date, time and cause of the fire. Each housing facility has audible alarms, beacons, sprinkler systems, and fire detections systems in the rooms and common areas.

## **Future Improvements in Fire Safety**

OPSU has adopted the National Incident Management System (NIMS) for all of its emergency and non-emergency events. The adoption of NIMS will improve the University's response to emergencies and hazards, especially fires.

All fire alarm systems and fire suppression systems undergo an annual inspection to ensure the systems are functioning and meet current federal, state and local regulations.

## **Fire Drills**

Fire Drills are conducted twice a year (at the beginning of the fall and spring semesters) in the apartments and South and North Holter Hall. In 2023, there was a total of six drills.

### OPSU Fire Summary

Facility	2021				2022				2023			
	Fires	Injuries	Deaths	Value of Loss	Fire	Injuries	Deaths	Value of Loss	Fire	Injuries	Deaths	Value of Loss
PTCI Hall 110 S. Aggie	0	0	0	0	0	0	0	0	0	0	0	0
Aggie Hall 108 S. Aggie	0	0	0	0	0	0	0	0	0	0	0	0
Sexton Hall 102 S. Aggie	0	0	0	0	0	0	0	0	0	0	0	0
South Holter Hall 312 N. Tyler	0	0	0	0	0	0	0	0	0	0	0	0
North Holter Hall 312½ N. Tyler	0	0	0	0	0	0	0	0	0	0	0	0
Field Hall 222 W. Eagle	0	0	0	0	0	0	0	0	0	0	0	0
MSH 1 601/603 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0
MSH2 602/604 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0
MSH 3 605/607 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0
MSH 4 606/608 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0
MSH 5 609/611 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0
MSH 6 610/612 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0
MSH 7 613/615 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0



MSH 8 614/616 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0
MSH 9 617/619 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0
MSH 10 618/620	0	0	0	0	0	0	0	0	0	0	0	0

<b>Cottonwood</b>												
MSH 11 621/623 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0
MSH 12 622/624 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0
MSH 13 625/627 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0
MSH 14 626/628 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0
MSH 15 629/631 Cottonwood	0	0	0	0	0	0	0	0	0	0	0	0
MSH 16 702/704 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0
MSH 17 705/707 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0
MSH 18 706/708 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0
MSH 19 709/711 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0
MSH 20 710/712 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0

MSH 21 713/715 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0
MSH 22 714/716 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0
MSH 23 717/719 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0
MSH 24 718/720 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0
MSH 25 721/723 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0
MSH 26	0	0	0	0	0	0	0	0	0	0	0	0
722/724 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0
MSH 27 725/727 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0
MSH 28 726/728 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0
MSH 29 730/732 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0
MSH 30 701/703 Hackberry	0	0	0	0	0	0	0	0	0	0	0	0

## APPENDIX A

Definitions under Oklahoma law:

### **Consent:**

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

1. Given by an individual who:
  - a. is asleep or is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason, or
  - b. is under duress, threat, coercion or force; or
2. Inferred under circumstances in which consent is not clear including, but not limited to:
  - a. the absence of an individual saying “no” or “stop”, or
  - b. the existence of a prior or current relationship or sexual activity.

21 Okla. Stat. § 113 (effective June 6, 2016).

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

22 Okla. Stat. § 60.1.

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

21 Okla. Stat. § 644.

***Sexual assault:***

- a. rape, or rape by instrumentation, as defined in Sections 1111, 1111.1 and 1114 of [Title 21], or
- b. forcible sodomy, as defined in Section 888 of [Title 21].

21 Okla. Stat. § 142.20.

***Rape (as used in the definition for “sexual assault”):***

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:

1. Where the victim is under sixteen (16) years of age;
2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
4. 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;
5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
6. 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;
7. 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 the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision that exercises authority over the victim
8. 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; or

9. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant.

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.

21 Okla. Stat. § 1111

***Rape by instrumentation (as used in the definition of “sexual assault”):***

Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is at least sixteen (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 conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of the same school system, or where the victim is under the legal custody or supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, consent shall not be an element of the crime. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is nineteen (19) years of age or younger and in the legal custody of a state agency, federal agency or tribal court and engages in conduct prohibited by this section of law with a foster parent or foster parent applicant. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

21 Okla. Stat. § 1111.1.

***Forcible sodomy (as used in the definition of “sexual assault”):***

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

(16) years of age, shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this section, where the victim of the third or subsequent offense is a person under sixteen (16) years of age, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, a violation of Section 1123 of this title or sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of said offenses, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

B. The crime of forcible sodomy shall include:

1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age; or

2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or

3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime; or

4. Sodomy committed by a state, county, municipal or political subdivision employee or contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state, or the subcontractor or employee of a subcontractor of the state or federal government, a county, a municipality or a political subdivision of this state;

5. Sodomy committed upon a person who is at least sixteen (16) years of age but less than twenty (20) years of age and is a student of any public or private secondary school, junior high

or high school, or public vocational school, with a person who is eighteen(18) years of age or older and is employed by the same school system;

6. Sodomy committed upon a person who is at the time unconscious of the nature of the act, and this fact should be known to the accused; or

7. Sodomy committed upon a person where the person is intoxicated by a narcotic or anesthetic agent administered by or with the privity of the accused as a means of forcing the person to submit.

21 Okla. Stat. § 888 (effective June 6, 2016).

***Stalking:***

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

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For purposes of this section:

1. "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 this title and conduct prohibited by Section 850 of this title. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;
2. "Course of conduct" means a pattern of conduct composed of a series of two 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";
3. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;
4. "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected



activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:

- 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; and

5. "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.

## APPENDIX B

### TITLE IX - SEXUAL MISCONDUCT POLICY

Effective Date: 8/13/2020

Approved by: Julie Dinger

Policy Owner: Provost

Last Reviewed: 8/13/2020

Last Revised: 9/20/2024

Revision Approved by: Laura Hutchinson, Dean of Student Affairs, Deputy Title IX Coordinator

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#### OVERVIEW

OPSU is committed to providing an educational, living and working environment that is free from Sexual Misconduct, as defined herein, for all members of its community to include students, faculty, staff, contractors, and visitors.

The purpose of this Policy is to provide the OPSU community with a clearly articulated set of behavioral standards, common understanding of definitions and key concepts, and descriptions and examples of prohibited conduct, including sexual harassment, sexual violence, stalking, and domestic and dating violence. All members of the community are expected to adhere to the requirements of this Policy and to the standards of the OPSU's community. It is intended to guide students, faculty, staff and other OPSU employees who have been affected by sexual harassment or misconduct, whether as a Complainant, Respondent, or a third party.

This Policy prohibits Sexual Misconduct, as defined herein, including all forms of sexual or sex-based harassment, discrimination, sexual violence, sexual assault, and stalking. Misconduct of this nature is contrary to the OPSU's institutional values and prohibited by state and federal law, as referenced by Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 and its implementing regulations.

The OPSU will review this Policy periodically in order to ensure compliance with legal requirements and improve the institutional response, including support services and resources. Additionally, the OPSU may modify this Policy and the procedures set forth herein at any time as deemed appropriate for compliance with federal, state, and local law and/or applicable guidance.

In the event this Policy conflicts with any other policy or procedure, this Policy shall control.

#### POLICY

##### 1.01 APPLICABILITY

This Policy applies to all campus community members, including students, faculty, staff, contractors, and visitors within the OPSU's control. It applies to conduct that occurs on OPSU-owned or controlled premises, in an educational program or activity, including OPSU sponsored or supported events, in buildings owned or controlled by student

organizations officially recognized by the OPSU, or off-campus when the conduct potentially affects a person's education or employment with the OPSU or potentially poses a risk to the safety of other members of the OPSU community. This Policy applies regardless of the sex, gender, gender identity, or sexual orientation of the parties. In accordance with regulations issued by the United States Department of Education, this Policy does not apply to conduct occurring against a person outside the United States or conduct that is not specifically addressed herein.

Alleged conduct reported pursuant to this Policy, whether or not the conduct constitutes a violation of this Policy, may violate other OPSU policies. The OPSU reserves the right to take disciplinary action for conduct reported under this Policy that constitutes a violation of any other OPSU Policy.

## 1.02 DEFINITIONS

a. Advisor – both the Complainant and Respondent are entitled to be accompanied to any meeting or hearing under this Policy by an Advisor of their choice, who may, but need not be, an attorney. If a Complainant or Respondent does not select an Advisor for a hearing under this Policy, the OPSU will provide the party with an Advisor, at no cost to the party, for the sole purpose of conducting cross-examination at the hearing.

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

c. Consent – effective consent is informed, freely and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Initiators of sexual activity are responsible for obtaining effective consent. Silence or passivity is not effective consent. The use of intimidation, coercion, threats, force, or violence negates any consent obtained. Consent is not effective if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental disability, or incapacitation due to the use of drugs or alcohol.

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

d. Dating Violence – dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such a relationship shall be determined based on consideration of the following factors:

i. The length of relationship;

ii. The type of relationship;

iii. The frequency of interaction between the persons involved in the

relationship.

Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts that meet the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

e. Decision-Maker – the individual(s) charged with determining whether or not a Respondent violated this Policy.

f. Domestic Violence – domestic violence is felony or misdemeanor crime of violence committed by a:

i. current or former spouse or intimate partner of the victim;

ii. person with whom the victim shares a child in common;

iii. person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;

iv. person similarly situated to a spouse of the victim under the domestic or family violence laws of Oklahoma;

v. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Oklahoma.

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions, or threat of actions that influence another person. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

g. Formal Complaint – a document filed by a Complainant or signed by the Title IX Coordinator or Deputy Title IX Coordinator alleging sexual harassment against a Respondent and requesting the OPSU investigate the allegation of sexual harassment.

h. Incapacity/Incapacitation – occurs when an individual is incapable, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. An individual may be incapacitated if they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in a sexual interaction.

i. Indecent Exposure – the act of intentionally exposing one's genitals in public or in front of others, for the purpose of sexual gratification or causing offense. Allegations of Indecent Exposure will be evaluated to determine if they meet the severe, pervasive and objectively offensive standard required

to meet the definition of Sexual Harassment.

j. Preponderance of the Evidence – the standard of evidence to be used in making a determination as to whether a violation of this Policy occurred is Preponderance of the Evidence. Under this standard, the burden of proof is met when evidence exists or is presented that establishes that it is “more likely than not” that a violation occurred. This standard is often described as requiring a showing that there is a greater than fifty percent (50%) chance that the claim is true.

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

l. Sexual Assault – an offense that meets the definition of rape, fondling, incest, or statutory rape:

i. Rape – the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim;

ii. Fondling – the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity;

iii. Incest – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;

iv. Statutory Rape – sexual intercourse with a person who is under the statutory age of consent.

m. Sex Discrimination – occurs when an individual is treated less favorably on the basis of that person’s sex (including gender), which may also include on the basis of sexual orientation, gender identity or expression, pregnancy or pregnancy-related condition, or a sex stereotype. Sexual harassment, as defined in this Policy, is a form of Sex Discrimination.

n. Sexual Exploitation – conduct where an individual takes non-consensual or abusive sexual advantage of another for their own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; sharing of pornographic or other sexually inappropriate material; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another. Allegations of Sexual Exploitation will

be evaluated to determine if they meet the severe, pervasive and objectively offensive standard required to meet the definition of Sexual Harassment.

o. Sexual Harassment – conduct on the basis of sex that satisfies one or more of the following:

i. A person acting on behalf of the OPSU in a position of authority conditioning the provision of any aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (quid pro quo);

ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the OPSU's education program or activity;

iii. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct that explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment;

iv. Sexual assault as defined herein;

v. Dating violence as defined herein;

vi. Domestic violence as defined herein; or

vii. Stalking as defined herein.

Subsections (i) and (iii)-(vii) in this definition are not evaluated for severity, pervasiveness, offensiveness, because such conduct is sufficiently severe to deny access to the OPSU's education program or activities. Any instance of quid pro quo sexual harassment, sexual assault, dating violence, or stalking are considered Sexual Harassment under this Policy.

p. Sexual Misconduct – the term used to encompass Sex Discrimination, Sexual Harassment, Domestic Violence, Indecent Exposure, Sexual Assault, Sexual Exploitation, and Stalking.

q. Stalking – refers to one who engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

i. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

ii. Reasonable person means a person under similar circumstances and with similar identities to the victim.

iii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

r. Supportive Measures – non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the OPSU’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the OPSU’s educational environment, or deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

## REPORTING INCIDENTS AND/OR FILING A FORMAL COMPLAINT

### 2.01 DISTINCTION BETWEEN REPORT AND FORMAL COMPLAINT

This Policy distinguishes between reporting incidents of Sexual Harassment and filing a Formal Complaint regarding an incident of Sexual Harassment. Reporting incidents of Sexual Harassment informs the OPSU of the incident, allowing the OPSU to provide Supportive Measures to the Complainant and does not necessarily result in the initiation of the grievance process (as described in Section 4.03 of this Policy). Complainants who report incidents of Sexual Harassment will be offered individualized Supportive Measures. If a Complainant wishes to initiate the grievance process, they should file a Formal Complaint.

### 2.02 REPORTING

All forms of Sexual Misconduct should be reported to the OPSU, no matter the severity. OPSU’s primary concern is safety; therefore, individuals should not be deterred from reporting for any reason, even if the use of alcohol or other drugs was involved. The OPSU encourages those impacted by Sexual Misconduct to talk to someone about what happened so they can receive support and the OPSU can respond appropriately. The OPSU offers both confidential services and nonconfidential reporting options, as outlined below.

#### a. Reporting to the OPSU

i. Confidential Reporting Options – Confidential service options provide students and employees with the ability to confidentially share and discuss an incident of Sexual Misconduct without the reporting party’s information being shared with the OPSU. Please be aware that reporting to confidential services limits the OPSU’s ability to respond to incidents. While these individuals are not required to report to the OPSU, they may have reporting or other obligations under state law, such as mandatory reporting to law enforcement in cases involving minors, imminent harm to self or others, or

requirements to testify if subpoenaed in a criminal case.

a. Professional Counselors – Professional and licensed counselors who provide mental-health counseling (including those who act in that role under the supervision of a licensed counselor) are not required to report any information. Included in this category are counselors at the OPSU Counseling Center, Psychological Services Clinic and those provided by the Employee Assistance Plan.

b. OPSU Victim Advocates – Individuals may visit with a Victim Advocate to learn about resources available on campus. A Victim Advocate is not required to report any information about an incident to the Title IX Coordinator or the Deputy Title IX Coordinator unless the victim provides permission. However, the Victim Advocate will report incidents, without personally identifiable information, to the OPSU Police for the purpose of compliance with the Clery Act. Contact information for the Victim Advocates is available at [INSERT WEBSITE PERTAINING TO YOUR VICTIM ADVOCATE].

c. OPSU Health Providers – OPSU Health service providers are a confidential service option. OPSU Health Services can be contacted at 1202 W. Farm Road or by phone at 405-744-7665.

ii. Non-Confidential Reporting Options – Any person may report an incident, whether or not the individual reporting is the person alleged to be the victim of the incident. Reports may be verbal or in writing to the Title IX Coordinator or Deputy Title IX Coordinator:

Title IX Coordinator  
Dr. Rebecca Wagenbach  
Hamilton 221  
580-349-1413  
rebekah.wagenbach@opsu.edu

Deputy Title IX Coordinator  
Laura Hutchinson  
Sewell Loofburrow 202  
580-349-1359 or 765-259-4011  
laura.hutchinson@opsu.edu

d. Campus Security Authorities – In compliance with the Clery Act, some employees are identified as a Campus Security Authority (“CSA”). CSAs are identified through the Clery Act and outlined in the OPSU’s Annual Safety Report, available on the



OPSU's website. These individuals are required to report instances of Sexual Misconduct, along with other misconduct, to OPSU Police for statistical purposes. CSAs must report all relevant details about the allegations shared by the victim, including names, date, time, and specific location of the alleged incident to the OPSU Police and to the Title IX Coordinator or the Deputy Title IX Coordinator.

e. Responsible Employees – Responsible Employees are those who are mandated to report to the Title IX Coordinator or the Deputy Title IX Coordinator when they become aware of an incident of Sexual Misconduct. OPSU employees in a supervisory role over employees or students are considered Responsible Employees. Employees with supervisory authority include, but are not limited to: unit heads, academic administrators, faculty members engaged in supervising student workers, intercollegiate athletic administrators and coaching staff members. Responsible Employees who become aware of developing situations, or who desire assistance in appropriately responding to such situations, may seek assistance from the Title IX Coordinator or the Deputy Title IX Coordinator. Failure by a Responsible Employee to promptly report or seek assistance regarding Sexual Misconduct may result in corrective action.

f. All Employees – When an incident of Sexual Misconduct is reported to any employee, the employee is strongly encouraged, if not required, to report the incident to the Title IX Coordinator or the Deputy Title IX Coordinator.

g. Reporting to Law Enforcement – The OPSU strongly encourages individuals to report Sexual Misconduct that may be a criminal offense, and any other criminal offenses, to the police. Reporting to the police does not commit a victim to proceed with prosecution, but will allow the gathering of information and evidence, which can preserve future options regarding criminal prosecution, OPSU conduct/grievance actions, and/or civil actions against the perpetrator.

On-campus incidents should be reported to the OPSU Police Department, Located in the Garrett Leo Draper Clubhouse or by phone to 580-468-0915. If the incident occurred elsewhere in the area, it can be reported to the Goodwell Police Department at 104 Main Street in Goodwell or by phone at 580-349-2566. If the incident happened anywhere else, it can be reported to local law enforcement with jurisdiction in the location where it occurred.

c. Reporting to External Entities – Individuals who have experienced or are experiencing sex-based harassment or discrimination also have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR) U.S. Department of Justice,  
950 Pennsylvania Avenue, N.W.  
Washington DC 20530  
(202) 514-3847  
education@usdoj.gov

Or

US Department of Education  
One Petticoat Lane  
1010 Walnut St. Ste.320  
Kansas City, MO 64106  
Phone: (816) 268-0559  
Facsimile: (816) 268-0559 Email:  
TTY: (800) 877-8339 Phone:  
Email: OCR.KansasCity@ed.gov Toll-Free: (877) 292-3804  
Web: <http://www.ed.gov/ocr> Facsimile: (202) 514-8337

## 2.03 FILING A FORMAL COMPLAINT

Complainants may file a Formal Complaint with the Title IX Coordinator or the Deputy Title IX Coordinator. In order for corrective or disciplinary action to be taken against a OPSU employee or student, it may be necessary for a signed Formal Complaint to be filed and for the Complainant to cooperate with the OPSU's investigative process. However, even without filing a Formal Complaint, a Complainant will be offered individualized Supportive Measures. A signed Formal Complaint can be provided to the Title IX Coordinator or Deputy Title IX Coordinator by mail, email or in person. The Formal Complaint must include the specific allegations and name of the Respondent(s).

## SUPPORTIVE MEASURES

3.01 OPSU offers Supportive Measures for students and employees impacted by an occurrence of sex-based misconduct. A Formal Complaint does not need to be submitted for Supportive Measures to be put in place. The OPSU will maintain confidentiality to the extent possible. Supportive Measures are non-disciplinary and non-punitive measures that do not unreasonably burden the other party. Supportive Measures may include, but are not limited to:

a. Assistance in reporting: Support in filing a complaint with the OPSU and/or the appropriate law enforcement agencies.

b. Emergency Protective Order: Support in filing for an Emergency Protective Order in court with Wings of Hope. This is a court-ordered petition that prohibits contact between the Complainant and Respondent.

c. No contact order: A no contact order can be put into place between the Complainant and the Respondent, to prohibit contact or limit contact between both parties through any means of communication, as well as prohibit others from making contact on their behalf.

d. Safety measures: Coordination of any reasonable arrangements that are necessary for ongoing safety. This includes transportation arrangements or providing an escort.

e. Work schedule adjustments: Assistance in changing on-campus work schedules, work assignments, supervisor responsibilities, or other work arrangements.

f. Leaves of absence: A pre-approved defined period away from the work environment. (employees only)

g. Living arrangements: Assistance in changing on-campus living arrangements to ensure a comfortable living situation.

h. Academic arrangements: Assistance in adjusting academic schedules as well providing access to academic support services. (students only)

i. Other supportive measures: Coordination of other reasonable arrangements to address the effects of the Sexual Misconduct, including connecting individuals with counseling or health care.

## FORMAL COMPLAINT PROCESS

### 4.01 REPORTING

OPSU is obliged to act when it receives “actual knowledge” of allegations of Sexual Harassment. Persons who believe they have been subject to prohibited Sex Discrimination or Sexual Harassment are encouraged to seek assistance, to directly report such conduct to appropriate supervisors, or to directly report such conduct to the Title IX Coordinator or Deputy Title IX Coordinator. In instances involving alleged violations of this Policy engaged in by students, the Title IX Coordinator will refer such matters to the Deputy Title IX Coordinator for review and other processing.

### 4.03 EMERGENCY REMOVALS

Applicable only to students, an emergency removal is a removal, either partially or entirely, of a student from the OPSU and its activities on an emergency basis when an individualized safety and risk analysis has determined an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal. The individualized risk assessment will be conducted by the Deputy Title IX Coordinator, in conjunction with the Behavioral Consultation Team using its standard risk assessment procedures. A removed student will

receive a written notice of the decision, which notice will include information about how the student may challenge the removal decision.

#### 4.04 INITIAL ASSESSMENT

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

#### 4.05 INVESTIGATION NOTICE

If it is determined there is sufficient evidence to proceed with an investigation, a written notice and copy of the grievance procedure will be provided to the Complainant and Respondent. The notice will detail the allegations, to include, if known, the identities of the parties, the date and location of the incident, and the specific alleged Policy violation(s). The notice will also state the Respondent is presumed not to be responsible until a determination. The notice will advise both parties of their right to have an Advisor of their own choosing. Finally, the notice will include information related to the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges Policy 3.06, Non-Retaliation.

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

#### 4.06 INVESTIGATION

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

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

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

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

d. Role of the Advisor – During participation in the investigative process, the Complainant and Respondent may have their own Advisor of choice. The Advisor’s role is to assist the Complainant and Respondent in understanding and navigating through the investigative process. An Advisor may not be a witness in the same investigation, or whose participation will create a conflict of interest. The Advisor will not speak, act, or answer questions on behalf of the Complainant or Respondent or impede or act in a manner that obstructs or disrupts the investigative process.

#### 4.07 INVESTIGATION REPORT

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

#### 4.08 DISMISSAL PRIOR TO HEARING

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

a. Pursuant to applicable law, the Complaint must be dismissed in the following circumstances:

- i. The conduct alleged does not meet the definition of any prohibited conduct under this Policy;
- ii. The alleged conduct did not occur on OPSU-owned or controlled premises;
- iii. The alleged conduct did not occur in the OPSU’s education program or activity;
- iv. The alleged conduct did not occur against a person in the United States; or
- v. If at the time of a Formal Complaint, the Complainant is not participating in or attempting to participate in the OPSU’s education program or activity.

b. At the discretion of the Title IX Coordinator or Deputy Title IX Coordinator the following are additional grounds for dismissal:

- i. If the Complainant requests in writing to dismiss a Formal Complaint or any allegations therein;
- ii. The Respondent is no longer enrolled in or employed by the OPSU;  
or
- iii. Any specific circumstances exist which prevent the OPSU from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein; or

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

- i. For Employee Respondents – If a Formal Complaint against an employee Respondent is closed, the Title IX investigation will be closed administratively, and all parties, including the appropriate supervisor or Department Head and Administrator, will be notified in writing of the administrative closure. The findings and determination as to any non-Title IX Policy violation will be forwarded to Human Resources Consultant Services for review and subsequent actions.
- ii. For Student Respondents – A Formal Complaint being dismissed under this Policy does not preclude it from being addressed through the Student Code of Conduct.

d. A Complainant or Respondent may appeal a dismissal by following the procedures outlined in Section 6.

#### 4.09 INFORMAL RESOLUTION

At any time after the filing of a Formal Complaint and but not less than ten (10) days prior to a live hearing, either party may request that the OPSU facilitate an informal resolution. Informal resolution is an available option when both parties voluntarily agree to participate and if the Title IX Coordinator agrees that informal resolution is appropriate given the nature of the allegations and the relationship of the parties. To allow the parties to participate without concern for how their statements may affect the outcome of an investigation, the Title IX Coordinator will not participate in informal resolution or be informed of information disclosed by the parties during the process.

If the parties reach agreement during the informal resolution process, the facilitator will reduce the agreement to writing and present it to the Title IX Coordinator, who may approve or disapprove the agreement. An approved informal resolution agreement will be recognized as a binding agreement between the parties enforceable by the OPSU. Once parties have entered into an approved informal

resolution agreement, the grievance will be deemed resolved and may not be reopened.

## HEARING PROCEDURES

### 5.01 TITLE IX HEARING (EMPLOYEE RESPONDENT)

Upon the conclusion of an investigation involving a non-student OPSU employee as a Respondent, the Complainant and Respondent will be notified in writing with the name and contact information of a trained Decision Maker assigned to conduct a live hearing that will be recorded by audio or audio visual means. The Complainant and Respondent will be provided the scheduled date, time and location of the hearing, as well as written information regarding the hearing process. Within ten (10) business days of receipt of the notification, both parties may provide the Decision Maker with the name and contact information of their Advisor for the hearing, supporting evidence and a list of witnesses. If either the Complainant or Respondent is unable or chooses not to name an Advisor, one will be provided by the OPSU. At any time during the process, requests for extensions to provide information or to reschedule hearings may be made and approved by the Decision Maker in their sole discretion. Any request for an extension must be in writing, no later than two (2) days prior to the applicable due date. All parties and Advisors will be notified of approved extensions in writing.

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

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

c. Title IX Hearing Process – At the beginning of the hearing, the Decision Maker shall set forth the rules of procedure for the hearing. Each party is allowed a reasonable time to present their opening statement. The Complainant will present their case first in all phases of the hearing.

Each party is allowed to ask relevant questions of their respective

witnesses, followed by cross-examination by the other party's Advisor. Cross-examination must be conducted by the other party's Advisor. The parties may not under any circumstances conduct cross-examination. If necessary, a party will be allowed additional time for follow-up questions of their witness, followed by additional time for cross-examination by the other party's Advisor. The Decision Maker will determine whether questions asked during cross-examination by an Advisor are relevant. The Decision Maker may also ask questions of the parties and witnesses for clarification. The process will be repeated until all testimony is concluded. The party's Advisor may only participate to the extent set forth above.

d. Standard of Evidence – The standard of evidence to be used to make a determination is Preponderance of the Evidence.

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

- i. the allegations made against the Respondent;
- ii. a description of the procedural steps undertaken, including notifications to parties, interviews and site visits, methods used to gather evidence, and hearings;
- iii. findings of fact that support the determination;
- iv. an explanation regarding the result of each allegation, including a determination as to whether the Respondent did or did not violate this Policy as to each allegation;
- v. any disciplinary actions/sanctions against the Respondent, and any remedies to be provided to the Complainant; and
- vi. procedures and bases for appeal.

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

#### 5.02 TITLE IX HEARING PROCEDURE (STUDENT RESPONDENT)

All cases involving a student Respondent will follow the procedures set forth in the Student Code of Conduct, available at <https://opsu.b-cdn.net/app/uploads/2023/08/Student-Code-of-Conduct-23-24.pdf>

with the following additions:



a. Advisor – The Complainant and Respondent may have their own Advisor of choice. If either the Complainant or Respondent is unable or chooses not to name an Advisor, the OPSU will provide an Advisor. During the hearing, questions asked to the other party must be asked through the participant’s Advisor. If the participant’s Advisor does not act in accordance of the hearing and the Advisor’s privileges are withdrawn or they are barred from the hearing, Student Conduct Education and Administration will appoint an Advisor to assist in asking questions to other participants.

### 5.03 VIOLATION OF POLICY

If the Decision Maker determines by a Preponderance of the Evidence that Respondent has engaged in Sexual Misconduct as defined in this Policy, Respondent will be deemed responsible for a Title IX violation.

### APPEALS

#### 6.01 APPEALS INVOLVING EMPLOYEE RESPONDENTS

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

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

- i. A procedural irregularity occurred that affected the outcome of the matter;
- ii. New evidence that was not reasonably available at the time the Title IX Hearing Determination or dismissal was made, that could affect the outcome of the matter; or,
- iii. The Title IX Coordinator, Deputy Title IX Coordinator, investigator(s), or Decision Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

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

- i. If the Appellate Officer finds there is no merit to any of the grounds cited in the appeal, it will issue a finding as such and that decision will be final.
- ii. If the Appellate Officer finds there was a procedural irregularity that affected the outcome of the matter, the matter may be remanded to a new Title IX Hearing.
- iii. If the Appellate Officer finds new evidence exists that was not reasonably available that could affect the outcome, the matter may be remanded to the original Title IX Hearing Decision Maker.
- iv. If the Appellate Officer finds that the Title IX Coordinator, investigator(s), or Decision Maker had a conflict of interest or bias for or against the parties (generally, or specifically in this matter) that affected the outcome of the matter, the case may be remanded to a new Title IX Hearing.

## 6.02 APPEALS INVOLVING STUDENT RESPONDENTS

a. Time for Appeal – A Complainant or Respondent may appeal in writing either a dismissal of a Formal Complaint or the Title IX Hearing Determination within seven (7) days of notification of such determination on the grounds set forth in Section 6.02(b).

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

- i. A procedural irregularity occurred that affected the outcome of the matter;
- ii. New evidence that was not reasonably available at the time the Title IX Hearing Determination or dismissal was made, that could affect the outcome of the matter;
- iii. The Title IX Coordinator, Deputy Title IX Coordinator, investigator(s), or Decision Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- iv. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with OPSU procedures or precedent. Simple dissatisfaction is not grounds for overturning a sanction under this provision.

## RETALIATION

### 7.01 RETALIATION

Retaliation is any adverse action taken against a person because of that person's participation in protected activity. In accordance with the Oklahoma Agricultural and Mechanical Colleges Policy 3.06, Non-Retaliation, the OPSU strictly prohibits

retaliation against any person for making any good faith report of discrimination, harassment, or sexual misconduct or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination, harassment, or sexual misconduct. Any person who engages in such retaliation shall be subject to disciplinary action, up to and including termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to promptly notify the Title IX Coordinator. The OPSU will promptly investigate all claims of retaliation.

## RECORDKEEPING

### 8.01 RECORDS

In implementing this Policy, records of all complaints, investigations, and resolutions will be kept by the Title IX Coordinator (or designee) depending on the nature of the complaint. The records will be kept for a minimum of seven (7) years following final resolution.

### 8.02 OPSU ANNUAL SECURITY REPORTS

OPSU disseminates a public annual security report Annual Security Report (ASR) to employees and students every October 1st. The ASR includes statistics of campus crime for the preceding 3 calendar years, plus details about efforts taken to improve campus safety. The report includes: definitions of sexual harassment, what to do if you are victimized, support services, on and off campus resources, preventive measures and the sex offender registration. Additionally, there are Policy statements regarding crime reporting, campus facility security and access, incidence of alcohol and drug use, and the prevention of/response to sexual assault, domestic and dating violence, and stalking. The OPSU Annual Security Report can be located at: <https://opsu.b-cdn.net/app/uploads/2023/09/OPSU-2023-Annual-Security-and-Safety-Report-1.pdf>

## TRAINING

### 9.01 TRAINING

OPSU will ensure the Title IX Coordinator, Deputy Title IX Coordinator, Title IX Investigators, and Decision Makers do not have conflicts of interest or any bias for or against the Complainant or Respondent. Each person will receive mandatory training on the topics of sexual harassment, and Sexual Misconduct, to include how to conduct investigations, how to conduct hearings and appeals, and how to remain impartial throughout the process. Title IX and Title VII training is mandatory for all OPSU administrators, faculty and staff.

## Appendix C

### State Law Definitions

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

1. Given by an individual who:
  - a. is asleep or is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason, or
  - b. is under duress, threat, coercion or force; or
2. Inferred under circumstances in which consent is not clear including, but not limited to:
  - a. the absence of an individual saying “no” or “stop”, or
  - b. the existence of a prior or current relationship or sexual activity.

### 21 Okla. Stat. § 113

Dating violence is not defined by the state of Oklahoma; however, violence against a person with whom the perpetrator is in a dating relationship is considered domestic violence, defined below. A dating relationship is defined as: an intimate association, primarily characterized by affectionate or sexual involvement. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship.

### 22 Okla. Stat. § 60.1.

Domestic violence is not defined in Oklahoma law. However, the criminal definition of domestic abuse is defined as: Any act of physical harm, or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who is currently or was previously an intimate partner or family or household member. “Family or household members” means: (a) parents, including grandparents, stepparents, adoptive parents and foster parents, (b) children, including grandchildren, stepchildren, adopted children and foster children, and (c) persons otherwise related by blood or marriage living in the same household. “Intimate partner” means: (a) current or former spouses, (b) persons who are or were in a dating relationship, (c) persons who are the biological parents of the same child, regardless of their marital status or whether they have lived together at any time, and (d) persons who currently or formerly lived together in an intimate way, primarily characterized by affectionate or sexual involvement. A sexual relationship may be an indicator that a person is an intimate partner, but is never a necessary condition.

### 22 Okla. Stat. § 60.1.

Sexual assault:

- a. rape, or rape by instrumentation, as defined in Sections 1111, 1111.1 and 1114 of [Title 21], or

b. forcible sodomy, as defined in Section 888 of [Title 21].

21 Okla. Stat. § 142.20.

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

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:

1. Where the victim is under sixteen (16) years of age;
2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
4. 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;
5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
6. 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;
7. 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 the subcontractor or employee of a subcontractor of the state or federal government, a county, a municipality or a political subdivision that exercises authority over the victim;
8. 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; or
9. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant.

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.

21 Okla. Stat. § 1111

Rape by instrumentation (as used in the definition of “sexual assault”):

Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is at least sixteen (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 conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of the same school system, or where the victim is under the legal custody or supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, consent shall not be an element of the crime. Provided, further, that at least one of the circumstances described in Section 1111 of this title has been met; further, where the victim is nineteen (19) years of age or younger and in the legal custody of a state agency, federal agency or tribal court and engages in conduct prohibited by this section of law with a foster parent or foster parent applicant. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

21 Okla. Stat. § 1111.1.

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

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

person under sixteen (16) years of age, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, a violation of Section 1123 of this title or sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of the offenses, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

B. The crime of forcible sodomy shall include:

1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age;
2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime;
3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime;
4. Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state; or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision of this state;
5. Sodomy committed upon a person who is at least sixteen (16) years of age but less than twenty (20) years of age and is a student of any public or private secondary school, junior high or high school, or public vocational school, with a person who is eighteen (18) years of age or older and is employed by the same school system;
6. Sodomy committed upon a person who is at the time unconscious of the nature of the act, and this fact should be known to the accused; or
7. Sodomy committed upon a person where the person is intoxicated by a narcotic or anesthetic agent administered by or with the privity of the accused as a means of forcing the person to submit.
8. Sodomy committed upon a person who is at least sixteen (16) years of age but less than eighteen (18) years of age by a person responsible for the child's health, safety or welfare. "person responsible for a child's health, safety or welfare" shall include, but not be limited to: (a) a parent, (b) a legal guardian, (c) a custodian, (d) a foster parent, (e) a person eighteen (18) years of age or older with whom the child's parent cohabitates, (f) any other adult residing in the hold of the child, (g) an agent or employee of a public or private residential home, institution, facility or day treatment program as defined in Section 175.2

of Title 10 of the Oklahoma Statutes, or (h) an owner, operator or employee of a child care facility, as defined by Section 402 of Title 10 of the Oklahoma Statutes.

21 Okla. Stat. § 888 (effective June 6, 2016).

Stalking:

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

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

F. For purposes of this section:

1. "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 this title and conduct prohibited by Section 850 of this title. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;
2. "Course of conduct" means a pattern of conduct composed of a series of two 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";
3. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;
4. "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:
  - 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.

5. "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.

6. "Following" shall include the tracking of the movement or location of an individual through the use of a Global Positioning System (GPS) device or other monitoring device by a person, or person who acts on behalf of another, without the consent of the individual whose movement or location is being tracked; provided, this shall not apply to the lawful use of a GPS device or other monitoring device or to the use by a new or used motor vehicle dealer or other motor vehicle creditor of a GPS device or other monitoring technology, including a device containing technology used to remotely disable the ignition of a motor vehicle, in connection with lawful action after default of the terms of a motor vehicle credit sale, loan or lease, and with the express written consent of the owner or lessee of the motor vehicle.

21 Okla. Stat. § 1173