Section 1.3 PROCEDURE RELATED TO THE INVESTIGATION AND RESOLUTION OF COMPLAINTS INVOLVING SEXUAL DISCRIMINATION AND HARASSMENT

Table of Contents:
1.3.1 Introduction
1.3.2 Initial Assessment
1.3.3 Notice of Allegations
1.3.4 Dismissal
1.3.5 Informal Resolution
1.3.6 Formal Resolution
1.3.7 Hearing Procedures
1.3.8 Determination Regarding Responsibility
1.3.9 Appeals
1.3.10 Timelines
1.3.11 Records Retention
1.3.12 Sanctions (Students)
1.3.13 Sanctions (Employees)

1.3.1 INTRODUCTION: The University of Central Oklahoma (the “University”) is committed to providing a safe and non-discriminatory environment for all members of the University community. The University prohibits discrimination on the basis of sex including Sexual Harassment, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Sexual Exploitation, Domestic Violence, Dating Violence, Stalking, Complicity and Retaliation (together, “Prohibited Conduct”). These forms of Prohibited Conduct are defined in the University of Central Oklahoma Policy Prohibiting Discrimination and Harassment as Defined, Including Sexual Misconduct (the “Policy”, Section 1.2). This Section identifies the procedures (the “Procedures”) the University follows when it receives a report alleging Prohibited Conduct by a University Employee or student. The University uses these Procedures to investigate and adjudicate any such allegations and to impose disciplinary sanctions against Employees and students found responsible for violating the Policy and implement directives to prevent and remedy affected individuals and communities, as appropriate.

1.3.2 INITIAL ASSESSMENT: Upon receipt of a report of Prohibited Conduct in a University education program or activity, the Title IX Coordinator will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. In this initial assessment, the Title IX Coordinator will:

A. Assess the Complainant’s safety and well-being and offer the University’s immediate support and assistance;

B. Inform the Complainant of the right to seek medical treatment and explain the importance of
obtaining and preserving forensic and other evidence;

C. Inform the Complainant of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;

D. Inform the Complainant about University supportive measures and community resources, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other on- and off-campus services available. Individuals will be informed of and offered resources such as living situation support (room changes and on-campus housing relocation), academic support (such as tutoring and emergency absence notifications), transportation situation support, working situation support, and other supportive measures available to help ensure safety, as relevant. Additional rights that may be appropriate and available include protective measures such as a UC No Contact Order, restraining order, Emergency Order of Protection or Victim's Protective Order. Information regarding how to access and/or request remedial and protective measures will be provided, as appropriate. Remedies or protective measures are provided if the individual requests them and if they are reasonably available, regardless of whether the Complainant chooses to report the crime to campus police or local law enforcement.

E. Inform the Complainant that the University will maintain as private any supportive measures provided, to the extent that maintaining such privacy does not impair the ability to provide the supportive measures.

F. Inform the Complainant of their option to seek resolution of the complaint through Informal Resolution (where available) or to file a Formal Complaint under these Procedures; ascertain the Complainant’s expressed preference (if the Complainant has, at the time of the initial assessment, expressed a preference) for pursuing Informal Resolution, Formal Resolution, or neither; and discuss with the Complainant any concerns or barriers to participating in any University investigation and resolution under these Procedures;

G. Explain the University’s prohibition against Retaliation and that the University will take prompt action in response to any act of Retaliation;

H. Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that personally identifies the Complainant, the Respondent, any witness, and/or any other third party with knowledge of the reported incident;

I. Ascertaining the ages of the Complainant and the Respondent, if known, and, if either of the parties is a minor (under 18), whether to contact the Department of Human Services (DHS);

J. Communicate with appropriate University official(s) to determine whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations; and

K. Provide notice of the complaint and an opportunity to respond to all persons alleged to have violated the University’s policies regarding discrimination and/or harassment. NOTE: The investigation may otherwise involve meeting with the parties, interviewing witnesses, requesting written statements from the parties, and accepting relevant evidence.
L. Emergency Removals: The University may remove a Respondent from the University's education programs or activities on an emergency basis if the Respondent poses an immediate threat to anyone's physical health or safety. The University's Behavioral Assessment Team will make an individualized safety and risk analysis of the reported incident and make the final determination of whether the Respondent should be removed from all campus education programs or activities during the investigation. In such instances, the Respondent will be provided notice of and an opportunity to challenge the removal immediately following the removal in accordance with the Temporary Suspension policies described in the Student Code of Conduct while complying with the requirements of Title IX regulations.

M. If the respondent is an employee of the university, the party may be placed on administrative leave during the investigation.

N. The Title IX Coordinator will promptly inform the Complainant of any action(s) undertaken by the University to respond to a health or safety threat to the Complainant or the University community, including the decision to proceed with an investigation where the Complainant may request confidentiality (see Section 1.2.8 "Requests for Confidentiality"). The Title IX Coordinator also will promptly inform the Respondent of any supportive measures available to the Respondent.

1.3.3 NOTICE OF ALLEGATIONS: Upon receipt of a formal complaint, the University will provide written notice to the parties who are known of the following information:

A. Notice of the allegations of sexual harassment as defined under federal regulations, or sexual misconduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.

B. A link to the University's sexual harassment policy and the University's grievance procedures;

C. A link to the University's informal resolution process;

D. A statement of the allegations of sexual harassment with sufficient details known at the time and with sufficient time to prepare a response before any interview;

E. The names of the parties involved in the incident, if known, the date(s) and location(s) of incident if known;

F. A statement that the Respondent is presumed not responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the grievance process.

G. A statement that each party may have an advisor of their choice, who may be, but is not required to be, an attorney;

H. A statement that the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source;

I. A link or citation to the University Student Code of Conduct provisions prohibiting knowingly making false statements or knowingly submitting false information during the grievance process.

1.3.4 DISMISSAL:
A. If the sexual harassment or sexual misconduct alleged in the formal complaint would not constitute sexual harassment as defined under federal regulations and University policy, even if proved, did not occur in the University's education program or activity, or did not occur against a person in the United States, the University will dismiss the Title IX complaint with regard to such conduct. Dismissal of a Title IX complaint does not preclude University action under another provision of the University's Code of Student Conduct.

B. The University may dismiss a formal complaint or any allegations in the complaint,

1. if at any time during the investigation, the complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or any of its allegations;

2. if the respondent is no longer enrolled or employed by the University; or

3. if specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations within such complaint.

C. Upon dismissal required or permitted above, the University will send notice of the dismissal and the reason(s) for such dismissal simultaneously to the parties.

D. A party may appeal the University's dismissal of the formal complaint or any allegations therein by filing an appeal in accordance with the appeal process described in Section 1.3.9 of this policy.

1.3.5 INFORMAL RESOLUTION:

A. At any time after the filing of a formal complaint of sexual harassment, the University may offer to facilitate an Informal Resolution process to the parties, provided the University:

1. Provides the parties a written notice describing the allegations, the requirements of the informal resolution process; and

2. Obtains the parties' voluntary, written consent to participate in an informal resolution process.

B. The University's informal resolution process is not available for the resolution of complaints alleging that an employee sexually harassed a student.

C. The University will not compel a Complainant or Respondent to engage in Informal Resolution, and will not compel a Complainant to directly confront the Respondent. Either party to an Informal Resolution process may withdraw at any time. Pursuing Informal Resolution does not preclude later use of Formal Resolution if the Informal Resolution fails to achieve a resolution acceptable to the parties and the University. However, an agreement reached during an Informal Resolution process will preclude the parties from resuming a formal complaint arising from the same allegations. Where the Complainant or the Respondent withdraws from Informal Resolution or where Informal Resolution is otherwise terminated for any reason, the University may consider any statements or disclosures made by the parties during the course of the Informal Resolution in a subsequent investigation and Formal Resolution.

D. Each party has the right to choose and consult with an advisor of their choosing. The advisor may
be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). Advisors may accompany their respective parties to any meeting or proceeding held as part of Informal Resolution. An advisor may provide support and advice to a party at any meeting and/or proceeding but may not speak on behalf of a party or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

E. Informal Resolution may involve individual and/or community remedies designed to address a report of Prohibited Conduct, such as:

1. **One-on-One Communication**: If a Complainant wishes to address a situation with a Respondent without the direct involvement of a third party, the Complainant may communicate directly with the Respondent in the absence of a No Contact Order. This form of Informal Resolution is appropriate only if the Complainant does not feel threatened, (2) there is no risk of physical harm, and (3) the Complainant reasonably believes the Respondent will be receptive to the communication. **Complainants are NOT required to engage in one-on-one communication before seeking third party assistance or other help.**

2. **Resolution with the Assistance of a Third Party**: A Complainant may seek assistance in informally resolving a report of Prohibited Conduct from (1) the Complainant’s supervisor, if the Complainant is an Employee; (2) the Respondent’s supervisor; (3) Human Resources; (4) Office of the Provost (Faculty); (5) the Title IX Coordinator; or (6) a trained mediator. The availability of this form of Informal Resolution, and any resolution reached through such form of Informal Resolution, is subject to the agreement of the Title IX Coordinator, the Complainant, and the Respondent. Any of the foregoing third parties must consult with the Title IX Coordinator before acting to resolve a report of Prohibited Conduct. This form of Informal Resolution may not be used where the allegation involves Non-Consensual Sexual Intercourse.

3. **Interventions and Remedies**: Informal Resolution agreements may involve a host of other interventions and remedies, such as: actions designed to maximize the Complainant's access to educational, extracurricular, and/or University employment activities; increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic and/or University housing modifications for Student Complainants; workplace modifications for Employee Complainants; one or more of the restorative remedies or other sanctions described in these Procedures, including suspension and termination, in accordance with relevant disciplinary procedures; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Policy.

4. Any form of Informal Resolution and any combination of interventions and remedies may be utilized. If an acceptable agreement is reached among the parties through Informal Resolution, the University will implement the terms of the agreement and consider the matter resolved and closed. If an agreement is not reached, and the Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the Informal Resolution, the Title IX Coordinator may refer the matter to investigation and Formal Resolution under these Procedures.
1.3.6 FORMAL RESOLUTION:

A. Investigation. Whenever a formal complaint is received by the University, the Title IX Coordinator will designate one or more investigators and/or an experienced external investigator to conduct a prompt, thorough, fair, and impartial investigation. All investigators will receive annual training on (1) issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking and (2) how to conduct fair and impartial investigations that (a) is fair and impartial, provides parties with notice and a meaningful opportunity to be heard and (b) protects the safety of Complainants and the University community while promoting accountability.

B. Notice of Investigation. The Title IX Coordinator will provide the written notice described in Section 1.3.3 above to the Complainant and Respondent of the commencement of an investigation. If the respondent is an employee, the Title IX Coordinator may also provide written notice to the Respondent’s supervisor and/or Human Resources that an investigation has been initiated. Such notice will inform these individuals that (1) the Title IX Coordinator received a report alleging that the Respondent engaged in Prohibited Conduct under the Policy; (2) the University will investigate the report in accordance with these Procedures; (3) the supervisor and Human Resources are obliged to monitor the relevant environment, depending on the facts of the case, for Retaliation; and (4) the information related to the report, including the identity of the Complainant, is confidential and will only be shared as needed to either obtain information pertinent to the investigation or to facilitate fulfillment of the duty of the supervisor and/or Human Resources to address any concerns regarding safety or Retaliation.

C. Other Forms of Discriminatory and/or Harassing Conduct. If a report of Prohibited Conduct also implicates other forms of discriminatory and/or harassing conduct prohibited by the University’s Discrimination and Harassment Policy, the Title IX Coordinator will evaluate all reported allegations to determine whether the alleged Prohibited Conduct and the alleged violation(s) may be appropriately investigated together without unduly delaying the resolution of the report of Prohibited Conduct. Where the Title IX Coordinator determines that a single investigation is appropriate, the determination of responsibility for the violation of University policy will be evaluated under the applicable policy, but the investigation and resolution will be conducted in accordance with these Procedures.

D. Presumption of Non-Responsibility. The investigation is a neutral, fact-gathering process. The Respondent is presumed “Not Responsible”; this presumption may be overcome only where there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the Respondent violated the Policy.

E. Evidentiary Standard. The preponderance of the evidence, or “weight of the evidence” standard, is used to determine what more than likely occurred. Formal rules of due process, procedure, and/or technical rules of evidence applied in criminal or civil court are not used in administrative proceedings.

F. Participation by the Parties. In the event one or more party(s) decline to participate in the investigation, the process will continue without the benefit of the respective party’s participation.

G. Timeframe for Completion of Investigation: Extension for Good Cause. Typically, the period from commencement of an investigation through resolution (finding and sanction, if any and appeal) will
not exceed sixty (60) calendar days. This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the fairness and accuracy of the process, including but not limited to: a need to comply with a request by external law enforcement; for temporary delay; to gather evidence for a criminal investigation; to accommodate the availability of a party, their advisor(s), or witnesses; account for complexities of a case, including the number of witnesses and volume of information provided by the parties; or other good cause. The Investigator will notify the parties in writing of any extension of this timeframe and the reason for such extension.

H. **Overview of Investigation.** During the investigation, the parties will have an equal opportunity to: be heard; submit information and corroborating evidence; and to present witnesses who may have relevant information. The Investigator will notify and seek to meet separately with the Complainant, the Respondent, and third-party witnesses, and will gather other available evidence and information, including, but not limited to, electronic or other records of communications between the parties or witnesses (e.g. via voicemail, text message, email, and social media sites), photographs (including those stored on computers and smartphones), and medical records (subject to the consent of the applicable party).

I. The University will provide written notice of the date, time, location, participants, and purpose of all hearings, interviews, or other meetings, at least three (3) business days prior to the meeting to enable sufficient time for the parties to prepare. The University will also provide equal opportunities for the parties and their advisers to inspect and review the evidence obtained by the Investigator or as part of their investigation, if the information is directly related to the allegations raised in the formal complaint. The University will give the parties a meaningful opportunity to respond to the evidence after the University has provided it.

J. **Advisors.** Throughout the investigation and complaint process, each party may choose to consult with an advisor of their choice. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. Advisors may accompany their respective party to any meeting or proceeding related to the investigation and resolution of a report under these Procedures. Advisors may provide support and advice to their respective advisees at any meeting and/or proceeding and may participate in such meetings and/or proceedings as provided in Section 1.3.7 of these procedures.

K. **Prior or Subsequent Conduct.** Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct. Such prior or subsequent conduct may also constitute a violation of the Policy and/or other University policy, in which case it may subject the Respondent to additional sanctions. The Investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

L. **Prior Sexual History.** Questions and evidence about the complainant's sexual predisposition or prior
sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

M. **Relevance.** The Investigator will conduct an objective evaluation of all evidence directly related to the allegations—including inculpatory and exculpatory evidence. Credibility determinations cannot be made on the basis of a person’s status as a complainant, respondent, or witness. The Investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the Investigator will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party’s general reputation for any character trait.

N. **Burden of Proof.** The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the parties—provided that the University cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other professional or paraprofessional for the purpose of treatment to the party, unless the University obtains that party’s voluntary, written consent to do so.

O. **Site Visit(s).** The Investigator may visit relevant sites or locations and record observations through written, photographic, or other means.

P. **Expert Consultation(s).** The Investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.

Q. **Coordination with Law Enforcement.** The Investigator will contact any law enforcement agency that is conducting its own investigation to: (1) inform that agency that a University investigation is also in progress; (2) ascertain the status of the criminal investigation; and (3) determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation. At the request of law enforcement, the Investigator may delay the University investigation temporarily while an external law enforcement agency gathers evidence. The Investigator will promptly resume the University investigation when notified that law enforcement completed the evidence-gathering stage of its criminal investigation.

R. **Investigation Report.** Prior to completion of the investigative report, the Investigator will send to each party and their advisors, if any, the evidence subject to inspection and review in electronic format or a hard copy, and the parties will have at least ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report. Following the receipt of the parties’ responses, if any, the Investigator will create an investigative report that fairly summarizes the relevant evidence and, at least ten (10) days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party’s advisor, if any, the investigative report in an electronic format or hard copy for their review and written response.
S. **Acceptance of Responsibility.** The Respondent may, at any time, elect to resolve the Formal complaint process by accepting responsibility for the Prohibited Conduct, in which case the Title IX Coordinator will refer the matter for imposition of sanction(s).

T. **Decision Makers:** After the passage of ten days for the parties to review the final investigative report and submit written responses, the University will appoint a Decision Maker or a panel of Decision Makers who will oversee a live hearing on the allegations in the Complaint and any response by the Respondent.

A. The University’s decision-maker(s) will objectively evaluate the relevant evidence and reach conclusions about whether the Respondent is responsible for the alleged sexual harassment.

B. The University’s decision-maker(s) will use independent judgment and may not be the same person who conducted the investigation, or the University’s Title IX Coordinator.

C. Decision-makers will be free from conflicts or bias for or against complainants or respondents, and will receive special training about how to be impartial and how to decide what evidence is relevant.

D. The University’s decision-maker(s) will weigh the relevant evidence and decide whether it meets the school’s standard of evidence for sexual harassment allegations described in Section 1.3.6(e).

1.3.7 **HEARING PROCEDURES:** If an informal resolution option is declined by either party or by the University, a hearing will take place if there is still, after investigation, enough reasonable cause on which to hold a hearing. Whether or not a hearing occurs will not impede the supportive measures for complainant or respondent.

When a hearing is scheduled to take place, the University will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. Parties will continue to have access to all evidence, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence at the hearing including for purposes of cross-examination.

Hearing notification will occur at least five (5) days in advance and include the hearing date, time and location. Hearings will be scheduled around work or class schedules, and will not be postponed unless extraordinary circumstances exist.

Allegations of discrimination, harassment, or retaliation will be heard by the panel. The hearing includes opening statements, discussion of relevant parts of the investigation report, information about the incident or incidents, presentation of information by witnesses brought by the parties, cross-examination of the parties and witnesses, and closing statements. Each party is permitted to have an advisor of their choosing to accompany them throughout the hearing as an advisor. Their advisor may confer quietly with their party, exchange notes, clarify procedural questions, conduct cross-examination, and generally assist the party in all manner other than speaking for them on their behalf or to the panel on a substantive matter.
Cross-examination is sensitive and must take place in a phased process. Each party’s advisor is permitted to ask the other party and any witnesses relevant questions and follow-up questions, including that challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party or their advisor. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant. Upon the oral recitation of each question there will be a brief pause for the Decision Maker(s) to make a determination as to the relevancy of the question or information sought by the question.

If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University’s choice, for the limited purpose of asking questions during cross-examination. The questions may include questions drafted by the party. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

The hearing will be arranged with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. The use of technology will enable parties to see and hear each other, other participants in the hearing including witnesses, the investigator(s), advisors and Decision Maker(s) and to ask questions to the parties and witnesses. Unruly repetitive character witnesses or any other types of witnesses include expert witnesses may be limited at the discretion of the Decision Maker(s). An audio or audiovisual recording or transcript of any live hearing will be created by the University and will be made available to the parties for inspection and review.

1.3.8 DETERMINATION REGARDING RESPONSIBILITY. The Decision Maker panel, who will not be the same person as the Title IX Coordinator or the investigator(s), will issue a written determination regarding responsibility. To reach this determination, the University will apply the evidentiary standard described in Section 1.3.6(E) above.

A. The written determination will be provided to the parties simultaneously and will include:
   1. Identification of the allegations potentially constituting sexual harassment as defined under federal law and the University’s policies or sexual misconduct;
   2. a description of the procedural steps that were taken by the University is reaching any conclusion;
   3. Findings of fact supporting the determination;
   4. Conclusions regarding the application of this policy or the University’s Student Code of Conduct to the facts;
   5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the respondent, and whether remedies designed to restore or preserve equal access to the University’s education program or activity will be provided by the University to the complainant; and
   6. The University’s procedures and permissible bases for the Complainant and Respondent to appeal.
B. Notice of When Results Become Final. All parties shall receive notice when the results are final which states that no appeal requests were received and/or granted. The process concludes, unless an appeal request is submitted and granted (see Section 1.3.3 (B) 6. “Appeal Requests”).

1.3.9 APPEALS.

A. Either the Complainant or Respondent to a formal complaint may request an appeal of a determination regarding responsibility or from the University's dismissal of a formal complaint or any allegations therein on the following bases:
   1. Procedural irregularity that affected the outcome of the matter;
   2. New evidence that was not reasonably available at the time the determination of responsibility or dismissal was made, that could affect the outcome of the matter; and
   3. the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

B. Appeal Request: A party requesting an appeal of the determination of the Decision Maker(s) must submit an appeal request to the appropriate Appellate Reviewer described herein within five (5) university days after receiving the Decision Maker(s) determination. The Appellate Reviewer will review the request to determine if the appeal request was (1) submitted within five (5) University days, and (2) whether it substantially articulates one (1) or more of the aforementioned grounds for appeal.

   1. If the appeal request IS NOT received within five (5) University days and/or the appeal request DOES NOT substantially articulate one or more of the appeal grounds, then the Appellate Reviewer will notify the Title IX Coordinator in writing of his or her decision to deny the appeal request and the rationale for the decision.

   2. If the appeal request is deemed to be received within five (5) University days AND the appeal request DOES meet one (1) of the appeal grounds, then the Appellate Reviewer will notify the Title IX Coordinator in writing of his or her decision to grant the appeal request and the rationale for the decision.

   3. Notice of Outcome of Appeal Request: The Title IX Coordinator will notify the Complainant and the Respondent, simultaneously, in writing (which may be via email) of the outcome of an appeal request. A granted appeal request shall proceed to an Appeal Review. A denied Appeal Request shall not proceed further and the process concludes.

C. Appeal Review. Every effort will be made to hear or resolve an appeal within fifteen (15) University days of the approval of an appeal request.

   1. In cases involving complaints against faculty members, the University Provost and Vice President for Academic Affairs shall serve as the Appellate Body.

   2. In cases involving complaints against staff members, the Vice President of Finance shall serve as the Appellate Body.
3. The Appellate Body shall review the case and render a written decision to (1) uphold the decision of the decision-maker(s); (2) overturn the decision of the Managing Body; (3) modify the decision of the decision-maker(s); or, (4) remand the matter to the original or a new decision-maker(s) for the acceptance of more evidence or further investigation.

D. Notice of Final Outcome. The Appellate Body will notify the Title IX Coordinator in writing of his or her decision, outlining a rationale for the decision, any directive(s)/sanction(s) against the Respondent (or modification), the rationale for such directive(s)/sanction(s) (or modification), and any other remedial actions for the Complainant, the Respondent, and/or community to be implemented as a result of the finding. The Title IX Coordinator shall notify the Complainant and the Respondent, simultaneously, in writing (which may be via email) of the final outcome of the appeal. *The decision of the Appellate Body shall be final.*

E. Pending Directions and/or Sanctions during Request and Review. All directives and/or sanctions imposed by the Decision Maker(s) will be in effect during an appeal request and review. A request may be made to the Title IX Coordinator for a stay of directives or sanctions pending appeal, due to exigent circumstances, but the presumptive stance of the University is that the directives and/or sanctions will stand. Work, scholarship, travel, graduation, study abroad, internships, co-curricular activities, and athletic team involvement do not, in and of themselves, constitute exigent circumstances. Hence, employees and students may not be able to participate in certain activities during an appeal request and review. In cases whereby an appeal reviews results in a reinstatement to the University or a return of previously lost privileges, all reasonable attempts will be made to restore the employee or student to a prior status and assist with correspondence for missed work or coursework, while acknowledging that some opportunities may be lost in the short term. The University shall maintain safety as the first priority.

F. Significant Newly Acquired Information. In cases whereby newly acquired or discovered documentation, sufficient enough to alter the original decision is submitted as an appeal request beyond the expired appeal request deadline, the matter may be reviewed by the Appellate Body for consideration of re-opening the case. If the newly acquired or discovered documentation was not accessible during the original appeal deadline, then the Appellate Body may remand the case to the original investigator(s) or the Decision Maker(s) to allow reconsideration of the original determination. If the newly acquired or discovered documentation is not sufficient enough to alter the original decision, the appeal request may be denied. The decision of the Appellate Body shall be final.

13.10 TIMELINES: In order that complaints result in a timely decision, the following timelines are established:

A. Investigation by University Investigator(s): Investigation conducted and final Investigation Report issued to the Complainant and Respondent within thirty-five calendar (35) days of receipt of the complaint.

B. Decision by Decision Maker(s): Rendered within five (5) days of completion of the hearing on the formal complaint.
C. Appeal to Appellate Body: Opportunity to request an appeal within five (5) days of receipt of Decision Maker(s) determination.

D. Decision by Appellate Body within five (5) days.

E. Every effort will be made to resolve complaints, including appeals, in sixty (60) calendar days absent unusual circumstances.

F. Under unusual circumstances, such as extremely complex issues requiring extensive research, witness unavailability, or situations when strict adherence to these timelines would detrimentally affect the quality of the process, the timelines may be extended upon written notice to the parties. The written notice shall state the reason for the delay and the anticipated date of completion of the relevant phase of proceedings.

1.3.11 RECORDS RETENTION: The University shall retain all records relating to a report of Prohibited Conduct, including investigation files and personnel record documentation of disciplinary or other personnel actions for a period of seven (7) years, in accordance with the University’s Records Retention Guidelines. Please direct all questions regarding Records Retention to the Office Manager in Human Resources.

1.3.12 SANCTIONS (STUDENTS):

A. Sanctions for violations of University policies may include, but are not limited to, one (1) or more of the following:

1. Warning - A verbal and/or written notice to the student that the student is violating or has violated University regulations.

2. Apology Letter - A typed and signed apology letter by the respondent(s) acknowledging responsibility for the University violation(s) and providing a sincere expression of remorse to the victim(s) and/or stakeholders of the misconduct.

3. Probation 1 - A written reprimand for violation of specified regulations and a loss of privilege from representing the University in on- or off-campus co-curricular academic, athletic, or other social functions sponsored by the University during the probationary period. Probation is for a designated period of time and includes the probability of more severe sanctions, such as suspension or expulsion, if the student is found responsible for violating any further institutional regulation(s) during the probationary period.

4. Probation 2 - Due to previous university violations at other institutions and/or law violations prior to admittance to the University of Central Oklahoma, a specified conditional period of enrollment may be applied to an incoming student. The conditional period may include a denial of access to one or more of the following areas and/or events of the University of Central Oklahoma:
   a. Any University-sponsored cocurricular events;
   b. Any Housing and Dining Facility;
   c. Specifically identified Academic Building(s);
   d. Intramurals Participation; and/or,
   e. Any University structure.
   The conditional period may also include one or more of the following requirements:
f. Periodic or Regular Check-Ins with UCO Police Department;
g. Periodic or Regular Check-Ins with the Office of Student Conduct; and/or,
h. Periodic or Regular Check-Ins with designated Housing and Dining Officials.

5. Deferred Suspension - University suspensions may be deferred for a definite or an indefinite period of time. The suspension will be automatically enforced for any subsequent violation of the Code of Student Conduct or local, state, or federal laws. In addition, the student or student organization may be responsible for completing subsequent sanction assignments applied for the most recent violation.

6. Loss of Privileges - Denial of University privileges for a designated period of time, such as denial of entry or usage of certain areas on-campus, loss of tailgating privileges, removal from an officer position in a registered student organization, or restricted usage or attendance of certain University privileges or events, including but not limited to commencement ceremonies. Students may also be restricted from physically attending a class during or after the conclusion of an investigation to preserve the safety and/or normal operations of a particular and/or surrounding classroom.

7. Conduct Hold - A student given a conduct hold may be required to have all enrollment and release of academic records approved through the Director of Student Conduct. A conduct hold may also be utilized to ensure compliance with other actionable sanction or requests to appear for meetings with the Office of Student Conduct.

8. Fines - Established and published fines may be imposed for violating University policies, including, but not limited to, the Tobacco Free Campus Policy. In addition, fines may be imposed for failure to complete assigned sanction by designated deadlines.

9. Parental Notifications – If a student is under the age of twenty-one (21) and has been found responsible for violating any local, state, or federal laws, including any alcohol or controlled substance policies, then the Director of Student Conduct and/or designee may contact and discuss the matter and/or resolution with the parents or legal guardian of the student.

10. Assessments/Evaluations - A directive to attend and actively participate in as many appointments or sessions as necessary or recommended that will aid in the direction of the overall sanction learning outcome. These appointments or sessions may be facilitated by the UCO Center for Counseling and Well-Being, the Alcohol and Drug Abuse Prevention Office, or other campus or non-campus agency.

11. Program Participation - A directive to attend, actively participate, and successfully complete individual and/or group appointments or sessions that will aid in the direction of the overall sanction learning outcome. These appointments or sessions may be facilitated by the UCO Center for Counseling and Well-Being, or other campus or non-campus agency. Generally, outcomes that involve therapy shall specify a certain number of appointments or sessions for successful completion. Typically, program participatory sanction will aim to provide students...
with a transformative learning experience in the areas of academic integrity, alcohol and/or drug abuse, civility, sexual misconduct-related behavior and policy awareness, or anger management.

12. **No Contact Order** - A directive that prohibits all forms of contact with another person or persons, which specifies a time period of enforcement. Forms of prohibited contact may include, but are not limited to, phone calls, contact through another person, contact initiated through social media, text messages, e-mail or any other electronic means. Attendance to a valid, school-related or work-related event may not constitute a violation. A No Contact Order may be temporarily instituted prior to a hearing as a means of preserving the safety of the University learning community and balancing the rights of respondents and/or as a final sanction at the conclusion of a hearing. Violation of the No Contact Order may result in a suspension from the University.

13. **Restitution** - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

14. **Discretionary or Educational Sanction** - Community service, program development/promotion, program participation and/or completion, written assignments, service to the University, research assignments, or other related discretionary assignments. Such assignments must have the prior and concluding approval of the Director of Student Conduct or designee.

15. **Residence Hall Transfer** - A student resident may be required to transfer residence halls due to a policy violation or pattern of policy violations that affect a particular residence hall community. This transfer may be for a specified or indefinite period of time.

16. **Residence Hall Contract Termination** - Separation of the student from the Residence Halls for a period of time, after which the student may be eligible to return. Conditions for readmission may be specified.

17. **Residence Hall Expulsion** - Permanent separation of the student from the Residence Halls.

18. **Temporary Suspension from Housing and/or University** - A student may be temporarily suspended from the University or University Housing facilities prior to, during, or after an investigation if one (1) or more of the following is necessary:
   a. To ensure the safety and well-being of the University community members or the preservation of University property;
   b. To protect against an ongoing threat of disruption or interference with, the normal operations of the University; and/or
   c. To preserve the current academic status and pursuits of the parties involved.

19. **University Suspension** - A student may be suspended from a University residence hall/apartment and/or the University for a finite period of time, not less than the remainder of the current semester in which he or she is enrolled. During the suspension, a hold will remain
on the student’s account to prevent enrollment during the period of suspension. During the
time of suspension, enrollment will be prohibited on any main campus, distance, online, or
ACM@UCO classes. Furthermore, the suspended student will not be allowed to enter any UCO
campus properties, programs, or events for the duration of the suspension period. The student
who has been suspended may apply for readmission at the close of the period for which he or
she was suspended. Conditions for readmission may be specified. A suspension hold may be
placed on the transcript during the period of suspension. Likewise, a notation of the suspension
may be placed on the student’s academic transcript at the discretion of the Director of Student
Conduct.

20. **University Expulsion** – Permanent separation of the student from the University. When a student
is expelled, a notation of the expulsion will be placed on the student’s academic transcript at
the discretion of the Director of Student Conduct. A student who is expelled will not be allowed
to reenter the University premises. A hold will be placed on the student account to prevent re-
enrollment.

21. **Degree Revocation or Rescission of Credit** – For those students found to have violated University
policy and who have already graduated, the University may elect to revoke the degree(s) of a
given student. Likewise, the University may elect to rescind credit for a specific course or
program based upon a responsible finding of a UCO policy violation.

22. **Withholding of Diploma(s) or Transcript(s)** – The University may withhold the awarding of a
diploma, withhold the access to student transcripts, or withhold the ability to send copies of
student transcripts until the completion of a pending investigation or completion of one or more
pending assigned outcomes, per a responsible finding of a UCO policy violation.

23. **Transcript Notation** – A notation on a student’s academic transcript indicating that a student is
ineligible to return to the university, due to a behavioral conduct suspension or expulsion.

24. **Removal from Study Tour** – Students participating in a UCO Study Tour, whether foreign or
domestic, are subject to be sent home immediately, if their behavior is becomes disruptive
and/or contrary to the established policies within the current Code of Student Conduct and
related standards of behavior established within the published UCO Study Tour behavioral
agreements and statement(s) of understanding documents, which are reviewed prior to each
tour. Any additional costs associated with the immediate return home will be applied to the
student’s bursar account.

B. More than one (1) of the sanctions listed above may be assigned due to any single policy violation.
Furthermore, the aforementioned sanctions are not meant to be a comprehensive list.

C. Other than University suspension and expulsion, sanctions shall not be made part of the student’s
permanent academic record, but shall only become part of the student’s private education records.

D. The following sanctions may be assigned to student clubs, groups or organizations:
1. Those sanctions listed above in section III.T.1.
2. Deduction of points from one-time or annual award programs of competition.
3. Restriction of hosting certain programs.
4. Requiring a change of on-campus advisors as a condition of continued or renewed University recognition.
5. Deactivation or loss of selected or all privileges, including tailgating privileges and University recognition, for a specified period of time.

E. Following the investigation and/or hearing, the Director of Student Conduct or designated hearing body shall advise the respondent or respondent organization representative and complainant in writing, when appropriate, of its determination, outcome, and of the sanction(s) imposed, if any.

F. Any student or student club, group or organization found responsible for a violation of University policies which does not result in their temporary suspension, suspension, expulsion, credit rescission, or degree revocation, shall be entitled to a request for an Appeal by the Vice President for Student Affairs, as specified in sections III.U.-V. Additionally, any student or student clubs, groups or organizations found responsible for a violation of the University policies which results in their temporary suspension, suspension, expulsion, credit rescission, or degree revocation, shall be entitled to a request for an appeal hearing, as specified in section III.U.-V.

G. If a student or student organization makes an appeal request of a decision of suspension, expulsion, degree revocation, or rescission of credit, the decision will remain in effect during the appeal request and review, until a final decision is rendered.

1.3.13 SANCTIONS (EMPLOYEES):
Examples:
Sexual Harassment Training
Diversity & Inclusion Training
Professional Coaching
Mandated EAP
Corrective Action (Warning, Final Written Warning, Decision Making Leave)
Termination
Demotion
Loss of Pay
Loss of Tenure (in alignment with RUSO procedures) or delay of tenure track progress
No Contact Order
Removal from development plan (staff) or delay in development plan
Restriction of stipends, research, and/or professional development opportunities
Enhanced supervision or review
Any other sanction or remedy which would reasonably prevent further concerns of said or similar nature

By:

Patti Neuhold-Ravikumar, President