3.2 — EQUAL OPPORTUNITY POLICIES

3.2.1—EQUAL OPPORTUNITY POLICY

The University, in compliance with all applicable federal and state laws and regulations, does not discriminate on the basis of race, color, national origin, sex, age, religion, political beliefs, disability, or status as a veteran in any of its policies, practices, or procedures. This includes but is not limited to admissions, employment, financial aid, and education services.

3.2.2—AFFIRMATIVE ACTION PLAN

The Affirmative Action Plan serves to supplement the Board of Regents’ policy on equal opportunity, as it pertains to employment and is an integral part of the employment policies of the University. The Plan is revised once each year to address the current requirements for affirmative action in employment. The principal objectives are:

1) To assure all persons equal opportunity for employment and advancement in employment regardless of race, color, national origin, sex, religion, age, disability, political beliefs, or status as a veteran.

2) To meet institutional responsibilities under the Civil Rights Act of 1964 and commitments as a federal contractor under Executive Order 11246 and Executive Order 11375.

3) To take positive actions in the recruitment, placement, development and advancement of women and racial minority members in University employment.

Each person having administrative or supervisory responsibilities is expected to provide leadership in applying the Affirmative Action Plan.

Coordination of the application of the Affirmative Action Plan is the responsibility of the office of human resources.

3.2.3—RACIAL AND ETHNIC HARASSMENT POLICY

3.2.3.1—INTRODUCTION

Diversity is one of the strengths of our society as well as one of the hallmarks of a great university. The University supports diversity and therefore is committed to maintaining employment and educational settings which are multicultural, multiethnic, and multiracial. Respecting cultural differences and promoting dignity among all members of the University community are responsibilities each of us must share.

Racial and ethnic harassment is a growing concern across American college campuses. It has taken various forms, from criminal acts (assault and battery, vandalism, destruction of property) to anonymous, malicious intimidation, most often directed toward persons whose race and ethnicity is readily identifiable. In employment, racial/ethnic harassment is race discrimination which interferes with an employee’s ability to perform his or her duties or creates a hostile or
intimidating work environment, prohibited by law under Title VII of the Civil Rights Act of 1964. In the educational context, racial/ethnic harassment is race discrimination which interferes with the students’ opportunities to enjoy the educational program offered by the University, prohibited by law under Title VI of the Civil Rights Act of 1964.

3.2.3.2—POLICY STATEMENT

Principles of academic freedom and freedom of expression require tolerance of the expression of ideas and opinions, which may be offensive to some, and the University respects and upholds these principles. The University also adheres to the laws prohibiting discrimination in employment and education. The University recognizes that conduct which constitutes racial/ethnic harassment in employment or educational programs and activities shall be prohibited and is subject to remedial or corrective action as set forth in this policy. This policy is premised on the University’s obligation to provide an environment free from unlawful discrimination. The University will vigorously exercise its authority to protect employees and students from harassment by agents or employees of the University, students, visitors, or guests.

Agents or employees of the University, acting within the scope of their official duties, shall not treat an individual differently on the basis of race, color, or national origin in the context of an employment or educational program or activity without a legitimate, nondiscriminatory reason.

The University shall not subject an individual to different treatment on the basis of race or ethnicity by effectively causing, encouraging, accepting, tolerating, or failing to correct a racially or ethnically hostile environment of which it has notice.

3.2.3.3—CORRECTIVE ACTIONS

Violations of this policy shall result in corrective action(s) designed to reestablish an employment or educational environment which is conducive to work or learning. Corrective actions will include disciplinary action directed by the executive officer having responsibility for the offender, where appropriate. Corrective actions will be tailored to redress the specific problem and may range from apologies, mandatory attendance at specific training programs, reprimands, suspension, or demotion to expulsion or termination. Corrective actions shall be based upon the facts and circumstances of each case and shall be in accordance with the terms and guidelines of the applicable campus grievance procedures.

Violations of this policy by students will be considered as violations of the Student Code and will subject student offenders to the corrective action(s) provided by the Code.

3.2.3.4—ADMINISTRATIVE ACTION

The University recognizes its obligation to address incidents of racial/ethnic harassment on campus when it becomes aware of their existence, even if no complaints are filed; therefore, in such circumstances, the University reserves the right to take appropriate action unilaterally under this policy.

With respect to students, the University chief student affairs officer or other appropriate persons in authority may take immediate administrative or disciplinary action which is deemed necessary for the welfare or safety of the University community. Any student so affected must be granted due process including a proper hearing. Any hearing involving disciplinary suspension or expulsion shall be conducted in accordance with the University’s Student Code.
Lesser administrative or disciplinary action may be appealed to the University chief student affairs officer. Such requests must be in writing and filed within seven calendar days following summary action. The University chief student affairs officer will issue a written determination to the student within three working days following the date the request is received.

With respect to employees, upon a determination at any stage in the investigation or grievance procedure that the continued performance of either party’s regular duties or University responsibilities would be inappropriate, the proper executive officer may suspend or reassign said duties or responsibilities or place the individual on leave of absence, with or without pay, as may be approved by the President, pending the completion of the investigation or grievance procedure.

3.2.3.5—RETAIATION

Threats or other forms of intimidation or retaliation against complaining witnesses, other witnesses, any reviewing officer, or any review panel shall constitute a separate violation of this policy which may be subject to direct administrative action.

3.2.3.6—COMPLAINT PROCESS

The complaint procedures delineated herein apply to all students, faculty, staff, guests, or visitors. Complaints alleging violation of the racial and ethnic harassment policy will be reviewed and investigated by the appropriate University office. Complaints may be resolved informally or may proceed through the applicable formal complaint proceedings. Complaints may be filed in the following manner:

1) Complaints against students or student organizations, faculty or staff, or contractors working on University premises shall be filed with the Equal Opportunity Officer for review and investigation. The Equal Opportunity Officer, or his or her designee, may assist in the informal resolution of the complaint or in processing a complaint through the applicable University procedures.

2) Complaints against visitors or guests should be directed to the University Campus Police Department. The Campus Police will forward informational copies of all reports and inquiries dealing with discrimination, harassment, or hate crimes to the Equal Opportunity Officer.

3.2.3.7—RESPONSIBLE OFFICIAL

The Equal Opportunity Officer is charged with the responsibility for administering this policy. The Office of Equal Opportunity will serve as a repository for all records of complaints, investigative reports, and remedies/corrective actions in connection with this policy. The Equal Opportunity Officer is the overall coordinator of all University activities dealing with discrimination in employment or education.

To contact the Equal Opportunity Office:

Cameron University
OU Equal Opportunity Officer
Rogers State University
Employment and Benefits Office
3.2.4—SEXUAL HARASSMENT/SEXUAL ASSAULT POLICY

3.2.4.1—STATEMENT

The Board of Regents explicitly condemns sexual harassment of students, staff, and faculty. Sexual harassment is unlawful and will subject those who engage in it to University sanctions as well as civil and criminal penalties.

When criminal action is pursued in addition to an administrative grievance under this policy, the Office of Equal Opportunity will coordinate its investigative actions with the University or local law enforcement authorities to ensure that criminal prosecution is not jeopardized. The University Equal Opportunity Officer may defer administrative action at the request of University or local law enforcement authorities pending completion of the criminal investigation. Where review by the University Equal Opportunity Officer or other University executive officer determines that immediate administrative action is necessary for the safety, health, and well-being of the University community, such action may be taken in advance of resolution of criminal charges.

Since some members of the University community hold positions of authority that may involve the legitimate exercise of power over others, it is their responsibility to be sensitive to that power. Faculty, and supervisors in particular, in their relationships with students and subordinates, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity. Because there is an inherent power difference in these relationships, the potential exists for the less powerful person to perceive a coercive element in suggestions regarding activities outside those appropriate to the professional relationship. It is the responsibility of faculty and staff to behave in such a manner that their words or actions cannot reasonably be perceived as sexually coercive, abusive, or exploitive. Sexual harassment also can involve relationships among equals as when repeated advances, demeaning verbal behavior, or offensive physical contact interfere with an individual’s ability to work or study productively.

The University is committed to providing an environment of study and work free from sexual harassment and to ensuring the accessibility of appropriate grievance procedures for addressing all complaints regarding sexual harassment. The University reserves the right, however, to deal administratively with sexual harassment issues whenever becoming aware of their existence. Records of all complaints, except for hearings before the Faculty Appeals Committee, shall be transmitted to and maintained by the University Equal Opportunity Officer as confidential records.

The University encourages victims to report instances of sexual assault or other sex offenses, either forcible or nonforcible. In addition to internal grievance procedures, victims are encouraged to file complaints or reports with Campus Police or local law enforcement agencies by telephoning 911 as soon as possible after the offense occurs in order to preserve evidence necessary to the proof of criminal offenses. The Campus Police Department is available to assist victims in filing reports with other area law enforcement agencies.

3.2.4.2—DEFINITION OF SEXUAL HARASSMENT

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context:
1) When submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic standing, or

2) When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual, or

3) When such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

3.2.4.3—EXAMPLES OF PROHIBITED CONDUCT

Conduct prohibited by this policy may include, but is not limited to:

- Unwelcome sexual flirtation; advances or propositions for sexual activity.
- Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes.
- Sexually degrading language to describe an individual.
- Remarks of a sexual nature to describe a person’s body or clothing.
- Display of sexually demeaning objects or pictures.
- Offensive physical contact, such as unwelcome touching, pinching, brushing against the body.
- Coerced sexual intercourse.
- Sexual assault.
- Rape, date or acquaintance rape, or other sex offenses, forcible or nonforcible.
- Actions indicating that benefits will be gained or lost based in response to sexual advances.

3.2.4.4—RETAIATION

Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint of sexual harassment will be treated as a separate and distinct violation of this policy.

3.2.4.5—SANCTIONS

Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.
3.2.4.6—COMPLAINT PROCEDURE

Complaints alleging a violation of the Sexual Harassment/Sexual Assault Policy shall be handled in accordance with the Equal Opportunity Grievance Procedure.

3.2.5—DISCRIMINATION POLICY

(For Other than Sexual or Racial/Ethnic Harassment)

The University has a policy of internal adjudication in matters relating to alleged discrimination. Any faculty member, staff member, or student, including without restriction, those on temporary or part-time status, who believes that he or she has been discriminated or retaliated against should file a complaint under the Equal Opportunity Grievance Procedure.

Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint of discrimination and/or harassment will be treated as a separate and distinct violation of this policy.

3.2.6—CONSENSUAL SEXUAL RELATIONSHIPS POLICY

3.2.6.1—RATIONALE

The University’s educational mission is promoted by professionalism in faculty, staff, and student relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty, staff, and students that harm this atmosphere undermine professionalism and hinder fulfillment of the University’s mission. Trust and respect are diminished when those in positions of authority abuse, or appear to abuse, their power. Those who abuse, or appear to abuse, their power in such a context violate their duty to the University.

University employees exercise power over subordinate employees and students, whether in giving them praise or criticism; evaluating them; making recommendations for promotion, further studies, or their future employment; or conferring any other benefits on them. Amorous relationships between employees and subordinate employees or subordinate students are wrong when the employee has professional responsibility for the subordinate employee or student. Such situations greatly increase the opportunities that a University employee may abuse his or her power and sexually exploit the subordinate employee or subordinate student. Voluntary consent in such a relationship is suspect, given the fundamentally asymmetric nature of the relationship. Moreover, other employees and students will likely be adversely affected by such unprofessional behavior because it places the employee in a position to favor or advance one individual’s interests at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors. Therefore, the University will view it as unethical if staff or faculty members engage in amorous relations with subordinate employees or students enrolled in their classes or subject to their supervision, even when both parties appear to have consented to the relationship.

3.2.6.2—DEFINITIONS

As used in this policy, the term “employee” includes all employees, including but not limited to, academic and non-academic administrators, supervisory personnel, staff, faculty, graduate students with or without teaching responsibilities, student employees, and other instructional personnel. The term “consensual sexual relationship” may include amorous or romantic
relationships and is intended to indicate conduct which goes beyond what a person of ordinary sensibilities would believe to be a collegial or professional relationship.

The term, “subordinate” as used here means an employee or student in a position of lesser power or authority than the other party to the amorous relationship; e.g., any employee or student who is beneath another in the employment chain of command or who relies upon the other for day-to-day directions would be “subordinate,” as would a project team member or housing resident with respect to the project director or resident advisor, respectively.

3.2.6.3—POLICY

A. Employee Relationships with Subordinate Students or Subordinate Employees

1. Instructional Context – It is considered a serious breach of professional ethics for an employee to initiate or acquiesce in a sexual relationship with a student who is enrolled in a course being taught by the employee or whose academic work (including work as a teaching assistant) is being supervised by the employee.

2. Other Contexts – Sexual relationships between employees and subordinate employees or subordinate students occurring outside the instructional context may also lead to difficulties, particularly when the employee and subordinate employee or subordinate student are in the same academic unit or in units that are closely allied. Relationships that the parties view as consensual may appear to others to be exploitative. Further, in such situations the employee may face serious conflicts of interest and must be careful to distance himself or herself from any decisions that may reward or penalize the subordinate employee or subordinate student involved. An employee who fails to withdraw from participation in activities or decisions that may reward or penalize such subordinates with whom the employee has or has had an amorous relationship will be deemed to have violated his or her ethical and professional obligations to the University.

B. Prohibitions

Consensual sexual relationships between employees and subordinate employees or subordinate students are prohibited. Violations of this policy may lead to disciplinary action up to and including termination and/or expulsion.

3.2.6.4—COMPLAINT PROCEDURE

Complaints alleging a violation of the Consensual Sexual Relationships Policy shall be handled in accordance with the Office of Equal Opportunity Grievance Procedure.

To contact the University office of Equal Opportunity:

Cameron University
OU Equal Opportunity Officer

Rogers State University
Employment and Benefits Office
3.2.7—EQUAL OPPORTUNITY GRIEVANCE PROCEDURE

3.2.7.1—WHO MAY USE PROCEDURE

The grievance procedure embodied herein shall be available to any person who, at the time of the acts complained of, was employed by, was an applicant for employment with, or was enrolled as a student at the University.

3.2.7.2—FILING OF COMPLAINT

This procedure applies to persons who have complaints alleging discrimination based upon race, color, national origin, sex, age, religion, disability, political beliefs, or status as a veteran or complaints alleging sexual harassment, consensual sexual relationships, retaliation, or racial and ethnic discrimination, harassment, or retaliation. Such persons may file their complaints in writing with the University Equal Opportunity Officer.

Complainants who exercise their right to use this procedure agree to accept its conditions as outlined. Where multiple issues exist (e.g., sexual harassment and violation of due process or grade appeal), the complainant must specify all of the grounds of the grievance of which the complainant knows or should have reasonably known at the time of filing. A grievance filed under this procedure may normally not be filed under any other University grievance procedure. Depending on the nature of the issues involved, the complainant will be advised by the University Equal Opportunity Officer or his or her designee about the appropriate procedure(s) to utilize.

3.2.7.3—TIMING OF COMPLAINT

Any complaint must be filed with the University Equal Opportunity Officer within 180 calendar days of the act of alleged discrimination, harassment, or retaliation. The University Equal Opportunity Officer may reasonably extend all other time periods.

3.2.7.4—ADMINISTRATIVE ACTION

1) The University recognizes its obligation to address incidents of discrimination, harassment, or retaliation on campus when it becomes aware of their existence. Even if no complaints are filed, the University reserves the right to take appropriate action unilaterally under this procedure.

2) With respect to students, the University chief student affairs officer or other appropriate persons in authority may take immediate administrative or disciplinary action, which is deemed necessary for the welfare or safety of the University community. Any student so affected must be granted appropriate due process.

3) With respect to employees, upon a determination at any stage in the investigation or grievance procedure that the continued performance of either party’s regular duties or University responsibilities would be inappropriate, the proper executive officer may suspend or reassign said duties or responsibilities or place the individual on leave of absence pending the completion of the investigation or grievance procedure.
3.2.7.5—WITHDRAWAL OF COMPLAINT

The complainant may withdraw the complaint at any point prior to the adjournment of a formal hearing.

3.2.7.6—CONFIDENTIALITY OF PROCEEDINGS AND RECORDS

Investigators and members of the Hearing Panel reviewing the grievance are individually charged to preserve confidentiality with respect to any matter investigated or heard. A breach of the duty to preserve confidentiality is considered a serious offense and will subject the offender to appropriate disciplinary action. Parties and witnesses also are admonished to maintain confidentiality with regard to these proceedings.

All records, involving discrimination, harassment, or retaliation upon disposition of a complaint, shall be transmitted to and maintained by the University Equal Opportunity Officer as confidential records except to the extent disclosure is required by law.

3.2.7.7—PROCEEDINGS AND INVESTIGATION

Upon receipt of a complaint, the University Equal Opportunity Officer is empowered to investigate the charge, to interview the parties and others, and to gather pertinent evidence. The investigation should be completed within 60 calendar days of receipt of the complaint, or as soon as practical. If a time period is extended for more than 10 calendar days, the University Equal Opportunity Officer will provide written or oral notice of reason for extension to all parties involved. The investigator shall prepare a record of the investigation.

In arriving at a determination of a policy violation at any stage of the proceedings, the evidence as a whole and the totality of the circumstances and the context in which the alleged incident(s) occurred shall be considered. The determination will be made from the facts on a case-by-case basis.

Upon completion of the investigation, the University Equal Opportunity Officer is authorized to take the following actions:

a) Satisfactory Resolution—Resolve the matter to the satisfaction of the University and both the complainant and the respondent. If a resolution satisfactory to the University and both parties is reached through the efforts of the University Equal Opportunity Officer, he or she shall prepare a written statement indicating the resolution. At that time, the investigation and the record thereof shall be closed.

b) Dismissal—Find that no policy violation occurred and dismiss the complaint, giving written notice of said dismissal to each party involved. Within 15 calendar days of the date of the notice of dismissal, the complainant may appeal said dismissal in writing to the University Equal Opportunity Officer by requesting a hearing. If no appeal is filed within the 15 calendar day period, the case shall be considered closed.

c) Determination of Impropriety

1) Make a finding of impropriety and notify the parties of the action to be taken. Either party has the right to appeal said determination in
writing within 15 calendar days of the date of the notice of determination to the University Equal Opportunity Officer by requesting a hearing. If no appeal is filed within the 15 calendar day period, the case shall be considered closed.

2) In the case of a complaint against a faculty member, the administrative investigator may determine that the evidence is sufficiently clear and serious so as to warrant the immediate commencement of formal proceedings as provided in the Severe Sanctions sections of the Faculty Handbook. If the President concurs with the administrator’s finding, the case may be removed at the option of the accused from the grievance proceedings contained herein, and further action in the case shall be governed by the Board of Regents’ severe sanctions policies. Otherwise, this policy and procedure shall apply.

Specific provisions related to Section 3.2.7 are set forth in the Faculty and Staff Handbooks of the University.

(RM, 6-22/23-2004, pp. 29140, 29237)

3.3 — RETIREMENT POLICY

For specific University retirement policies, see the University’s Staff Handbook.

(RM, 6-22/23-2004, pp. 29140, 29237)

3.4 — INTERNAL AUDITING CHARTER

3.4.1—PURPOSE

Internal auditing is an independent appraisal activity established within the University to examine and evaluate its activities. The objectives of internal auditing are to assist members of the organization in the effective discharge of their responsibilities by furnishing them with analysis, appraisals, recommendations, and pertinent comments concerning the activities reviewed. However, the internal audit review and appraisal of an area shall not in any way relieve management of its assigned responsibilities.

3.4.2—AUTHORITY

Oklahoma law provides that the Board of Regents shall establish an internal audit function that employs a sufficient number of internal auditors to meet the Board of Regents’ fiduciary responsibilities. The internal audit function shall be responsible to the Board of Regents and the President and shall be conducted in accordance with “Standards for the Professional Practice of Internal Auditing.” The President and all members of the Board of Regents shall receive copies of the audit reports, as will the State Auditor and Inspector. The Board of Regents shall, at least annually, review and prescribe the plan of work to be preformed by the internal auditors.