

# DISCRIMINATION AND HARASSMENT POLICY

2025 - 2026

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## NOTICE OF NON-DISCRIMINATION

Tulsa Community College is committed to establishing a safe and healthy environment for its students, employees, and visitors. Individuals deserve to work and learn in an environment free of Violence, discrimination, and Harassment. Together, we can foster a positive and healthy environment for all. The college takes acts of dating violence, domestic Violence, Harassment, and discrimination based on sex, which includes sexual harassment, sexual misconduct, stalking, medically related pregnancy conditions, or gender and retaliation, seriously and strongly encourages individuals to report these acts.

In compliance with Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 (Higher Education Act), the Americans with Disabilities Act of 1990, and other federal and state laws and regulations, Tulsa Community College does not discriminate based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, genetic information, or any other basis protected by applicable discrimination law in its policies, practices, or procedures. This provision includes but is not limited to admissions, employment, financial aid, and educational programs, activities, or services.

The following are designated to handle inquiries regarding the non-discrimination policies.

Heather Hancock  
Compliance Officer/Title IX Coordinator  
909 S. Boston Ave, Room 505  
Tulsa, Oklahoma 74119  
Phone: 918-595-7842  
Email: [TCCTitleIX@tulsacc.edu](mailto:TCCTitleIX@tulsacc.edu)

The 504 Coordinator is designated to coordinate efforts to comply with and carry out responsibilities under Section 504 of the Rehabilitation Act of 1973, designed to protect the rights of individuals with disabilities in programs and activities.

Dr. Scott Gove  
Dean of Students & Accessibility, ADA/504 Coordinator  
909 S. Boston Ave  
Tulsa, Oklahoma 74119  
Phone: 918-595-7079  
Email: [scott.gove@tulsacc.edu](mailto:scott.gove@tulsacc.edu)

Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access, opportunities, or benefits of any member of the TCC community based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, or genetic information violates the Discrimination and Harassment Policy.

This policy provides for the reporting and resolution of complaints of discrimination or harassment based on race, color, national origin, sex, age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, genetic information, or any other legally protected class; denial of reasonable accommodations for religion, and discrimination or harassment due to denial of reasonable accommodations for a disability.

For more information, visit our website at <https://www.tulsacc.edu/civilrightscompliance>.

This policy includes prohibited conduct addressed in the Title IX Policy but with differing definitions in compliance with distinct federal law regulations. For example, the Title IX policy addresses dating violence, domestic Violence, retaliation, sexual Harassment, and stalking. Due to these federal law regulations, Tulsa

Community College must address prohibited conduct differently depending on the circumstances of the alleged behaviors. For questions or information regarding the Title IX Policy, visit our website at <https://www.tulsacc.edu/titleix>.

## OVERVIEW

Working through the Discrimination and Harassment process can be complicated for those reporting and responding to allegations. The Office of Civil Rights Compliance has provided steps to help Complainants and Respondents through this process. The following steps summarize the Discrimination and Harassment investigative process.

[Step 1: Reporting Discrimination and Harassment](#)

[Step 2: Providing Supportive Measures](#)

[Step 3: Assessing a Discrimination and Harassment Report](#)

[Step 4: Investigating Reported Allegations](#)

[Step 5: Findings and Sanctions](#)

[Step 6: Appealing the Findings and Sanctions](#)

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## STEP 1: REPORTING DISCRIMINATION AND HARASSMENT

Individuals who experience or witness discrimination, harassment, retaliation, or related misconduct have multiple options for reporting. Reports may be made to the following:

### [1.1 Compliance Officer](#)

The Compliance Officer is available to discuss concerns during business hours:

- Address: 909 S. Boston Ave., Room 505, Tulsa, OK
- Phone: 918-595-7842

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### [1.2 Confidential Resources](#)

If you wish to keep the details of an incident confidential, you may contact:

- DVIS Outreach Counselor – 918-805-4794 (text/voice)
- DVIS 24-Hour Hotline – 918-743-5763
- Employee Assistance Program (employees only) – 1-800-327-2251
- Wellness Services (students only) – [wellness@tulsacc.edu](mailto:wellness@tulsacc.edu)

Confidential resources will not share your identity except in rare cases of immediate danger, threat, or suspected child abuse. They may be required to provide anonymous, aggregated data for federal reporting.

### 1.3 Mandatory Reporters

All TCC employees (full-time, part-time, and student employees acting in their work role) are Mandatory Reporters and must promptly submit any reports of dating violence, domestic Violence, sexual Harassment, sexual assault, stalking, threats, bullying, retaliation, or sex-based harassment to the Office of Civil Rights Compliance using the online system at [tulsacc.edu/titleix](https://tulsacc.edu/titleix).

- Reports must include the reporter's name and, if known, the names of the individuals involved.
- Mandatory Reporters must not conduct their own investigation before reporting.
- Counselors in the Employee Assistance Program (employees) and Wellness Services (students) are confidential only when acting within their counseling role.
- Mandatory Reporters who fail to report, including those who are themselves the accused, may face disciplinary action.

A Mandatory Reporter who is a target of misconduct is encouraged, but not required, to report their own experience.

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### 1.4 Online Reporting (ReportIt)

Reports of discrimination, Harassment, or retaliation can be submitted online at [tulsacc.edu/reportit](https://tulsacc.edu/reportit).

- Anonymous reports are accepted; however, the college may be unable to provide supportive measures without contact information.
- Reporting does not automatically trigger a formal complaint, and the Complainant controls whether to proceed unless there is a significant threat to health or safety.

Note: Choosing not to pursue a formal complaint does not prevent you from changing your mind later. Reports are taken seriously and will be investigated and resolved in accordance with College policy and procedure.

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### 1.5 Reporting Abuse of a Minor

Oklahoma law requires any person who suspects child abuse or neglect to report it to the Oklahoma Department of Human Services:

- Hotline: 1-800-522-3511
- Website: [www.ouokdhs.org](https://www.ouokdhs.org)

Failure to report can result in criminal charges.

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### 1.6 Requesting Confidentiality

If you do not want your name shared, an investigation started, or any resolution pursued, you may request confidentiality from the Compliance Officer. Requesting confidentiality will limit the college's options to stop, prevent, or respond to alleged behaviors. The college will honor such requests, when possible, but may need to proceed if there is evidence of:

- Ongoing or repeated misconduct.
- Threats, weapons, or violence.
- Abuse of minors.
- Significant risk to campus safety.

In these cases, the college may take action without the Complainant's participation, but the Complainant will retain all rights under this policy.

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## 1.7 TCC Police

Crimes covered under this policy can also be reported directly to TCC Police:

- Phone: 918-595-8888
- In Person: Visit any TCC Police office on campus

Reports of domestic Violence, dating violence, sexual assault, or stalking made to TCC Police will also be shared with the Office of Civil Rights Compliance.

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## **STEP 2: PROVIDING SUPPORTIVE MEASURES & RESOURCES**

### 2.1 Definition & Purpose

Supportive Measures are non-disciplinary, non-punitive services provided to either the Complainant or the respondent – at no cost – regardless of whether a formal complaint has been filed.

These measures are intended to:

- Restore or preserve equal access to the college's programs or activities.
- Protect the safety of all parties and the campus environment.
- Deter discrimination, harassment, or retaliation.

Supportive Measures must be reasonable, appropriate, and must not unreasonably burden the other party.

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### 2.2 Implementation of Supportive Measures

- The Compliance Officer offers supportive measures promptly upon receiving a report of discrimination or harassment.
- Measures can be implemented before or after a formal complaint is filed – or even if no complaint is filed.
- When measures are offered, the Complainant will receive written notice explaining their right to file a formal complaint immediately or in the future.
- The Compliance Officer will work with the Complainant to ensure their preferences and needs are considered.
- The college will keep supportive measures private, except when doing so would limit the ability to provide them.
- Efforts will be made to minimize academic and professional impact on all parties.

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## 2.3 Examples of Supportive Measures

Supportive measures may include, but are not limited to:

- Academic accommodations.
- Administrative leave (with or without pay).
- Class reassignment, withdrawal, or modification.
- Employment reassignment.
- Increased campus security or monitoring.
- Limitations on certain activities.
- Mutual No Contact Order.
- Adjusted parking arrangements.
- Referral to Employee Assistance Program (employees).
- Referral to TCC Wellness Services or local counseling resources.
- Safety escorts or safety planning.
- Student financial aid counseling.
- Adjustments to work schedules.
- Other reasonable measures as needed.

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## 2.4 TCC & Community Resources

### TCC Resources

- Employee Assistance Program (Employees only): 1-800-327-2251
- Wellness Services (Students only): [wellness@tulsacc.edu](mailto:wellness@tulsacc.edu)
- Title IX Coordinator: (918) 595-7842 | [TCCTitleIX@tulsacc.edu](mailto:TCCTitleIX@tulsacc.edu)
- Office of Civil Rights Compliance: [www.tulsacc.edu/titleix](http://www.tulsacc.edu/titleix)
- TCC Police: (918) 595-8888 | [campuspolice@tulsacc.edu](mailto:campuspolice@tulsacc.edu)
- Speak Up – Violence Prevention: [tulsacc.edu/speakup](http://tulsacc.edu/speakup) | [speakup@tulsacc.edu](mailto:speakup@tulsacc.edu)

### Community Resources

- Domestic Violence Intervention Services (DVIS): (918) 743-5763 | [dvis.org](http://dvis.org)
- DVIS Counselor (TCC): Lori Gonzalez, LPC – (918) 805-4794 | [lgonzalez@dvis.org](mailto:lgonzalez@dvis.org)
- Family Safety Center: (918) 742-7480
- Family & Children’s Services: (918) 587-9471
- 211 Oklahoma (Food, housing, health): Call 211 | [211eok.org](http://211eok.org)
- Tulsa Police Department: Call 911 | (918) 596-9222

### National Resources

- Suicide & Crisis Lifeline: Call 988
- RAINN (Rape, Abuse & Incest National Network): [rainn.org](http://rainn.org)
- U.S. Dept. of Justice: [justice.gov/ovw](http://justice.gov/ovw)
- U.S. Dept. of Education, OCR: [ed.gov/ocr](http://ed.gov/ocr)

## 2.5 Mutual No Contact Order

A Mutual No Contact Order is a supportive measure prohibiting direct or indirect contact – physical, verbal, or written – between two parties. It may include classroom or workplace spatial restrictions.

Key points:

- It is administrative, not punitive, and is not the same as a criminal protective order.
  - It is intended to support both parties so they can fully participate in academic or work activities.
  - No instructor, supervisor, or TCC Police officer is responsible for enforcing it.
  - If a violation is alleged, the affected party should report it to the Office of Civil Rights Compliance for review and possible investigation.
  - If there is an immediate safety concern, TCC Police may be contacted to de-escalate and will file a report with the Compliance Office.
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## **STEP 3: ASSESSMENT OF REPORTS AND DECISION TO INVESTIGATE**

### 3.1 Definition & Purpose

When the Office of Civil Rights Compliance (OCRC) receives notice of a report of discrimination, harassment, or retaliation, it will determine whether an investigation will be conducted under this policy.

The college may decline to initiate a formal investigation under circumstances such as:

- The report is anonymous without enough detail.
- The report lacks sufficient detail to proceed.
- Allegations are communicated only orally and not in writing.
- The complaint is speculative, conclusory, incoherent, or does not provide enough detail to suggest discrimination based on a protected class.
- The conduct described is not covered under this policy.
- The alleged facts, even if true, would not constitute a policy violation.
- The report is a courtesy copy of correspondence not directly sent to the OCRC.
- A resolution or remedy has already been offered or achieved and was accepted or rejected.
- The college has no jurisdiction over the respondent.
- The allegation is untimely (filed more than 180 business days after the alleged incident).
- The complaint has been withdrawn or the Complainant has stopped participating without submitting a written withdrawal.
- The allegations duplicate matters already addressed or resolved by the college.
- A mandatory reporter filed the complaint, but the Complainant does not wish to proceed or does not respond in a timely manner.

If the college decides not to investigate, the OCRC will send the Complainant a written notice explaining the reason(s). When applicable, the respondent will receive the same notice. Decisions not to investigate are final and not subject to appeal.

The college may still address offensive or unprofessional conduct, even if it does not meet the threshold for a policy violation or is not based on a protected class. Such matters may be addressed through discussions, educational interventions, interim measures, and reminders about appropriate conduct. The OCRC will retain documentation and keep it confidential as permitted by law.

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### 3.2 Student Interim Suspension

TCC may impose an Interim Suspension on a student when there is an immediate threat to the physical health or safety of any person. This suspension may include restriction from TCC property, programs, and online courses.

- Students will be notified of the suspension and have the right to appeal.
- Appeals must be submitted in writing and will be reviewed by the Dean of Students and Accessibility (or designee) within five (5) business days.
- The review will consider the initial reason for removal, new information, and any relevant materials provided by the student.
- The review determines only whether the threat still exists – not responsibility for the alleged conduct.
- The Dean will dismiss, modify, or affirm the suspension. This decision is final.

Students may face both campus and criminal consequences. Campus resolution can proceed before, during, or after criminal or civil processes and is not dependent on law enforcement action.

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### 3.3 Employee Administrative Leave

An employee may be placed on Administrative Leave during an investigation into alleged misconduct.

- Leave may be with or without pay, depending on the seriousness of the allegation and the college's best interest.
- While on paid leave, employees must remain responsive to college requests; failure to do so may result in suspension of pay.

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### 3.4 Counterclaims and Reports

Complainants, Respondents, or Witnesses may file a counterclaim or report against another party.

- These may be filed in good faith but can also be used for retaliatory purposes.
- The college will assess whether the counterclaim or report is made in good faith.
- If made in good faith, it will be addressed under the appropriate policy – typically after resolving the original case.
- Bad faith counterclaims or reports will be treated as retaliation and may violate this policy.

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## **STEP 4: INVESTIGATING REPORTED ALLEGATIONS**

### 4.1 Initiating an Investigation

- Once a decision is made to proceed with a formal investigation, the Compliance Officer assigns an Investigator – generally within 10 business days.

- Both the Complainant and Respondent will receive a Notice of Investigation and Allegations explaining:
    - That an investigation will be conducted under this policy.
    - A general description of the allegations.
  - The college will only act on allegations reported within 180 business days of the alleged incident, unless extended for good cause.
- 

#### 4.2 Timeline of an Investigation

- Investigations are generally completed within 180 business days after both parties receive the Notice of Investigation, though this may be extended for:
    - Complexity of allegations.
    - Witness availability.
    - Police involvement.
    - College breaks or other good cause.
  - The Office of Civil Rights Compliance will provide regular updates to both parties on progress and anticipated timelines.
- 

#### 4.3 Participation & Representation

- Both parties may have a support person present during investigative meetings.
  - Each party may respond in writing to the notice and meet with the Investigator.
  - If a party chooses not to participate, the investigation will proceed without their input.
- 

#### 4.4 Investigative Process

The investigation may include:

- Interviews with the Complainant, Respondent, and relevant witnesses.
- Collection and review of relevant evidence.
- Follow-up interviews as needed.
- Requests by either party for additional witnesses or evidence will be considered at the Investigator's discretion, based on relevance and necessity.

The Investigator may decline evidence or witness requests if:

- The witness lacks relevant knowledge.
  - The information is repetitive.
  - Confidentiality concerns outweigh the value of the information.
- 

#### 4.5 Investigation Reports

- The Investigator prepares a Preliminary Investigation Report containing:

- A summary of evidence and witness statements.
    - Relevant physical or documentary evidence (in appendices).
  - Both parties will have 10 business days to review and provide comments.
  - The Investigator may respond in writing to comments and will share responses for transparency.
  - Relevant input and evidence will be incorporated into the Final Investigation Report, which is then submitted to the Hearing Panel.
  - All changes to the report after the review period must be documented with a rationale.
- 

#### 4.6 Dismissal of Investigation

At any point, if it is determined there is no reasonable cause to believe a policy violation occurred, the Compliance Officer (or designee) may close the investigation.

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#### 4.7 Allegation Types

The following categories of prohibited conduct may be investigated under this step:

- **Age Discrimination** – Discrimination based on age in employment or education programs receiving federal funds.
  - **Dating Violence** – Abuse or threats within a romantic or intimate relationship.
  - **Disability Discrimination** – Actions violating the ADA or Section 504 protections.
  - **Discrimination Based on Protected Class** – Harassment or adverse treatment due to race, color, national origin, sex/gender (non-Title IX), age, religion, disability, veteran status, sexual orientation, gender identity, or genetic information.
  - **Domestic Violence** – Abuse or threats from current/former spouses or intimate partners.
  - **Pregnancy Discrimination** – Denying or limiting educational opportunities due to pregnancy or related conditions.
  - **Race, Color, and National Origin Discrimination** – Being treated unfairly or being harassed due to race or color.
  - **Religion Discrimination** – Harassing or otherwise discriminating against individuals because of their affiliation with a particular religion.
  - **Retaliation** – Adverse actions against someone for reporting or participating in an investigation.
  - **Sexual Harassment** – Quid pro quo or hostile environment harassment based on sex.
  - **Sexual Misconduct** – Non-consensual sexual contact, intercourse, exploitation, or exposure.
  - **Stalking** – Conduct causing fear for safety or substantial emotional distress.
  - **Violation of a Mutual No Contact Order** – Ignoring administrative no-contact directives.
  - **Other Violations of the Discrimination & Harassment Policy** – Including failure to report as required, violating sanctions, or ignoring supportive measures.
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#### 4.8 Age Discrimination

Age discrimination involves treating an applicant or employee less favorably because of his or her age. The Age Discrimination in Employment Act (ADEA) forbids age discrimination against people 40 or older. It does not protect workers under 40.

The Age Discrimination Act of 1975 prohibits discrimination against students based on age in programs or activities receiving Federal financial assistance. The Act permits federally assisted programs or activities, and recipients of Federal funds, to continue to use age distinctions and factors other than age that meet the requirements of the Act.

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#### [4.9 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:

- The length of the relationship;
  - The type of relationship;
  - 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 and
  - Dating violence does not include acts that meet the definition of domestic violence.
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#### [4.10 Disability Discrimination](#)

Disability discrimination prohibits bullying and harassment based on a student's disability that interferes with or limits a student's ability to participate in or benefit from the services, activities, or opportunities offered. It also prohibits discrimination based on disability in any program or activity operated by recipients of federal funds.

The OCRC will resolve a report of disability discrimination if the allegations are based on harassment or discrimination due to someone's disability. Accessibility Resources will manage concerns about disability accommodations for students, and Human Resources for employees.

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#### [4.11 Discrimination Based on Any Protected Class](#)

Is defined as engaging in objectively and subjectively offensive verbal abuse, threats, intimidation, harassment, coercion, bullying, or other conduct that threatens or endangers the mental or physical health/safety or causes reasonable apprehension of any person based on a protected class that is severe, pervasive, or persistent, and objectively offensive, such that it, has the effect of creating an intimidating, hostile, or offensive environment that limits or denies the ability that adversely affects their employment or education, or individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

Allegations of discrimination based on race, color, national origin, sex and gender (not covered in the Title IX Policy), age, religion, qualified disability, status as a veteran, sexual orientation, gender identity, or genetic information will be addressed under this prohibited conduct.

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#### [4.12 Domestic Violence](#)

Domestic violence is a crime of violence committed by a:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of Oklahoma; or
- Any other person against an adult or youth victim is protected from that person's acts under Oklahoma's domestic or family violence laws.

Domestic violence is a pattern of abusive behavior in any relationship that one partner uses 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. To categorize an incident as Domestic Violence, the relationship between the Complainant and the respondent must be more than just two people living together as roommates. The parties cohabitating must be current or former spouses or have an intimate relationship.

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#### 4.13 Pregnancy Discrimination

Pregnancy Discrimination is defined as engaging in behavior that discriminates against a student based on pregnancy or related conditions. Those behaviors include denying or limiting access to the educational environment by penalizing a student for absences due to medical conditions related to their pregnancy. If students are denied their educational right, not allowed an opportunity to meet course objectives due to medical reasons, or the employee fails to follow a official of the college about a specific pregnancy request, these actions may be considered a violation of this policy.

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#### 4.14 Race, Color, and National Origin Discrimination

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Prohibits actions that discriminate, by motivation or impact, against persons because of race, color, or national origin. Color discrimination occurs when a person is discriminated against based on the person's lightness, darkness, or other color characteristics. Even though race and color overlap, they are not synonymous. Thus, color discrimination can occur between people of different races or ethnicities, or between people of the same race or ethnicity. National origin and race often overlap because people who themselves are, or whose ancestors were, of the same national origin frequently are of the same race.

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#### 4.15 Religion Discrimination

Religion Discrimination is harassing or otherwise discriminating against individuals because of their affiliation with a particular religion.

The OCRC will resolve a report of religious discrimination if the allegations are based on harassment or discrimination due to someone's religious affiliation. Accessibility Resources will manage concerns about disability accommodations for students, and Human Resources will manage concerns for employees.

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#### 4.16 Retaliation

Retaliation includes attempting to penalize or take adverse action against a person filing a complaint of discrimination or harassment, participating or assisting in any investigation, or resolving a complaint of discrimination or harassment. The prohibition against retaliation extends even if the Complainant does not want to request a formal investigation. Adverse action includes but is not limited to making threats of actual violence against the person or that person's property, adverse educational or employment consequences, ridicule, intimidation, bullying, ostracism, reprisals, or other adverse action impacting employment, academic, health care, or institutional benefits. The college will impose sanctions on any faculty, student, or staff member found to be engaging in retaliation or on individuals who encourage third parties to retaliate on their behalf.

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#### 4.17 Sexual Harassment

Sexual harassment is defined as making unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact or communication of a sexual nature when:

- Quid Pro Quo: Submission to or rejection of such conduct or communication is made either explicitly or implicitly a term or condition of educational benefits, employment, academic evaluations, or other academic opportunities; or submission or rejection of such conduct or communication by an individual is the basis for an employment or academic decision affecting such individual; or
- Hostile Environment: A hostile environment includes conduct that is severe, pervasive, or persistent, and objectively offensive, such that it has the effect of creating an intimidating, hostile, or offensive environment that limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits, or opportunities.

Discrimination based on sex or gender may occur in situations where there is a power differential between the parties (faculty-student, supervisor-employee) or where the persons share the same status (student-student, faculty-faculty) and between same or opposite sex (female-female, male-female, or male-male).

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#### 4.18 Sexual Misconduct

Sexual Misconduct is defined as engaging in non-consensual contact of a sexual nature. Sexual misconduct may vary in severity and consist of various behaviors. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation, or gender identity of those involved. The following are considered sexual misconduct:

- Non-Consensual Sexual Contact: Unwelcome sexual touching of intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering the same) touching an unwilling person with one's private parts or forcing an unwilling person to touch another's intimate parts;
- Non-Consensual Sexual Intercourse: Non-consensual sexual intercourse with another individual without their effective consent or by force, which could include penetrating any bodily opening with an object or body part. Sexual intercourse has vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation (mouth-to-genital contact) no matter how slight the penetration or contact;
- Sexual Exploitation: Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for one's advantage or benefit or to benefit or advantage anyone other than the one being exploited; or
- Sexual Exposure: Engaging in indecent exposure, sexual acts in a public place, or voyeurism.

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#### 4.19 Stalking

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

- A course of conduct means two or more acts, including 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;
- A 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, which may require medical or other professional treatment or counseling; or
- The following includes the tracking of the movement or location of an individual through the use of a Global Positioning System (GPS) or another monitoring device by a person or persons who act on behalf of another without the consent of the individual whose movement or location is being tracked.

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#### 4.20 Violation of a Mutual No Contact Order

Suppose a complainant or respondent reports a violation of the conditions of the Mutual No Contact Order. In that case, the OCRC will mediate between both parties to evaluate if there was an oversight of a condition that should have been included in the Mutual No Contact Order or assess the allegation to determine if an investigation of the violation of the Mutual No Contact Order would begin.

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#### 4.21 Violations of the Discrimination and Harassment Policy

The Office of Civil Rights Compliance will investigate any allegation of failure to report according to the mandatory reporter requirements, violation of a sanction, violation of a supportive measure, or directing a student or employee not to abide by the policy's provisions. Compliance with the College's Discrimination and Harassment Policy is a condition of employment.

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#### 4.22 Withdrawal or Resignation During Investigation

##### Student Respondent Withdrawal

- The student may choose to complete the process while unenrolled or postpone until re-enrollment.
- If postponed, a transcript/enrollment hold will remain until completion.

##### Student Complainant Withdrawal

- The college may still address systemic concerns and may complete the investigation.

##### Employee Respondent Resignation

- The employee may choose to complete the process while not employed or postpone until seeking to rehire.
- If postponed, an employment application hold will remain; the record will reflect resignation with a pending disciplinary matter.

#### Employee Complainant Resignation

- The college may still address systemic concerns and may complete the investigation.

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## STEP 5: FINDINGS AND SANCTIONS

### 5.1 Hearing Panel Process

After the investigation ends, the college selects a three-person Hearing Panel of trained staff or outside experts, led by a Chair. The Compliance Officer can choose an alternate if needed.

- Members of the Hearing Panel will not have had any previous involvement with the investigation.
- At least 10 business days before the hearing, parties get the hearing notice, Final Investigation Report, and evidence to review.
- The hearing happens only with the Compliance Officer, Investigator, and Panel; no Complainant or Respondent is present.
- The Investigator summarizes the report; panel members can ask questions.
- Investigator and Compliance Officer stay during the hearing but leave before the panel decides.
- The panel writes a Notice of Findings and Sanctions explaining their decision and any penalties.
- The panel submits this to the Office of Civil Rights Compliance within 10 to 30 business days.
- The OCRC sends both parties the written Notice of Findings and Sanctions within 10 business days.
- Deadlines can be extended with notice to the parties explaining why and how long.

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### 5.2 Findings

The Office of Civil Rights Compliance does not use terms like “guilty” or “not guilty.” Instead, the Hearing Panel will decide if the respondent is “responsible” or “not responsible” for violating the Discrimination and Harassment Policy. To find someone responsible, the evidence must meet the preponderance of the evidence standard – meaning it is more likely than not that a violation occurred.

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### 5.3 Sanctions

If found responsible, a person may receive one or more of the following sanctions:

- **Class Removal:** Student may be removed from a course or transferred to another section.
- **Discretionary Sanctions:** Assignments such as essays, work tasks, workshops, training, community service, counseling, or other educational activities.
- **Demotion:** Employee may be reassigned to a lower-level position within the same or another department.
- **Education Program or Activity:** Applies to locations or events controlled by the college or recognized student organizations.

- **Expulsion:** Permanent removal of student status with no readmission. Expulsion requires a higher standard of evidence (“clear and convincing”). Transcript notation is not made, but a letter is sent to institutions if a transcript is requested during expulsion. Refunds follow standard withdrawal policy.
- **Job Reassignment:** Employee may be moved temporarily or permanently to a different position or location.
- **Mutual No Contact Order:** Complete ban on contact between specified individuals, in any form. Can be a sanction or supportive measure. Violations may prompt new investigations.
- **Probation:** Formal warning period where further violations may lead to suspension, expulsion, or termination.
- **Restitution:** Compensation or service to repair damage or loss.
- **Restriction:** Limits on privileges such as campus facility access, representing the college, or participation in non-academic activities (clubs, sports, leadership).
- **Revocation of Admission or Degree:** Canceling admission or a degree due to fraud or serious violations.
- **Suspension:** Temporary removal from classes and campus privileges. Transcript requests during suspension include a letter explaining the suspension. Refunds follow standard withdrawal policy.
- **Termination:** Ending employment for full-time, part-time, or work-study employees. Past discipline may influence sanctions but is only considered after responsibility is determined. Sanctions are held until appeal rights expire or are waived. Rehire eligibility is at the Hearing Panel’s discretion.
- **Written Warning:** Official written Notice of policy violation.

Respondents must comply with the assigned sanctions by the deadline. Failure to comply may result in additional sanctions.

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## STEP 6: APPEALING THE FINDINGS AND SANCTIONS

### 6.1 Filing an Appeal

Either the Complainant or Respondent may request an appeal in writing to the Office of Civil Rights Compliance within 10 business days of receiving the Notice of Findings and Sanctions.

- The Appeals Panel:
  - Is made up of trained employees or external experts with no prior involvement in the case.
  - Reviews the appeal based only on written documents; no meetings with parties.
- Valid grounds for appeal are limited to:
  - A procedural error that affected the Hearing Panel’s decision or sanctions.
  - New evidence that was not reasonably available during the original investigation and could affect the outcome.
  - The sanction is excessively severe for the violation.

Dissatisfaction with the decision or sanction alone is not a valid reason to appeal.

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### 6.2 After an Appeal Has Been Filed

Upon filing an appeal:

- The opposing party and Investigator have 10 business days to submit a written response.

- The Appeals Panel reviews the original case documents, appeal, and responses to decide if the appeal has merit.
- The Appeals Panel has 10 business days to make a decision:
  - If the appeal has merit:
    - The case is sent back to the Hearing Panel for further review.
    - The Hearing Panel has 10 business days to reconsider and respond.
    - This second review decision is final.
  - If no merit is found:
    - The appeal is denied.
    - The original findings and sanctions stand as final.
    - The Office of Civil Rights Compliance may extend deadlines for good cause, providing Notice and timelines to the parties.

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## ENSURING IMPARTIALITY

The college is committed to providing a fair and impartial process when handling Civil Rights reports. Although the process can be adversarial, with significant consequences for all parties involved, employees and external professionals managing these cases must remain neutral. It's essential to recognize that this neutrality may feel unsupportive to parties expecting advocacy from the Office of Civil Rights Compliance.

The Compliance Officer oversees the college's response to all discrimination and harassment reports. Oversight includes monitoring all allegations, identifying behavioral patterns, assessing campus climate effects, and ensuring independence from bias or conflicts of interest. The Compliance Officer supervises all resolutions under this policy.

All Investigators, Hearing Panelists, and Appeal Panelists are carefully vetted and trained to ensure impartiality and avoid conflicts of interest or bias against any party, whether the Complainant or the Respondent.

- A conflict of interest arises when personal, financial, or professional interests risk compromising objectivity or fairness. For example, assigning someone to investigate a report involving a family member would be a conflict.
- Bias means favoring one side due to personal beliefs or stereotypes. For instance, allowing only the Complainant more time to submit evidence than the respondent is biased and not allowed. Both parties must have equal opportunity to provide evidence and respond.

Investigations objectively evaluate all relevant evidence, including information supporting or contradicting the allegations. Credibility is never determined solely based on a person's role as Complainant, Respondent, or Witness.

To prevent conflicts of interest and bias, the college maintains a consistent framework with regular training for those managing, investigating, and deciding cases. Training topics include:

- Definitions of sexual Harassment and scope of College programs.
- Best practices for conducting investigations and resolutions.
- Careful review of factual inconsistencies from both sides.
- Serving impartially without prejudgment.
- Avoiding stereotyping or bias.
- Credibility determinations independent of a party's status.

The Office of Civil Rights Compliance applies the same process to every report. While employees may serve in multiple roles, the college strives to assign only one role per individual per case to maintain impartiality (e.g., an Investigator does not serve on the Hearing Panel for their cases).

The respondent is presumed not responsible for the allegations. The Hearing Panel will decide responsibility based on the preponderance of the evidence after a full investigation.

If either party believes there is actual bias or a conflict of interest involving an Investigator, Hearing Panelist, or Appeals Panelist, they may submit a written petition to the Compliance Officer requesting removal of that individual. The petition must:

- Explain and provide evidence of bias or conflict.
- Detail how the bias could affect the case outcome.

The Compliance Officer will review the petition and decide whether removal is warranted. If removal occurs, another qualified individual will be assigned, and any impact of the bias will be addressed.

Petitions based on dissatisfaction without evidence of bias or conflict will be dismissed.

If a petition concerns the Compliance Officer, it will be reviewed by the Vice President of Student Success and Chief Student Affairs Officer. Their decision, or the Compliance Officer's decision otherwise, is final and non-appealable.

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## INFORMAL RESOLUTION PROCESS

The college acknowledges that certain reports are best addressed through a voluntary, remedy-oriented, structured process that balances support with accountability. The Informal Resolution Process offers a flexible and less adversarial alternative to formal investigation.

- **Initiation:** A formal discrimination or harassment report must be filed to initiate the Informal Resolution process. Upon request, the Office of Civil Rights Compliance (OCRC) will evaluate the appropriateness of Informal Resolution for the specific case.
- **Agreement:** All Informal Resolutions culminate in a written agreement documented and approved by the Compliance Officer to ensure consistency with College policies and obligations.
- **Employee Respondents:** The College may proceed with Informal Resolution involving the Complainant even without the respondent's consent when the respondent is an employee.
- **Closure:** Upon approval of the agreement, any related disciplinary proceedings will cease, and the case will be considered closed. Both parties will receive written confirmation. The parties are bound by the agreement and may not request a formal investigation on the same matter thereafter.
- **No Adjudication:** Unlike formal investigations, Informal Resolution does not determine responsibility or assign sanctions.

**Documentation and Compliance:** The OCRC retains all Informal Resolution agreements confidentially in accordance with applicable laws. Allegations of non-compliance will be assessed according to section 4.21 of this policy.

## CONFIDENTIALITY

The college strives to maintain confidentiality to the fullest extent possible while ensuring a fair, effective resolution and protecting all members of the College community.

Reports of discrimination, harassment, or retaliation and related investigations are kept confidential as much as possible to address the allegations thoroughly. However, the college may have legal or ethical obligations to investigate, resolve, or adjudicate reported incidents.

Information about a complaint will be shared only with those who need to know to follow the procedures in this policy and fulfill the college's obligations. All individuals involved in the process are expected to respect confidentiality. Allegations of unauthorized breaches of confidentiality will be assessed according to section 4.21 of this policy.

Formal reports maintain privacy for the Complainant by limiting disclosure to a small group of officials who need to be involved, such as Human Resources (for employee complaints), Student Success & Equity (for student complaints), Investigators, Hearing Panelists, Appeals Panelists, and relevant supervisors.

No unauthorized audio or video recording is allowed during any investigation or resolution meeting to protect privacy and the integrity of the process. If an Investigator records interviews, all parties involved will be notified in advance.

All recordings made by the college during the process are the college's property and will be securely stored in confidential files to safeguard privacy and preserve the investigation's integrity.

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## RETALIATION

The college strictly prohibits retaliation against any individual who, in good faith, reports discrimination or harassment, or participates in an investigation or related resolution process. This protection extends even if the Complainant does not initiate a formal investigation.

Retaliatory actions include, but are not limited to:

- Threats or actual violence against a person or their property.
- Adverse educational or employment consequences.
- Ridicule, intimidation, bullying, or ostracism.

Any faculty, staff, or student found to engage in retaliation, or to encourage others to retaliate, will be subjected to the assessment and investigation process outlined in this policy. Individuals who believe they have experienced retaliation should promptly contact the Office of Civil Rights Compliance.

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## INTENTIONAL INTERFERENCE

Deliberately obstructing or interfering with the college's process under this policy is strictly prohibited. Examples of intentional interference include:

- Attempting to alter, prevent, or obstruct a party's or witness's participation in any proceeding.

- Witness tampering or obstructing investigative interviews.
- Unauthorized disclosure of confidential information or materials protected under this policy.
- Withholding relevant, non-privileged information to delay or obstruct proceedings.
- Knowingly providing false statements or information during any proceedings.
- Filing knowingly false complaints.
- Disciplining an individual for knowingly filing a false complaint is not considered retaliation under this policy.
- Willful non-compliance with any provision of this policy.

Findings of intentional or adverse interferences (e.g., assuming deleted evidence was unfavorable) are subject to an investigation with sanctions as appropriate.

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## DEFINITIONS

**Business Day:** Any weekday from Monday through Friday, excluding federal or state holidays and days when Tulsa Community College (TCC) is officially closed. Deadlines may be extended during College breaks and holidays.

**College:** Tulsa Community College.

**College Official:** Any person employed by the college who performs assigned administrative or professional duties, including members of all TCC-affiliated boards.

**College Premises:** Buildings or grounds owned, leased, operated, or substantially controlled by the college.

**Complainant:** An individual who reports experiencing conduct that may constitute sexual harassment, discrimination based on a protected category, or retaliation for engaging in a protected activity.

**Dean's Hold:** An administrative hold that restricts student enrollment and may also restrict the release of transcripts.

**Discrimination:** Conduct directed at an individual or group that adversely affects their employment, education, or access to institutional benefits based on protected characteristics such as race, color, national origin, sex, age, religion, qualified disability, veteran status, sexual orientation, gender identity, or genetic information. Harassment is a form of discrimination.

**Effective Consent** is an informed, freely given, and active agreement to participate in mutually agreed-upon sexual activity conveyed through clear words or actions. Consent is the initiator's responsibility to obtain and can be revoked at any time. Silence, passivity, intimidation, coercion, threats, force, or incapacity (due to age, unconsciousness, mental disability, drugs, or alcohol) negate consent. Consent cannot be given by individuals who are asleep, incapacitated, or under duress.

**Harassment:** A form of discrimination involving verbal or physical conduct based on protected characteristics that is severe, pervasive, or persistent and both objectively and subjectively offensive. Such conduct creates an intimidating, hostile, or offensive environment that limits or denies an individual's ability to participate in or benefit from educational programs, activities, or employment.

**Investigator:** The individual(s) assigned by the college to gather facts about an alleged policy violation, assess the relevance and credibility of information, synthesize evidence, and prepare an investigation report including all directly related evidence.

**Investigation Report:** A document summarizing the findings of an investigation, prepared by the Investigator.

- Preliminary Investigation Report: Shared with the parties for review and comment.
- Final Investigation Report: Submitted to the Hearing Panel for decision-making.

**Notice of Investigation & Allegation:** Both the Complainant and Respondent received a written notification informing them of an investigation and specifying the allegations under review.

**OCRC:** Office of Civil Rights Compliance.

**Notice of Finding and Sanctions:** A written communication to both parties at the conclusion of the investigation, outlining whether responsibility was found and detailing any sanctions imposed.

**Parties:** Collectively refers to the Complainant(s) and Respondent(s).

**Privacy:** Information related to complaints will be shared only with the College, as employees with a legitimate need to manage assessment, investigation, and resolution. All personnel involved receive training on confidentiality and privacy requirements. Student records are protected under FERPA, and employee records are governed by the TCC Employee Handbook Records policy.

**Protected Class:** Groups protected by law from discrimination based on race, color, national origin, sex, age, religion, qualified disability, veteran status, sexual orientation, gender identity, or genetic information.

**Report:** An allegation of discrimination or harassment communicated to the Compliance Officer. Reports trigger notification to the Complainant about supportive measures and formal complaint options but do not automatically initiate investigations. Reports can be oral, written, submitted by third parties, anonymous, or via other means.

**Respondent:** An individual accused of conduct that may constitute discrimination, harassment, retaliation, or violation of policy.

**Sanction:** A disciplinary action for students or employees found responsible for policy violations. Sanctions aim to hold individuals accountable and encourage behavior change, ranging from written warnings to expulsion or termination.

**Student:** Any person enrolled in courses at or through the college, including full-time, part-time, credit, noncredit, correspondence, concurrent, dual enrollment, online, study abroad, or auditing. "Student" specifically refers to those with active status as defined by the Student Code of Conduct, which remains until graduation, dismissal, or absence for two consecutive semesters.

**Student Code of Conduct:** The College's established standards and expectations that guide student behavior in alignment with its educational mission.

**Witness:** An individual asked to participate in an investigation because they may have relevant information about the alleged misconduct.

## CIVIL RIGHTS PROCESS IN CONJUNCTION WITH A POLICE INVESTIGATION

The college's civil rights investigation is separate from any law enforcement investigation. These investigations differ in their standards of evidence and intended outcomes. An individual may choose to pursue a college investigation by filing a discrimination or harassment report and criminal charges through the police. As such, a civil rights investigation and a police investigation may occur simultaneously.

- For police investigations, individuals should contact the TCC Police Department or the relevant local police department.
- For discrimination or harassment investigations, individuals should contact the Compliance Officer.

When criminal charges or civil litigation related to an incident are pending, the college may continue its investigation and adjudication independently, regardless of the status of those external proceedings. The college's processes are not generally delayed, altered, or dismissed due to criminal or civil cases being filed, dismissed, or reduced. College investigations and resolutions may occur before, during, or after court proceedings.

Under certain circumstances, the college may delay its investigation temporarily, ranging from 24 to 48 hours. These include:

- Requests from law enforcement to delay due to active criminal investigations.
- The need for language assistance.
- Unavailability of parties or witnesses.
- Accommodations for disabilities or health concerns.

In the event of such a delay, the Office of Civil Rights Compliance will provide the parties with written Notice explaining the reason for the delay and an estimate of its duration. Status updates will be communicated as necessary. The college will resume the investigation promptly when feasible and continue to provide appropriate supportive measures during any delay.

The college encourages reporting of sexual violence and other criminal offenses to law enforcement, but does not require students or employees to do so. Reporting to the police does not obligate an individual to pursue prosecution but helps preserve evidence and gather information that may be important for criminal, College conduct, or civil proceedings.

### Reporting to Law Enforcement

The college encourages but does not require reporting incidents to police. Reporting preserves evidence and supports multiple possible legal and administrative avenues without obligating prosecution.

- On-campus incidents: Contact TCC Police at (918) 595-8888 or visit any campus station
- Off-campus incidents in Tulsa: Contact Tulsa Police Department at (918) 596-9328
- Incidents outside Tulsa: Contact the local police department with jurisdiction

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## DISABILITY ACCOMMODATIONS DURING AN INVESTIGATION

The college is committed to providing reasonable accommodations to qualified students and employees with disabilities to ensure equal access to academic programs and activities, including during the investigation and resolution process of discrimination and harassment.

Employees requesting accommodations should contact the Human Resources Office, and students should contact the Director of Accessibility Resources at [ar@tulsacc.edu](mailto:ar@tulsacc.edu). Submit the “Request Interpreter or Captionist Services” form for interpreter or captioning services at <https://www.tulsacc.edu/ar>. Advance notice is requested to facilitate arrangements.

The Compliance Officer will coordinate with the appropriate offices to ensure that approved accommodations are effectively applied to support full participation.

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## COMPLAINANTS AND RESPONDENTS: RIGHTS AND RESPONSIBILITIES

### Rights

- Fair Investigation and Resolution: Receive a prompt, impartial investigation and an appropriate resolution for complaints of discrimination, harassment, or retaliation.
- Impartial Officials: Investigations conducted by trained personnel free of conflicts of interest or bias.
- Notification of Outcome: Be promptly informed in writing of the investigation’s findings, sanctions (if any), and the rationale behind the decision.
- Explanation of Rights and Options: Receive written information regarding available counseling, support services, accommodations, and how to request them.
- Respect and Sensitivity: Be treated with dignity and sensitivity throughout the process.
- Law Enforcement Options: Informed about the option to notify law enforcement, supported in doing so, with no obligation or pressure to report.
- Access to Resources: Be notified of available counseling and other support services both on campus and in the community.
- Participation: Submit names of relevant witnesses and present evidence during the investigation.
- Privacy Protections: Protection against consideration of irrelevant prior sexual history.
- Status Updates: Receive timely updates about the progress of the investigation or resolution.
- Support Person: Have a support person of their choice present during all phases of the investigation and resolution meetings (support person may observe but not participate).
- Timely Resolution: Expect appropriate resolution of all credible, good-faith allegations within a reasonable timeframe.
- Right to Appeal: Receive information about appeal rights and procedures, with equal opportunities for both parties.
- Confidentiality: Case information is kept confidential as much as possible while allowing a thorough investigation and provision of support.

### Responsibilities

- Be truthful, cooperate fully, and follow directions from College staff administering the process.
- Maintain confidentiality of all materials and documents received during the process.
- Refrain from retaliation, intimidation, or any adverse action against anyone involved in the process.
- Understand that choosing not to participate does not halt the process; it proceeds without their input.

## WITNESSES: RIGHTS AND RESPONSIBILITIES

### Rights

- Have a support person of their choice attend (non-participatory) all investigation and resolution meetings.
- Be notified of available counseling and support resources on campus and in the community.
- Be treated with respect, dignity, and sensitivity throughout the process.

### Responsibilities

- Be truthful and cooperate fully with the investigation process.
  - Maintain confidentiality of all materials and documents received during the process.
  - Participate when called upon and fulfill obligations as a College employee.
  - Refrain from retaliation or intimidation against anyone reporting or participating in the process.
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## SUPPORT PERSON

A support person is an individual chosen by a student or employee – such as a parent, friend, or attorney – who agrees to provide support during the college’s investigation and resolution process. The college does not provide support persons, and any costs or compensation related to the support person are the responsibility of the individual receiving support.

The support person’s role is to offer emotional support and guidance only. They do not participate in the process, which aligns with due process standards. Support persons may advise but are not permitted to present information, ask questions, make statements, or speak on behalf of the person they support. Only one support person may attend with the individual at any time.

If a support person exceeds these limitations, they will be given a warning. Continued non-compliance will result in their removal from the meeting. To preserve fairness and integrity, a support person cannot be directly involved in the investigation as a Complainant, Respondent, Witness, Hearing Panelist, Investigator, or other materially involved party. Supervisors are prohibited from serving as support persons for direct or indirect subordinates, including those in the supervisory chain up to cabinet-level personnel.

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## CONSENSUAL RELATIONSHIPS

The college recognizes that romantic or sexual relationships involving a power differential – such as between faculty and students or supervisors and employees – can compromise fairness, academic integrity, and create risks of bias or perceived coercion. Even when initially consensual, such relationships may later lead to concerns or allegations under this policy.

While the college does not seek to interfere with personal relationships that do not affect institutional goals or policies, relationships where one party holds evaluative or supervisory authority over the other are strongly discouraged. Individuals in such relationships must promptly disclose the relationship to their supervisor. This disclosure may require removing the employee from supervisory or evaluative duties or otherwise addressing conflicts of interest.

Failure to self-report these relationships as required can lead to disciplinary action. The policy does not prohibit consensual relationships outright but seeks to ensure transparency and protect all parties involved.

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## ACADEMIC FREEDOM AND INTELLECTUAL INQUIRY

This policy's definitions of discriminatory misconduct—including harassment and retaliation—are not intended to restrict or inhibit academic discussions of complex, controversial, or sensitive subjects that serve legitimate pedagogical purposes.

The college upholds fundamental principles of academic freedom, freedom of speech, and intellectual inquiry. Expression that may be offensive or unpopular does not, by itself, create a hostile environment or violate this policy. Instructional content will not be deemed prohibited conduct unless it meets the definition of discrimination or protected-status Harassment under the Discrimination and Harassment policy.

The college is committed to protecting academic freedom while ensuring a learning and working environment free from discrimination and harassment.

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## REVISION OF THIS POLICY AND PROCEDURES

This document's existing policies and procedures supersede any previous policies or procedures addressing discrimination and harassment. The Compliance Officer will review and update them annually. The college may need to modify policies or procedures as laws and our environment change. The college reserves the right to amend or review this document's rules, policies, and procedures as necessary and without prior notice. When the changes are made public and available online, they are considered in force.

During the resolution process, the Compliance Officer may modify procedures that do not materially jeopardize the fairness owed to any party, such as accommodating summer schedules or working locations. The Compliance Officer may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedures.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws that frame such policies and codes.

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## EXTERNAL REPORTING

If a complaint is not resolved at the College level, an individual may file a complaint with the Office for Civil Rights.

Department of Education - Office for Civil Rights  
Kansas City Offices  
One Petticoat Lane  
1010 Walnut Street, Suite 320, Kansas City, MO 64106  
Telephone: 1-816-268-0550; FAX: 1-816-268-0599; TDD: 1-800-877-8339  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)  
<http://www.ed.gov/ocr/>

This policy is effective August 18, 2025.

## EXAMPLES

### Sexual Harassment: Dating Violence

Morgan and Peyton have been dating for a few months. They routinely meet on campus at 12:00p.m. for lunch. When Morgan was late for lunch one day, Peyton became angry and hit Morgan, which started a physical altercation between the two.

### Disability-Based Harassment

Abdul, a student advisor, has a pronounced stutter resulting from anxiety. Abdul's coworkers mockingly imitated his stutter and asked Abdul to repeat himself, even though the coworkers understood what Abdul was saying. Abdul found a picture of the stuttering Porky Pig from Looney Tunes on their desk one day after lunch, and pictures of Porky Pig were posted in the gender-neutral bathrooms.

### Age-Based Harassment

Henry, age sixty-two, is an engineer in facility services at a college. Ryan, his supervisor, calls him "old man" on a periodic basis. Since Henry's sixtieth birthday, Ryan has repeatedly asked him when he plans to retire, saying he can't wait to bring in "young blood" and "fresh ideas." During a recent staff meeting, Ryan reminded staff to get their flu shots, then looked at Henry and said, "Although I wouldn't be heartbroken if the flu took out some of the old timers." Henry asked Ryan if he was referring to him, and Ryan replied, "Absolutely, old man." Henry reports feeling targeted and ashamed by Ryan's comments.

### Gender-Identity Harassment

Chloe, an administrative assistant at a college institution, is approached by her supervisor, Alton, who asks whether she was "born a man" because he had heard a rumor that someone was transgender in the department." Chloe disclosed to Alton that she is transgender and asked him to keep this information confidential. After this conversation, Alton instructed Chloe to wear pants to work because a dress would be "inappropriate," despite other purchase order coordinators being permitted to wear dresses and skirts. Alton also asks inappropriate questions about Chloe's anatomy and sexual relationships. Further, whenever Alton is frustrated with Chloe, he misgenders her by using, with emphasis, "he/him" pronouns, sometimes in front of Chloe's coworkers.

### Employee Quid Pro Quo

Bobby's supervisor stated he would no longer allow overtime if they did not adhere to his requests to kiss them.

### Student Quid Pro Quo

A professor tells a struggling student that the professor will give them a better grade if the student agrees to date them.

### Hostile Work Environment Created by Pervasive Sexual Harassment.

Juan, who works as a financial aid advisor for a college, alleges that Lydia, a female coworker who shares the same schedule, sexually harassed him for several weeks. The evidence shows that Lydia directed sexual overtures and other sex-based conduct at Juan as often as several times a week, despite his repeated statements that he was not interested. For example, Lydia gave Juan revealing photographs of herself, sent him notes asking for a date, described fantasies about him, and persistently told him how attractive he was and how much she loved him. Based on these facts, the conduct was sufficiently pervasive to create a hostile work environment.

### Sex-Based Harassment Creates an Objectively Hostile Work Environment

Velma, a technician at a College, has recently been subjected to dating violence by her long-term intimate partner, which resulted in Velma moving out of their shared residence and into a shelter. Velma's coworker, Dan, learns about Velma's current living situation and, viewing her as vulnerable, asks Velma out on a date. Despite Velma declining his request, during each shift that they work together, Dan continues to say things like, "Is living in a shelter really worse than cuddling me at night?"; "I'll let you live with me free of charge on one condition: that you clean my house while naked"; and "the only thing that I would ever hit is that ass." Based on these facts, the sex-based harassment experienced by Velma, which must be viewed in the context of her vulnerability as a survivor of dating violence, is sufficiently severe or pervasive to create an objectively hostile work environment.

### Race-Based Harassment

A group of five Black officers, who are the only Black officers on their shift, experienced racial mistreatment and jokes, including aggressive treatment by their supervisor that included racial references and epithets, such as the n-word, "back of the bus," and "the hood." Much of the conduct occurred in a communal setting, in which supervisors participated or laughed at the conduct without objecting. This conduct occurred regularly, despite the Black officers' repeated objections. Given the totality of circumstances, each of the Black officers was subjected to an objectively hostile work environment based on race.

### Religion-Based Harassment

Thiago, a faculty member at a college, is agnostic and rejects organized religion. After Thiago's sister died unexpectedly, Thiago is in mourning. He is approached by a coworker, Laney, who says that she can communicate with the dead and has received the following messages from Thiago's sister: the sister is suffering in Hell, and Thiago will go to Hell as well if he does not "find God." Thiago becomes upset and asks Laney never to bring up the topic again. Nevertheless, Laney continues to tell Thiago to find "Jesus" so Thiago will not "go to Hell like his sister," despite Thiago's ongoing requests for Laney to "drop it."

### Pregnancy-Related Medical Condition (Lactation) Harassment

Lisbet, a software engineer for a college and, recently returned to work after giving birth. Lisbet uses a lactation room at work as needed in order to express breast milk. Lisbet's coworker, Nathaniel, knocks loudly on the lactation room door while Lisbet is inside and pretends that he will enter. Nathaniel also refers to Lisbet's breasts as "milk jugs," making suckling noises when Lisbet enters and exits the lactation room and asks Lisbet if he can have a squirt of milk for his coffee. Nathaniel also refers to the lactation room as "Lisbet's getaway" and asks why he cannot take breaks in private rooms.

### Student Pregnancy Discrimination

A professor notices Mary frequently leaving the room, missing critical information and a pop quiz. The professor asks Mary about leaving the room so often, saying that she may not complete the course because she is missing a lot of work. Mary explained that she was pregnant and needed to go to the bathroom often. The professor tells Mary to minimize the number of times she leaves class to go to the bathroom and reminds her that she may not complete the course if she continues to miss class time. Mary is worried about how she will complete this course. The professor does not accommodate Mary in class, does not excuse her absences, or allow her to make up the participation or attendance credits, assignments, or tests without penalty.

### Sexual Harassment: Stalking

Londyn broke up with Taylor weeks ago. However, Taylor calls Londyn 20-30 times a day. Taylor continues to show up in various places on campus where Londyn is and begins to frequent Londyn's gym and place of employment to shop although Taylor rarely visited these places before the break-up. Leaving class one day, Londyn found a note from Taylor threatening them.

### Insufficient Evidence of a Retaliation Claim

Susie, who works in facilities, recently reported to their supervisor that their coworkers were smoking outside in a non-smoking area of the college. The employees are no longer talking to them and snickering when they walk by. Susie filed a complaint of retaliation with the Office of Civil Rights Compliance. Based on the facts presented, although Susie may be experiencing retaliation for reporting the incident, Susie had not filed a report with the Office of Civil Rights Compliance and did not qualify for protection against retaliation.

### Retaliation

Joe recently contacted the Office of Civil Rights Compliance and filed a report that he was being discriminated against for his age. The case did not rise to the level of a policy violation; however, when Joe's supervisor found out he had filed a report, he began reducing Joe's overtime.

### Sexual Harassment: Domestic Violence

Parker and Ryan live together in an on-campus apartment. When Ryan arrives at their apartment late after school, Parker shouts at Ryan, accusing Ryan of not being faithful, and shoves Ryan into the wall. Ryan sustains injuries and drives himself to the hospital to be treated. The hospital admits him, and he misses class for one week.

### Sexual Assault - Non-Consensual Sexual Contact

Jordan and Harper are both at a party. Harper agrees to dance with Jordan. While dancing, Jordan slips a hand in Harper's shorts without their consent and begins to grope under their shorts.

### Student Sexual Assault - Non-Consensual Sexual Contact

A student reported that their professor touched their bottom while they were at the professor's desk asking for assistance on an assignment. The professor also nudged the student's breast with their elbow while helping them and touched their bottom again as the student left the class.

### Employee Sexual Assault - Non-Consensual Sexual Contact

An employee reported that a peer in their department sent them several unsolicited pictures of their body parts with no clothing on.

## OKLAHOMA DEFINITIONS

State of Oklahoma statutory definitions of criminal offenses classified pursuant to the Clery Act signed in 1990, codified at 20 USC § 1092(f), with implementing regulations in the US Code of Federal Regulations at 34 CFR 668.46 The following are Oklahoma definitions, which is applicable to criminal prosecutions for sex offenses. Oklahoma definitions may differ from the definition used on campus to address policy violations. These state definitions are included for Clery/VAWA Sec. 304 compliance purposes.

### I. Consent: (21 Okla. Stat. § 113)

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;
  - 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.

### II. Dating Violence (22 Okla. Stat. § 60.1)

Dating violence is not specifically defined under Oklahoma law, however “intimate partners” are addressed by the domestic abuse definition, below.

“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.

“Dating relationship” means 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.

### III. Domestic Violence: (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;

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.

“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;
- c. persons otherwise related by blood or marriage living in the same household; and

d. persons otherwise related by blood or marriage.

#### IV. Sexual Assault (21 Okla. Stat. § 112)

The term “sexual assault” is any type of sexual contact or behavior that occurs without explicit consent of the recipient including, but not limited to, forced sexual intercourse, forcible sodomy, child molestation, child sexual abuse, incest, fondling and all attempts to complete any of the aforementioned acts. In any criminal jury trial of a crime involving any type of sexual contact or behavior where “consent” is an element of the crime or a defense raised by the accused, the court shall instruct the jury on the definition of consent as such term is defined in Section 113 of this title.

“Rape” (22 Okla. Stat. § 60.1) means rape and rape by instrumentation in violation of Sections 1111 and 1111.1 of Title 21 of the Oklahoma Statutes.

#### Rape (21 Okla. Stat. § 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:

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 a school system;
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; or
10. Where the victim is a student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this subsection with a perpetrator who is an employee of the institution of higher education of which the victim is enrolled.

B. “Employee of an institution of higher education”, for purposes of this section, means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years

of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

C. 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.

#### Rape by Instrumentation (21 OS § 1111.1)

A. 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.

B. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is:

1. 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 a school system;

2. 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;

3. 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; or

4. A student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this section with a perpetrator who is an employee of the institution of higher education of which the student is enrolled.

C. "Employee of an institution of higher education", for purposes of this section, means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

D. 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.

#### V. Stalking (22 Okla. Stat. § 60.1.)

Stalking means the willful, malicious, and repeated following or harassment of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested and actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested. Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose or unconsented contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued.

Unconsented contact or course of conduct includes, but is not limited to:

a. maintaining a visual or physical proximity to the individual;

- b. approaching or confronting that individual in a public place or on private property;
- c. appearing at the workplace of the individual or contacting the employer or coworkers of the individual;
- d. appearing at the residence of the individual or contacting the neighbors of the individual;
- e. entering onto or remaining on property owned, leased or occupied by the individual;
- f. contacting the individual by telephone, text message, electronic message, electronic mail, or other means of electronic communication or causing the telephone or electronic device of the individual or the telephone or electronic device of any other person to ring or generate notifications repeatedly or continuously, regardless of whether a conversation ensues;
- g. photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the individual. This subparagraph applies regardless of where the act occurs;
- h. sending any physical or electronic material or contacting the individual by any means, including any message, comment, or other content posted on any Internet site or web application;
- i. sending to a family member or member of the household of the individual, or any current or former employer of the individual, or any current or former coworker of the individual, or any friend of the individual, any physical or electronic material or contacting such person by any means, including any message, comment, or other content posted on any Internet site or web application, for the purpose of obtaining information about, disseminating information about, or communicating with the individual;
- j. placing an object on, or delivering an object to, property owned, leased or occupied by the individual;
- k. delivering an object to a family member or member of the household of the individual, or an employer, coworker, or friend of the individual, or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the individual; or
- l. causing a person to engage in any of the acts described in subparagraphs a through k of this paragraph.

#### VI. Harassment (22 Okla. Stat. § 60.1.)

“Harassment” means a knowing and willful course or pattern of conduct by a family or household member or an individual who is or has been involved in a dating relationship with the person, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial distress to the person. “Harassment” shall include, but not be limited to, harassing or obscene telephone calls in violation of Section 1172 of Title 21 of the Oklahoma Statutes and fear of death or bodily injury.