



TITLE IX POLICY & PROCEDURES	General University 1-70703 Aug 2019
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Oklahoma State University Center for Health Sciences is committed to creating and maintaining a productive learning community that fosters the intellectual, personal, cultural and ethical development of its students. Self-discipline and valuing the rights of others are essential to the educational process and to good citizenship. Attending Oklahoma State University Center for Health Sciences is a privilege and students are expected to meet or exceed the University's behavioral expectations both on and off campus.

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I. Introduction

A. Purpose

The Title IX Policies and Procedures outline prohibited behaviors that all students are expected to refrain from doing during their time at Oklahoma State University Center for Health Sciences. The primary focus of the Title IX process is on educational and corrective outcomes; however, sanctions such as suspension or expulsion from the University may be necessary to uphold community standards and to protect the campus community. This Title IX Policy is to be adhered to in addition to and in conjunction with the Oklahoma State University Center for Health Sciences College of Osteopathic Medicine Academic Standards Handbook. For questions regarding these Title IX Policies and Procedures, contact the Title IX Coordinator, at 918-594-8105.

B. Authority

Under authority granted by Article 6, Sections 31 and 31a of the Constitution of the State of Oklahoma and Title 70, Oklahoma Statutes, Sections 3412 (1), (15), Oklahoma State University Center for Health Sciences is granted full authority to adopt policies and procedures governing the conduct of its students. Attendance at Oklahoma State University Center for Health Sciences is optional, voluntary and a privilege. When students enroll at Oklahoma State University Center for Health Sciences, they voluntarily accept obligations of performance and behavior consistent with Oklahoma State University Center for Health Sciences' lawful mission, processes and functions. In general, these obligations are considered much higher than the obligations imposed by civil and criminal law for all citizens.

Students are expected to comply with all University policies, standards and contracts. Failure to do so may result in students being required to participate in the Title IX process. Title IX action may also be taken for any violation of local ordinances, state or federal law, on or off campus, which adversely affects the University community or the pursuit of the University's lawful educational mission, process or function. The University will take necessary and appropriate action to protect the safety and well-being of the campus community. In addition, if a student has been found to have broken state or federal law, the University reserves the right to notify the appropriate authority.

Students will be given due process and the ability to appeal as prescribed in this document and other relevant University policies, standards, rules or regulations. Students may be subject to civil and criminal penalties in addition to campus sanctions. Campus resolution may proceed before, during or after civil or criminal actions are concluded and is not subject to challenge based on the action or inaction of civil authorities.



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C. Interpretation

Any question of interpretation regarding the Title IX Policies and Procedures will be determined at the discretion of the Title IX Coordinator or her/his designee.

D. Definitions

Advisor: A person who has agreed to assist a complainant or respondent during the University Title IX process. The advisor may be a person of the student's choosing, including but not limited to, an Oklahoma State University Center for Health Sciences faculty or staff member, an Oklahoma State University Center for Health Sciences student, a parent, a friend, or an attorney.

Complainant: An individual who files a disciplinary complaint; the University may also serve as a complainant.

Day: University working day, not including Saturday, Sunday or University holidays. Time deadlines may be extended during breaks and University holidays.

Incapacitation: Temporarily incapable of appraising or controlling his/her conduct due to the influence of drugs or alcohol, unconsciousness, being asleep or for any other reason that makes the individual physically unable to communicate willingness to act.

Institution: Oklahoma State University Center for Health Sciences.

Respondent: Any student that is alleged to have violated the Title IX Policies and Procedures.

Sanction: A disciplinary correction or penalization which is imposed on students who are found responsible for violating the Title IX Policies and Procedures. Sanctions are designed to include educational measures that hold students accountable for their behavior, and provide the opportunity for behavior change in an individual/s. Sanctions can range from a verbal warning to suspension or expulsion.

Student: Any person who has been admitted and/or enrolled for the current term or a future term at Oklahoma State University Center for Health Sciences, including correspondence study, rotational study, online courses, study abroad and auditing courses. Students are subject to Title IX action for misconduct that occurs during any period of enrollment. Students who leave the University before a Title IX complaint is resolved may be prohibited from future enrollment until the matter is resolved.

Title IX: A clause in the 1972 Federal Education Act that states that no one shall be denied the benefits of any educational program or activity because of sex. Title IX prohibits sexual harassment, gender-based discrimination, and sexual violence.



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E. Applicability of the Title IX Policies and Procedures

As previously stated, the Oklahoma State University Center for Health Sciences Title IX Policies and Procedures apply to actions which occur on University premises, at Oklahoma State University Center for Health Sciences-sponsored events both on and off campus, and to off-campus actions that adversely affects the Oklahoma State University Center for Health Sciences community or the pursuit of its objectives.

Each student is responsible for all of his/her actions from the time of application for admission through the actual awarding of a degree. Inappropriate conduct that occurs before classes begin or after classes end, as well as during the academic year and periods between terms of actual enrollment (even if the conduct is not discovered until after a degree is awarded), is covered by the Title IX Policies and Procedures. The Title IX Policies and Procedures will apply even if the student withdraws from the University while a conduct matter is pending.

The University will take necessary and appropriate action to protect the safety and well-being of the campus community. Off-campus behavior that allegedly violates ordinances, local, state or federal law adversely affects the University community and the pursuit of the University's lawful educational mission, and will be subject to University Title IX action. The Title IX Coordinator will decide whether off-campus inappropriate conduct is subject to University Title IX action. Examples of off-campus behavior that may be subject to University Title IX action include, but are not limited to: sexual harassment, sexual violence, dating violence, domestic violence, physical violence, sexual misconduct, stalking, actions that result in the serious injury or death of another person(s), or any alleged violation that jeopardizes an individual's or community's educational opportunities.

F. Good Samaritan

The University may offer amnesty for minor Title IX violations to (1) a student who may have committed a minor violation at the time of a more serious incident or (2) a student who offers help to those who need medical assistance. If amnesty is offered, educational options may be explored, but no adverse actions or record will result.

II. Prohibited Actions

The following list describes actions that detract from the effectiveness of the University community and for which students may be subject to corrective action. All violations below may be addressed by the University when the behavior potentially jeopardizes the individual's or community's safety or educational opportunities. Actions prohibited by the Title IX Policies and Procedures include, but are not limited to:

1. **Interfering with the Title IX Process:** Interfering with Title IX procedures or outcomes, including but not limited to: falsification, distortion or misrepresentation of information before a University official or Hearing Panel; knowingly initiating a complaint without good cause; harassment or intimidation of any member of a Hearing Panel, witness(es), or University personnel before,



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during or after a proceeding; and failure to comply with the sanction(s) imposed by either a University official or Hearing Panel.

2. **Retaliation:** Retaliating against a person who, acting in good faith, brings a complaint forward or against an individual who has participated in an investigation or conduct process. For more information, see Board of Regents for the Oklahoma Agricultural and Mechanical Colleges Policy Manual, 3.11 Non-Retaliation.

3. **Dating Violence:** Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such relationship shall be determined based on consideration of the following factors: length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship. Dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of domestic violence.

4. **Domestic Violence:** Domestic violence is a crime of violence committed by a:
- current or former spouse or intimate partner of the victim;
 - person with whom the victim shares a child in common;
 - person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;
 - person similarly situated to a spouse of the victim.

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic or psychological actions or threat of actions that influence another person.

5. **Physical Violence:** Engaging in physical violence of any nature against any person, on or off campus. This includes fighting; assaulting; battering; using a knife, gun, or other weapon; physically abusing, restraining or transporting someone against his/her will; or acting in a manner that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm.

6. **Sexual Harassment:** Making unwelcomed sexual advances, requests for sexual favors and other verbal or physical contact or communication of a sexual nature when:
- Submission to such conduct or communication is made either explicitly or implicitly a term or condition of educational benefits, employment, academic evaluations or other academic opportunities,
 - Submission to or rejection of such conduct or communication by an individual is used as the basis for an employment decision or academic decision affecting such individual, or



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- c. Such conduct is sufficiently severe, pervasive, or persistent and both subjectively and objectively offensive that has the effect of creating an intimidating, hostile or offensive environment which negatively affects an individual's academic or employment environment.

Sexual harassment does not include verbal expressions or written materials that are relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the University's educational mission.

For more information, reference the 1 is 2 Many Sexual Violence Resources at <http://1is2manychs.okstate.edu>.

7. **Sexual Misconduct:** Engaging in non-consensual contact of a sexual nature. Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior including but not limited to the following examples of prohibited conduct:

- a. **Unwelcome sexual touching:** Touching an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts.
- b. **Exposure:** Engaging in indecent exposure, voyeurism or non-consensual sharing of sexually explicit images.
- c. **Non-consensual sexual assault:** Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part.
- d. **Forced sexual assault:** Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part that is committed either by force, threat, intimidation or through exploitation of another's mental or physical condition (such as lack of consciousness, incapacitation due to ingestion of drugs or alcohol, age or mental disability) of which the respondent was aware or should have been aware.

Effective consent is informed, freely and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Initiators of sexual activity are responsible for obtaining effective consent. Silence or passivity is not effective consent. The use of intimidation, coercion, threats, force or violence negates any consent obtained. Consent is not effective if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental disability or incapacitation due to ingestion of drugs or alcohol.

For more information, reference <http://1is2manychs.okstate.edu>.

8. **Stalking:** Willfully, maliciously, and repeatedly following or harassing a person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed or molested and actually causes the person being followed or harassed to feel frightened, intimidated, threatened, harassed or molested. Engaging in a course of conduct composed of a series of two or more separate acts over a period of time, demonstrating a continuity of purpose or unwelcomed contact with a person that is initiated or continued without the consent of the individual or in



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disregard of the expressed desire of the individual that the contact be avoided or discontinued. This may include repeatedly contacting another person (through any means, such as in person, by phone, electronic means, text messaging, etc.), following another person or having others contact another person on your behalf.

III. Title IX Process

The responsibility for the Title IX process, procedures and compliance is delegated from the Board of Regents for Oklahoma State University Center for Health Sciences to the Title IX Coordinator through the President.

A. Title IX Procedures

The following information is provided to inform students of the procedures in place at Oklahoma State University Center for Health Sciences for resolving alleged violations of the Title IX Policies. The procedures are designed to allow for fact-finding and decision-making in the context of the Oklahoma State University Center for Health Sciences educational community. The objective is to provide procedures that balance the rights of the individual with the legitimate interests of the University and community.

1. Complaints:

- a. Any member of the University community (faculty, staff or student) or any person who is unaffiliated with the University who has knowledge of an alleged violation of the Title IX Policies and Procedures may file a complaint against a student alleging that a violation of the Title IX Policies and Procedures has occurred. The University may itself initiate a complaint.
- b. Such complaint should be filed with the Title IX Coordinator as soon as possible but within 180 calendar days (not University business days) of the alleged violation. A late complaint may be accepted with the approval of the Title IX Coordinator, or his or her designee.
- c. The complaint must be submitted in writing and signed by the complainant(s), or submitted via approved online form and electronically signed by appropriate technical method, and must include the date, time, place, name(s) of person(s) involved (e.g., the accused, witnesses) and sufficient detail to make a determination of whether disciplinary action may be warranted.
- d. Complaints may be initiated for incidents where concurrent criminal charges are pending. The University may adjudicate incidents without regard to either pending civil litigation or criminal prosecution. University conducted proceedings may proceed before, during or after court proceedings.

2. Interim Suspension: In cases where student health or safety is reasonably believed to be significantly jeopardized, the Title IX Coordinator, in consultation with the President of the University, or designee, may suspend a student for the period of time required to allow a thorough investigation and opportunity for hearing. Students who are so suspended are not permitted on campus or in



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University buildings, facilities or activities at any time for any reason during the period of the interim suspension, unless otherwise permitted in writing by the Title IX Coordinator.

3. **Preliminary Investigation:** Complainants will be notified of receipt of their complaint and the actions the University will take with the complaint. The University investigator will engage in a preliminary review of the matter to determine whether a Title IX Hearing Panel should be initiated in response to the complaint. A Title IX Hearing Panel is warranted where suspension or expulsion from the University are possible sanctions in the event the respondent is found responsible. Such review shall ordinarily be completed within ten (10) working days of the receipt of the complaint by the University and, at a minimum, will normally involve meeting personally with the individual(s) filing the complaint, the individual(s) accused of violation of this Policy, and any relevant witnesses to the alleged actions at issue, together with reviewing any documentary evidence relevant to the matter. In extraordinary circumstances, the Title IX Coordinator has the authority to extend this 10 day time period. In such instances, the Title IX Coordinator shall notify the complainant and the respondent of such, and the date when the preliminary determination will be made. If it is determined by the University Investigator that a Title IX Hearing Panel is warranted, the Investigator shall conduct a more thorough investigation and compile an investigation report to be presented at the hearing.

B. Investigation by University Investigator and Findings of Responsibility

Allegations in which the University investigator conducts a preliminary review of the matter and determines that neither suspension nor expulsion are a possibility shall be further investigated by the University investigator. The University investigator shall determine whether it is more likely than not that the respondent violated the Title IX Policy. Upon making a determination of responsibility, the University investigator shall provide notice to the complainant and respondent of such finding by delivery of a letter of findings in person, sent electronically to the institutional email address or sent by certified mail to the students' last known address of record as filed with the Registrar's Office. If the University investigator determines the respondent violated the Title IX Policy, a copy of the letter of findings shall also be provided to the Senior Associate Dean of Academic Affairs.

Both complainant and respondent have a right to appeal the University investigator's letter of findings on the basis that new information that could substantially affect the outcome has been discovered since the investigation was concluded. Such appeal shall be made by submitting, in writing within seven (7) days of receipt of the letter of findings, an appeal to the Assistant Dean of Enrollment Management in the Office of Student Affairs. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal. An appeal is a review of the University investigator's investigation, not a new investigation. It is the responsibility of the person who initiated the appeal to show that new information that could substantially affect the outcome of the investigation has been discovered since the conclusion of the investigation. Failure to present information to the University investigator during the investigation that was available at the time is not grounds for an appeal under this provision. A student will not appear before the Assistant Dean for Enrollment Management as part of the appeal process unless specifically requested to do so. The Assistant Dean for Enrollment Management will review the letter of findings, any related documents and evaluate the new information or evidence that was not available at the time of the



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University investigator's investigation. The Assistant Dean of Enrollment Management will render a decision, based upon the criteria cited as the reason for the appeal, whether the matter should be re-investigated by the University investigator in light of the new information or evidence.

The final decision of responsibility will be communicated in writing by the Assistant Dean for Enrollment Management to the complainant and the respondent. The decision will normally be communicated within seven (7) days of receiving the written appeal. The appeals decision of the Assistant Dean for Enrollment Management will be final.

Upon receipt of the letter of findings, and upon the conclusion (or waiver) of the complainant and respondent appeals, the Senior Associate Dean of Academic Affairs shall review the letter of findings and may impose any sanction (except suspension or expulsion) upon the respondent. Neither complainant nor respondent will meet with Senior Associate Dean regarding the letter of findings, but the Senior Associate Dean may meet with investigator or other University personnel who may provide clarification or answer questions regarding the letter of findings. Decisions reached and sanctions imposed by the Senior Associate Dean of Academic Affairs shall be final with no option to appeal.

C. Student Rights in Title IX Hearing Process

The University views the Title IX Hearing Process as an educational experience that can promote growth in personal understanding of one's role as a member of an educational community and one's rights, responsibilities and privileges therein.

During a Title IX Hearing Process, both the respondent and the complainant have the right to:

1. A written notice of the alleged violation(s);
2. An explanation of the Title IX Hearing Process upon request;
3. Have no violation assumed;
4. A timely hearing;
5. Be accompanied by an advisor during the Title IX Hearing Process. The advisor is limited to advising the student and may not present information, question relevant parties or make statements during the proceedings;
6. Have access to the information and documents to be presented at the hearing in advance.
7. Be present during the entire proceeding, except during deliberation;
8. The respondent and complainant can question any party or witness present, either directly or indirectly, at the discretion of Hearing Panel Chair;
9. Present material witnesses (those with firsthand knowledge of the incident). The respondent and complainant are responsible for contacting and arranging for the attendance of their own witnesses in all cases;
10. The respondent will receive a written notification of the outcome of the hearing; the complainant can receive written notification of the outcome of the hearing when permitted by federal law;
11. An avenue for appeal from a hearing.



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D. Title IX Hearing Panel

Hearing Panel procedures are provided for allegations against a student where suspension or expulsion from the University are possible if they are found responsible.

The Hearing Panel may not be available during dead week, final examinations, breaks or other periods. If feasible for the Hearing Panel, a hearing will proceed during these times. Additionally, a Hearing Panel may not be available when the Title IX Coordinator or the Senior Associate Dean for Academic Affairs determine that appearing before the panel poses a threat to the physical welfare of panel members or witness(es).

The Hearing Panel shall be selected from the Title IX Committee which is comprised of a minimum of 5 faculty and 5 staff appointed by the Senior Associate Dean of Academic Affairs.

A Hearing Panel shall consist of three disinterested members selected from the Title IX Committee by the Title IX Coordinator in consultation with the Senior Associate Dean of Academic Affairs. The Hearing Panel shall be composed of at least one faculty and one staff member. The faculty member will be the chairperson. A list of panel members will be available three days in advance of the hearing. Prior to the hearing, alternate Hearing Panel members may be seated to be available in case of conflicts.

A professional staff member from Oklahoma State University Center for Health Sciences and/or a member of Legal Counsel will be present as a non-voting participant. His/her role will be to facilitate dialogue between the Hearing Panel and the parties involved, direct the attention of the panel and the parties to relevant points, act as an advisor to the Hearing Panel and answer procedural questions as needed.

If an attorney accompanies the respondent or the complainant at the hearing, the University will have an attorney present. The University's attorney will serve as a non-voting advisor to the Hearing Panel. Any advisor brought by the student is limited to advising the student and may not present information, question relevant parties or make statements during the proceedings.

The advisor may advise the student; however, if the advisor fails to act in accordance with hearing procedure, the Chair of the Hearing Panel may bar the advisor from the hearing. The student must notify the Title IX Coordinator two University working days in advance of the hearing if accompanied by an attorney.

In cases of sexual harassment, sexual misconduct, discrimination, and/or when the University conducts an investigation, the University investigator will present an investigation report as part of the hearing proceedings. The investigator will present the report and answer questions. The role of the investigator is to serve as an unbiased party conducting a thorough investigation of all allegations of sexual harassment or sexual misconduct. The investigation report is a compilation of facts, not a verbatim report, and is not appealable or rebuttable.



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1. Pre-Hearing Procedures

Hearing Panel members will be selected by the Title IX Coordinator in consultation with the Senior Associate Dean of Academic Affairs based on their availability.

The Title IX Coordinator will prepare and send a written notice to the respondent and the complainant at least five days before the hearing. The notice will be delivered in person, sent electronically to the institutional email address, or sent via certified mail to the student's last known address of record as filed with the Registrar's Office and will include:

- a. The date, time, place and nature of the hearing;
- b. Reference to the section(s) of the Title IX Policies and Procedures involved;
- c. A brief explanation of the alleged violation(s) including the approximate date, time and place where the alleged violation(s) occurred;
- d. Names of witnesses, if known;
- e. The right to be accompanied by an advisor and the advisor's role in the hearing.

The Title IX Coordinator or designee will be available to meet with the complainant and the respondent, separately, to discuss and explain the hearing procedure and answer questions.

2. Three Days in Advance of the Hearing

- a. The respondent and the complainant will provide to the Title IX Coordinator copies of documents to be presented at the hearing and the names of witnesses who will be called.
- b. It is the responsibility of each student to notify witnesses of the date, time and location of the hearing.
- c. The respondent and the complainant have the right to have access to documents to be presented at the hearing, by prior appointment.

3. Hearing Procedures

The hearing provides a forum where all the information and documents can be presented, where questions can be asked of all parties, and where the Hearing Panel can deliberate and decide to the standard of "more likely than not" that a violation of the Title IX Policies did or did not occur. Formal rules of process, procedure and technical rules of evidence, such as are applied in criminal or civil court, are not used in Title IX proceedings. Deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to a party or the University may result.

If the Hearing Panel concludes that a violation did occur, the Hearing Panel decides what sanction(s) is appropriate.

To protect the privacy of all parties and in accordance with FERPA (Family Educational Rights and Privacy Act), hearings will be closed.



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The respondent and complainant can present witnesses, who may be questioned by the Hearing Panel. Questioning by the complainant or the respondent is permitted so long as it is not threatening or harassing.

In the case of sexual harassment and sexual misconduct, the Hearing Panel may, in its discretion, exclude evidence of the complainant's sexual history with respondent from discussion during the hearing. The past sexual history of the complainant with persons other than the respondent is irrelevant.

The hearing (excluding the deliberations) will be audio recorded. The recordings are the property of the University. Others will not be allowed to make a recording of any type. The University is not responsible for equipment malfunctions. Requests to review audio recordings may be made to the Title IX Coordinator.

If the respondent or complainant elects not to appear for the hearing, the hearing will be held in his/her absence. Failure to appear will be noted without prejudice. Findings will be based on information presented at the hearing.

Material witnesses will be present during the introductory comments of the hearing, including the honesty statement, at which point they will be excused until time to give their testimony. Witnesses will be excused upon completion of testimony and questioning, but they may be asked to remain available for recall. The complainant and respondent remain throughout the hearing.

At the conclusion of the hearing, all parties will be dismissed except for the Hearing Panel so they may deliberate and reach a decision.

Conduct history is not relevant in determining responsibility but can be used as information in determining an appropriate sanction. A student's conduct history will be available to the Hearing Panel if the respondent is found responsible.

The order of presentation at the hearing will be as follows:

- a. Introductory statement provided by the Hearing Panel Chair.
- b. The complainant may present an opening statement.
- c. The respondent may present an opening statement.
- d. If relevant, the University investigator will present the investigation report and answer related questions in cases of sexual harassment, sexual misconduct, discrimination, or when the University has conducted an investigation.
- e. The complainant will present information and call witnesses.
- f. The respondent will present information and call witnesses.
- g. At the conclusion of each witness statement, the witness may be questioned by the Hearing Panel, the respondent and the complainant, either directly or indirectly.
- h. The complainant may make a closing statement.
- i. The respondent may make a closing statement.
- j. All parties are dismissed for Hearing Panel deliberation.



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The Hearing Panel may accommodate concerns for the personal safety, well-being or fears of confronting the complainant, respondent, or other witnesses. Procedures or the hearing environment may be modified as determined by the Title IX Coordinator.

4. Hearing Panel Deliberations and Decision

The Hearing Panel will deliberate and, by majority vote determine whether it is more likely than not that a violation(s) of the Title IX Policies did or did not occur as alleged.

- a. The panel may find that the information presented was not sufficient to establish a finding of responsibility for a violation(s) of the Title IX Policies and dismiss the case.
- b. The panel may find that the information presented was sufficient to affirm the allegations and impose a sanction appropriate with the violation(s).

The Hearing Panel decision will be communicated in writing to the Title IX Coordinator. The Title IX Coordinator will notify the respondent, and if appropriate, simultaneously the complainant of the Hearing Panel's decision in writing within two days.

The notification letter will include findings of fact, sanction(s) imposed (if any) and the rationale for the decision. The notification letter will be delivered in person, sent electronically to the institutional email address or sent by certified mail to the student's last known address of record as filed with the Registrar's Office. The notification letter may also be picked up in the Office of Student Affairs, 1111 W. 17th St., B-157, Tulsa, OK 74107, within two days of the hearing.

5. Evidentiary Standard

In order for a student to be found responsible, the information must support a determination that it is more likely than not that a violation of the Title IX Policies occurred. Hearsay evidence may be considered but will be weighed accordingly.

E. Complainant Notification

Complainants are entitled to know about the results of proceedings involving alleged crimes of violence or non-forcible sex offenses, as defined by FERPA. Both the respondent and complainant will be notified in writing of the results of any hearing involving alleged crimes of violence or non-forcible sex offenses.

Complainants who have alleged a sexual assault, dating violence, domestic violence, or stalking will be provided with notification in writing of the final outcome of the Title IX hearing against the alleged perpetrator, as required by the Campus Security Act.

IV. Sanctions

Although not intended to be exhaustive, the following are possible sanctions that may be imposed, either singularly or in combination for a student if a violation of the Title IX Policies is found.



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1. **Written warning** is an official written notice that the student has violated University policies and that more severe sanction(s) will result should the student be involved in other violations while the student is enrolled at the University.
2. **Restriction** is a limitation on a student's privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent the University, or denial of participation in extracurricular activities not directly associated with academics (e.g., student organizations/clubs/associations or leadership positions within organizations). Students must apply to reinstate the privilege(s) by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.
3. **Educational and Behavioral Change Requirements** are assigned as an opportunity for personal development and can include, but is not limited to, attending alcohol education, a reflection essay, community service, seeking academic counseling, decision making class, and other relevant educational opportunities.
4. **Non-Cognitive Grades** are academic deficiency determinations given to a student who fails to exemplify the ethical, professional, behavioral, and personal characteristics necessary for the practice of osteopathic medicine. Students at Oklahoma State University College of Osteopathic Medicine are considered to be student members of the osteopathic medical profession, and as such, are expected to conduct themselves in a manner that meets the standards of the osteopathic medical profession. The criteria listed in the Oklahoma State University College of Osteopathic Medicine Academic Standards Handbook describes, in part, the characteristics expected of students with regard to the fulfillment of their obligations as members of the osteopathic medical profession. The criteria listed is illustrative, and is not meant to be an exhaustive list of all characteristics required by the osteopathic medical profession. Conduct inconsistent with that described for each criterion in the Academic Standards handbook is inappropriate, and might indicate a student's inability or unwillingness to consistently exhibit appropriate conduct in professional circumstances. Students judged to be unable or unwilling to consistently exhibit appropriate conduct in professional circumstances may be subject to academic sanctions in the form of a Non-Cognitive Grade. Recommendations to issue non-cognitive grades to OSU-COM students are made to the Senior Associate Dean of Academic Affairs, who retains final authority regarding whether to issue a non-cognitive grade.
5. **No Contact Order** is an absolute prohibition from contact with specified person or persons in any form whatsoever, including but not limited to contact in person, by phone, electronically, or through another person. A No Contact Order may be implemented as an interim measure for issues regarding sexual violence or other Title IX issues. Violating a No Contact Order may result in suspension from the University.
6. **Probation** is a specified period of time during which the student is placed on formal notice that he/she is not in good standing with the University and that further violations of University regulations will subject him/her to suspension or expulsion from the University.



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7. **Suspension** is the exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from Oklahoma State University Center for Health Sciences are not permitted on campus or in University buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise permitted by the Title IX Coordinator. Notation on the transcript is not made; however, a record of the action is maintained in the student's record in the Registrar's Office. If a transcript is requested during the period of suspension, a letter will be sent with the transcript to the requesting party/ institution stating the student is under suspension for behavioral reasons. Only unofficial transcripts will be released to the student directly. Any refund of tuition or fees will be subject to the University's normal withdrawal policy.

8. **Expulsion** is termination of student status for an indefinite period. The conditions of readmission, if any, shall be stated in the hearing outcome letter. Students who are expelled from Oklahoma State University Center for Health Sciences are not permitted on campus or in University buildings, facilities or activities at any time for any reason, unless otherwise permitted by the Title IX Coordinator. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record in the Registrar's Office. If a transcript is requested during the period of expulsion, a letter will be sent with the transcript to the requesting party/ institution stating the student has been expelled for behavioral reasons. Only unofficial transcripts will be released to the student directly. Expulsion becomes a permanent part of a student's record. Any refund of tuition or fees will be subject to the University's normal withdrawal policy.

A. Failure to Complete or Comply with Title IX Office Requests

All students, as members of the University community, are expected to comply with sanctions within the timeframe specified. Failure to follow through on sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and an enrollment hold, which is a "hold" on enrollment privileges. This hold can prevent the adding or dropping of classes or enrollment for subsequent terms. Cancellation of enrollment occurs when a previous enrollment hold has been cleared with the condition that the enrollment will be cancelled for failure to meet the conditions of the clearance. If cancelled, the refund of tuition or fees will be subject to the University's normal withdrawal policy. A graduation hold is a hold on a student's participation in graduation exercises and diploma for failure to respond to a request to meet with the Title IX Coordinator or his or her designee, or for noncompliance with sanctions. The Director of Student Services may recommend a graduation hold.

B. Implementation of Sanctions

Actions or grievance decisions shall not be implemented until the time for appeal has expired, until the entire appeal process is completed, or if the individual voluntarily waives the right to appeal in writing. The exception to delaying sanctions until the process is complete when interim suspension has been invoked by the Title IX Coordinator or his/her designee to protect the health or safety of students on the campus.



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V. Appeal Procedure for Title IX Hearing Panels

An appeal is a review of the record of the original hearing, not a new hearing. It is the responsibility of the person who initiated the appeal to show that one or more of the listed grounds for appeal has merit. A student will not appear before the Assistant Dean for Enrollment Management unless specifically requested to do so.

Any outcome decided in a hearing may be appealed to the Assistant Dean for Enrollment Management by the respondent or the complainant.

The Assistant Dean for Enrollment Management will review the record of the prior hearing(s), related documents and evidence. The Assistant Dean of Enrollment Management will render a decision based upon the criteria cited as the reason for the appeal.

Appeals must be submitted in writing to the Office of Student Affairs by 5 p.m. within seven days of the original hearing. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.

The appeal must cite at least one of the following appeals criteria as the reason for appeal and provide supporting argument(s) as to why an appeal should be granted on these grounds. Appeals criteria include the following:

1. The hearing was not conducted in conformity with prescribed procedures, and substantial prejudice to the complainant or the respondent resulted;
2. New information that could substantially affect the outcome of the previous lower hearing has been discovered since that hearing. The information must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal under this provision;
3. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with University procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.

Prior to review by the Assistant Dean for Enrollment Management, if there is an opposing party or University investigator involved in the case, they will be given seven days to provide a written response to the appeal. The Assistant Dean for Enrollment Management will review the record of the original hearing, including documents, and issue a finding as to the merits of the criteria cited as the reason for appeal. The Assistant Dean for Enrollment Management may:

1. Find there is no merit to any of the grounds cited in the appeal and issue a finding as such.
2. Find the previous hearing was not conducted as prescribed and substantial prejudice resulted and remand the matter to a new hearing.
3. Refer the case back to the original hearing body to review new information.



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4. If the sanction is determined to be inappropriate for the violation, the sanction will be modified with the reasons for the amended sanction stated.

The final decision will be communicated in writing by the Assistant Dean for Enrollment Management to the complainant and the respondent. The decision will normally be communicated within 10 days of receiving the written appeal. The decision of the Assistant Dean for Enrollment Management will be final.

VI. Reviewing Authority

Reviewing authority is retained by the Senior Associate Dean of Academic Affairs, at his/her discretion, to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to a Hearing Panel for review or reconsideration.

VII. Files and Records

Case referrals will result in the development of a Title IX file in the name of the respondent. If the student is found not responsible for the allegations, the file will be marked no action, no record and will not constitute a Title IX record. Title IX records with sanctions less than suspension or expulsion, will be maintained in the Office of Student Affairs for seven years following the calendar year of record, and then destroyed. Records of cases in which suspension or expulsion from the University occurred are kept for at least 10 years.

All student records are private and may not be disclosed in whole or in part except as provided by law, by the written authorization of the student, under legal compulsion or where the safety of other persons may be involved. Title IX records are maintained separate from the student's academic record but are part of the student's educational record.

VIII. References

Oklahoma State University Center for Health Sciences College of Osteopathic Medicine Academic Standards Handbook. Found at:

<http://www.healthsciences.okstate.edu/com/academics/standards.php>

Education Amendments Act of 1972, 20 U.S.C. §§1681 - 1688 (2018).

1 is 2 Many Sexual Violence Resources. Found at <http://1is2manychs.okstate.edu>.

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (1974).

IX. Document History

Reviewed by OSU CHS Policy Committee: Aug 2019

Approved by OSU CHS Executive Team: Aug 2019