

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 (“UCO”) is committed to providing a safe and non-discriminatory environment for all members of the UCO community. UCO 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 UCO Policy Prohibiting Discrimination and Harassment as Defined, Including Sexual Misconduct (the “Policy”, Section 1.2). This Section identifies the procedures (the “Procedures”) UCO follows when it receives a report alleging Prohibited Conduct by a University Employee or student that is not covered by RUSO Title IX’s policy or has been otherwise dismissed by said policy.. UCO 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 UCO 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 UCO Title IX Coordinator will:

- A. Assess the Complainant’s safety and well-being and offer UCO’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 UCO 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 UCO 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 his/her/their available options 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 UCO's prohibition against Retaliation and that UCO 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. Ascertain 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 UCO'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: UCO may remove a Respondent from UCO's education programs or activities on an emergency basis if it is determined by UCO's Behavioral Assessment Team that the Respondent poses an immediate threat to anyone's physical health or safety. UCO'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 UCO, the employee respondent may be placed on administrative leave during the investigation.
- N. The UCO Title IX Coordinator will promptly inform the Complainant of any action(s) undertaken by UCO to respond to a health or safety threat to the Complainant or the UCO community, including the decision to proceed with an investigation where the Complainant may request confidentiality (see Section 1.2.8 "Requests for Confidentiality"). The UCO 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, UCO will provide written notice to the parties who are known of the following information:

- A. Notice of the allegations of Prohibited Conduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
- B. A link to UCO's sexual harassment policy and UCO's grievance procedures;
- C. A link to UCO'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 his/her/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 UCO 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 UCO Student Code of Conduct provisions prohibiting knowingly making false statements or knowingly submitting false information during the grievance process.

1.3.4 DISMISSAL:

- A.
- A. UCO may dismiss a formal complaint or any allegations in the complaint,
 - 1. if at any time during the investigation, the complainant notifies the UCO 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 UCO; or
 3. if specific circumstances prevent UCO from gathering evidence sufficient to reach a determination as to the formal complaint or allegations within such complaint.
- B. Upon any dismissal required or permitted above, UCO will send notice of the dismissal and the reason(s) for such dismissal simultaneously to the parties.
- C. A party may appeal UCO'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 an alleged violation of UCO's sexual misconduct policy, UCO may offer to facilitate an Informal Resolution process to the parties, provided UCO:
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. UCO's informal resolution process is not available for the resolution of complaints alleging that an employee sexually harassed a student.
- C. UCO 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 UCO. 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, UCO 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 his/her/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 (1) 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 UCO 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 Complainant and the Respondent. Any of the foregoing third parties must consult with the UCO 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 remove any impediments to 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, UCO will implement the terms of the agreement and consider the matter resolved and closed. If an agreement is not reached, and the UCO Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the Informal Resolution, the UCO Title IX Coordinator may defer the matter to investigation and Formal Resolution under these Procedures.

1.3.6 FORMAL RESOLUTION:

- A. Investigation. Whenever a formal complaint is received by UCO, the UCO 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 UCO community while promoting accountability.
- B. Notice of Investigation. The UCO 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 UCO 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 UCO Title IX Coordinator received a report alleging that the Respondent engaged in Prohibited Conduct under the Policy; (2) UCO 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 UCO's Discrimination and Harassment Policy, the UCO 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 UCO 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" until proven otherwise; 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 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, his/her/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. **Notice.** UCO 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. UCO 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. UCO will give the parties a meaningful opportunity to respond to the evidence after UCO has provided it.
- J. **Advisors.** Throughout the investigation and complaint process, each party may choose to consult with an advisor of his/her/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 relevant 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 complaint, 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 UCO and not on the parties - provided that UCO 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 UCO 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 UCO in its investigation. At the request of law enforcement, the Investigator may delay UCO's investigation temporarily while an external law enforcement agency gathers evidence. The Investigator will promptly resume UCO's 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. Making copies of the evidence in any format is strictly prohibited. Following the receipt of the parties' responses, if any, the Investigator will create an investigative report that fairly summarizes the relevant evidence and, 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 UCO's 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, UCO 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. UCO's Decision-Maker(s) will:
 - A. objectively evaluate the relevant evidence and reach conclusions about whether the Respondent is responsible for the alleged sexual harassment.

- B. use independent judgment and may not be the same person who conducted the investigation, or UCO's Title IX Coordinator.
- C. 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. 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 UCO, 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, UCO 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 UCO 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 alleged violations of UCO's Sexual Misconduct policy will be heard by UCO's Decision-Maker or panel. The hearing may include 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 his/her/their choosing to accompany him/her/them throughout the hearing as an advisor. Said advisor may confer quietly with his/her/their party, exchange notes, clarify procedural questions, and generally assist the party in all manner other than speaking for him/her/them on his/her/their behalf or to the UCO Decision-Maker panel on a substantive matter or conduct cross-examination.

Cross-examination is sensitive and must take place in a phased process. Each party is permitted to ask questions of the examined party, through the UCO Decision-Maker or the Chairperson of the UCO Decision-Making panel through the process described herein, relevant questions of the other party and any witnesses and follow-up questions, including questions challenging credibility. Such cross-examination at the live hearing will be conducted indirectly by giving written questions to the UCO Decision-Maker or Chairperson of the UCO Decision-Making panel who will review the questions for relevance and ask the other party or witness questions deemed relevant.

If a party does not have an advisor present at the live hearing, UCO will provide without fee or charge to that party, an advisor of UCO's choice. If a party or witness does not submit to cross-examination at the live hearing, the UCO Decision-Maker(s) may consider any statement of that party or witness in reaching a determination regarding responsibility.

The hearing will be arranged with the parties located in separate rooms with technology enabling the UCO 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 UCO Decision-Maker(s) and to ask questions to the parties and witnesses. Repetitive character witnesses or any other types of witnesses include expert witnesses may be limited at the discretion of the UCO Decision-Maker(s). An audio or audiovisual recording or transcript of any live hearing will be created by UCO and will be made available to the parties for inspection and review. All parties are expected to maintain decorum of an administrative hearing, which includes not speaking while others are testifying unless first addressed.

1.3.8 DETERMINATION REGARDING RESPONSIBILITY. The UCO decision-maker panel will issue a written determination regarding responsibility. To reach this determination, UCO 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 misconduct under UCO's policies ;
 2. a description of the procedural steps that were taken by UCO in reaching any conclusion;
 3. Findings of fact supporting the determination;
 4. Conclusions regarding the application of this policy or UCO'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 UCO imposes on the respondent, and whether remedies designed to restore or preserve equal access to UCO's education program or activity will be provided by UCO to the Complainant; and
 6. UCO'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 UCO'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 UCO Title IX Coordinator, investigator(s), or UCO 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 UCO Decision-Maker(s) must submit an appeal request to the appropriate Appellate Reviewer described herein within five (5) university days after receiving the UCO 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 parties and the UCO Title IX Coordinator in writing of his or her decision to deny the appeal request and the rationale for the decision. A denied Appeal Request shall not proceed further and the process concludes.
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 parties and the UCO Title IX Coordinator in writing of his or her decision to grant the appeal request and the rationale for the decision. A granted appeal request shall proceed to an Appeal Review.
- 3.

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, UCO 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. In cases involving complaints against students, the Vice President of Enrollment and Student Success shall serve as the Appellate Body.
4. The Appellate Body shall review the case and render a written decision to either uphold the decision of the Decision-Maker or panel or 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 UCO Title IX Coordinator in writing of its 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 UCO 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 UCO Decision-Maker(s) will be in effect during an appeal request and review. A request may be made to the UCO Title IX Coordinator for a stay of directives or sanctions pending appeal, due to exigent circumstances, but the presumptive stance of UCO 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 review results in a reinstatement to UCO or of 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. UCO 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 UCO 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.***

1.3.10 RECORDS RETENTION: UCO 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 UCO's Records Retention Guidelines. Please direct all questions regarding Records Retention to the Office Manager in UCO Human Resources.

1.3.11 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 UCO 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 UCO in on- or off-campus co- curricular academic, athletic, or other social functions sponsored by UCO 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 UCO, 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 UCO:

- 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 UCO 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 UCO.
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 UCO, 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 UCO 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 UCO community members or the preservation of University property;
 - b. To protect against an ongoing threat of disruption or interference with, the normal operations of UCO; 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 UCO 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 UCO Director of Student Conduct.
20. *University Expulsion* - Permanent separation of the student from UCO. 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 UCO 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, UCO may elect to revoke the degree(s) of a given student. Likewise, UCO 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)* – UCO 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 UCO, 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 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.
 - 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.
 - 6. Suspension from competition.
 - 7. Notification of governing entity.
- E. Following the investigation and/or hearing, the UCO Title IX Coordinator 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 his/her/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 this Policy. Additionally, any student or student clubs, groups or organizations found responsible for a violation of UCO policies which result in his/her/their temporary suspension, suspension, expulsion, credit rescission, or degree revocation, shall be entitled to a request for an appeal hearing, as specified in this Policy.
- 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.

1.3.12 SANCTIONS (EMPLOYEES):

Any sanction or remedy available under the Employee Handbook, the Faculty Handbook or applicable law which would reasonably prevent further violations of UCO's Sexual Misconduct policy.

Approved: November 23, 2021 _____

By: _____
Patti Neuhold-Ravikumar, President