



## **503 POLICY – Title IX and Sexual Misconduct**

### **503.1 Statement of Policy**

Redlands Community College is committed to creating and maintaining a community where all persons who participate in College programs and activities can work and learn together in an atmosphere free from all forms of harassment, exploitation, or intimidation. Redlands Community College condemns discrimination based on sex or gender, sexual harassment, sexual assault, sexual orientation discrimination, discrimination based on gender identity or expression, and sexual misconduct. Any such activity committed by a member of the College community may subject the individual to Redlands Community College sanctions, as well as civil and criminal penalties. The College is committed to providing appropriate means of addressing complaints regarding sexual misconduct.

This policy covers unwelcome conduct of a sexual or gender-based nature, whether committed on-campus, or off-campus where Redlands Community College has control over the perpetrator or the context of the harassment. Consensual romantic relationships between members of the College community are subject to other College policies, but are investigated under this process and procedure.

### **503.2 Related Procedure**

The Procedures section of the Policies and Procedures Manual contains a procedure with definitions, examples, and a complaint procedure that are related to this Sexual Misconduct Policy. The definitions in the related procedure are incorporated by reference into this policy.

Adopted September 2015



## 503 PROCEDURE – Title IX and Sexual Misconduct

### **503.1:1 Statement of Procedure**

Offenses prohibited under the Redlands Community College Policy include, but are not limited to sexual harassment, sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), non-consensual sexual intercourse (or attempts to commit same), non-consensual sexual contact (or attempts to commit same), sexual coercion, domestic/dating violence, stalking, and sexual exploitation, and any attempts to commit the same.

### **503.2:1 Definition and Examples**

- A. Sex Discrimination includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.
1. Pregnancy Discrimination – Redlands Community College prohibits discrimination on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom. Discrimination on the basis of pregnancy should be reported in accordance with this policy.
    - a. Employees with questions regarding accommodations during pregnancy are encouraged to contact the Human Resources Department ([human.resources@redlandsc.edu](mailto:human.resources@redlandsc.edu) or (405) 422-1267).
    - b. Students and visitors with questions regarding accommodations during pregnancy are encouraged to contact the Dean of Campus Life ([Dean.Campus.Life@redlandsc.edu](mailto:Dean.Campus.Life@redlandsc.edu) or (405) 422-1280).
    - c. For complaints arising under this policy, please report to the Institutional Equity and Title IX Office ([smo@redlandsc.edu](mailto:smo@redlandsc.edu) or (405) 422-1275).
- B. Sexual Harassment is a form of sex discrimination. Sexual harassment is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students, employees, and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to



report the incident(s).

1. Hostile Environment Sexual Harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:
    - a. the frequency of the conduct;
    - b. the nature and severity of the conduct;
    - c. whether the conduct was physically threatening;
    - d. whether the conduct was deliberate, repeated humiliation based upon sex;
    - e. the effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
    - f. whether the conduct was directed at more than one person;
    - g. whether the conduct arose in the context of other discriminatory conduct;
    - h. continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
    - i. whether the speech or conduct deserves constitutional protections.
  2. Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant:
    - a. make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
    - b. indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant's submission to such activity.
- C. Retaliation is any attempt to penalize or take an adverse employment, educational or institutional benefit action, including but not limited to making threats, intimidation, reprisals or other adverse action, against a person because of participation in a complaint or the investigation of discrimination, sexual harassment or sexual misconduct.
1. Redlands Community College prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the College's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Retaliation is a form of discrimination.
  2. Redlands Community College will take immediate steps to stop retaliation

and prevent its recurrence against the alleged victim and any person associated with the alleged victim. These steps will include, but are not limited to, notifying students, employees, and others, that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant too determine if any additional acts of discrimination, harassment, or retaliation have occurred. If retaliation occurs, the College will take prompt responsive action, including possible discipline, including disenrollment or termination, if applicable.

- D. Sexual Violence means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual misconduct and sexual coercion.
1. Non-Consensual Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.
  2. Non-Consensual Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.
  3. Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.
- E. Sexual Exploitation occurs when a person takes non-consensual, unjust or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior may not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
1. Non-consensual video or audio-taping of any form of sexual activity;
  2. Going beyond the boundaries of consent (such as letting a person or people hide in the closet to watch you having consensual sex without your partner's

- knowledge or consent);
3. Sexually-based stalking or bullying;
  4. Engaging in non-consensual voyeurism, such as observing sexual acts or body parts of another from a secret vantage point;
  5. Knowingly transmitting a sexually transmitted disease or illness to another;
  6. Exposing one's genitals in a non-consensual circumstance, or inducing another to expose his or her genitals;
  7. Prostituting another person;
  8. Other forms of invasion of sexual privacy.
- F. Other Misconduct
1. Other forms of misconduct based on one's gender also constitute violations of this policy including: threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
  2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
  3. Harassment, defined as unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or that is sexual in nature that has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities;
  4. Gender-based intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
  5. Gender-based hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining or other group-affiliation activity.
  6. Gender-based bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the First Amendment);
  7. Violence, including assault, battery or other physical abuse between those in an intimate or dating or romantic relationship with each other.
    - a. Dating violence is violence between individuals in the following circumstances:
      - i. The party is or has been in a social relationship of a romantic or intimate nature with the victim; and
      - ii. The existence of such a relationship shall be determined based on a consideration of the following factors:
        - Length of the relationship

- Type of relationship
  - Frequency of interaction between the persons involved in the relationship.
- b. Domestic Violence under Redlands Community College policy means violence committed by a:
- i. Current or former spouse of the victim;
  - ii. A person with whom the victim shares a child in common;
  - iii. A person who is cohabitating with or has cohabitated with the victim as a spouse;
  - iv. A person similarly situated to a spouse of the victim under Oklahoma domestic or family violence laws;
  - v. Any other person against an adult or your victim who is protected from that person's acts under Oklahoma domestic or family violence laws.
8. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community or the safety of any of the immediate family members of the community.
- G. Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No", and the absence of "No" may not mean "Yes".
1. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
  2. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
  3. Previous relationships or consent does not imply consent to future sexual acts.
  4. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
  5. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent (e.g. to

understand the “who, what, when, where, why or how” of their sexual interaction. Incapacity may result from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication. It is less severe than alcohol poisoning or overdose. Whether a person is, a subjective determination that will be made after the incident and in light of all facts available. Individuals reach incapacitation at different points and as a result of different stimuli [and] exhibit incapacity in different ways. Note, that indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person. Examples of when a person should know the other is incapacitated include, but are not limited to:

- a. the amount of alcohol, medication or drugs consumed, or
  - b. imbalance or stumbling, or
  - c. slurred speech, or
  - d. lack of consciousness or inability to control bodily functions or movements, or
  - e. vomiting.
6. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

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

1. Oklahoma Criminal Law Definition of Rape

Oklahoma Penal Code, §21-1111:

- a. Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:
  - i. Where the victim is under sixteen (16) years of age;
  - ii. Where the victim is incapable through mental illness or any other soundness of mind, whether temporary or permanent, of giving legal consent;

- iii. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
  - iv. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
  - v. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
  - vi. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;
  - vii. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercised authority over the victim; or
  - viii. Where the victim is a least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system.
- b. Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.
2. Definition of Consent under Oklahoma Criminal Law  
Oklahoma Penal Code, §21-1114A, provides lack of consent in rape cases where:
- a. Rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age; or
  - b. Rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the

- age of the person committing the crime; or
- c. Rape accomplished where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit; or
  - d. Rape accomplished where the victim is at the time unconscious of the nature of the act and this fact is known to the accused; or
  - e. Rape accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the person committing the crime; or
  - f. Rape by instrumentation resulting in bodily harm is rape by instrumentation in the first degree regardless of the age of the person committing the crime; or
  - g. Rape by instrumentation committed upon a person under fourteen (14) years of age.
3. Definition of Domestic/Dating Violence under Oklahoma Criminal Law  
Oklahoma Penal Code, §21-644, defines domestic and dating violence as any person who commits any assault and battery against a current or former spouse, a present spouse or a former spouse, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse.
4. Definition of Stalking under Oklahoma Criminal Law  
Oklahoma Penal Code, §21-1173, defines stalking as any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:
- a. Would cause a reasonable person or a member of the immediate family of that person to feel frightened, intimidated, threatened, harassed, or molested; and
  - b. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

### **503.2:2 Risk Reduction Tips**

- A. Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit



sexual violence are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a non-consensual sexual act.

1. Make your limits known as early as possible.
  2. Be aware of your alcohol intake. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
  3. Take care of your friends or colleagues and ask that they take care of you.
- B. Potential Aggressor – If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:
1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
  2. Understand and respect personal boundaries.
  3. DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent.
  4. Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the timeline for sexual behaviors with which they are comfortable.
  5. Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
  6. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
  7. Understand that consent to one form of sexual behavior does not automatically imply consent to other forms of sexual behavior.
  8. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

### **503.2:3 Duty to Report Sexual Harassment, Discrimination, and Misconduct**

- A. Mandatory Reporting - Failure to promptly report to appropriate College official or the Title IX Office may result in disciplinary action up to and including termination.

With limited exceptions, every college employee **must** report conduct that could constitute sexual harassment/sex discrimination/sexual misconduct under this policy. Additionally, attorneys, clergy members, licensed counselors or physicians who are engaged in such capacity may keep such reports confidential.

Supervisors, managers and faculty members with administrative duties or student supervisory duties are responsible for taking all appropriate action to prevent sexual misconduct, discrimination and harassment, to correct it when it occurs, and **must** promptly report it to the following or other appropriate College official.



Institutional Equity and Title IX Office  
Redlands Community College  
1300 South Country Club Road  
El Reno, OK 73036-5304  
(405) 422-1275  
Email: [smo@redlandsc.edu](mailto:smo@redlandsc.edu)

B. Reports Concerning Minors

Members of the College community should be aware that the College often has minors on its campuses for a variety of reasons:

- field trips
- tours
- course credit
- camps
- contests
- summer programs
- fitness for life program

Should you have a reasonable suspicion of any abuse or neglect of a minor while on College property, or where the minor is in your care at a College-related event, but the abuse may have occurred off-campus, irrespective of whether you are a mandatory reporter for Title IX purposes, you have an independent obligation under Oklahoma state law to notify the Oklahoma Department of Human Services immediately (1-800-522-3511) and local law enforcement (911 or 405-262-2121) and/or Redlands Community College Security (405-422-6200). If any incidents also involve violations of the Sexual Misconduct policy, you must contact the College's Institutional Equity and Title IX Office (405-422-1275).

**503.2:4 Designation of Title IX Coordinator and Investigators**

All employees of the College shall be responsible for compliance with the College's sexual misconduct policy. The College's Title IX Coordinator shall coordinate compliance with Title VI and VII of the Civil Rights Act of 1964, Executive Order 11246 as amended, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, the Civil Rights Act of 1991, and other laws and regulations pertaining to prohibited discrimination. The College's Title IX Coordinator may be contacted at:

Institutional Equity and Title IX Office  
Redlands Community College  
1300 South Country Club Road  
El Reno, OK 73036-5304  
(405) 262-1275  
Email: [smo@redlandsc.edu](mailto:smo@redlandsc.edu)



If the Coordinator of Title IX is the subject of the complaint, the complaint should be addressed to the Title IX Coordinator's supervisor, the Executive Vice President for Finance and Campus Services, who may be contacted at:

Executive Vice President for Finance and Campus Services  
Redlands Community College  
1300 South Country Club Road  
El Reno, OK 73036-5304  
(405) 422-1265  
[VP.Finance@redlandsc.edu](mailto:VP.Finance@redlandsc.edu)

The College has designated two individuals as Title IX Investigators to conduct the investigations regarding Title IX issues. The Title IX Coordinator will designate which Investigator, male versus female, should conduct the investigation. The Title IX Investigators will report to the Title IX Coordinator.

### **503.2:5 Investigation of Complaints**

Once the College receives a grievance, complaint or report alleging sexual misconduct, or becomes aware of possible harassing conduct, the Investigator assigned will conduct a prompt, adequate, thorough, and impartial investigation to determine whether unlawful sexual harassment occurred. If necessary, the College will take immediate, interim action or measures to protect the alleged victim and prevent further potential harassment during the pending investigation. The alleged victim will be notified of his or her options to avoid contact with the alleged harasser, such as changing a class or prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the College's investigation. The College will minimize any burden on the alleged victim when taking interim measures to protect the alleged victim.

The College will investigate all complaints of sexual misconduct, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations. The College will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this complaint procedure. If the allegations(s) involve possible criminal conduct, the College will notify the complainant of his or her right to file a criminal complaint, and College employees will not dissuade the complainant from filing a criminal complaint either during or after the College's investigation.

The College will complete its investigation within ten (10) business days after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. Extenuating circumstances do not include summer



vacation, and if a coordinator or designated investigator is unavailable, another investigator will be designated to conduct the investigation. If extenuating circumstances exist, the extended timeframe to complete the investigation will not exceed ten (10) additional business days, without the consent of the complainant. Periodic status updates will be given to the parties, if necessary.

The College's investigation will include, but is not limited to:

- A. Providing the parties with the opportunity to present witnesses and provide evidence.
- B. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct,
- C. Some of the factors the College will consider include:
  - 1. The nature of the conduct and whether the conduct was unwelcome,
  - 2. The surrounding circumstances, expectations, and relationships,
  - 3. The degree to which the conduct affected one or more students' education,
  - 4. The type, frequency, and duration of the conduct,
  - 5. The identity of and relationship between the alleged harasser and the subject or subjects of the harassment,
  - 6. The number of individuals involved,
  - 7. The age and sex of the alleged harasser and the alleged victim(s) of the harassment,
  - 8. The location of the incidents and the context in which they occurred,
  - 9. The totality of the circumstances, and
  - 10. Other relevant evidence.
- D. A review of the evidence using a "preponderance of the evidence" standard.

The coordinator (or designated investigator) will complete an investigative report, which will include:

- A. A summary of the facts,
- B. An analysis of the appropriate legal standards applied to the specific facts,
- C. Findings regarding whether harassment occurred, and
- D. If a finding is made that harassment occurred, the recommended remedy or remedies necessary to eliminate harassment, prevent its recurrence, and remedy its effects, if applicable.

Once the Title IX Investigator has conducted the investigation, the Title IX Coordinator will review, approve, and sign the investigative report, unless the Title IX Coordinator is the subject of the complaint. The College will ensure that prompt, appropriate, and effective remedies are provided if a finding of sexual misconduct is made (see the Remedies section, below, for additional information about remedies). The College will maintain relevant documentation obtained during the investigation and documentation



supportive of the findings and any subsequent determinations, including the investigative report, witness statements, interview summaries, and any transcripts or audio recordings, pertaining to the investigative and appeal proceedings.

### **503.2:6 Determination**

The person investigating the complaint will issue a written determination as to the validity of the complaint and a description of the resolution, if any. A copy of the determination and any resolution will be provided to the parties within ten (10) business days after completion of the investigation by the Title IX Coordinator. If dissatisfied with the determination or any resolution, a complainant may appeal the determination to the Executive Vice President for Finance and Campus Services.

### **503.2:7 Appeal**

A determination and any resolution originally issued by the Title IX Coordinator may be appealed to the Executive Vice President for Finance and Campus Services, who may be contacted at:

Executive Vice President for Finance and Campus Services  
Redlands Community College  
1300 South Country Club Road  
El Reno, OK 73036-5304  
(405) 422-1265  
TitleIXAppeals@redlandsc.edu

To appeal, a Notice of Appeal should be filed in writing within ten (10) business days after the complainant's receipt of the original determination and any resolution. The complaint, determination, and any resolution, and any other relevant documentation, should be submitted with the Notice of Appeal. On receiving the Notice of Appeal, the Executive Vice President for Finance and Campus Services will review the documentation, conduct any additional investigation necessary, and issue a written decision within ten (10) business days after receiving the Notice of Appeal or after completion of any investigation. The decision on the appeal may affirm, reverse, or modify the original determination and resolution.

### **503.2:8 Remedies**

The right of a person to prompt and equitable resolution of complaints filed under this procedure will not be impaired by the person's pursuit of other available remedies such as filing complaints with responsible outside agencies of departments. Filing a complaint under this procedure is not a prerequisite to the pursuit of such other remedies.



If the College knows or reasonably should know about possible discrimination, retaliation, or harassment, the College will take immediate, interim action or measures to protect the alleged victim, ensure the safety of the school community, and prevent further potential discrimination, harassment, or retaliation during the College's pending investigation. These interim measures will be prompt, effective, and tailored to the specific situation, and may include a change in the student's seating assignment or class, a change in an employee's work area, prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the College's investigation, and other remedies, such as those listed below.

The College will minimize any burden on the alleged victim when taking interim measures. For instance, the College generally will not remove the alleged victim from his or her class or work area and allow the alleged harasser to remain. In addition the College will ensure that the complainant is aware of his or her rights, including a strong prohibition against retaliation for reporting discrimination or harassment or cooperating with any investigation or proceeding, and any available resources, such as counseling, health, and mental health services, and the right to file a complaint with local law enforcement, if applicable.

If the College determines that unlawful discrimination or harassment occurred, the College will take prompt and effective action to eliminate the discrimination or harassment, prevent its recurrence, and remedy its effects on the complainant and others, if appropriate. The remedies will be tailored to the specific allegations and facts of each situation, including, but not limited to, the following remedies:

- A. Providing an escort to ensure the complainant can move safely between classes and activities.
- B. Ensuring the complainant and alleged harasser do not attend the same classes.
- C. Providing resources for counseling services.
- D. Providing resources for medical services.
- E. Providing academic support services, such as tutoring.
- F. Arranging for the complainant to re-take a course or withdraw from a course without penalty, including ensuring that any changes do not adversely affect the complainant's academic record.

The College may provide remedies for the broader population as well, including but not limited to:

- A. Providing additional training to the College's designated compliance coordinator and other employees who are involved in addressing, investigating, or resolving complaints of discrimination, harassment, and retaliation, to better respond to specific types of harassment and violence.
- B. Informing students and employees of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by College employees in notifying those authorities.



- C. Creating a committee of students or employees and College officials to identify strategies for ensuring that students and employees:
  1. Know the College's prohibition against discrimination, harassment, and retaliation.
  2. Recognize acts of discrimination, harassment (including acts of violence), and retaliation when they occur.
  3. Understand how and to whom to report any incidents of discrimination.
  4. Know the connection between alcohol and drug abuse and harassment or violence based on sex or other protected characteristics.
  5. Feel comfortable that College officials will respond promptly and equitably to reports of discrimination, harassment (including violence) and retaliation.
- F. Conducting periodic assessments of student or employee activities to ensure that the practices and behavior of students or employees do not violate the College's policies against anti-discrimination, anti-harassment, and anti-retaliation.
- G. Conducting, in conjunction with students or employees, a "climate check" to assess the effectiveness of efforts to ensure that the College is free from discrimination, harassment (including violence), and retaliation, and using the resulting information to inform future proactive steps that will be taken by the College.

In addition to these remedies, the College may impose disciplinary sanctions against the student or employee who harassed the complainant, that include, but are not limited to:

- Students – Warning, probation, loss of privileges, counseling, no contact, housing relocation, suspension, expulsion, limited campus access, service hours, online education, parental notification, alcohol and drug assessment, college suspension or expulsion.
- Employees – Verbal or written warning, performance improvement/management process, training, counseling, loss of privileges, reduction in pay, loss of supervisory responsibilities, paid or unpaid leave, suspension or termination

### **503.2:9 Confidentiality**

The identity of the complainant will be kept confidential, to the extent permitted by state and federal law. The College will notify the complainant of the anti-retaliation provisions of applicable laws and that the College will take steps to prevent retaliation and will take prompt and strong responsive actions if retaliation occurs.

### **503.2:10 Intentionally False Reports**

Individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action up to and including termination and expulsion. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.



### **503.2:11 Free Speech and Academic Freedom**

Members of the College community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This process is intended to protect members of the College community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

### **503.2:12 Bystander Intervention**

If you witness a policy violation, or behaviors that may lead to a policy violation, there are a variety of things you can do as a bystander:

- A. Divert the intended victim (e.g. “help me out of here; I don’t feel well”).
- B. Distract the perpetrator (e.g. “looks like your car is being towed”).
- C. Confront the perpetrator (e.g. “don’t speak to him/her in that manner; you are going to get yourself into trouble”).
- D. Call for law enforcement assistance.
  - 1. Emergencies – 911
  - 2. Non-emergencies – (405) 262-2121

### **503.2:13 Availability of Other Complaint Procedures**

In addition to seeking criminal charges through local law enforcement, members of Redlands’ community may also file complaints with the following entities irrespective of whether they choose to file a complaint under this procedure:

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

Kansas City Field Office: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)  
1-816-268-0550

Washington D.C.: [OCR@ed.gov](mailto:OCR@ed.gov)  
1-800-421-3481

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

Oklahoma City Field Office: 1-800-669-4000



Washington D.C.: 1-800-669-4000  
Eeoc.gov/contact/

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

Office of Civil Rights Enforcement: 405-521-2029  
[OCRE@oad.gov](mailto:OCRE@oad.gov)

**503.2:14 Title IX Mission Statement**

The mission of the Institutional Equity and Title IX Office is to fulfill its commitment to protect all persons who participate or work in Redlands Community College programs and activities from discrimination or harassment based upon their gender as outlined in Title IX of the Educational Amendments of 1972 to the 1964 Civil Rights Act that states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance". Redlands Community College prohibits any type of gender equity discrimination.

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