

LANGSTON UNIVERSITY STUDENT CONDUCT RESOURCES FOR SEXUAL MISCONDUCT

All institutions receiving federal funding must abide by Title IX of the Education Amendment of 1972, which prohibits sexual harassment, sexual violence of any kind including but not limited to sex and gender discrimination. Sexual misconduct and assault including rape and sexual harassment are violations of Langston University's Student Code of Conduct. Langston University does not condone any form of sexual misconduct or harassment.

All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Under Title IX, sexual harassment is defined as unwelcome sexual advances, favors of physical or verbal behavior in a sexual nature. Sexual harassment is sexual violence or assault, occurring in connection with any academic, athletic, extracurricular, or other university program, regardless of the location.

Discriminatory decision-making by faculty or staff member against a student based on the student's sex. Discrimination, harassment, and/or retaliation related to pregnancy or parental or marital status. Any related retaliation.

Examples of types of conduct that may constitute sexual harassment include:

- Inappropriate touching, patting, or hugging
- Nonconsensual sexual activity, including sexual assault
- Invasion of sexual privacy
- Obscene phone calls, texts, emails, photographs or gestures

Assistance for Survivors of Sexual Assault

Go to a safe place. You can seek assistance by contacting the 24-hour Crisis hotline [405-466-3400], Langston University Police [405-466-3366] or non-emergency [405-466-2276], Counseling Services [405-466-3400], Dean of Students [405-466-3444], Residential Facilities: Centennial [405-464-8213], Scholars [405-568-9938] and Commons [405-618-0011]. In emergency, please dial 9-1-1.

Do not shower, change clothes, wash, destroy clothes as preservation of evidence is vital for criminal prosecution. The evidence collected can also be useful in the university student conduct process.

Victims of sexual assault should go to Stillwater Medical Center to be seen by a sexual assault nurse examiner (SANE) who handles sexual assault and is trained to provide necessary treatment and care for you.

Reporting Sexual Assault

Students who are survivors of sexual misconduct are strongly encouraged to report the assault. Reporting an assault to the LUPD or other law enforcement authorities does not require filing criminal charges, but it does allow all support systems to be put in place for the survivor. Filing a police report will provide the opportunity for collection of evidence helpful in prosecution and will allow the student to be connected with the appropriate support and medical resources.

Reporting is best done as soon as possible after the assault, but it may be done at any time. Students should make their report to the Langston University Police Department and/or to Division of Student Affairs units: Office of the Dean of Students, Residential Life, and/or the Office of Student Life. The

University will assist students who report sexual assault in obtaining medical support and information regarding available legal and judicial resources, as well as University counseling and support services.

The University will also assist students in notifying LUPD or other local police if the student requests the assistance of law enforcement. If requested by the survivor, and if reasonably available, the University will assist the survivor in changing his/her academic or living situation after the alleged assault. University offices, such as the Office of the Dean of Students, and/or Residential Life, can upon request, assist the survivor with exploring options to address academic, housing and financial concerns. Options may include, but are not limited to, academic/financial aid guidance and discussion of options, assistance in withdrawing from classes or adjusting academic schedule, transitioning the survivor into another residence facility, or emergency housing.

Students who choose to notify the police should be aware of the importance of the immediacy of reporting the incident and the importance of preserving physical evidence at the assault scene as well as on the person assaulted. If possible, a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal examination. The gathering of physical evidence can provide important evidence and support of criminal charges leading to a successful prosecution.

Students who are reporting an immediate assault should be accompanied to a health care facility to allow for collection of evidence and treatment. If an alleged sexual assault victim chooses to report the incident days, weeks, or even months after the assault, important support systems are still available and can be arranged; however, criminal investigations become much more difficult.

Sexual assaults for which individuals seek medical treatment must be reported to the appropriate police agency by health care officials. However, as noted above, students are not required to file a police report.

Anyone in the University community (student, faculty, staff or visitors) who encounter bias practices that are based on gender may provide their concerns or file possible Title IX violations with the Title IX Coordinator.

Students may report sexual misconduct incidents to:

Dr. Natasha M. Stephens
Dean of Students
Student Success Center Suite 210
405-466-3444
deanofstudents@langston.edu

Faculty and staff may report sexual misconduct incidents to:

Ms. Theresa Graves
Acting Chief of Staff/Title IX Coordinator
405-466-3201
tgraves@langston.edu

Anyone can report anonymously using EthicsPoint

<https://secure.ethicspoint.com/domain/media/en/gui/10933/index.html>

An alleged victim of sexual misconduct are encouraged to report act(s) of sexual misconduct/violence to Langston University Police or campus administrators. Notice to a university official of sexual misconduct will be taken seriously by the institution when formally reported. Formal reporting is defined as information will be shared only with individuals who need to know such as investigators, witnesses, and the accused individual. Alleged victims of sexual misconduct usually have two avenues to consider in reporting sexual misconduct. These options are not mutually exclusive. The first offers an administrative process and the second a criminal process.

1. An alleged victim who wishes to have his or her case reviewed administratively, within the University, should contact the Office of the Dean of Students. The staff will explain Langston University procedures.
2. An alleged victim who wishes to have his or her case handled criminally should contact the LUPD. Staff from the Office of the Dean of Students will accompany an accusing student through this process as requested. Contact the Dean of Students Office for further information.

Next Steps after you have filed a complaint

You will be notified of receipt of your complaint

An investigation will be conducted by University staff

This investigation will include:

- meeting with the complainant
- meeting with the accused of the sexual misconduct
- reviewing any documentary evidence

The Dean of Students or Title IX Coordinator will determine if a student conduct hearing is possible. If the University proceeds with a student conduct hearing, the complainant and the accused will be notified of the hearing date.

The Dean of Students or Title IX Coordinator will be available to review the hearing process to the complainant and the accused. The hearing committee must decide on the “preponderance of the evidence,” which means the committee has to decide the likelihood a violation occurred.

Langston University Disciplinary Procedures Regarding Sexual Assault

Students have the right to a fair disciplinary process through Student Conduct. Procedural requirements are not as formal as those existing in the courts of law. Students should contact the Office of the Dean of Students for detailed information regarding the process. To ensure fairness, the following procedures apply:

1. Both the accused and accuser may have an individual of their choice present to advise or support him or her. The advisor may provide support and advice to the student and may not actively participate in the process, unless clarification is needed, as determined by the hearing officer or hearing committee.
2. If a hearing is held, both the accused and accuser may submit a written statement and may recommend to the hearing body that witnesses attend on their behalf. The University may call witnesses, as well as question those appearing on behalf of the accused and accuser. In cases

where written witness statements will be allowed without the presence of the witnesses, both the accused and accuser will be given the opportunity to review the materials.

3. During the hearing, both the accused and accuser shall be given the opportunity to speak and present evidence. The accused and accuser may direct questions at the witnesses through the hearing committee chair. The accuser has the right to provide a statement of impact to the Dean of Students (if the accuser wishes to pursue an administrative hearing) or hearing panel.
4. Both the accused and accuser shall be provided with the hearing outcome as soon as practicable by the Dean of Students or hearing committee. If either the accused or the accuser appeals the outcome, the other party will be notified of the pending appeal and its final outcome.
5. Sanctions to be imposed upon students by the University are varied and depend upon the degree of severity, ranging from formal reprimand to possible expulsion. Additional educational sanctions may include participation in workshops, community service, behavioral assessments, counseling or other instructive experiences.
6. When sanctions are imposed, consideration will be given to the individual mitigating circumstances as well as aggravating factors, such as past misconduct by the accused student or failure of the accused student to fully comply with previous sanctioned conditions.

Criminal and Civil Options in Addition to University Procedures

Students who are survivors of sexual assault have the right to initiate a criminal investigation and possible prosecution of an assailant under criminal law as well as initiate the disciplinary process through the University Conduct system. Survivors will be assisted by Student Conduct in learning about the options for reporting sexual assault to the University, as well as University Police.

In addition to legal and disciplinary action, the victim of sexual assault may consider retaining a private attorney for the purpose of filing a civil action for the recovery of damages.

Sexual Violence Education and Support

Sexual violence includes sexual assault (including acquaintance rape), intimate partner/dating/domestic abuse and violence, stalking and sexual harassment. Support for those who have experienced sexual violence is available on upon request through the Office of the Dean of Students.

Modification of Accused Student's Right to Request an Open Hearing in Sexual Misconduct Cases

Given the sensitive nature of sexual misconduct allegations, we believe that affording only the accused student the right to request an open hearing (open to members of the public), without input from the complainant/victim is inconsistent with the equity requirements of Title IX. In those cases where only the accused student has requested an open hearing, the complainant/victim may be fearful or reluctant to share or discuss pertinent details of the alleged incident.

Accordingly, the following modification has been made to the hearing procedures to be applied in sexual misconduct cases:

*Hearings for cases of alleged sexual misconduct are **closed** to the public unless specifically requested in writing to be open by both the accused student and the complainant/victim. Requests for open hearings are subject to review and final approval by the Dean of Students or Vice President of Student Affairs.*

Appeal Process

1. In cases of sexual misconduct, both the accused student and the complainant/victim will have the right to file a written appeal to the PHC within three business days after the receipt of the decision of the case.
2. Upon reasonable request by either party, the three-business day deadline may be extended by the Vice President of Student Affairs.
3. Appeals may be filed for the following reasons:
 - a. inappropriate sanction (the Dean of Students will modify the sanction only in cases of clear abuse of discretion by the PHC);
 - b. procedural defect in the original hearing (only if the defect was found to be substantial enough to change the outcome of the hearing);
 - c. new evidence (evidence which was **not** available at the time of the original hearing and found to be substantial enough to have changed the outcome of the hearing).

Vice President of Student Affairs Appeal

1. The accused of the complainant/victim may request to review an appeal committee decision. An appeal to the Vice President of Student Affairs must be presented to the Office of the Vice President of Student Affairs in writing with all supporting documents, within three-business days of the receipt of written notification of the appeal board decision. Requests for Vice President of Student Affairs appeal may be filed for the following reasons:
 - a. inappropriate sanction (the VPSA can modify the sanction only in cases of clear abuse of discretion by the PHC);
 - b. procedural defect in the original hearing (only if the defect was found to be substantial enough to change the outcome of the hearing);
 - c. new evidence (evidence which was **not** available at the time of the original hearing and found to be substantial enough to have changed the outcome of the hearing).

The Vice President of Student Affairs may or may not elect to review a decision. Those who request a review will be notified of the decision of the Vice President of Student Affairs within a reasonable period of time. In cases where the Vice President of Student Affairs elects to review a decision, the VPSA may change the sanction, order a new hearing or uphold the decision of the appeal committee.

Resources

Langston University 24 Hour Crisis Hotline

405-466-3400

Langston University Counseling Center

University Women

405-466-3400

Wings of Hope

115 E. 4th Street Stillwater, OK

405-377-2344

Langston University Police Department

405-466-3366

City of Langston Police Department

405-466-2276

Logan County Police Department

405-282-4100

The Office of the Dean of Students

405-466-3444

LU Title IX Coordinator

405-466-3401