



Title IX

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TITLE IX

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Term

Definition

Coercion

The use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include psychological or emotional pressure, physical or emotional threats, intimidation, manipulation, or blackmail that causes the person to engage in unwelcome sexual activity.

Dating Violence

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

- i. The length of relationship;
- ii. The type of relationship;
- iii. The frequency of interaction between the persons involved in the relationship.

Domestic Violence

Domestic violence is felony or misdemeanor crime of violence committed by a:

- i. current or former spouse or intimate partner of the victim;
- ii. person with whom the victim shares a child in common;
- iii. person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;
- iv. person similarly situated to a spouse of the victim under the domestic or family violence laws of Oklahoma;
- v. any other person against an adult or youth victim

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Electronic Report
 - www.nwsu.edu/forms/sexual-assault-anonymous-reporting-form
 (<http://www.nwsu.edu/forms/sexual-assault-anonymous-reporting-form>).

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

Force

Use of violence or intimidation to overcome an individual's free will to choose whether to participate in an activity.

Intimidation

Unlawfully placing another person in reasonable fear or bodily harm through the use of threatening words and/or other conduct.

Sex Discrimination

Individual treated less favorably on the basis of that person's sex, which may also include on the basis of sexual orientation, gender identity or expression, pregnancy or pregnancy-related condition, or a sex stereotype. Sexual Harassment is a form of sex discrimination.

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

Sexual Assault

- i. **Rape** – the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim;
- ii. **Sodomy** – Oral or anal intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent disability;
- iii. **Sexual assault with an object** – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;
- iv. **Fondling** – the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity;
- v. **Incest** – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
- vi. **Statutory rape** – sexual intercourse with a person who is under the statutory age of consent.

Sexual Exploitation

Conduct where an individual takes non-consensual or abusive sexual advantage of another for their own benefit, or to benefit anyone other than the one being exploited. Examples include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by e-mail, text, or other channels to non-consenting students/groups; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease to another.

Conduct on the basis of sex that satisfies one or more of the following"

- Sexual Harassment**
- i. An employee of NWOSU conditioning the provision of any aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (quid pro quo);
 - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the NWOSU's education program or activity;
 - iii. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct that explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment;

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

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

Retaliation

Any adverse action (including, but not limited to, intimidation, threats, coercion, harassment, or discrimination) taken against some because the individual made a report or filed a formal complaint; or against someone who has supported or provided information in connection with a report or formal complaint; or against someone who has participated or refused to participate in any investigation or hearing under this policy; or against someone who has engaged in other legally protected activities.

TITLE IX DEFINITIONS

<u>Term</u>	<u>Definition</u>
Actual Knowledge	Notice of sexual harassment or allegations of sexual harassment to NWOSU's Title IX Coordinator
Complainant	The individual who is alleged to be the victim of any prohibited conduct under this policy.
Consent	Effective consent is informed, freely and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Initiators of sexual activity are responsible for obtaining effective consent. Silence or passivity is not effective consent. The use of intimidation, coercion, threats, force, or violence negates any consent obtained. Consent is not effective if obtained from an individual who is incapable of giving consent due to lack of

incapable of giving consent due to lack of consciousness, age, mental disability, or incapacitation due to the use of drugs or alcohol.

Formal Complaint

A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting NWOSU to investigate the allegation of sexual harassment.

Incapacitation

Occurs when an individual is incapable, whether temporarily or permanently, of appraising or controlling their conduct due to the influence of drugs or alcohol, unconsciousness, being asleep, or for any other reason that makes the individual physically or verbally unable to communicate willingness to act.

Preponderance of Evidence

Under this standard, the burden of proof is met when the party with the burden convinces the Decision Maker there is a greater than 50% chance that the allegation is true.

Responsible Employee

NWOSU employee who has the duty to report information related to incidents reasonably believed to be violations of this policy to the Title IX Coordinator.

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Title IX Coordinator

NWOSU's Title IX Coordinator is available to advise any individual, including a complainant, respondent, or a third party, about the courses of action available at NWOSU, both informally and formally. Title IX Coordinator is responsible for the oversight of the investigation and resolution of all reports of gender-based discrimination, sexual harassment, sexual violence, stalking, and domestic and dating violence involving students and employees. The Title IX Coordinator is responsible for monitoring compliance with all procedural requirements, record-keeping, and timeframes outlined in this policy, as well as overseeing training, prevention, and education efforts.



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(<https://www.facebook.com/nwosu.rangers>).

_(<https://twitter.com/nwosu>)

(<https://www.instagram.com/nwosurangers>).

(<https://www.snapchat.com/add/nwosurangers>).

(<https://www.youtube.com/user/nwOKst>).

_([university-relations/nwosu-photos](http://university-relations.nwosu-photos))

(<https://www.pinterest.com/NWOSURangers>).

_(<https://www.linkedin.com/school/64848>)

Mission Statement

Northwestern Oklahoma State University provides quality educational and cultural opportunities to learners with diverse needs by cultivating ethical leadership and service, critical thinking and fiscal responsibility.

(<http://www.ruso.edu>).

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