

## **ACCUSED STUDENT RIGHTS AND PROCESS FAQs UNDER SEXUAL MISCONDUCT POLICY**

### **What happens if I am accused of violating the Sexual Misconduct, Discrimination and Harassment Policy?**

After the Title IX Office, (405) 325-2215, Five Partners Place, 201 Stephenson Parkway, Suite 4300, Norman, Oklahoma 73019, receives a report that you may have potentially violated the policy, the Title IX Office will contact you for an appointment. Pursuant to the University's Student Code, you are required to attend the meeting upon request. You will be asked about the incident and asked about your version of the events and whether you have any witnesses or evidence supporting your version of the events.

The Title IX Office's duties are to determine the facts, not to take a position or side either for the purported victim or the charged student.

### **What forms will I complete?**

You will complete a waiver allowing your educational records to be reviewed by certain administrators to properly conduct an investigation and a waiver allowing the Title IX Office to discuss the matter with relevant witnesses. You will also be admonished not to take any retaliatory action against the purported victim or any witnesses as doing so may result in additional student conduct charges.

### **Will my parents find out?**

Your parents will not be notified of your involvement in an investigation unless you tell them or you expressly agree to allow them to be told, or the University determines if you or the community's health or safety are at risk.

### **Where can I get assistance?**

If you wish to engage your own attorney or other adviser, you are free to do so at your own expense. Generally, attorneys and advisers are permitted to attend meetings or hearings, but you are expected to participate in the meetings rather than the attorney/adviser.

### **Why am I being removed from housing or alterations being made to class schedules?**

The Office for Civil Rights ("OCR") has indicated that universities must take action prior to the conclusion of an investigation to ensure the purported victim is not continuing to be subject to harassing behavior and that charged students have no rights to specific housing locations or class schedules.

Accordingly, when requested or where appropriate, you may be asked to move your housing location and/or class schedules may be rearranged if you attend the same classes with the purported victim. Additionally, “No Contact Orders” may be put in place, preventing you from contacting the reporting party.

**If I am not reported to the police or the police decline to file charges, why is the University investigating this matter?**

OCR has indicated that universities have an independent obligation to commence internal administrative investigations where claims of sexual misconduct are made within 10 business days of being placed on notice of a report. OCR has determined that gender discrimination is prevalent on college campuses, and universities have the ability to correct this imbalance as internal administrative investigations merely determine whether it is more likely than not that a policy violation has occurred, not whether beyond a reasonable doubt a crime has occurred.

**What happens next?**

The Title IX Office will interview you and the witnesses that you or the Title IX Office identify as relevant to the issues. There may be an additional University person assisting in the interview process. You may be interviewed more than one time for additional information once other witnesses are interviewed.

The Title IX Office will draft a preliminary report and make a recommendation of findings determining whether, more likely than not, a policy violation occurred. The Title IX Office along with the Title IX Coordinator/Director of Student Conduct will make a determination whether sufficient evidence warrants additional action should be taken, and you will be notified. You may agree to the proposed sanction or finding or you may request a hearing as noted below.

**If a finding of impropriety is made against me, what happens next?**

If a finding is made, you will receive a charge letter from the Student Conduct Office, identifying the charges and the facts. You will be required to meet with the Director of Student Conduct to discuss proposed sanctions. If you disagree with either the findings or the sanctions, you may request a hearing to a three-person hearing panel made up of individuals randomly selected from a hearing pool who have been trained to hear sexual misconduct cases. No member of the hearing panel will be a student.

If you request a hearing, you will be notified of a hearing date and location. Student Conduct or the Title IX Office will present all of the undisputed facts to the hearing panel and then ask both you and the reporting party whether you wish to call any additional witnesses or ask questions of those witnesses or each other. You may not directly question the purported victim and vice versa; however, you may ask the hearing panel to pose any relevant questions you would like answered. The hearing panel will then

ask any questions or call any witnesses it deems relevant or necessary to its determination of the issues. At the conclusion, of the hearing, the panel will deliberate and determine whether a policy violation has occurred. Both you and the purported victim may submit any mitigating or aggravating evidence for the hearing panel to consider in determining sanctions. You and the purported victim will be notified of the outcome either the same day or within three business days of the hearing panel's decision.

If either party seeks to appeal the hearing panel's decision, he/she may request an appeal to the Vice President for Student Affairs and an appellate panel may be constituted to determine if an appeal is appropriate. Appeals will only be granted where evidence that is material to the determination is new and not otherwise available at the time of the hearing and would have substantially affected the outcome of the case or where a procedural error that substantially affects the outcome of the case occurred. Appeals regarding the severity of the sanctions will not be heard if the sanction falls within the sanctioning guidelines noted in the Student Code for sexual misconduct cases. Accordingly, the sanctions initially proposed by the Director of Student Conduct may actually increase if the hearing panel determines a violation has occurred. If expulsion is a possibility, you will be notified by Student Conduct because additional procedural guidelines apply as described in the Student Code.

### **What if I do not wish to be present at the hearing?**

Alternate arrangements may be made for you and the purported victim not to be present at the hearing if so requested. There are a variety of mechanisms the University can implement so that you do not have to be in the same room. For example, the use of video monitors, screens, or Skype may be provided for you or the purported victim, if requested.

### **What are the potential sanctions?**

Depending on the nature and severity of the violation as well as an examination of the aggravating and mitigating circumstances, sanctions range anywhere from education and/or counseling and training through to expulsion.

### **What if no finding of impropriety is made?**

If the Title IX Office finds that no policy violation occurred or there is insufficient evidence to make such a determination, you will be notified. The purported victim has the right to request that the **Title IX Coordinator, (405) 325-3546**, review the determination. However, if the Title IX Coordinator agrees with the Title IX Office's findings, there is no further appeal.

### **Where can I learn more?**

[www.ou.edu/home/misc.html](http://www.ou.edu/home/misc.html)

[www.judicial.ou.edu](http://www.judicial.ou.edu)