



**Oklahoma City**  
UNIVERSITY

**NONDISCRIMINATION POLICY  
AND  
EQUITY RESOLUTION PROCESS**

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## 1.0 POLICY: Equal Opportunity, Harassment and Nondiscrimination

As used in this document, the term “-complainant” refers to the person impacted by alleged harassment, discrimination and/or retaliation. The term “respondent” refers to the person who has allegedly engaged in harassment, discrimination and/or retaliation.

### Applicable Scope

Oklahoma City University (the “University”) is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise, the University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

All policies included herein are subject to resolution using Oklahoma City University’s Equity Resolution Process (ERP) as detailed below. This policy applies to all University faculty, staff and students. This policy also applies to third parties (such as campus visitors or vendors) who may have contact with members of the University community either on any of the University’s campuses or at other University events and programs. When the respondent is a member of the Oklahoma City University community, the ERP is applicable regardless of the status of the - complainant who may be a member or non-member of the campus community, including students, student organizations, faculty, administrators, staff, guests, visitors, campers, etc.

### Title IX Coordinator

The Vice President of Student Affairs serves as the Title IX Coordinator and the Chief Human Resources Officer as the Deputy Title IX Coordinator and ADA/504 Coordinator and oversees implementation of Oklahoma City University’s Nondiscrimination Policy and Equity Resolution Process. The Title IX Coordinator directs the Title IX Resource Team and acts with independence and authority free of conflicts of interest. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. To raise any concern involving a conflict of interest by the Title IX Coordinator, contact the University President at (405) 208-5032. To raise concerns regarding a potential conflict of interest or bias with any other administrator involved in the ERP, please contact the Title IX Coordinator. Inquiries about and reports regarding this policy and procedure may be made internally to:

Dr. Amy R. Ayres  
Title IX Coordinator  
Vice President, Student Affairs  
University Center, Suite 257  
Telephone: (405) 208-7900  
Email: [aayres@okcu.edu](mailto:aayres@okcu.edu)

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Ms. Blythe Benson  
Deputy Title IX  
Coordinator  
Administration Building, Ste. 205  
Telephone: (405) 208-6020  
Email: [bbenson@okcu.edu](mailto:bbenson@okcu.edu)

Dr. Kristi Pendleton  
Civil Rights Investigator  
University Center, Room 232  
Telephone: (405) 208-6310  
Email: [kapendleton@okcu.edu](mailto:kapendleton@okcu.edu)

Inquiries may be made externally to:  
Office for Civil Rights (OCR)  
U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson  
Department of Education Bldg  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 800-  
877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Kansas City Office  
Office for Civil Rights  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut Street, 3rd floor, Suite 320  
Kansas City, MO 64106  
Telephone: 816-268-0550  
FAX: 816-268-0599; TDD: 800-877-8339  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

Equal Employment Opportunity Commission (EEOC)  
Oklahoma City Area Office  
215 Dean A McGee Avenue  
Suite 524  
Oklahoma City, OK 73102  
Telephone: (800) 669-6820  
Facsimile: (405) 231-4140  
ASL Video: (844) 234-5122

## Reporting Discrimination

Reports of discrimination, harassment, and/or retaliation may be made using any of the following options. There is no time limitation on the filing of allegations. However, if the responding party is no longer subject to Oklahoma City University’s jurisdiction, the ability to investigate, respond and provide remedies may be more limited:

File a report with, or give verbal notice to, the Title IX Coordinator, Deputy Title IX Coordinator or Civil Rights Investigator. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator or any other official listed.

1)

Dr. Amy R. Ayres  
Title IX Coordinator  
McDaniel University Center,  
Suite 257  
(405) 208-7900  
[aayres@okcu.edu](mailto:aayres@okcu.edu)

Ms. Blythe Benson  
Deputy Title IX  
Coordinator  
Administration Building Ste. 205  
(405) 208-6020  
[bbenson@okcu.edu](mailto:bbenson@okcu.edu)

Dr. Kristi Pendleton  
Civil Rights Investigator  
McDaniel University Center,  
Room 233  
Telephone: (405) 208-6310  
Email: [kapendleton@okcu.edu](mailto:kapendleton@okcu.edu)

- 2) Report online, using the reporting form posted at <https://reportit.okcu.edu>. Anonymous reports are accepted, but can give rise to a need to investigate. The University tries to provide support measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the University respects the Complainants request to dismiss the complaint unless there is a compelling threat to health/safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the University to discuss and/or provide support measures.
- 3) Report to a University administrator or member of the Title IX Resource Team and/or
- 4) Report using the using the Campus Conduct Hotline (866) 943-5787

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A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator, or designee, alleging a policy violation by a Respondent and requesting that the University investigate the allegation(s). A complaint may be filed with the Title IX Coordinator, or designee, in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online report submission provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator, or designee, will contact the Complainant to ensure that it is filed correctly.

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-campus licensed professional counselors and staff
- On-campus health service providers and staff
- On-campus clergy, acting in their capacity as clergy
- Off-campus (non-employees):
  - Licensed professional counselors
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/Chaplains

All reports made to the University are acted upon promptly. Every effort is made by the University to preserve the privacy of reports and information is shared only with individuals with a “need to know.” Reports may also be anonymous; however, this may impact the University’s ability to effectively proceed. Anonymous reports will be investigated to determine if remedies can be provided. Additionally, nearly all employees of Oklahoma City University are designated as mandated reporters and will share a report with the Title IX Coordinator, or designee, promptly. Confidentiality and mandated reporting are addressed more specifically later in this policy. Reports of misconduct or discrimination committed by the Title IX Coordinator, or designee, should be reported to the University President at (405) 208-5032.

### Support Measures

The University will offer and implement appropriate and reasonable support measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Support measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University’s education program or activity, including measures designed to protect the safety of all parties or the University’s educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator, or designee, promptly makes support measures available to the parties upon receiving notice or a complaint. At the time that support measures are offered, the University will inform the Complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already. The Title IX Coordinator, or designee, works with the Complainant to ensure that their requests are taken into account with respect to the support measures that are planned and implemented.

The University will maintain the privacy of the support measure, provided that privacy does not impair the

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University's ability to provide the support measure. The University will act to ensure as minimal of an academic impact on the parties as possible. The University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass Orders
- [Timely warnings](#)
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX

Coordinator, or designee,

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

### Jurisdiction

This policy applies to the education program and activities of the University, to conduct that takes place on the campus or on property owned or controlled by the University, at University events or in buildings owned or controlled by the University's recognized student organization. The respondent must be a member of the University community in order for its policy to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to the University's education program. The jurisdiction of this policy may apply to off-campus and/or online conduct when the Title IX Coordinator, or designee, determines that the off-campus and/or online conduct affects a substantial University interest.

Regardless of where the conduct occurred, the University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial University interest is defined to include:

- a) any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;
- b) any situation where it appears that the Respondent may present a danger or threat to the

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- health or safety of self or others;
- c) any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- d) any situation that is detrimental to the educational interests of Oklahoma City University.

## 1.1 Oklahoma City University Policy on Nondiscrimination

Oklahoma City University adheres to all federal and state civil rights laws prohibiting discrimination in private institutions of higher education. The University will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, religion, color, sex, pregnancy, political affiliation, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any resolution process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

Likewise, Oklahoma City University does not discriminate in its education program or activity against any applicant for admission, student, applicant for employment, or employee on the basis of current, potential, or past pregnancy or related conditions as mandated by Title IX of the Education Amendments of 1972 (Title IX). Oklahoma City University prohibits members of the University community from adopting or implementing any policy, practice, or procedure which treats an applicant for admission, student, applicant for employment, or employee differently on the basis of current, potential, or past parental, family, or marital status. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression (See Appendix B, Pregnancy and Parenting Policy).

This policy covers nondiscrimination in employment and access to educational opportunities. Therefore, any member of the campus community who acts to deny, deprive or limit the educational and/or employment access, benefits and/or opportunities of any member of the campus community, guest, or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of this policy. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using the University's "Process A" (all sex-based harassment as defined in 1.3, b, pgs. 12-15) or "Process B," (all other forms of discriminatory allegations as defined at 1.4, pgs. 19-20) as determined by the Title IX Coordinator, or designee,, and as detailed below.

When the Respondent is a member of the University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the University community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy

Non-members of the campus community who engage in discriminatory actions within University programs or on University property are not under the jurisdiction of this policy, but can be subject to actions that limit their access and/or involvement with University programs, services, and property as the result of their alleged misconduct. All vendors serving Oklahoma City University through third-

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party contracts are subject to these policies and procedures, to which their employer has agreed to be bound.

## 1.2 Oklahoma City University Policy on Accommodation of Disabilities

Oklahoma City University is committed to complying with the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008 (hereafter referred to collectively as “ADA”) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

The Chief Human Resources Officer has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any allegation of noncompliance.

Reports related to disability status and/or accommodations will be addressed using the procedures for Process B. For details relating to disability accommodations in the University’s resolution process, see Appendix B.

### A. Students with Disabilities

Oklahoma City University is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the University.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Assistant Director of Access and Disability Services who coordinates services for students with disabilities. The Assistant Director reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student’s particular needs and academic programs.

[Click here to learn more about Oklahoma City University’s student policy on ADA and Section 504.](#)

### B. Employees with Disabilities

Pursuant to the ADA, Oklahoma City University will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation in writing to the Director of Talent Management to provide appropriate documentation. The Director of Talent Management will engage in an interactive process with the employee and work with the employee’s supervisor to identify which essential functions of the position are affected by the employee’s disability and what reasonable accommodation could enable the employee to perform those duties.

[Click here to learn more about Oklahoma City University’s employee policy on ADA.](#)

## 1.3 Oklahoma City University Policy on Discriminatory Harassment

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Students, faculty, staff, and administrators are entitled to an education and work environment free of discriminatory harassment. Oklahoma City University's harassment policy is not meant to inhibit or prohibit the educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom.

The University reaffirms its commitment to academic freedom but recognizes that academic freedom does not allow any form of prohibited discrimination. It is recognized that an essential function of education is probing opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom ensures the faculty's right to teach and the student's right to learn.

Finally, nothing in these Policies and procedures shall be interpreted to prohibit bona fide academic requirements for a specific university program, course, or activity. When investigating prohibited discrimination complaints containing issues of academic freedom, the Compliance Coordinator will consult with a faculty member appointed by the Faculty Senate Executive Committee with respect to contemporary practices and standards for course content and delivery.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under University policy. When speech or conduct is protected by academic freedom, it will not be considered a violation of University policy, though support measures will be offered to those impacted.

#### A. Discriminatory and Bias-Related Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by University policy as well as the law. Oklahoma City University condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by policy or law. Oklahoma City University will address all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive **and** objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, the University may also impose sanctions on the Respondent through application of the appropriate equity resolution process. This policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

The University reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature not on the basis of a protected status. Addressing such behaviors shall not result in the imposition of discipline under the nondiscrimination policy, but will be addressed through respectful confrontation, remedial actions, and education and/or conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact the Chief Human Resources Officer and students should contact the Dean of Students Office.

#### B. Sexual Harassment

The Department of Health and Human Services' Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the State of Oklahoma regard sexual harassment as a specific form of discriminatory harassment, as an unlawful discriminatory practice. Oklahoma City University has adopted the following definition of sexual harassment to address the special environment of an academic community, which consists not only of employees but also

students.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

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

- a. Quid Pro Quo:
  - i. an employee of the University,
  - ii. conditions the provision of an aid, benefit, or service of the University,
  - iii. on an individual's participation in unwelcome sexual conduct; and/or
  
- b. Sexual Harassment:
  - i. unwelcome conduct,
  - ii. determined by a reasonable person,
  - iii. to be so severe, **and**
  - iv. pervasive, **and**,
  - v. objectively offensive,
  - vi. that it effectively denies a person equal access to the University's education program or activity.
  
- c. Sexual assault, defined as:
  - i. Any sexual act directed against another person,
  - ii. without the consent of the victim,
  - iii. including instances where the victim is incapable of giving consent; also unlawful sexual intercourse.

Sexual assault defined as:

- a) Rape:
  - i) Penetration,
  - ii) no matter how slight,
  - iii) of the vagina or anus with any body part or object, or
  - iv) oral penetration by a sex organ of another person,
  - v) without the consent of the Complainant. Attempted rape falls under this prohibition.
    - 1) including instances where the Complainant is incapable of giving consent because of their age or
    - 2) because of their temporary or permanent mental or physical incapacity
  
- b) Fondling (actual or attempted):
  - i) The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent,
  - ii) Or the unintentional, forced touching by the Complainant of the Respondent's clothed or unclothed genitals, buttocks, groin, breast, or other body parts,
  - iii) for the purpose of sexual gratification,
  - iv) without the consent of the Complainant, including instances where the

Complainant is incapable of giving consent

- 1) because of their age or
- 2) because of their temporary or permanent mental incapacity.

c) Incest:

- i) Sexual intercourse between persons who are related to each other,
- ii) Within the degrees where in marriage is prohibited

d) Statutory Rape:

- i) Sexual intercourse with a person,
- ii) Who is under the statutory age of consent of 18.

d. Dating Violence, defined as:

- i. violence,
- ii. on the basis of sex,
- iii. committed by a person,
- iv. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  1. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
  2. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  3. Dating violence does not include acts covered under the definition of domestic violence.

e. Domestic Violence, defined as:

- i. violence,
- ii. on the basis of sex,
- iii. committed by a current or former spouse or intimate partner of the Complainant,
- iv. by a person with whom the Complainant shares a child in common, or
- v. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- vi. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Oklahoma], or
- vii. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Oklahoma.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

f. Stalking, defined as:

- i. engaging in a course of conduct,
- ii. on the basis of sex,
- iii. directed at a specific person, that
  1. would cause a reasonable person to fear for the person's safety, or

2. the safety of others; or
3. Suffer substantial emotional distress.  
For the purposes of this definition—
  - (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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 means a reasonable person under similar circumstances and with similar identities to the Complainant.
  - (iii) Substantial emotional distress means significant mental suffering or
- iv. anguish that may but does not necessarily require medical or other professional treatment or counseling

### POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. Oklahoma City University does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.

While no consensual relationships are prohibited by this policy, consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical and impermissible. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes RAs and students over whom they have direct responsibility. Failure to timely self-report such relationships to a supervisor as required can result in disciplinary action up to and including termination.

Anyone experiencing sexual harassment in any Oklahoma City University program is encouraged to report it immediately to the Title IX Coordinator, or the Deputy Title IX Coordinator, or Civil Rights Investigator. Support measures, education, and/or training will be provided in response.

The University reserves the right to impose a level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

Some examples of possible Sexual Harassment include:

- Direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades or letters of recommendation. This is harassment regardless of whether the student or employee accedes to the request

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- A student repeatedly sends sexually oriented jokes around on an email list they created, even when asked to stop, causing one University to avoid the sender on campus and in the residence hall in which they both live.
- Certain visual displays of sexually oriented images outside of the educational context (e.g., explicit sexual pictures are displayed in a professor's office or on the exterior of a student's residence hall door).
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details and demands that students answer her, though they are clearly uncomfortable doing so.
- A pattern of conduct that would discomfort or humiliate a reasonable person at whom the conduct was directed and includes one or more of the following: unnecessary touching; remarks of a sexual nature about a person's clothing or body, whether or not intended to be complimentary; remarks about sexual activity or speculations about previous sexual experience; or other comments of a sexual nature.
- A student intentionally brushed up another student and then groped her breast without her permission. While this is sexual harassment, it is also a form of sexual violence.

Some examples of possible domestic or dating violence include:

- A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based on jealousy is a violation of this policy.
- An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
- A student repeatedly calls his ex-boyfriend to indicate that if he doesn't get back together with her she will kill herself and he will be to blame.
- Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

Some examples of possible stalking include:

- A student repeatedly shows up at another student's on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them, even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together.
- A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate if the gift deliveries stop. The student then started leaving notes of love and gratitude on the graduate assistant's car, both on-campus and at home. Asked again to stop, the student stated by email: "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything necessary to make you have the feelings for me

that I have for you.” When the tutor did not respond, the student emailed again, “You cannot escape me. I will track you to the ends of the earth. We are meant to be together.”

#### *Force, Coercion, Consent, and Incapacitation*

As used in the offenses above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent (“Have sex with me, or I’ll hit you.” “Okay, don’t hit me, I’ll do what you want.”).

**Coercion** is unreasonable pressure for sexual activity. Coercive conduct behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**NOTE:** Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

**Consent:** Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar situation, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

**Incapacitation:** Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when they know or should have known, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the consuming of incapacitating drugs.

In Oklahoma, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old may be a crime, and a potential violation of this policy, even if the minor wanted to engage in the act or voluntarily participated in the act.

**Examples of lack of consent:**

Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00pm until 3:00am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being “a prude.” Finally, it seems to Bill that her resolve is weakening, and he convinces her to give him a "hand job" (hand to genital contact). Amanda would never had done it but for Bill's incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn't want it, she could have left. Bill is responsible for violating the University’s Nondiscrimination Policy. It is likely that campus decision-makers would find that the degree and duration of the pressure Bill applied to Amanda are unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.

- Jiang is a junior at the university. Beth is a sophomore. Jiang comes to Beth’s residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, and are soon becoming more intimate. They start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a baby-sitter when she was five, and has not had any sexual relations since, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop, but cannot. Beth is stiff and unresponsive during the intercourse. Is this a policy violation? Jiang would be held responsible in this scenario for non-consensual sexual intercourse, which is a violation of this policy. It is the duty of the sexual initiator, Jiang, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Jiang had no verbal or non-verbal mutually understandable indication from Beth that she consented to sexual intercourse. Of course, wherever possible, it is important to be as clear as possible as to whether or not sexual contact is desired, and to be aware that for psychological reasons, or because of alcohol or drug use, one’s partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.
- Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it’s a lot. After the party, he walks John to his room, and John comes on to Kevin, initiating sexual activity. Kevin asks him if he is really up to this, and John says yes. They remove their clothes, and end up in John’s bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can’t help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during the sex. When Kevin runs into John the next day, he thanks him for the wild night. John remembers nothing and decides to make a report to the

Dean. This is an example of non-consensual sexual intercourse and a violation of this policy. Kevin should have known that John was incapable of making a rational, reasonable decision about sex. Even if John seemed to consent, Kevin was well aware that John had consumed a large amount of alcohol, and Kevin thought John was physically ill, and that he passed out during sex. A person cannot consent if they are unable to understand what is happening or are unconscious for any reason, including due to alcohol. An individual who engages in sexual activity when they know or should have known that the other person is physically incapacitated, has violated this policy.

#### 1.4 Other Civil Rights Offenses

In addition to the forms of sexual misconduct described above, the following behaviors are also prohibited as forms of discrimination when the act is based upon the Complainant's actual or perceived membership in a protected class.

a. **Sexual Exploitation**, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy.
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Creation, possession, or dissemination of child pornography

b. **Threatening or causing physical harm**, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;

c. **Discrimination**, defined as actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities;

d. **Intimidation**, defined as implied threats or acts that cause a reasonable fear of harm

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in another;

- e. **Hazing**, defined as any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate (as defined further in the Hazing Policy);
  - o **Bullying**, defined as repeated and/or severe, aggressive behavior, likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally

Any other University policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

Sanctions for the above-listed "Other Civil Rights Behaviors" behaviors range from a reprimand through expulsion (students) or termination of employment.

### 1.5 Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment or discrimination, supporting a party bringing an allegation, or for assisting in providing information relevant to a claim of harassment or discrimination is a serious violation of Oklahoma City University policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator, or designee, and will be promptly investigated and managed through the appropriate campus process(es). Oklahoma City University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

It is prohibited for the University or any member of the University community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

#### **Examples of Retaliation:**

- Student-athlete A files an allegation against a coach for sexual harassment; the coach subsequently cuts the student-athlete's playing time in half without a legitimate justification.
- A faculty member complains of gender inequity in pay within her department; the department chair then revokes his prior approval allowing her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."
- Student A - from Organization Alpha participates in a sexual misconduct hearing against Student B – also a member of Organization Alpha; Student A is subsequently removed as a member of Organization Alpha because they participated in the hearing.

## 1.6 Support Measures

Oklahoma City University will implement initial remedial, responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. Support measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University's educational environment, and/or deter harassment, discrimination, and/or retaliation. Such actions could include but are not limited to: no contact orders, providing counseling and/or medical services, academic support, living arrangement adjustments, transportation accommodations, visa and immigration assistance, student financial aid counseling, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, referral to campus and community support resources.

The Title IX Coordinator, or designee, promptly makes support measures available to the parties upon receiving notice or a complaint. At the time the support measures are offered, the University will inform the Complainant, in writing, that they may file a formal complaint with the University at that time or in the future, if they have not done so already. The Title IX Coordinator, or designee, works with the Complainant to ensure that their requests are taken into account with respect to the support measures that are planned and implemented.

The University will maintain as confidential any accommodations or support measures, provided confidentiality does not impair the University's ability to provide the accommodations or support measures. The University will implement measures in a way that does not unreasonably burden either party.

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

## Emergency Removal

The University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Civil Rights Investigator in conjunction with the CARE Team using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student, employee, or two representatives from a student organization will be given notice of the action and the option to request to meet with the Title IX Coordinator, or designee, prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show why the action/removal should not be implemented or modified. Meeting should be requested of the Title IX Coordinator, or designee within three calendar days.

This meeting is not a hearing on the merits of the allegation(s) but rather an administrative meeting intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title

IX Coordinator, or designee, determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

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A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator, or designee, for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator, or designee, has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, or designee, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organization leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, or designee, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

When the Respondent is an employee, or a student employee, accused of misconduct in the course of their employment, existing [provisions](#) and [policies](#) for interim action are applicable instead of the above emergency removal process.

### 1.7 Confidentiality and Mandated Reporting of Offenses Under This Policy

All Oklahoma City University employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate University officials – thereby offering options and advice without any obligation to inform an outside agency or campus official unless a Complainant has requested information to be shared. Other resources exist for reporting parties to report crimes and policy violations, and these resources will take action when an incident is reported to them. The following describes the reporting options at Oklahoma City University:

#### A. Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

1. On-campus licensed professional counselors and staff
2. On-campus health service providers and staff
3. On-campus clergy, acting in their capacity as clergy
4. Off-campus (non-employees):
  - Licensed professional counselors
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies

- Clergy/Chaplains

All of the above-listed individuals will maintain confidentiality except in extreme cases of the immediacy of threat or danger or abuse of a minor. Campus counselors and the Employee Assistance Program are available to help free of charge and can be seen on an emergency basis during normal business hours. University employees listed above will submit anonymous statistical information to the Campus Police Department in order to comply with the University's Clery Act reporting requirements, unless they believe it would be harmful to their client, patient, or parishioner.

**B. Formal Reporting Options**

All Oklahoma City University employees have a duty to report unless they fall under the "Confidential Reporting" section above. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared with the Title IX Coordinator, or designee. Employees must promptly share all details of the reports they receive. Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Title IX Coordinator, or designee, by employees, unless the reporting party clearly indicates that they wish a report to be made. Support measures may result from such disclosures without formal University action.

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, or designee, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with the law. Note that the University's ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation and/or the Equity Resolution Process.

The Title IX Coordinator, or designee, has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator, or designee, may sign a formal complaint to initiate the grievance process upon completion of an appropriate violence risk assessment. The Title IX Coordinator, or designee's decision should be based on results of the violence risk assessment that shows a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community. The Title IX Coordinator, or designee, must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a formal process fairly and effectively.

When the Title IX Coordinator, or designee, executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy. When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation.

A compelling risk to health and/or safety may result from evidence indicating pattern, predation, threat, abuse of minors, use of weapons and/or violence. Oklahoma City University will likely be unable to honor a request for confidentiality. In cases where the Complainant requests confidentiality and the circumstances allow Oklahoma City University to honor that request, the University will offer support measures to the Complainant and the community but will not otherwise pursue formal action. A Complainant has the right and can expect, to have allegations taken seriously by the University when

formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords some privacy to the Complainant. Only a small group of University officials who need to know about the report will be told, including but not limited to personnel in: Student Affairs, University Police, and the CARE Team, if applicable. Information will be shared as necessary with investigators, witnesses, and the Complainant. The circle of people with this knowledge will be kept as tight as possible to preserve a Complainant's rights and privacy. Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at <https://reportit.okcu.edu>, or the reporting hotline at (866) 943-5787. Note that these anonymous reports may prompt a need for the University to investigate.

Failure of a non-confidential employee (i.e., any employee not designated above for confidential reporting purposes), to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of University policy and can be subject to disciplinary action up to and including employment termination for failure to comply.

### 1.8 Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Oklahoma City University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### 1.9 False Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and may be subject to appropriate disciplinary action through the appropriate process(es).

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under the appropriate process per University's policy .

### 1.10 Amnesty for Alcohol and Other Drug Use

The University encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report alleged misconduct to University officials or participate in resolution processes because they fear that they themselves may be accused of policy violations. For example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police. It is in the best interests of this community that Complainants choose to report to University officials, and that witnesses come forward to share what they know. To encourage reporting, Oklahoma City University pursues a policy of offering Complainant and witnesses amnesty from minor policy violations related to the incident. An individual who reports harassment, discrimination or misconduct implicating this policy, either as a Complainant or third-party witness will not be subject to disciplinary action by the University for personal consumption of alcohol or drugs or other violations of the conduct policy (not including this policy) at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk and do not involve academic dishonesty.

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While policy violations cannot be overlooked, the University will provide educational remedies, rather than punishment, to those who offer their assistance to others in need.

Being intoxicated by drugs or alcohol is no defense to any violation of this policy and does not diminish one's responsibility to obtain consent.

### 1.11 Parental Notification (allegations involving students)

Oklahoma City University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation. Where a student is non-dependent, the University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. Oklahoma City University also reserves the right to designate which University officials have a need to know about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act.

### 1.12 Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes pursuant to the Clery Act. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, etc.) for publication in the University's Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Campus Security Authorities include: student affairs staff, student conduct, campus law enforcement, local police, coaches, athletic directors, residence life staff, resident hall assistant, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

## 2.0 Interim Resolution Process for Alleged Violation of the Nondiscrimination Policy (Known as Process A, for forms of sexual violence including sexual harassment, sexual assault, dating violence, domestic violence, and stalking)

Oklahoma City University will act on any formal or informal allegation or notice of violation of the Nondiscrimination Policy that is received by the Title IX Coordinator, or designee, or any other Official with Authority.

The procedures described below apply to all allegations of harassment or discrimination on the basis of a protected class involving students, staff or faculty members. The procedures below apply only to qualifying allegations of sexual harassment (including sexual harassment, sexual assault, dating violence, domestic violence, and stalking as defined above) involving students, staff, administrator, or faculty members. If other policies are invoked, such as policies on protected class harassment or discrimination above, please see Appendix B for a description of the procedures applicable to the resolution of such offenses, known as “Process B”. Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator, or designee,.

Any allegations made against a faculty member involving alleged harassment or discrimination that violates the University’s Nondiscrimination Policy shall be resolved in adherence to the procedures set forth in Section nine of the University Faculty Handbook, notwithstanding any provision in this policy to the contrary.

These procedures may also be used to address collateral misconduct occurring in conjunction with harassing or discriminatory conduct (e.g.: vandalism, physical abuse of another, etc.). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the student code of conduct, faculty handbook, or staff handbook, depending on the role of the individual allegedly involved in the misconduct.

### Overview

Upon notice to the Title IX Coordinator, or designee, this resolution process involves a prompt initial assessment to determine if there is reasonable cause to believe the Nondiscrimination Policy has been violated.

The University will initiate one of three responses:

- 1) Offering support measures because the Complainant does not want to proceed formally; and/or
- 2) An informal resolution; and/or
- 3) A Formal Equity Resolution Process including an investigation and a hearing.

The investigation and the subsequent resolution process determine whether the Nondiscrimination Policy has been violated. If so, Oklahoma City University will promptly implement effective remedies designed to end the discrimination, prevent its recurrence, and address any effects.

## 2.1 Equity Resolution Process (ERP)

### Equity Resolution Process Pool

Allegations under the policy on nondiscrimination are resolved using the Equity Resolution Process (ERP). Members of the ERP pool are announced in an annual distribution of this policy to the campus, and to prospective students, their parents, and prospective employees. The list of members and a description of the panel can be found on the [Title IX website](#). Members of the ERP pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator, or designee:

- To provide sensitive intake for and initial advice pertaining to allegations
- To provide investigative support to the Title IX investigator
- To act as process advisors to those involved in the -Grievance Resolution Process
- To serve in a facilitation role in informal resolution or Alternative Resolution if appropriately trained in appropriate resolution modalities (mediation, restorative practices, etc.)
- To serve on hearing panels for allegations
- To serve on appeal panels for allegations
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as Decision-maker regarding the complaint To serve as an Appeal Decision-maker

ERP pool members may recommend proactive policies and serve in an educative role for the community. The President, in consultation with the Title IX Coordinator, or designee,, appoints the ERP pool, which reports to the Title IX Coordinator, or designee. ERP pool members receive annual training organized by the Title IX Coordinator, or designee, including a review of Oklahoma City University policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety and promote accountability. This training will include but is not limited to how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to all forms of harassment and discrimination allegations; Oklahoma City University’s Nondiscrimination Policy and Equity Resolution Process (including Sexual Misconduct); confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance.

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are University employees), and Chairs. All pool members are required to attend annual training to be eligible to serve.

The ERP pool includes:

- Chair: one representative from administration who chairs resolution panel hearings for allegations involving student and employee responding parties
- 12-15 faculty, staff, and administrators.

ERP pool members are usually appointed to two-year terms. Appointments to the pool should be made with attention to representation of groups protected by the Nondiscrimination Policy. Individuals who are interested in serving in the pool are encouraged to contact the Title IX

Coordinator, or designee,.

## 2.2 Reporting Misconduct

Any member of the community, guest or visitor who believes that the Nondiscrimination Policy has been violated should contact the Title IX Coordinator, or designee.

It is also possible for employees to notify the civil rights investigator, a supervisor, or for students to notify an administrative advisor or faculty member. Any member of the community, including visitors, may contact Campus Police to make a report. These individuals will, in turn, notify the Title IX Coordinator, or designee. The Oklahoma City University website also includes an online reporting form at <https://reportit.okcu.edu> which may serve to initiate the resolution process.

All employees receiving reports of a potential violation of the University's Nondiscrimination Policy are expected to promptly contact the Title IX Coordinator, or designee, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with privacy: specific information on any allegation(s) received by any party will be reported to the Title IX Coordinator, or designee, but subject to the University's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation. In all cases, the University will consider the Complainant with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution even when a Complainant chooses not to initiate or participate in the resolution process.

## 2.3 Initial Assessment

Following receipt of notice or a report of an alleged violation of this Policy, the Title IX Coordinator or designee (Civil Rights Investigator or Employee Relations Manager) engages in an initial assessment, which is typically 3-5 business days in duration, to determine if there is reasonable cause to believe the Nondiscrimination Policy may have been violated. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator, or designee, seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Coordinator, or designee determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator, or designee assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator, or designee, reaches out to the Complainant to offer support measures.
- The Title IX Coordinator, or designee, works with the Complainant to ensure they are aware of the right to have an Advisor
- The Title IX Coordinator, or designee, works with the Complainant to determine whether the Complainant prefers a support and remedial response, an informal resolution option, or a formal investigation and Equity Resolution process.
  - If a support and remedial response is preferred, the Title IX Coordinator, or designee, works with the Complainant to identify their and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If an informal resolution option is preferred, the Title IX Coordinator, or designee,

assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.

- If the Equity Resolution Process is preferred, the Title IX Coordinator, or designee determines if the misconduct alleged falls within the scope of Title IX:
  1. If it does, the Title IX Coordinator, or designee, will initiate the formal investigation and resolution process, directing the investigation to address:
    - a. an incident, and/or
    - b. a pattern of alleged misconduct, and/or
    - c. a culture/climate issue, based on the nature of the complaint.
  2. If it does not, the Title IX Coordinator, or designee, determines that Title IX does not apply will:
    - a. “dismiss” that aspect of the complaint\*, if any,
    - b. assesses which policies may apply,
    - c. which resolution process is applicable, and
    - d. will refer the matter for resolution under Process B.

\*Please note that dismissing a complaint under Title IX is only procedural, and does not limit the University’s authority to address a complainant with an appropriate process and remedies.

#### A. **Violence Risk Assessment**

In many cases, the Title IX Coordinator, or designee, may determine that a Violence Risk Assessment (VRA) should be conducted by the CARE Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator, or designee, should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer University about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning is needed.

Threat assessment is the process of evaluating the action ability of violence by an individual against

another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other CARE team members. A VRA authorized by the Civil Rights Investigator should occur in collaboration with the CARE Team. Where a VRA is required by the Civil Rights Investigator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about the University's process for VRA can be found in Appendix A.

#### **B. Dismissal (Mandatory and Discretionary)**

The University **must** dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or
- 3) The University does not have control of the Respondent; and/or
- 4) The conduct did not occur against a person in the United States; and/or
- 5) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the University.

The University **may** dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) The Complainant notifies the Title IX Coordinator, or designee, in writing that they would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by the University; or
- 3) Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. To appeal the decision, the party should submit appeal of decision with rationale to the Title IX Coordinator, or designee within three business days. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

The University is obligated to ensure that the resolution process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described

above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator, or designee,. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the reporting party requests that the Title IX Coordinator, or designee, makes an extraordinary determination to re-open the investigation or to forward the matter for a hearing. This decision lies in the sole discretion of the Title IX Coordinator, or designee,.

## 2.4 Advisors

Each party is allowed to have an advisor of their choice present with them for all meetings and interviews, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and usually not otherwise involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them. The parties may choose advisors from inside or outside the campus community. The Title IX Coordinator, or designee, will also offer to assign a trained ERP pool member Advisor if the party so chooses. If the party chooses an Advisor from the pool available from the University, the Advisor will be trained by the University and be familiar with the University's resolution process. If the parties choose an Advisor from outside the pool of those identified by the University, the Advisor may not have been trained by the University and may not be familiar with the University's policies and procedures. Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

### A. Advisors in Hearings/University-Appointed Advisors

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision- maker(s) during the hearing.

### B. Advisor Role

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Oklahoma City University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the party they are advising, to the investigators, or other Decision-maker(s) except during a hearing proceeding, during cross examination. The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process.

Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions about the process they may have and allows the University an opportunity to clarify the role of the advisor in the ERP.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be provided with a single warning. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator, or designee, will determine whether the advisor may be reinstated or may be replaced by a different advisor.

#### C. [Sharing information with the Advisor](#)

Parties may wish to share documentation related to the allegations with their advisor. The University provides a consent form that authorizes such sharing. The parties must complete this form before the University is able to share records with an advisor, though parties may share the information directly with their advisor if they wish.

#### D. [Privacy of Records Shared with Advisor](#)

Advisors are expected to maintain the privacy of any records or information shared with them. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the University. Oklahoma City University may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

#### E. [Expectations of an Advisor](#)

Oklahoma City University expects an advisor to adjust their schedule to allow them to attend University meetings when scheduled. Oklahoma City University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting

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by telephone, video and/or virtual meeting technologies as may be convenient and available.

#### F. Expectations of the Parties with Respect to Advisors

A party may elect to change advisors during the process and is not locked into using the same advisor throughout the ERP. The parties must advise the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties must provide timely notice to investigators if they change advisors at any time. During the pre-hearing phase, advisor selection will need to be set at least five (5) business days prior to

## 2.5 Resolution Processes

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings in accord with University policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they choose and should discuss doing so with their advisors.

### A. Informal Resolution

Informal Resolution can include three different approaches:

1. When the parties agree to resolve the matter through an alternate resolution mechanism (including mediation, restorative practices, etc.);
2. When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
3. When the Title IX Coordinator, or designee, can resolve the matter informally by providing support measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator, or designee, to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Hearing Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Hearing Process.

Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University. The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in the Informal Resolution.

### B. Alternate Resolution

Alternate Resolution is an informal process (including mediation or restorative practices, etc.) by which a mutually agreed upon resolution of an allegation is reached. All parties must consent to the use of Alternate Resolution.

The Title IX Coordinator, or designee, may look at the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the

parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Cleared violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/intelligence of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator, or designee,. The Title IX Coordinator, or designee, maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

#### **1. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator, or designee, will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator, or designee, will determine whether

- All parties and the University are able to agree on responsibility, sanctions, and/or remedies.
  - If so, the Title IX Coordinator, or designee, implements the accepted finding that the Respondent is in violation of University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.
  - When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

#### **2. Negotiated Resolution**

The Title IX Coordinator, or designee,, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. Negotiated Resolutions are not appealable.

### **2.6 Formal Resolution Process: Notice of Investigation and Allegations**

Once a formal investigation is commenced, the Title IX Coordinator, or designee, will provide written notification of the investigation and allegations to the parties upon the commencement of the Formal

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Hearing Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The notices of investigation and allegation is copied to the Complainant, who is given advanced notice of when the notice will be delivered to the Respondent. The notice will include:

- a summary of all allegations;
- the identity of the involved parties (if known);
- the precise misconduct being alleged;
- the date and location of the alleged incident(s) (if known);
- the specific policies implicated;
- description of the applicable procedures statement of potential sanctions/responsive actions that could result;
- statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;
- statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period;
- a statement about the University's policy on retaliation, information about the privacy of process, on the need for each party to have an Advisor of their choosing and suggestion for ways to identify an Advisor;
- statement informing parties that the University's Policy prohibits knowingly making false statements;
- details how the party may request disability accommodations during the interview process;
- a link to the VAWA Brochure, the name of the investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator, or designee, any conflict of interest that the investigator may have.

Amendments and updates to the notice of investigation and allegations may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official University records, or emailed to the parties' University-issued mail or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Oklahoma City University aims to complete all investigations promptly as circumstances permit. Time periods for investigation can vary and be extended as necessary for appropriate cause by the Title IX Coordinator, or designee, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as provide an estimate of how much additional time will be needed to complete the process.

## 2.7 Investigation

Once the decision is made to commence a formal investigation, the Title IX Coordinator, or designee, may appoint pool member(s) or an external third-party investigator to assist the Title IX investigator in conducting the investigation, usually within five (5) business days of determining that an investigation should proceed. Investigations are completed expeditiously, though some investigations take weeks or even months, depending on the nature, extent and complexity of the allegations, number and availability of witnesses, police involvement, University closures, etc. The University will make a good faith effort to complete the investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Any individual materially involved in the administration of the resolution process including the Title IX Coordinator, or designee,, Investigator(s), and Decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator, or designee, will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator, or designee, will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, or designee,, concerns should be raised with the President.

The Formal Resolution Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The University operates with presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the preponderance of the evidence standard.

Oklahoma City University may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The University will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete.

Oklahoma City University action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable, impartial, prompt, and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available, relevant evidence and identifying sources of expert information, as necessary.

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All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record

The investigator(s) will typically take the following steps, if not already completed (not necessarily in order):

- In coordination with campus partners (e.g. the Title IX Coordinator, or designee,), initiate or assist with any necessary remedial actions;
- Determine the identity and contact information of the Complainant;
- Identify all policies allegedly violated and notify the Complainant and Respondent of all the specific policies violated;
- Assist the Title IX Coordinator, or designee, with an immediate preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy.
- If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action;
- Meet with the Complainant to finalize their statement and/or with any follow-up questions after speaking with the reporting party or witnesses;
- Prepare the notice of investigation and allegation. The Notice may be amended with any additional or dismissed allegations
  - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meeting attended by the party
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party;
- Provide each interviewed party and witness an opportunity to review and verify the Investigator’s summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings;
- If possible, provide written notification to the parties prior to their interviews that they may have the assistance of an ERP pool member or other advisor of their choosing present for all meetings attended by the advisee;
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible;
- When participation of a party is expected, provide the party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result;
- Prior to the conclusion of the investigation, provide the Complainant and the Respondent with a list of witnesses whose information will be used to render a finding;
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses;
- Provide the parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;

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- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Provide regular updates to the Complainant and to the Respondent, as appropriate, throughout the investigation;
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included.
- Prior to the conclusion of the investigation, the report (a secured electronic or hard copy draft) is made available to the parties and their respective Advisors. Parties will review all evidence obtained throughout the investigation that has been deemed directly related to the reported misconduct. The report will also include evidence deemed unrelated to the reported misconduct and not relied upon in reaching a determination. Parties are allowed a ten (10) business day review period to provide rationale as to why any form of evidence should or should not be considered directly related to the reported misconduct. The parties may elect to waive the full ten day review period. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g. Complainant, Respondent, Complainant's Advisor, etc.).
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share responses between the parties for additional responses.
- The investigators will incorporate relevant elements from the party's written responses in the final investigation report, include any additional relevant evidence, make any necessary revisions and finalize the report. The Investigator(s) should document all rationales for any changes made after the review comment period.
- The Investigator(s) shares the report with the Title IX Coordinator, or designee, and/or legal counsel for their review and feedback.
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

### A. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of the University are expected to cooperate with and participate in the University's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Microsoft Teams, Zoom, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

## B. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

## C. Evidentiary Considerations in the investigation

The investigation does not consider:

- (1) incidents not directly related to the possible violation, unless they show a pattern,
- (2) the sexual history of the Complainant (though there may be a limited exception made in regards to the sexual history between the parties or to prove that someone other than the Respondent committed the conduct alleged by the Complainant),
- (3) or the character of the reporting party.

At any point during the investigation, if it is determined there is no reasonable cause to believe that University policy has been violated, the Title IX Coordinator, or designee, has authority to terminate the investigation and end resolution proceedings.

## 2.8 Formal Hearing Panel Procedures

### A. Hearing Panels

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator, or designee, will refer the matter for a hearing. The University will designate a single Chairperson of the Hearing and a three member (or five members if either party is a faculty member) from the available pool to the hearing panel, none of whom have been previously involved with the allegation. An alternate may sit in throughout the process if needed or at the discretion of the Chair. Those who served as investigators will be witnesses in the hearing of the allegation and therefore may not serve as hearing panel members or the hearing chair. Those who are serving the parties as advisors, if any, are not eligible to serve as panelists. If any party to the complaint is a faculty member, the majority of the hearing panel (three) shall be full-time faculty members who have received current training on Title IX investigation and compliance. The panel will meet at a time determined by the Chair.

The Title IX Coordinator, or designee, may not serve as the Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

#### 1. *Evidentiary Consideration in the Hearing*

Formal rules of evidence do not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility or that is improperly prejudicial. The Chair will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The hearing does not consider:

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- incidents not directly related to the possible violation, unless they show a pattern,
- the sexual history of the Complainant (though there may be a limited exception made in regards to the sexual history between the parties),
- or the character of the reporting party.

While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators will supply the panel with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

The panel does not hear from character witnesses but will accept up to two (2) letters supporting the character of each of the parties.

In hearings involving more than one responding party or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the standard procedure will be to hear the allegations jointly; however, depending on the facts or nature of the allegations, the Title IX Coordinator, or designee, may permit the hearing pertinent to each Respondent to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each Respondent.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings in accord with Oklahoma City University policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.

After post-hearing deliberation, the Chair and Panel renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

## B. Notice of Hearing

At least ten (10) business days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Chair will send a letter to the parties with the following information. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

The letter will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Chair, Hearing Panel and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator, or designee, at least five (5) business days prior to the hearing.
- A list of all those who attend the hearing, along with an invitation to object to any

Chair or Hearing Panelist on the basis of demonstrated bias. This must be raised with the Title IX Coordinator, or designee, at least five (5) business days prior to the hearing.

- Information on how the hearing will be recorded and access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator, or designee, if they do not have an Advisor, and the University will appoint a trained ERP pool member (not otherwise participating in the investigation or hearing) or other advisor of their choosing at the hearing (See Section 2.6: “Advisors” above). Each party must have an Advisor present at the hearing. There are no exceptions.
- A copy of all materials provided to the Chair and Hearing Panel about the matter, unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre- hearing that the Chair and Hearing Panel will review during any sanction determination.
- An invitation to contact the Title IX Coordinator, or designee, to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least five (5) business days prior to the hearing.
- Whether parties can/cannot bring mobile phone/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by Oklahoma City University.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

#### 1. *Pre-Hearing Preparation*

The Chair will provide the names of the Hearing Panel Members, witnesses who will be participating in the hearing, all pertinent documentary evidence, and the investigation report to the parties at least ten (10) business days prior to the hearing. *Any witness scheduled to participate in the hearing **must have been interviewed first by investigators.*** All objections to any panelist must be raised in writing detailing rationale for objection to the Title IX Coordinator, or designee, no later than five business (5) days prior to the hearing. Hearing panel members will only be unseated if the Title IX Coordinator, or designee, concludes that their bias precludes an impartial hearing of the allegation. The panelists will be given a list of the names of each party, witnesses, and Advisor at least five (5) days in advance of the hearing. Any panelist or Chair who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisor in advance of the hearing.

## 2. *Pre-Hearing Meetings*

The Chair will convene a pre-hearing meeting(s) with the parties and/or their Advisors to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

*\*New information is defined as information or testimony that was not known during the initial investigation (choosing not to participate or provide documentation does not meet the definition of new information).*

The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant.

Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator, or designee, or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded.

All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though direct questioning including formal cross-examination is not permitted between the parties. All questions of the parties intended for the other party shall be submitted to the Chair for the Advisor to ask the questions on each party's behalf during the hearing. The Chair shall have discretion to determine if the questions are appropriate and relevant to the case. Prepared questions should be submitted to the Chair at least five (5) business days prior to the hearing. Additional questions may be submitted during the hearing as appropriate.

If alternative attendance or questioning mechanisms are desired, such as the Complainant not wanting to be in the same room as the Respondent for the hearing (screens, Teams, etc.), the parties should request them from the Chair at least five (5) business days prior to the hearing. In the case of documented disabilities for which accommodations in the process are necessary, the University will make reasonable

accommodations for the parties when requested in advance.

### C. Hearing Procedures

Hearing panels will be conducted in private. Hearings (except for deliberations) are recorded for purposes of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted. The parties and/or advisors will be allowed a copy of the recording by the Title IX Coordinator, or designee,. No person will be allowed to make a copy of the recording without permission of the Title IX Coordinator, or designee,.

The Chair has the authority to hear and make decisions on all allegations of discrimination, harassment, and/or retaliation and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the panel's jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary.

Participants will include the Chair , the members of the panel, the investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives where an organization is charged), advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The Chair will allow witnesses who have relevant information at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties will then be excused.

#### 1. *Order of the Hearing – Introduction and Explanation of Procedure*

The Chair explains the procedures and introduces the participants. The Chair then conducts the hearing according to the hearing script. The Chair may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conference technology is working as intended; copying and distributing materials to participants as appropriate.

#### 2. *Investigator Presents the Final Investigation Report*

The investigator will present a summary of the final investigation, including items that are contested and those that are not, and will be subject to questioning by the parties (through their Advisor) and the panel. The investigator(s) will be present during the entire hearing process but will only be present during deliberations at the request of the Chair. Neither the parties nor the Chair or Hearing Panel members should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

#### 3. *Testimony and questioning*

Once the investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Chair and Hearing Panel and then by the parties through their Advisors ( All questions are subject to a relevance determination by the Chair.) The Chair will rule which presubmitted questions are relevant and may be asked of the parties/witnesses by the Advisors. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing

(orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair). Any follow up questions for the parties/witnesses will be addressed to the Chair. The proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to who the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has the final decision on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator, Chair, or Hearing Panel at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, or designee,, and/or preserve them for appeal. If bias is not an issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

There will be no observers in the hearing. The Chair may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the parties involved, and then be excused.

#### *4. Refusal to Submit to Cross-Examination and Inferences*

The Chair and Hearing Panel may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Chair and Hearing Panel may consider all evidence it deems relevant, may rely on any relevant statement, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the University's established rules of decorum for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

#### *5. Alternative Testimony Options*

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator, or designee, or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator, or designee, or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator, or designee, or the Chair know at least five (5) business days prior to the

hearing so that appropriate arrangements can be made.

#### D. Deliberation and Decisions

The Chair and Hearing Panel will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The panel will base its determination(s) on a preponderance of the evidence (i.e., whether it is more likely than not that the responding party committed each alleged violation). If a Respondent or organization is found responsible by a majority of the panel to one or more of the allegations, the Chair may then consider the previously submitted party impact statements in determining appropriate sanctions. The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Chair and Hearing Panel may – at their discretion – consider the statements, but they are not binding. The Chair and Hearing Panel will review the statements and any pertinent conduct history and will determine the appropriate sanction(s) in consultation with the Title IX Coordinator, or designee, as required.

The Chair will prepare a written deliberation statement and deliver it to the, detailing the following:

1. The determination,
2. The information cited by the panel in support of its determination on,
3. Any information the hearing panel excluded from its consideration and why,
4. Credibility assessments, and
5. Conclude with any recommended sanctions.

This report should not exceed two (2) pages in length and must be submitted to the Title IX Coordinator, or designee, within five (5) business days of the end of deliberations unless the Title IX Coordinator grants an extension.

The Title IX Coordinator, or designee, will finalize the recommendations and will inform the parties of the final determination – both the finding(s) and applicable sanction(s) within five (5) business days of receiving the written hearing decision from the Chair, without significant time delay between notifications. Notification will be shared simultaneously to the parties. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records, or emailed to the parties' University-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

The notification of the outcome will

1. Specify the findings on each alleged policy violation,
2. Any sanctions that may result which the University is permitted to share according to state or federal law,
3. The rationale supporting the essential findings to the extent Oklahoma City University is permitted to share under state or federal law; and
4. Any remedies provided to the Complainant designed to ensure access to the University's educational or employment program or activity, to the extent the University is permitted to share such information under state or federal law, and
5. Information on when the results are considered by the University to be final,
6. Any changes that occur prior to finalization, and
7. Any appeals options that are available.

## E. Sanctions

The hearing panel assigned to the resolution will recommend sanctions or responsive actions to the Title IX Coordinator, or designee. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- Any other information deemed relevant by the hearing panel
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the reporting party and/or the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to other actions taken or sanctions imposed by external authorities.

### 1. *Student Sanctions*

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any University policy, procedure or directive will result in more severe sanctions/responsive actions.
- **Probation:** A written reprimand for violation of the Nondiscrimination Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any University policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Oklahoma City University. This sanction may be noted as a Disciplinary Suspension on the student's official transcript, at the discretion of the Title IX Coordinator, or designee,.
- **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend Oklahoma City University-sponsored events. This sanction will be noted as a Disciplinary Expulsion on the student's official transcript.

- **Withholding Diploma:** Oklahoma City University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree:** Oklahoma City University reserves the right to revoke a degree awarded from Oklahoma City University for fraud, misrepresentation or other violation of Oklahoma City University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions:** Deactivation, de-recognition, loss of all privileges (including University registration), for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, Oklahoma City University may assign any other sanctions as deemed appropriate.

## 2. *Employee Sanctions*

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation may include:

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Administrative Leave with pay
- Administrative Leave without pay
- Termination
- **Other Actions:** In addition to or in place of the above sanctions, Oklahoma City University may assign any other sanctions as deemed appropriate.

## F. *Withdrawal or Resignation While Charges Pending*

Students: During the resolution process, the University may put a hold on a responding party's transcript or place a notation on a responding student's transcript that a disciplinary matter is pending. If a student withdraws from the University with an allegation pending for violation of the Nondiscrimination Policy, the University will enter a transcript notation referencing the pending conflict resolution. If a student has an allegation pending for a violation of the Nondiscrimination policy, the University may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma. Should a student decide to leave and/or not participate in the resolution process, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to Oklahoma City University unless all sanctions have been satisfied. Should a student Respondent permanently withdraw from the University, the resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student.

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However, the University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the University. Such exclusion applies to all campuses of the University. A hold will be placed on their ability to be readmitted. They may also be barred from the University property and/or events.

Employees: Should an employee resign with unresolved allegations pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee.

However, the University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The records of the Title IX Coordinator, or designee, will reflect that status, and any University responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

## G. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator, or designee, within ten (10) business days of the delivery of the written Hearing Panel Outcome Notification. Any party may appeal the findings, and/or sanctions only under the grounds described, below.

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. material deviation from established procedures, etc.).
- To consider new evidence, unknown during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The Title IX Coordinator, or designee, Investigator(s), Hearing Panel had a conflict interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

*\*New information is defined as information or testimony that was not known during the initial investigation (choosing not to participate or provide documentation does not meet the definition of new information).*

A three member appeals panel chosen from the ERP pool will be designated by the Title IX Coordinator, or designee, from those who have not been involved in the process previously.

If any of the grounds in the Request for Appeal do not meet the grounds in the Policy, that request will be denied by the Chair and parties and their Advisors will be notified in writing of that denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, or designee, and when appropriate, the Investigator and/or the original Decision-maker(s).

The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request

have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

When any party requests an appeal, the Title IX Coordinator, or designee, will share the appeal request with the other party(ies), who may file a response within five (5) business days and/or bring their own appeal on separate grounds within the original timeframe. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within five (5) business days. Any response or appeal request will be shared with each party. No character reference letters will be accepted during the appeal process.

Where the appeals panel finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the Appeals panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original hearing panel merely because they disagree with its finding and/or sanctions.
- The Appeal Chair/Panel may consult with the Title IX Coordinator, or designee, on question of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original hearing panel or investigators for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator, or designee, or, in limited circumstances, heard by the three- member appeals panel.
- Sanctions imposed as the result of the Formal or Informal Resolution processes are implemented immediately unless the Title IX Coordinator, or designee, or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- For students: Graduation, study abroad, internships/ externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- The Title IX Coordinator, or designee, will confer with the appeals panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within five (5) business days from receiving the written outcome of hearing of the appeal or remand.
- All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision or remand.
- Where appeals result in no change to the finding or sanction, that decision is final. Where an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these

procedures.

- All parties will be informed in writing within five (5) days of the Title IX Coordinator, or designee, receiving the written outcome of the Appeals Panel, without significant time delay between notifications, and in accordance with the standards for notice of outcome as defined above.
- In rare cases where a procedural or substantive error cannot be cured by the original hearing panel (as in cases of bias), the appeals panel may recommend a new hearing with a new hearing panel. The results of a remand to a hearing panel cannot be appealed. The results of a new hearing can be appealed, once, on any of the three applicable grounds for appeals.
- In cases where the appeal results in reinstatement to Oklahoma City University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

#### H. Long-Term Remedies/Actions

Following the conclusion of the ERP and in addition to any sanctions implemented, the Title IX Coordinator, or designee, may utilize long-term remedies or actions to stop the harassment or discrimination, remedy its effects and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanently altering the housing situation of the responding party (resident student or resident employee (or the reporting party, if desired))
- Permanently altering work arrangements for employees
- Providing campus escorts
- Climate surveys
- Policy modification
- Providing transportation accommodations
- Implementing long-term contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc. At the discretion of the Title IX Coordinator, or designee,, long-term remedies may also be provided even when the respondent is found not responsible.

The University will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the University's ability to provide the actions or protective measures.

#### I. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All responding parties are expected to comply with conduct sanctions, responsive actions and corrective actions within the timeframe specified by the Title IX Coordinator, or designee,. Failure to abide by these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion, and/or termination from Oklahoma City University and may be noted on a

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student’s official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator, or designee,.

#### J. Records

In implementing this policy, the University will maintain records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the University’s education program or activity;
4. Any appeal and the result
5. Any Informal Resolution and the result
6. All materials used to train Title IX Coordinator, or designees, Investigators, Chair, Hearing Panel, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on the University website.
7. Any actions, including support measures, taken in response to a report or formal complaint of sexual harassment including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to the University’s education program or activity; and
  - c. If no support measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the unknown circumstances.

The University will also maintain all records in accordance with state and federal laws.

#### K. Statement of the Rights of the Parties

##### 1. *Statement of the Complainant’s rights:*

- The right to an equitable investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to Oklahoma City University officials;
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the incident;
- The right not to have any personally identifiable information released to the public, without their consent;
- The right to be treated with respect by Oklahoma City University officials;
- The right to have Oklahoma City University policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any

- reported misconduct involving violence, including sexual violence;
- The right not to be discouraged by Oklahoma City University officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by Oklahoma City University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well;
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus law enforcement and other campus officials;
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community;
- The right to a campus no contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the reporting party and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
  - Change of on-campus student’s housing to a different on-campus location;
  - Assistance from University support staff in completing the relocation;
  - Transportation accommodation;
  - Arranging to dissolve a housing contract and pro-rating a refund;
  - Rescheduling Exam (paper, assignment);
  - Taking an incomplete in a class;
  - Transferring class sections;
  - Temporary withdrawal;
  - Alternative course completion options.
- The right to have Oklahoma City University maintain such accommodation for as long as is necessary, and for support measures to remain confidential, provided confidentiality does not impair the institution’s ability to provide the accommodations or support measures;
- The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible. The right to ask the investigators and Decision-Maker(s) to identify and question relevant witnesses, including expert witnesses;
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of

the alleged misconduct and have that account be on the record.

- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any new (evidence not known during the investigation) relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant. The right not to have irrelevant prior sexual history admitted as evidence;
- The right to regular updates on the status of the investigation and/or resolution;
- The right to have reports heard by hearing and appeals officers who have received at least eight hours of annual sexual misconduct training;
- The right to a panel that is not single sex in its composition, if a panel is used;
- The right to preservation of privacy, to the extent possible and permitted by law;
- The right to meetings, interviews and/or hearings that are closed to the public;
- The right to petition that any Oklahoma City University representative in the process be recused on the basis of demonstrated bias and/or conflict of interest;
- The right to bring a victim advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding;
- The right to provide evidence by means other than being in the same room with the Respondent;
- The right to have the university compel the participation of student, faculty and staff witnesses, and the opportunity (if desired) to ask questions, directly or indirectly, of all present witnesses [including the Respondent] through their advisor, and the right to challenge documentary evidence;
- The right to be present for all testimony given and evidence presented during any resolution-related hearing;
- The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence.
- The right to submit an impact statement in person to the Hearing Panel;
- The right to be promptly informed in written Notice of Outcome letter of the finding(s) and sanction of the resolution process and a detailed rationale (including an explanation of how credibility was assessed), delivered simultaneously without undue delay to the parties;
- The right to be informed in writing of when a decision by Oklahoma City University is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and

sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by Oklahoma City University.

- The right to a fundamentally fair resolution as defined in these procedures.

*L. Statement of the Respondent's rights:*

- The right to an investigation and appropriate resolution of all credible reports of sexual misconduct and/or discrimination made in good faith to Oklahoma City University administrators;
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the applicable policies and procedures and possible sanctions; The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance, when possible, of any public release of information regarding the report;
- The right to be treated with respect by Oklahoma City University officials;
- The right to have Oklahoma City University policies and procedures followed without material deviation;
- The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services;
- The right to have the University maintain such actions for as long as necessary and for support measures to remain private, provided privacy does not impair the University's ability to provide the support measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Hearing Chair to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Hearing Chair with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any new (evidence not known during the investigation) relevant evidence after the opportunity to review the investigation report, and to have that response

on the record.

- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to have reports heard by hearing and appeals officers who have received at least eight hours of annual training;
- The right to petition that any Oklahoma City University representative be recused from the resolution process on the basis of demonstrated bias and/or conflict of interest;
- The right to a panel that is not single sex in its composition, if a panel is used;
- The right to meetings, interviews, and hearings that are closed to the public;
- The right to have Oklahoma City University compel the participation of student, faculty and staff witnesses, and the opportunity to ask questions, directly or indirectly, of all present witnesses, and the right to challenge documentary evidence through their advisor;
- The right to have an advisor of their choice to accompany and assist in the campus resolution process;
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to submit an impact statement in person to the Hearing Panel;
- The right to make a decision based solely on the evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction of the resolution process and a detailed rationale (including and explanation of how credibility was assessed), delivered simultaneously without undue delay to the parties;
- The right to be informed in writing of when a decision of the Oklahoma City University is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and/or sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by Oklahoma City University.

## 2.8 Disabilities Accommodation in the Equity Resolution Process

Oklahoma City University is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Equity Resolution Process at Oklahoma City University. Anyone needing such accommodations or support should contact the Assistant Director for Disability and Access Services who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, or designee,, determine which accommodations are appropriate and necessary for

full participation.

## 2.9 Revision

These policies and procedures will be reviewed regularly and updated as needed by the Title IX Coordinator, or designee,. Oklahoma City University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect. The Title IX Coordinator, or designee, may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Title IX Coordinator, or designee, may also vary procedures materially with notice (on the institutional website, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally. This policy and procedure were approved and implemented on August 14, 2020.

Last Update: 8/2025

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## Appendix A: Violence Risk Assessment (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A **Violence Risk Assessment (VRA)** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other Behavioral Intervention Team (BIT) (sometimes also known as CARE teams) members.

A VRA occurs in collaboration with the BIT, CARE, and or threat assessment team and must be understood as an on-going process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

1. an appraisal of **risk factors** that escalate the potential for violence;
2. a determination of **stabilizing influences** that reduce the risk of violence;
3. a contextual **analysis of violence risk** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence; and
4. the application of **intervention and management** approaches to reduce the risk of violence.

To assess an individual's level of violence risk, the Title IX Coordinator, or designee,, or designee will initiate the violence risk assessment process through the BIT or CARE Team. The BIT or CARE Team will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor will follow the process for conducting a violence risk assessment as outlined in the BIT or CARE Team manual and will rely on a consistent, research-based, reliable system that allows the operationalization of the risk levels.

Some examples of formalized approaches to the VRA process include: The NaBITA Risk Rubric,<sup>2</sup> The Structured Interview for Violence Risk Assessment (SIVRA-35),<sup>3</sup> The Extremist Risk Intervention Scale, (ERIS),<sup>4</sup> Looking Glass,<sup>5</sup> Workplace Assessment of Violence Risk (WAVR-21),<sup>6</sup> Historical Clinical Risk Management (HCR-20),<sup>7</sup> and MOSAIC.<sup>8</sup>

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<sup>2</sup> [www.nabita.org/tools](http://www.nabita.org/tools)

<sup>3</sup> [www.nabita.org/resources/assessment-tools/sivra-35/](http://www.nabita.org/resources/assessment-tools/sivra-35/)

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The VRA is conducted independently from the Title IX process, free from outcome pressure, but is informed by it. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The BIT/CARE Team member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator, or designee, as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community.

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<sup>4</sup> [www.nabita.org/resources/assessment-tools/eris/](http://www.nabita.org/resources/assessment-tools/eris/)

<sup>5</sup> [www.nabita.org/looking-glass](http://www.nabita.org/looking-glass)

<sup>6</sup> [www.wavr21.com](http://www.wavr21.com)

<sup>7</sup> [hcr-20.com](http://hcr-20.com)

<sup>8</sup> [www.mosaicmethod.com](http://www.mosaicmethod.com)

## Appendix B: Process B

(Process for all other forms of discriminatory harassment)

Process B is applicable when the Title IX Coordinator, or designee, determines the Equity Resolution Process (Process A) is inapplicable, or offenses subject to Process A have been dismissed. If ERP is applicable, ERP must be applied in lieu of Process B.

The University can substitute any alternative process instead of Process B, if desired. The Violence Against Women’s Act (VAWA Section 304 requirements apply to Process B or any alternative process for reports that fall under VAWA. Title IX requirements outside of Section 106.30 (based on the original 1975 regulations, the 2001 Revised Guidance, etc.) may also be applicable to Process B.

### **A. INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE NONDISCRIMINATION POLICY**

The University will act on any formal or informal allegation or notice of violation of the Nondiscrimination Policy that is received by the Title IX Coordinator, or designee, or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy above.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

#### **1. Initial Assessment**

Following intake, receipt of notice, or a complaint of an alleged violation of the University’s Nondiscrimination Policy, the Title IX Coordinator or designee engages in an initial assessment, which is typically three to five business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator, or designee, reaches out to the Complainant to offer support measures. The Title IX Coordinator, or designee, works with the Complainant to ensure they have an Advisor.
- The Title IX Coordinator, or designee, works with the Complainant to determine whether the Complainant prefers a support response or an Administrative Resolution.
  - If a support and remedial response is preferred, the Title IX Coordinator, or designee, works with the Complainant to identify their requests and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
  - If an Informal Resolution option is preferred, the Title IX Coordinator, or designee, assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
  - If Administrative Resolution is preferred, the Title IX Coordinator, or designee, initiates the investigation process and determines whether the scope of the investigation will address:

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- Incident, and/or
  - A potential pattern of misconduct, and/or
  - A culture/climate issue.
- In many cases, the Title IX Coordinator, or designee, may determine that a Violence Risk Assessment (VRA) should be conducted by the CARE Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
    - Interim suspension of a Respondent who is a threat to health/safety;
    - Whether the Title IX Coordinator, or designee, should pursue Administrative Resolution absent a willing/able Complainant;
    - Whether to put the investigation on the footing of incident and/or pattern and/or climate;
    - To help identify potentially predatory conduct;
    - To help assess/identify grooming behaviors;
    - Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful;
    - Whether to permit a voluntary withdrawal by the Respondent;
    - Whether to impose transcript notation or communicate with a transfer University about a Respondent;
    - Assessment of appropriate sanctions/remedies;
    - Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

More about the University's process for VRA can be found in Appendix A.

Based on the initial assessment, the University will initiate one of two responses:

- Informal Resolution – typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
- Administrative Resolution – investigation of policy violation(s) and recommended finding, subject to a determination by the Title IX Coordinator, or designee, and the opportunity to appeal to an Appeal Panel.

The investigation and the subsequent Administrative Resolution determine whether the Nondiscrimination policy has been violated. If so, the University will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator, or designee,. At any point during the initial assessment or formal investigation, if the Title IX Coordinator, or designee, determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator, or designee, review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, or designee,, but the request is usually only granted in extraordinary circumstances.

## 2. Resolution Process Pool

The resolution processes rely on a pool of officials ("Pool") to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all students and their parents/guardians, employees, prospective students, and prospective employees.

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The list of members and a description of the Pool can be found at [www.okcu.edu/titleix](http://www.okcu.edu/titleix). Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator, or designee,:

- To provide sensitive intake for and initial advice pertaining to the allegations
- To act as optional process Advisors to the parties
- To facilitate Informal Resolution
- To investigate allegations
- To serve as a Decision-maker
- To serve on an Appeal Panel

The Title IX Coordinator, or designee,, in consultation with the President, carefully vets Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training organized by the Title IX Coordinator, or designee,, including a review of Oklahoma City University policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

The Pool members receives annual training. This training includes, but is not limited to:

- The scope of the University's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to render findings and generate clear, concise, evidence-based rationales

Specific training is also provided for intake personnel, and Advisors. All Pool members are required to attend this annual training.

The Resolution Process Pool includes:

- 2 or more Co-Chairs: one representative from HR and one from Student Affairs, who are *ex officio* members and who respectively chair resolution panel hearings for allegations involving student and employee Respondents
- 12-15 faculty, staff, and administrators

Pool members are usually appointed to two-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator, or designee,.

### **3. Counterclaims**

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. The University is obligated to ensure that any process is not abused for retaliatory purposes.

The University permits the filing of counterclaims, but uses the initial assessment described above in the Policy section, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator, or designee,. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this Policy.

#### **4. Advisors**

##### **a. Expectations of an Advisor**

The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned, but the University may change scheduled meetings to accommodate an Advisor’s inability to attend, if doing so does not cause an unreasonable delay. The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by University policies and procedures may face the loss of that Advisor and/or possible Policy violations. Advisors are expected to consult with their advisees without disrupting University meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

##### **b. Expectations of the Parties with Respect to Advisors**

Each party may choose an Advisor who is eligible and available to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator, or designee, if they change Advisors at any time.

Upon written request of a party, the University will copy the Advisor on all communications between the University and the party. The Advisor may be asked to sign a non-disclosure agreement regarding private, sensitive records.

#### **5. Resolution Options**

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose but are encouraged to discuss with their Advisors first before doing so.

**a. Informal Resolution**

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternate Resolution (mediation, restorative practices, etc.) , or when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator, or designee, can resolve the matter informally by providing remedies to resolve the situation.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the fact, Administrative Resolution may be pursued

- **Alternate Resolution**

Alternate Resolution is an informal process, such as mediation or restorative practices, by which a mutually agreed upon resolution of an allegation is reached. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Alternate Resolution.

The Title IX Coordinator, or designee, determines if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution.

In an Alternate Resolution meeting, a trained administrator facilitates a dialogue with the parties to an effective resolution, if possible. Institutionally-imposed sanctions are not possible as the result of an Alternate Resolution process, though the parties may agree to accepted sanctions and/or appropriate remedies.

The Title IX Coordinator, or designee, maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Administrative Resolution process is completed should the parties and the Title IX Coordinator, or designee, believe it could be beneficial. The results of Alternate Resolution are not appealable.

- **Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator, or designee, makes a determination that the individual is in violation of University Policy.

The Title IX Coordinator, or designee, then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator, or designee, or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator, or designee, has determined appropriate sanction(s) or responsive actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The parties are still able to seek Alternate Resolution on the remaining allegations, subject to the stipulations above.

- **Negotiated Resolution**

The Title IX Coordinator, or designee,, with the consent of the parties, may negotiate and implement any agreement to resolve the allegations that satisfies all parties and the University.

- **Administrative Resolution**

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Nondiscrimination Policy at any time during the process. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator, or designee, will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least 48 hours in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records, or emailed to the parties' University-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

The University aims to complete all investigations promptly as circumstances permit, which can be extended as necessary for appropriate cause by the Title IX Coordinator, or designee, with notice to the parties as appropriate.

The Title IX Coordinator, or designee, will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator, or designee, will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, or designee,, concerns should be raised with the University President.

Investigations are completed expeditiously, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

The University may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the University's resolution process are being investigated by law enforcement. The University will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.

University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, though the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

## **6. Investigation**

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator, or designee,), initiate or assist with any necessary support measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator, or designee, with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses

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- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned.
- Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of a Pool member as a process Advisor appointed by the University or other Advisor of their choosing present for all meetings attended by the advisee
- When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give instructions to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator’s summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within ten (10) business days and incorporate that response into the report, if appropriate
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Share the report with the Title IX Coordinator, or designee, or legal counsel for review and feedback
- Provide the final report to the Title IX Coordinator, or designee, with one of two options:
  - Include in the report a recommendation to the Title IX Coordinator, or designee, on a determination, based on a preponderance of the evidence, whether a policy violation is more likely than not to have occurred; OR
  - Gather, assess, and synthesize evidence without making a finding, conclusion, determination or recommendation.
  - Provide the final report to the Title IX Coordinator, or designee,. Recommend to the Title IX Coordinator, or designee, a finding, based on a preponderance of the

evidence (whether a policy violation is more likely than not).

## **7. Determination**

Within ten (10) business days of receiving the Investigator’s recommendation, the Title IX Coordinator, or designee, reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, Title IX Coordinator, or designee, may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The recommendation of the investigation should be strongly considered but is not binding on the Title IX Coordinator, or designee, may invite and consider impact statements from the parties if and when determining appropriate sanction(s), if any.

The Title IX Coordinator, or designee, then timely provides the parties with a written Notice of Outcome to include findings, any sanction(s), and a detailed rationale, delivered simultaneously (without undue delay) to the parties

## **8. Additional Details of the Investigation Process**

### **a. Witness responsibilities**

Witnesses (as distinguished from the parties) who are faculty or staff of the University are expected to cooperate with and participate in the University’s investigation and resolution process. Failure of a witness to cooperate with and/or participate in the investigation or resolution process constitutes a violation of Policy and may be subject to discipline.

### **b. Remote processes**

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) determine that timeliness or efficiency dictates a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. Where remote technologies are used, the University makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

### **c. Recording**

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

### **d. Evidence**

Any evidence that is relevant and credible may be considered, including an individual’s prior

misconduct history as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

**e. Sexual history/patterns**

Unless the Title IX Coordinator, or designee, determines it is appropriate, the investigation and the finding do not consider:

- (1) incidents not directly related to the possible violation, unless they evidence a pattern;
- (2) the sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or
- (3) the character of the parties.

**f. Previous allegations/violations**

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator, or designee, with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s), if the University uses a progressive discipline system.

**g. Character witnesses**

Neither the Title IX Coordinator, or designee, nor the Investigator(s) meet with character witnesses, but the Investigator(s) may accept up to two (2) letters supporting the character of each of the parties. Such letters must be provided to the Investigator(s) prior to the report being finalized; otherwise, the parties have waived their right to provide such letters.

**h. Notification of outcome**

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator, or designee, (in consultation with administrators as appropriate) determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator, or designee, informs the parties of the determination within five business days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the parties' University-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which the University is permitted to share pursuant to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

The notice will detail when the determination is considered final and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found in section 11 below.

## 9. Sanctions

**Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:**

- The nature, severity of, and circumstances surrounding the violation
- An individual’s disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator, or designee,

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

### a. Student Sanctions

The following are the sanctions that may be imposed upon students or student organizations singly or in combination:

- *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation:* A written reprimand for violation of University Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any University policy, procedure or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the University. At the discretion of the Title IX Coordinator, or designee,, this sanction may be noted as a Disciplinary Suspension on the student’s official transcript.
- *Expulsion:* Permanent termination of student status, revocation of rights to be on campus for any reason or attend University- sponsored events. This sanction will be

noted as a Conduct Expulsion on the student's official transcript.

- *Withholding Diploma and/or Official Transcripts*: The University may withhold a student's diploma and/or official transcripts for a specified period of time, and/or deny a student participation in commencement activities, if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: The University reserves the right to revoke a degree previously awarded from the University for fraud, misrepresentation, or other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including University registration), for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

#### **b. Employee Sanctions**

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement/Management*
- *Required Counseling*
- *Required Training/ Education Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

#### **10. Withdrawal or Resignation While Charges are Pending**

Students: During the resolution process, the University may put a hold on a Respondent's transcript or place a notation on a Respondent's transcript that a disciplinary matter is pending. If a student withdraws from the University with an allegation pending for violation of the Nondiscrimination Policy, the University will enter a transcript notation referencing the pending conflict resolution. If a student has an allegation pending for a violation of the Nondiscrimination policy, the University may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma. Should a student decide to leave and/or not participate in the resolution process, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to Oklahoma City University unless all sanctions have been satisfied. Should a student Respondent permanently withdraw from the University, the resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student. However, the University will continue to address and remedy any systemic issues, variables that may have

contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the University. Such exclusion applies to all campuses of the University. A hold will be placed on their ability to be readmitted. They may also be barred from the University property and/or events.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator, or designee, will reflect that status, and any University responses to future inquiries regarding employment references for that individual will include the former employee's unresolved status.

## 11. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator, or designee, within ten (10) business days of the delivery of the written finding of the Title IX Coordinator, or designee,. Any party may appeal the findings only under the grounds described below.

1. A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, failure to correctly apply the evidentiary standard).
2. To consider \*new evidence, unknown during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
3. The Title IX Coordinator, or designee,, Investigator(s), Hearing Panel had a conflict interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

\*New information is defined as information or testimony that was not available during the initial investigation (choosing not to participate or provide documentation does not meet the definition of new information).

A three-member appeals panel chosen from the Title IX Resource Pool will be designated by the Title IX Coordinator, or designee, from those who have not been involved in the process previously. One member of the Appeal Panel will be designated as the Chair. Any party may appeal, but appeals are limited to the abovementioned grounds.

When any party requests an appeal, the Title IX Coordinator, or designee, will share the appeal request with the other party(ies) or other appropriate persons such as the Investigator(s), who may file a response within five (5) business days. The other party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within five (5) business days. These responses or appeal requests will be shared with each party. The Appeal Chair/Panel will review the appeal request(s) within ten (10) business days of parties completing the pre-appeal exchange of materials, unless the TIX Coordinator, or designee grants additional time and provides rationale to all parties for delay. If grounds are not sufficient for an appeal, or the appeal is not timely, the appeal Chair/Panel dismisses the appeal.

When the appeal Chair/panel finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Chair/Panel are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal. No additional character statements will be accepted.
- An appeal is not an opportunity for the Appeal Chair/Panel to substitute their judgment for that of the original Investigator(s) or Title IX Coordinator, or designee, merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Chair/Panel.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator, or designee, stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
  - For students: Graduation, study abroad, internships/ externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- All parties will be informed in writing within five business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.
- In rare cases when a procedural error cannot be cured by the original Investigator(s) and/or Title IX Coordinator, or designee, (as in cases of bias), the Appeal Chair/Panel may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator. The results of a new Administrative Resolution process can be appealed once, on any of the three applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

## 12. Long-Term Remedies/Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator, or designee, may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program Education to the community
- Permanent alteration of housing assignments

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- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, or designee, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator, or designee, will address any remedial requirements owed by the University to the Respondent.

### **13. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions**

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator, or designee.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from the University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator, or designee.

### **14. Recordkeeping**

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept indefinitely, or as required by state or federal law or institutional policy, by the Title IX Coordinator in the Title IX case database.

### **16. Disabilities Accommodation in the Resolution Process**

Oklahoma City University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at Oklahoma City University. Anyone needing such accommodations or support should contact the Assistant Director of Disability and Access, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, or designee, determine which accommodations are appropriate and necessary for full participation in the process.

### **17. Revision**

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator, or designee. The University reserves the right to make changes to this document as necessary and once those

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changes are posted online, they are in effect.

The Title IX Coordinator, or designee may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator, or designee, may also vary procedures materially with notice (on the University 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 procedure.

Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

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

This policy and procedure were implemented on August 14, 2020.

Last Update: 8/2025