



## **GRIEVANCE PROCEDURE FOR ALLEGED ACTS OF DISCRIMINATION OR HARASSMENT AND FOR ALLEGED VIOLATIONS OF UNIVERSITY POLICY**

Oklahoma City University is committed to providing its students, faculty, staff, guests, and visitors an environment free from discrimination, harassment, intimidation, retaliation, exploitation, or violence based on sex (gender), race, age, ancestry, color, disability, genetic history, national origin, marital status, medical condition, religious creed, sexual orientation, gender identity/expression, pregnancy, parenting status, status as a veteran, or the perception that a person has one or more of these characteristics.

The University has a zero-tolerance policy for discrimination, harassment, retaliation, or violence. Allegations of such prohibited conduct will be investigated, and anyone found to have violated the University's Policy concerning Actions that Constitute Discrimination, Harassment, Sexual Violence, and/or Retaliation will be subject to University sanctions, as well as possible civil and criminal penalties.

Outlined in this document are the procedures to be used in filing a grievance alleging discrimination and a violation of the University's policies prohibiting such behavior. Questions regarding details of this procedure should be addressed to the University's Compliance Coordinator.

### **I. UNIVERSITY COMPLIANCE COORDINATOR**

#### **A. General Duties**

In this document concerning the University Grievance Procedure, the term "Compliance Coordinator" refers to the same campus officer as do the terms "Title IX Coordinator" and "Section 504 Coordinator."

Oklahoma City University shall have a Compliance Coordinator who will

- ensure that the University complies with University policies;
- receive and address complaints about discrimination, harassment, and retaliation; and
- ensure the promotion of equal opportunity practices within the University.

## **B. Duties Regarding a Complaint**

The Compliance Coordinator shall

- receive all discrimination, harassment, and retaliation complaints as well as complaints concerning violations of University policies;
- notify the President, Provost/Vice President for Academic Affairs, and General Counsel when a complaint is filed;
- coordinate the investigation of each complaint;
- assist in counseling the complainant;
- monitor the timelines provided for in the complaint procedure;
- participate in disciplinary proceedings as provided in this document; and
- facilitate resolution of each complaint.

## **C. Conflicts of Interest**

If the Compliance Coordinator is named in a complaint, is implicated by allegations in a complaint, or has an actual or perceived conflict of interest (as determined by the President, Provost/Vice President for Academic Affairs, and/or the General Counsel), the investigation of a complaint may be assigned to other staff or to outside persons or organizations under contract with the University.

# **II. REPORTING DISCRIMINATION, HARASSMENT, AND RETALIATION**

## **A. General Duty to Report**

Where violations of sexual misconduct, harassment, and discrimination may have occurred, all Oklahoma City University employees who have witnessed or who have been advised of such alleged violations have a duty to report claims of sexual misconduct, harassment, and discrimination to the Compliance Coordinator or other member of the Compliance team. The only employees who do not have a duty to report are employees who are statutorily prohibited from reporting because of a privilege recognized under Oklahoma law (12 O.S. §§ 2501 et seq.) – e.g., attorney-client privilege, physician- and psychotherapist-patient privilege, religious privilege, etc. Such a privilege would negate the duty to report only when the employee receiving the complaint is acting in the privileged capacity.

Oklahoma City University encourages any person who believes that he or she has experienced discrimination, harassment, retaliation, or violence based on a protected status in conjunction with a University activity, athletic program, educational program, employment, or in conjunction with an application for enrollment or employment, to report that complaint to the Compliance Coordinator or other member of the Compliance team.

Employees must promptly (i.e., within 24 hours of receiving information) report knowledge of sexual misconduct, discrimination, and harassment to the Compliance Coordinator or other published member of the Compliance team. Failure to do so may result in disciplinary action up to and including termination.

If the University knows, or reasonably should know, about possible sexual misconduct, discrimination, and harassment, the University must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation.

## **B. Duty to Report Child Abuse**

Oklahoma law requires every person having reason to believe that an unmarried child under the age of 18 is a victim of abuse (including sex abuse) or neglect to report the matter promptly to the Oklahoma Department of Human Services.

Under Oklahoma law, “abuse” means harm or threatened harm or failure to protect the health, safety, or welfare of a child by a person responsible for the child’s health, safety, or welfare. This includes, but is not limited to, non-accidental physical or mental injury, sexual abuse, or sexual exploitation.

Under Oklahoma law, no privilege or contract shall relieve any person of this duty to report. The duty to report is individual, and no employer, supervisor, or administrator shall interfere with any person’s reporting duties or in any manner discriminate or retaliate against any person who in good faith reports suspected child abuse or neglect.

## **C. Reporting Cases of Sexual Violence**

### **1. Whom to Contact**

Any person who has experienced or witnessed sexual violence, including sexual assault, sexual battery, sexual coercion or another sex offense, should immediately contact:

- the Oklahoma City University police or the Oklahoma City police;
- the Compliance Coordinator; and/or
- Student Health Services.

### **2. Obtaining Medical Attention**

A person who has experienced sexual violence, including sexual assault, sexual battery, or sexual coercion should go to the Victims’ Resources Page on the University website for information on obtaining immediate medical attention.

### **3. Important Things to Remember**

The University’s primary concern is student safety.

The use of alcohol or drugs never makes a victim at fault for sexual violence, including sexual assault, sexual battery, sexual coercion, or other sex offenses.

The University will address any violation of University policies or rules, such as those involving the use of alcohol or drugs, by the person experiencing or witnessing sexual violence, including sexual assault or other sex offenses, separately from the complaint of sexual violence.

### **4. Preserving Evidence**

A person who has experienced sexual violence, including sexual assault, should remember that it is important to preserve all evidence, for use in prosecuting the perpetrator.

### **5. Assistance in Notifying Appropriate Law Enforcement Authorities**

The University encourages anyone who has experienced, witnessed, or become aware of sexual violence, including sexual assault, to notify law enforcement authorities, including the Oklahoma City University police department and the Oklahoma City Police.

Upon request, the University will assist that person in notifying those authorities.

### **6. Obtaining Counseling, Mental Health Services, and Other Services**

A person who has experienced sexual violence, including sexual assault, may receive on- or off-campus counseling, mental health, and other services. The Compliance Coordinator will assist such persons in accessing appropriate services.

### **7. Changes to Academic and Living Situations**

If a student who has experienced sexual violence, including sexual assault, asks for a change in his or her schedule, campus residence, or other activities in light of that sexual violence or assault, the University will comply if such a change is reasonably available.

## **III. COMPLAINT PROCEDURE AND INVESTIGATION**

### **A. The Initial Complaint**

When the Compliance Coordinator receives notice, either from the complainant or from any other source, that a violation of University policies has occurred, the Compliance Coordinator will:

- a. initiate any necessary remedial actions to ensure the safety of the complainant as well as the campus at large;
- b. determine the identity and contact information of the complainant (whether that be the reporter, the alleged victim, a University representative, or other party);
- c. identify the portions of University policies allegedly violated;
- d. advise the complainant that he or she need not participate in informal resolution;
- e. notify the person bringing the complaint of his or her right to file a formal complaint and explain the procedure for doing so;
- f. assure the complainant that he or she will not be required to confront, or work out problems with, the person accused of prohibited conduct;
- g. advise the complainant that he or she may file a non-employment based discrimination or harassment complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction;
- h. if a complaint of discrimination or harassment is employment-related, advise the complainant that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) where such a complaint is within that agency's jurisdiction; and
- i. if the complainant alleges abuse or neglect of a child under the age of 18, report the matter promptly to the Oklahoma Department of Human Services (no privilege or contract shall relieve any person from this requirement, and failure to report is a misdemeanor under Oklahoma law).

## **B. Qualifications for Compliance Coordinators, Investigators, and Adjudicators of Complaints Involving Sexual Discrimination, Sexual Harassment, or Sexual Violence**

### **1. Complaints Involving Sexual Discrimination or Sexual Harassment**

A complaint involving allegations of sexual discrimination, sexual harassment, or sexual violence shall be reviewed, handled, investigated, and adjudicated only by persons with training or experience in:

- handling complaints involving sexual discrimination or sexual violence;
- the University's relevant grievance procedures; and
- relevant confidentiality requirements.

### **2. Complaints Involving Sexual Violence**

A complaint alleging sexual violence, including sexual assault or sexual coercion, shall be reviewed, handled, investigated, and adjudicated only by persons with adequate training or knowledge regarding sexual violence.

## **C. Informal Resolution**

### **1. Initiating an Informal Complaint**

The purpose of the informal complaint process is to allow an individual who believes he or she has been discriminated against or harassed to resolve the issue through a mediation process rather than the formal complaint process. This process is appropriate for simple misunderstandings or when the complainant does not wish to file a formal complaint. Resolution may require nothing more than a clarification of the misunderstanding or an apology from the respondent and an assurance that the offending behavior will cease.

However, serious allegations, including allegations of pervasive harassment, may need to be investigated even if the complaining party considers the matter resolved or does not wish to invoke the formal procedure. Further, mediation is not appropriate for victims of sexual assault. In an informal process the Compliance Coordinator shall advise the complainant of his or her rights and responsibilities under both the formal and informal processes. Complainants who allege sexual violence, sexual misconduct, or sexual harassment shall be advised that the informal resolution process is optional and that it is not a prerequisite for further institutional action.

If the complainant declares that he or she prefers to proceed with the informal process, the Compliance Coordinator shall advise the complainant:

- what his or her rights and responsibilities are under the informal and formal processes;
- that informal resolution process is *not* required before a formal complaint can be submitted and investigated; and
- that the complainant may, at any time, halt the informal resolution process and file a formal complaint.

The Compliance Coordinator shall present to the complainant a document that:

- describes the informal and formal complaint processes;
- clearly indicates that the complainant has selected the informal process; and
- states the basics of the complainant's allegations.

The complainant shall sign and date the document.

## **2. Investigation and Resolution**

Upon receiving a signed informal complaint, the Compliance Coordinator shall:

- conduct an immediate initial investigation to determine whether there is reasonable cause to charge the accused individual with violation of University Policy;
- if the initial investigation indicates that there is sufficient evidence to continue with the complaint investigation, develop an investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the accused individual;
- commence a thorough, fair, and impartial investigation;
- complete the investigation promptly and without unreasonable deviation from the investigation plan and timeframe;
- prepare findings, based on a preponderance of the evidence, concerning whether a violation of University policy did occur;
- present a notice of the findings to the accused individual; and
- concurrently with present a notice of the findings to the accused, share the findings with the complainant and update him or her on the status of the investigation and the outcome.

Efforts at informal resolution need not include any investigation unless the Compliance Coordinator determines that an investigation is warranted by results of an initial investigation or by the seriousness of the charges. Even if the complainant decides to dismiss an informal complaint, the Compliance Coordinator may require the investigation to continue if he or she determines that the allegations are serious enough to warrant an investigation.

## **D. Formal Complaint**

### **1. The Written Complaint**

A complainant who selects a formal resolution process shall file a written complaint with the Compliance Coordinator. The complainant shall use the University's *Complaint of Prohibited Discrimination, Harassment, or Retaliation Form*, available online and from the Compliance Coordinator. The complaint shall include the following information:

- a. the complainant's name and address;
- b. the name and title of the person(s) against whom the complaint is made;
- c. a statement of the accused's specific acts that allegedly violated a University policy;
- d. the specific dates on which those actions allegedly took place;
- e. a clear and concise statement of any other facts that form the basis of the complaint;
- f. if the complainant is not the alleged victim, the complainant's relationship, if any, to the person who experienced the prohibited conduct;

- g. a clear and concise statement of the remedy the complainant seeks; and
- h. the complainant's signature.

## **2. Timeliness**

Generally, any complaint should be filed with the Compliance Coordinator within 365 calendar days of the alleged discrimination, harassment, or retaliation, to facilitate the process of gathering facts and evidence. Complaints that are filed after that time will be reviewed, but a lengthy lapse of time may make an investigation difficult.

## **3. Notification of the Accused**

Once the complaint is filed, the Compliance Coordinator shall inform the accused of the filing and the general nature of the complaint as soon as possible and in a manner that is appropriate under the circumstances.

The Compliance Coordinator shall advise the accused:

- that the accuracy of the allegations has not been assessed;
- that the accused will have an opportunity to present his or her side of the matter; and
- that any conduct that could be viewed as retaliatory against the complainant or witnesses must be avoided.

## **4. Review by the Compliance Coordinator**

The Compliance Coordinator shall determine whether:

- the written complaint is complete;
- the written complaint alleges conduct prohibited by University policy; and
- the complainant experienced the alleged conduct or is a personal representative of someone who experienced the alleged conduct, witnessed the alleged conduct, or is a faculty member or staff member who learned of the alleged conduct in his or her official capacity.

## **5. Defective Complaint**

If the Compliance Coordinator determines that the written complaint is defective, he or she immediately shall return it to the complainant with a written complete written explanation of why an investigation will not be initiated. This explanation shall state that:

- the complaint does not meet the requirements of this policy;
- the manner in which the complaint is defective; and
- the fact that the complainant may submit a rewritten complaint.

## **E. Formal Investigation**

### **1. Selection of the Investigator**

If the Compliance Coordinator determines the written complaint is sufficient, he or she, in his or her discretion, may assign the investigation to an internal designee or to a third party operating under contract. In cases of sexual discrimination, sexual harassment, or sexual violence, the investigator must meet the qualifications established in Section III.B of this procedure.

## **2. Start of the Investigation**

Once the investigator has been selected, he or she shall conduct the investigation in a timely manner and shall complete it expeditiously unless the matter is informally resolved and the complainant dismisses the complaint.

## **3. Relation of the Investigation to Law Enforcement Investigation**

The investigation conducted pursuant to this procedure may be concurrent with an investigation by law enforcement officers, but it is not dependent on any law enforcement investigation.

If the written complaint alleges sexual discrimination, sexual harassment (including sexual violence), or retaliation for claims of sexual discrimination and sexual harassment, the law enforcement investigation does not relieve the University of its independent obligation under Title IX to investigate.

## **F. Protection for the Complainant during an Investigation of Sexual Harassment or Sexual Violence**

Once the University has notice of allegations of sexual harassment or violence, the University shall promptly take steps to protect the complainant as necessary, including notifying the complainant of his or her options to avoid contact with the alleged perpetrator. The University may prohibit the alleged perpetrator from having any contact with the complainant during the investigation. The University will minimize the burden placed on the complainant for avoiding the alleged perpetrator.

Once a complaint is filed, the individual(s) accused of engaging in prohibited conduct should be advised of that filing and the general nature of the complaint. This should occur as soon as possible and in a manner that is appropriate under the circumstances. The University will also advise the accused that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that the accused will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided.

## **IV. RIGHTS OF THE PARTIES**

### **A. Right of Representation**

Employee(s) and/or student(s) shall be entitled to be accompanied by a member of the University's community (such as a colleague, parent, student advocate, etc.) at all complaint meetings. All participants are prohibited from disclosing any information concerning the content of a meeting or hearing to any non-participant. Participants are also prohibited from any retaliatory conduct related to information disclosed during a meeting or hearing.

Advisors and attorneys may be present during any meetings or hearings but cannot participate directly in the process.

### **B. Rights of the Complainant(s)**

A complainant has the right:

- to object to behavior that is perceived as hostile, threatening, or intimidating;
- to seek counseling and advice from the Compliance Coordinator;
- to present relevant witnesses, evidence, and information at any meeting or hearing;
- to have access to any information, to the extent permitted by the Family Educational Records and Privacy Act (FERPA) and by rules of privilege and confidentiality, that will be used at any meeting or hearing;
- not to be personally questioned or cross-examined by the accused;
- to be afforded an impartial fact-finder and decision-maker;
- to the University's taking reasonable steps to maintain the complainant's reputation during the entire process and/or to restore the complainant's reputation if it is damaged during any proceeding;
- to be protected against retaliation from the accused or from other persons during or after the complaint process; and
- to a prompt and equitable resolution of the complaint.

### **C. Rights of the Accused**

A person accused of violating a University policy has the right:

- to be informed by the complainant, either directly or indirectly through a third party, verbally or in writing, that a particular behavior was objectionable to the complainant;
- to be informed, when any formal investigation begins, of the allegations, the identity of the complainant(s), any known facts surrounding the allegations, and a proposed timeline for resolving the complaint;
- to present relevant witnesses, evidence, and information at any meeting or hearing;
- to have access to any information, to the extent permitted by FERPA and by the rules of privilege and confidentiality, that will be used at any meeting or hearing;
- not to be personally questioned or cross-examined by the complainant;
- to be afforded an impartial fact-finder and decision-maker;
- to have reasonable steps taken by the University to maintain the reputation of the accused during the entire complaint process; and
- to a prompt and equitable resolution of the complaint.

## **V. RESOLUTION OF THE COMPLAINT**

### **A. The Investigative Report**

#### **1. Preparation**

##### **a. Informal Complaint Report**

If the complainant selects the informal resolution process and the Compliance Coordinator determines that the allegations warrant an investigation, the Compliance Coordinator, or his or her designee, shall prepare a complete written investigative report at the conclusion of his or her investigation. The report shall be prepared even in cases where the complainant considers the matter resolved or chooses not to pursue a formal complaint.

### **b. Formal Complaint Report**

If a formal complaint has been filed, the Compliance Coordinator, or his or her designee, shall prepare a complete written investigative report unless:

- the matter is informally resolved or the complainant voluntarily dismisses the formal complaint, and
- the Compliance Coordinator determines that the allegations are not serious or pervasive enough to warrant completing the investigation.

### **2. Contents of Report**

The investigative report shall:

- describe the circumstances giving rise to the complaint;
- summarize the statements provided by each witness, including the complainant and any witnesses identified by the complainant in the complaint;
- analyze any relevant data or other evidence collected during the investigation;
- specifically state whether the investigator finds it more likely than not that the accused committed prohibited discrimination, harassment, or retaliation regarding each allegation in the complaint;
- state the investigator's proposed resolution of the complaint, including, if appropriate, proposed sanctions against the accused; and
- state, as appropriate, the right of the complainant or the accused to bring further proceedings under Section V.C of this Procedure (Further Proceedings).

### **3. Notice and Distribution of the Investigative Report**

#### **a. Timing and Distribution Procedures**

Unless unusual or complex circumstances exist, the Compliance Coordinator, or his or her designee, shall complete and distribute the investigative report to the General Counsel, President, Provost/Vice President for Student Affairs, and any other Dean or Vice President deemed by the Compliance Coordinator to have a need to know of the findings of the Report (whether the complaint was informal or formal) within 60 days of the filing of the complaint.

The Compliance Coordinator will not distribute the full report to the complainant and the accused but will provide them with a notification of the findings of the report, in accordance with any legal restrictions on disclosure of information to those parties.

In cases of alleged employment discrimination, the Compliance Coordinator, or his or her designee, shall complete the investigative report within 90 days of the filing of a formal written complaint and within that time will distribute the report and make the notifications described above.

In any case involving employment discrimination, the complainant has the right to file a complaint with the EEOC or state agency where the case is within the jurisdiction of that agency.

#### **b. If the Accused is a Student**

The Family Educational Rights and Privacy Act (FERPA) generally prohibits the nonconsensual disclosure of personally identifiable information from a student's educational record. However, FERPA permits the University to disclose to a harassed student information

about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student. This information includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or that the harasser transferred to other classes or another residence hall. Disclosure of other information in the accused student's "education record," including information about sanctions that do not relate to the harassed student, may result in a violation of FERPA.

When harassing conduct involves a crime of violence or a non-forcible sex offense, FERPA permits the University to disclose to the alleged victim the final results of a disciplinary proceeding against the alleged perpetrator, regardless of whether the University concluded that a violation was committed. Additionally, the University may disclose to anyone – not just the alleged victim – the final results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or a non-forcible sex offense, and, with respect to the allegation made, the student has committed a violation of the University's rules or policies.

In addition, the University is subject to the federal Clery Act, which requires that "both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense." Compliance with this requirement does not constitute a violation of FERPA. Furthermore, the FERPA limitations on re-disclosure of information do not apply to information that the University is required to disclose under the Clery Act. Accordingly, the University may not require a complainant to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of this information.

### **B. Lack of Objection to the Findings**

If neither the complainant nor the accused objects, in writing, to the investigative findings within ten calendar days after receiving notice of those findings, the investigative report's findings and the proposed resolution shall become final and binding.

### **C. Further Proceedings**

#### **Appeals**

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

Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).

- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the University has designated for this offense and the cumulative record of the responding party.

A three-member appeals panel, comprised of University Employees who have completed Title IX Training, and who have not been involved in the process previously, will be designated by the Title IX Coordinator.

The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within ten (10) days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within 10 days (10) days. These response or appeal requests will be shared with each party.

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

- Decisions by the appeals panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the investigation, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original investigator(s) merely because they disagree with its finding and/or sanctions.
- Appeals granted based on new evidence should normally be remanded to the investigator(s) for reconsideration. Other appeals may be remanded at the discretion of the Provost/Vice President for Academic Affairs or his or her designee, or, in limited circumstances, heard by the three-member appeals panel.

- Sanctions imposed as the result of the initial investigation are implemented immediately unless the Provost/Vice President for Academic Affairs or his or her designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
  - For students: Graduation, study abroad, internships/ externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- The appeals panel shall notify the Provost/Vice President for Academic Affairs or his or her designee of the panel's determination of the outcome of the appeal within 45 days of receipt of the appeal.
- The Provost/Vice President for Academic Affairs or his or her designee will confer with the appeals panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three (3) days of the resolution of the appeal or remand.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand.
- All parties will be informed in writing within three (3) days of the outcome of the Appeals Panel, without significant time delay between notifications, and in accordance with the standards for notice of outcome as defined above.
- In rare cases where a procedural [or substantive] error cannot be cured by the original investigator(s) (as in cases of bias), the appeals panel may recommend a new investigation process, including a new assigned investigator. The results of a remand cannot be appealed. The results of a new investigation process can be appealed, once, on any of the three applicable grounds for appeals.
- In cases where the appeal results in reinstatement to the University and/or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

## **2. Initiation of Further Proceedings**

The complainant, the accused, and/or the person alleged to have experienced the prohibited discrimination, harassment, or retaliation may file a written objection to the investigative findings no later than ten calendar days from the date the parties are notified of the administrative determination.

The written objection should be filed with the Compliance Coordinator.

### **3. Participation by the Compliance Coordinator**

The University's Compliance Coordinator shall have the authority to attend meetings and/or hearings scheduled by the Provost/Vice President for Academic Affairs and/or the Assistant/Associate Provost and shall participate as a party in all further proceedings, except deliberations.

Either the Compliance Coordinator or other advisers to the Provost/Vice President for Academic Affairs and/or the Assistant/Associate Provost will assist those officers with applying the principles set forth in this Policy. These advisers must have the qualifications described in Section III.B of this procedure if the complaint involves allegations of sexual discrimination, sexual harassment, and/or sexual assault.

## **VI. SANCTIONS FOR VIOLATIONS OF UNIVERSITY POLICY**

### **A. Staff Employee Sanctions for Violations of a University Policy**

In accordance with the University's policies and procedures, the University may impose sanctions such as verbal reprimands, mandatory enrollment in seminars pertaining to prohibited discrimination and sexual harassment issues, written reprimands, demotions, suspensions without pay, and dismissal from employment. In addition, cases involving serious misconduct such as sexual assault may be referred to local law enforcement for possible criminal prosecution.

### **B. Student Sanctions for Violations of a University Policy**

In accordance with the University's student disciplinary procedures, the University may impose sanctions such as verbal reprimands, mandatory enrollment in seminars pertaining to prohibited discrimination and sexual harassment issues, written reprimands, dismissal from class and/or other University activities, suspension or expulsion, depending upon the severity of the act. In addition, cases involving serious misconduct such as sexual assault may be referred to local law enforcement for possible criminal prosecution.

### **C. Faculty Sanctions for Violations of a University Policy**

In accordance with the University's policies and procedures, and in accordance with Section VIII.C.2.c of the Faculty Handbook, the Provost/Vice President for Academic Affairs has the discretion to suspend a faculty member with pay pending final decision on termination or long-term suspension, with notice to the Faculty Senate Executive Committee and all parties concerned.

The Oklahoma City University Faculty Handbook, Section IX.A, provides a procedure to be used in "Cases in Which a Faculty Member is Charged with Sexual Harassment or Other Unlawful Discrimination." This procedure will be used to extent that it complies with Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and guidance of the Department of Education concerning required campus proceedings pursuant to these federal statutes.

### **D. Interim Suspensions**

In extraordinary circumstances, where potentially serious and immediate harm may result to persons affiliated with the University and after consultation with the President, the Compliance

Coordinator may relieve, reassign, or remove staff members or administrators from their current positions/environment at any time during or after the investigation period. The Dean of Students will function in the same manner for students. As noted in the immediately preceding paragraph, the Provost/Vice President for Academic Affairs may exercise similar authority with respect to faculty members.

## **VII. EXTENSIONS OF DEADLINES SPECIFIED IN THIS PROCEDURE**

If for reasons beyond its control, the University is unable to comply with the deadlines specified in this policy, the Compliance Coordinator will notify each of the parties in writing and shall specify the anticipated revised deadlines.

## **VIII. CONFIDENTIALITY**

The University does not reveal information about such matters except as necessary to fulfill its legal obligations.

Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the University to respond.

Complainants must also recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the University is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

If a complainant insists that his or her name not be revealed, the responsible officer should take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other students or employees.

It is also important that complainants and witnesses understand the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the University's process. In general, persons who are participating in a University's investigative or disciplinary process that is related to a charge of discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to tort charges.

Revised May 13, 2016