

Institutional Equity Office Investigative Procedures

I. Applicability

This Procedure generally applies to allegations of potential violations of the University of Oklahoma (“OU”) Non-Discrimination Policy and to allegations of Non-Title IX Prohibited Conduct under the Sexual Misconduct, Discrimination, and Harassment Policy (applicable to events occurring on or after August 14, 2020) (“Sexual Misconduct Policy”), where the complaint is received or a Notice of Investigation and Allegations is issued on or after November 1, 2025.¹

This Procedure does not apply to allegations of Title IX Sexual Harassment, Employee Sexual Misconduct, or Sexual Misconduct—Student Code Violation (herein Title IX Sexual Harassment) as outlined in Section 4(c), (e)-(f) of the Sexual Misconduct Policy.²

If a Complaint also contains allegations of Title IX Sexual Harassment, the Institutional Equity Officer/Title IX Coordinator may combine all allegations and have them adjudicated simultaneously through the Hearing Process for Title IX Sexual Harassment. Alternatively, at the discretion of the Institutional Equity Officer/Title IX Coordinator, the allegations may be separated and proceed separately under the Hearing Process for the allegations of Title IX Sexual Harassment and under this Procedure.

The Institutional Equity Office (“IEO”) may modify this Procedure at any time as deemed appropriate for compliance with federal, state, local law, or applicable guidance or when needed to ensure an effective review.

IEO may utilize this Procedure to investigate allegations of collateral misconduct (i.e., allegations falling outside a Covered Policy) when designated to do so by the Student Conduct Officer, the Chief Human Resources Officer, or other Appropriate Administrator to ensure the effective and efficient resolution of allegations.

II. Definitions

“Appropriate Administrator” includes the Executive Officer, Dean, Director, or other administrator with oversight of a Respondent or administrative responsibility over an OU program or activity.

“Associate Vice President” refers to the Associate Vice President of Institutional Equity/Titles VI and IX Coordinator or designee.

“Complainant” means a person who is alleged to have experienced conduct prohibited by a Covered Policy.

“Complaint” means notification to IEO by a Complainant alleging that Complainant has experienced conduct prohibited by a Covered Policy.

“Covered Policy” means the OU’s Non-Discrimination Policy and Non-Title IX Prohibited Conduct within the Sexual Misconduct Policy, which includes the Consensual Sexual Relationships Policy.

“Decision-Maker” refers to the individual tasked with making a determination of responsibility or the outcome of an appeal.

¹ Any reference to Investigative Process for Internal Complaints Under the Non-Discrimination Policy or the Prompt and Equitable Grievance Procedures for Allegations of Non-Title IX Prohibited Conduct under the Sexual Misconduct, Discrimination, and Harassment Policy in OU policies, procedures, or materials refer to this Procedure as of November 1, 2025. This Procedure also applies to allegations of Sexual Misconduct, Discrimination, and Harassment occurring **before** August 14, 2020.

² The procedures for Title IX Prohibited Conduct are available on the Institutional Equity Office [website](#).

“Due Diligence Inquiry” means the process described in Section XI.B. through which IEO seeks additional and/or clarifying information sufficient to determine the process through which a Complaint or Report should be resolved.

“Evidence” means an item or information offered to prove that a fact is more or less probable than it would be without its existence. Evidence includes oral or written statements, documents, photographs, videos, audio or video recordings, records, and other tangible objects.

“Faculty” means instructional faculty as defined by the appropriate campus’s faculty appointments policy.

“Investigation” means the process described in section XIII through which IEO evaluates whether it is more likely than not that the Respondent violated a Covered Policy.

“Investigation Report” means the written summary compiled by an investigator as described in Section XIII(C).

“Informal Resolution” is an alternative resolution process that permits the Parties to reach an agreement to resolve a Complaint as outlined in Section XII.

“Institutional Equity Officer” may include the Associate Vice President and any member of the IEO team designated by the Associate Vice President to oversee implementation of this Procedure. As used herein, Institutional Equity Officer may include an Associate Equity Officer/Deputy Title IX/Title VI Coordinator or other member of the Institutional Equity Office team under the supervision of the Institutional Equity Officer/Title IX Coordinator or other designee.

“Intake Review” means IEO’s initial review of a Report or Complaint as described in Section XI.

“Non-Faculty Employee” includes individuals employed by OU who do not meet the definition of Faculty above and are generally identified as Staff Employees in OU’s Hiring Policy. Student Employees may be included in the definition of Non-Faculty Employee when incidents occur while acting in the scope of their employment. Non-Faculty Employees also may include contractors or officers who are not classified as staff but who are performing employment-related duties under the direction and control of OU.

“Non-Title IX Sexual Misconduct” includes sex discrimination, pregnancy discrimination, workplace sexual harassment, retaliation, false reporting, and violations of the Consensual Sexual Relationships Policy as defined in the Prohibited Conduct section of the Sexual Misconduct Policy (i.e., Sections 4(a)-(b), (d)-(i)).

“Notice of Investigation and Allegations” means notice to the Respondent that IEO is pursuing an Investigation as described in Section XIII(B).

“Notice of Outcome” means the Institutional Equity Officer’s written statement indicating whether a Respondent is Responsible or Not Responsible as outlined in Section XIII(D).

“Notification” means an oral or written communication of a Complaint or a Report to an employee of IEO.

“Parties” typically means the Complainant(s) and Respondent(s).

“Preponderance of Evidence” is a standard meaning the Evidence demonstrates that it is more likely than not that a violation of a Covered Policy occurred.

“Relevant Evidence” means Evidence that (i) has any tendency to make a fact more or less probable than it would be without its existence and (ii) is a fact of consequence in determining if a violation of a Covered Policy occurred. In most cases, Evidence of a person’s character or a character trait is not relevant for purposes of determining whether a violation of a Covered Policy occurred.

“Report” means notification to IEO by a Reporter alleging that a Complainant has experienced, or a Respondent has engaged in, conduct prohibited by a Covered Policy.

“Reporter” means a person, other than a Complainant, who provides information to IEO that another person may have engaged in or experienced conduct prohibited by a Covered Policy.

“Respondent” means a person and/or organization alleged to have engaged in conduct prohibited by a Covered Policy.

“Title IX Sexual Harassment” includes Hostile Environment Harassment, Quid Pro Quo Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking as defined in Section (c) of the Sexual Misconduct Policy. The term also includes allegations of Employee Sexual Misconduct and Sexual Misconduct – Student Code Violation as defined in Sections (e)-(f) of the Sexual Misconduct Policy.

“Witness” means a person who may have observed or possess knowledge of an alleged violation of a Covered Policy or may provide relevant background information about an OU process or procedure.

III. Equitable Treatment

OU treats Complainants and Respondents equitably throughout the process. OU will presume that a Respondent is not responsible for a potential policy violation or any other alleged misconduct until a determination regarding responsibility is made at the conclusion of this Procedure.

OU requires that any member of the IEO team, which includes the Associate Vice President/Institutional Equity Officer, Deputy Title IX Coordinator, Associate Equity Officer, Assistant Equity Officer, investigator, facilitator, or Decision-Maker to be free from conflict of interest or bias for or against complaints or respondents generally or an individual Complainant or Respondent.

IV. Filing a Complaint

Any person may make a Complaint or a Report to IEO in person, by telephone, by mail, by electronic mail, or through the IEO’s [online reporting form](#). The online reporting form is the preferred reporting method. See the IEO website for the full list of locations, including the Health and Tulsa campuses, and contact information.

Primary Address:

Institutional Equity Office
660 Parrington Oval, Evans Hall – Room 102
Norman, OK 73019

Phone: (405) 325-3546

Email: ieo@ou.edu

See the Covered Policy for specific information about timelines for filing Complaints. All references to business days under this Procedure and a Covered Policy mean University business days. IEO may reasonably extend timeframes outlined in a Covered Policy under this Procedure, and may, in the Institutional Equity Officer’s discretion, dismiss a grievance if the Complainant is not entitled to use this Procedure.

Nothing herein extends or restricts an individual’s right to file charges, lawsuits, or claims with any other agency, law enforcement, or court, and individuals are encouraged to ensure their rights have not expired through other avenues. However, if a Party initiates litigation or indicates they have filed a complaint with any state or federal agency with respect to the issues presented to IEO, any grievance under this Procedure may be dismissed or stayed at the Institutional Equity Officer’s discretion. Furthermore, the Institutional Equity Officer may dismiss

a Complaint if they determine the Complainant is not entitled to use the Procedure. Such determinations are not subject to appeal. To the extent Complainant alleges criminal activity, IEO may refer such matters to law enforcement.

V. Advisors

Parties involved in matters under this Procedure may consult with an advisor of their choice, including an attorney, at the Party's expense. OU will not assign an advisor to the Parties for the purposes of proceedings under this Procedure. If the Party chooses to have an advisor, the Party should provide IEO with the advisor's contact information for the purpose of scheduling. IEO may require the Party and the advisor to sign a release to authorize the sharing of information and also may require the advisor to sign a confidentiality agreement.

An advisor may not be present during any meetings with IEO unless approved in advance by the Institutional Equity Officer or otherwise provided by a Covered Policy. An advisor may not participate in lieu of the Party in any capacity. An advisor participating under this Procedure does not have an active role and is intended to advise the Party. IEO may deny an advisor access to a meeting and/or remove an advisor from any meeting or proceeding if the advisor fails to follow guidelines established under this Procedure or by any IEO team member who may be conducting a meeting or proceeding. IEO will not permit an advisor who has a conflict of interest in a matter (e.g., also a Witness, represents a Complainant and Respondent in the same matter) to participate in any meeting.

VI. Supportive Measures

IEO offers supportive measures as appropriate and reasonably available to a Party after a Report has been made. Supportive measures are non-disciplinary, non-punitive individualized services, offered without fee or charge to the party, and may include no contact directives. (No contact directives generally are not appropriate or available in complaints involving employee-supervisor relationships.) Supportive measures may not unduly burden another Party or business operations. Supportive measures are not subject to appeal.

VII. Interim Measures

A. Emergency Removal – Students

The Vice President for Student Affairs and Dean of Students or designee may take Direct Administrative Action (“DAA”) to immediately restrict a student's rights within the OU community, up to and including emergency removal. A DAA imposed after an individualized safety and risk analysis yields a determination that an immediate threat to the physical health or safety of a student or other individual justifies the removal must provide a removed student with notice and an opportunity to challenge the decision as soon as reasonably possible afterward.

B. Emergency Removal/Administrative Leave – Non-Student Employees

With respect to employees, including faculty (excluding student employees), upon a determination at any stage in this Procedure that the continued performance of either Party's regular duties or OU responsibilities would not be in the best interest of OU, the executive officer over the area may, with the concurrence of the Chief Human Resources Officer and in consultation with the Office of Legal Counsel, suspend or reassign an employee's duties or responsibilities, or place the individual on an administrative leave of absence pending the completion of the grievance procedure.

VIII. Resolution Timelines

IEO is committed to the prompt and thorough resolution of Complaints under this Procedure. As such, IEO seeks to complete an Intake Review of all Reports or Complaints within ten (10) business days of receipt and/or

within ten (10) business days of completing an intake meeting with the Complainant. IEO strives to complete fact gathering within 30-60 business days of the commencement of an Investigation.

IEO may grant reasonable extensions of these timeframes on a case-by-case basis for good cause, which includes but is not limited to: Investigations where necessary to ensure the thoroughness of an Investigation and integrity of an Investigation; to comply with a request from law enforcement to temporarily delay an Investigation; to accommodate the availability of Parties and/or Witnesses; to account for OU breaks and/or holidays; to account for the availability of IEO team members; to account for the complexities of a case, including the number of witnesses and volume of evidence; or other legitimate reasons. IEO will provide written notice to the Parties, including rationale for any significant departure from the prescribed timeline.

IX. Confidentiality/Privacy of Records

Although OU maintains an individual's privacy to the best of its ability, OU officials may not be able to maintain the legal confidentiality of Complainant but will maintain their privacy as noted herein. Further, OU's ability to investigate may be limited if Complainant insists their name not be disclosed to Respondent. OU weighs requests for privacy against its duty to provide a safe and nondiscriminatory environment.

Investigators and those individually are charged to preserve privacy with respect to any matter investigated or heard. A breach of the duty to preserve privacy is considered a serious offense and may subject the offender to appropriate disciplinary action. Parties and Witnesses are also admonished to maintain privacy with regard to these proceedings, and, if they are OU employees, failure to maintain said privacy may result in appropriate disciplinary action.

IEO maintains records consistent with the Family Educational Rights and Privacy Act ("FERPA"). Records maintained by IEO shall be confidential except to the extent disclosure is permitted or required by applicable law or OU policy.

Records produced by IEO through this Process are considered IEO work product and are restricted from unauthorized distribution. Individuals who share IEO work product without authorization will be referred to the appropriate process for failing to comply.

X. Evidence

A. Standard of Evidence

All determinations will be based on the Preponderance of Evidence standard as defined above.

B. Evidence Gathering

Parties will be provided with equitable opportunities to present Evidence to IEO. IEO will take reasonable steps to obtain Relevant Evidence that may not be in the Parties' control. IEO may request the Parties provide Evidence and/or assist with obtaining Evidence. IEO will objectively evaluate all Evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory Evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or Witness.

The following types of Evidence are impermissible.

- Evidence that is protected under a privileged recognized by federal or state law or provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or Witnesses' records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment of the Party

or witness, unless IEO obtains that Party's or Witness's voluntary, written consent for use in this Procedure; and

- Evidence that relates to Complainant's sexual predisposition or prior sexual behavior, unless such questions and Evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and Evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

IEO may remove or redact, in whole or part, impermissible evidence included within an Evidence File.

XI. Intake Review

A. Purpose of the Intake Review

IEO conducts an Intake Review of all Complaints and Reports. The purposes of the Intake Review are to (1) assess whether a Complaint or Report describes in sufficient detail the conduct that is the basis of the Complaint or Report, and whether the alleged conduct, if proven by a Preponderance of the Evidence, would violate a Covered Policy; and (2) determine the process through which a Complaint or Report should be resolved. IEO may reach out to the Complainant to schedule an intake meeting and/or provide resources as part of the Intake Review. IEO may reach out to a Reporter to obtain additional information.

B. Due Diligence Inquiry

During the Intake Review, IEO evaluates the Complaint or Report and available information to determine whether the Complaint or Report plausibly alleges a violation of policy under IEO's jurisdiction may have occurred. IEO may conduct limited fact-gathering, which includes meeting with the Complainant without contacting the Respondent to make this determination. Examples of when IEO may conduct a Due Diligence Inquiry include when a Complaint or Report contains information that may be a violation of a Covered Policy but lacks a participating Complainant or Reporter, or when a Complaint or Report lacks sufficient detail to provide meaningful notice to a Respondent. In a Due Diligence Inquiry, IEO may engage in information gathering; contact and/or interview the Complainant(s), Respondent(s), and/or potential Witnesses; and gather, request, and/or review records, including OU records of past conduct or related incidents. A Due Diligence Inquiry does not require notice to Respondent unless Investigation is identified as the process through which IEO will resolve a Complaint or Report. A Due Diligence Inquiry is not an Investigation.

C. Outcome of the Intake Review

Following the Intake Review (including a Due Diligence Inquiry, if appropriate), IEO may do one of the following:

- (1) **Close the Complaint or Report.** IEO may close the Complaint or Report when:
 - a. the allegations, if proven, would not constitute a violation of a Covered Policy;
 - b. the allegations lacked sufficient detail upon which to base a decision about how to resolve the Complaint or Report;
 - c. the Complaint or Report lacks alleged facts sufficient to, if proven, support a finding of a violation of a Covered Policy;
 - d. Respondent is not affiliated with OU or subject to a Covered Policy;
 - e. Reporter or Complainant is unknown or unresponsive to IEO;
 - f. the allegations fall outside the filing window in the Covered Policy;
 - g. the allegations were the subject of another OU process or a previous IEO process (e.g., Intake Review; referral; Informal Resolution; Investigation) and no new information has been presented to IEO;

- h. IEO concludes that the Complaint or Report is completely resolved by referral to another OU unit; or
 - i. as otherwise deemed appropriate by the Institutional Equity Officer.
- (2) **Refer the Complaint or Report.** IEO may refer the Complaint or Report (or any portion thereof) to another OU unit when the Complaint or Report does not involve an allegation that falls under a Covered Policy but the allegations may warrant investigation, consideration, or other action by another OU unit, including but not limited to, Human Resources, the Office of Student Conduct, Internal Audit, the appropriate Senior Vice President and Provost, or any other appropriate entity.
- (3) **Investigate the Complaint or Report.** IEO may initiate an Investigation with notice to Complainant and Respondent when the Complaint or Report alleges conduct that, if established by a Preponderance of the Evidence, would violate a Covered Policy. IEO may initiate Investigation, with or without a participating Complainant, when an Investigation is required by law or OU policy or is necessary based on OU's commitment to fostering a safe and non-discriminatory living, learning, and working environment. When evaluating whether to initiate an Investigation, IEO will consider a range of factors, including (without limitation):
- a. any risk of additional or ongoing violations of a Covered Policy;
 - b. any indication of a pattern or history of noncompliance with a Covered Policy;
 - c. any threat of further noncompliance with a Covered Policy;
 - d. the nature and scope of the alleged violation(s) of a Covered Policy;
 - e. any indication of a health and/or safety risk to Complainant or other campus community member (e.g., staff, student, faculty member, affiliate);
 - f. whether IEO can pursue an Investigation without the participation of the Complainant (e.g., whether there are other available means of obtaining relevant evidence);
 - g. whether the allegations indicate a continuing effect on OU's education programs, activities, and/or employment settings if not addressed; and/or
 - h. OU's commitment to fostering a safe and non-discriminatory campus environment.

If IEO determines that a Complaint or Report should be closed or referred, IEO sends a memorandum to Complainant and Respondent (if interviewed during the Intake Review and/or otherwise notified by IEO) that includes a concise summary of both the allegations and the rationale for the determination. Complaints or Reports closed prior to Investigation may be re-opened if additional information is later available and the matter still falls within the timeframe for filing a Complaint.

D. Appeal of IEO's Determination Following the Intake Review

If the Institutional Equity Officer determines it will refer the Complaint or Report (in whole or in part), a Party (if interviewed during the Intake Review and/or otherwise notified by IEO) may appeal such referral to the Associate Vice President within five (5) business days of IEO's issuance of the notice of its determination. Any appeal must be in writing and describe in sufficient detail the grounds for appeal. Grounds for appealing an IEO determination include *only*:

- a. procedural irregularity affected the outcome;
- b. new Relevant Evidence not reasonably available at the time of the Intake Review; and/or
- c. evidence of an actual conflict of interest or bias by a member of the IEO staff not previously known or managed.

The Associate Vice President will respond within ten (10) business days but, for good cause provided to the Parties in writing, may extend the time for deciding the appeal. If the Associate Vice President upholds IEO's determination, then the decision is final, and there is no further appeal. If the Associate Vice President overturns

IEO's determination, then the Associate Vice President will refer the Complaint or Report back to IEO with appropriate instruction.

If IEO did not contact a Party during the Intake Review, IEO's determination to close or refer a matter is final.

XII. Informal Resolution

Where appropriate and available, IEO may offer the Parties the option to engage in an Informal Resolution of either a Report or a Complaint. In addition, a Party may request Informal Resolution. Participation in Informal Resolution is voluntary, and Parties must agree to Informal Resolution. Parties may withdraw their agreement at any time prior to a final resolution, and the matter will return to the process as described in this Procedure. Informal Resolution is available in the Intake Review and investigation process until an investigative report is issued.

The Associate Vice President or designee must agree that Informal Resolution is appropriate given the nature of the allegations and the relationship of the parties. The Associate Vice President may condition their agreement on the inclusion of minimum provisions in the Informal Resolution agreement, up to and including removal from an OU program, activity, or campus. Given the power dynamic inherent in such relationships, Informal Resolution may not be appropriate in cases involving a student Complainant and employee Respondent.

If Informal Resolution is unsuccessful, statements made during Informal Resolution may not be used in a subsequent Investigation. To ensure the Informal Resolution process does not impact a subsequent Investigation, the Informal Resolution facilitator may not be an individual who is otherwise involved in the Investigation process.

If the Parties reach agreement during the Informal Resolution process, the facilitator will reduce the agreement to writing and present it to the Associate Vice President or designee, who may approve or disapprove the agreement. An approved Informal Resolution agreement will be recognized as a binding agreement between the parties enforceable by OU and considered a final resolution of a matter. Once the Parties have entered into an approved Informal Resolution agreement, the Complaint will be deemed resolved and may not be re-opened. Failure to comply with an Informal Resolution agreement will be considered a failure to comply and referred to the appropriate student conduct or employee discipline process for resolution.

XIII. Investigation

A. Purpose of an Investigation

The purpose of an Investigation is to determine whether a Respondent engaged in conduct prohibited by a Covered Policy. IEO uses the Preponderance of Evidence standard to determine whether a Respondent has been shown to have engaged in conduct prohibited by a Covered Policy.

B. Notice of Investigation and Allegations

To initiate an Investigation, IEO provides a written Notice of Investigation and Allegations ("NOIA") to the Complainant(s) and Respondent(s). The NOIA contains the allegations, information about this Procedure, and information about available resources. Amendments and updates to the NOIA may be made as the Investigation progresses and more information becomes available regarding the addition or dismissal of various charges. Notice will be made in writing and delivered to the Parties' OU-issued email account or designated account for non-affiliates. IEO may use other methods of delivery when circumstances warrant. Once emailed, notice will be presumptively delivered.

After providing the NOIA, IEO conducts an adequate, reliable, and impartial Investigation of the Complaint. The burden is on IEO—not the Parties—to investigate, which includes making reasonable efforts to gather

sufficient Evidence to determine whether a violation occurred. IEO maintains full authority to determine whether certain Evidence or Witnesses are necessary to conduct a thorough Investigation. IEO may provide a copy of the NOIA to the Respondent's Appropriate Administrator (i.e., Dean, Executive Officer, and/or Supervisor) when appropriate.

IEO will provide any Party whose participation is invited or expected, with reasonable written notice of the date, time, location, and purpose of all meetings or proceedings with sufficient time for the party to participate. IEO provides equitable opportunities for Parties to present information and recommend fact witnesses. On a case-by-case basis, IEO may allow Parties to present expert witnesses equally.

IEO cannot compel a Complainant or Respondent to participate in the process. However, other OU employees are expected to participate in such processes and can be compelled to do so.

C. Investigation Report

After collecting relevant evidence, Investigator will prepare an Investigation Report. The Investigation Report includes a summary of the allegations, a description of the procedural steps taken during the Investigation, the investigator's findings, an analysis of Relevant Evidence supporting the findings, the Relevant Evidence relied upon to make a finding, and guidance regarding appeal procedures.

D. Determination, Sanctions, Remedies, and Outcomes

Upon completion of the Investigation Report, the Institutional Equity Officer or designee drafts a Notice of Outcome. The Institutional Equity Officer or designee gives the Complainant and Respondent (and the Appropriate Administrator if applicable) access the Investigation Report and Notice of Outcome simultaneously.

The Notice of Outcome states whether the Respondent is Not Responsible or Responsible for violating the Covered Policy.

a. **Not Responsible.** The Respondent will be found Not Responsible when the Investigator determines that it is more likely than not that the alleged behavior did not occur, that the Evidence was inconclusive to determine whether it is more likely than not that the alleged behavior occurred, or that the alleged behavior occurred but did not violate a Covered Policy. The appropriate outcome in a finding of Not Responsible is a dismissal.

b. **Responsible.** The Respondent will be found Responsible when the Investigator determines that it is more likely than not that the alleged conduct did occur and the conduct violated the Covered Policy.

If Respondent is found Responsible, the Institutional Equity Officer or designee also determines the appropriate sanction(s), remedies, and/or recommendations, which are included in the Notice of Outcome.

In matters in which a student Respondent is found Responsible and the Institutional Equity Officer or designee recommends the sanction of suspension and/or expulsion, the Institutional Equity Officer sends the Notice of Outcome, Investigative Report, and Relevant Evidence to the Student Conduct Officer in addition to the Complainant and Respondent and refers the student Respondent to the Student Conduct process for the hearing process as outlined in the [Student Rights and Responsibilities Code Procedures](#). The outcome of the hearing process may be appealed to the Vice President of Student Affairs as outlined in the Student Code Procedures; and the Vice President of Student Affairs determination shall be final. This Procedure is no longer controlling once a student Respondent has been referred to the Student Conduct process for a hearing.

The Institutional Equity Officer will contemporaneously provide the Parties with the Notice of Outcome that includes the findings and as well as the sanctions (if applicable). Notice of Outcome is forwarded to the Appropriate Administrator if applicable.

The Notice of Outcome becomes final either:

- a. On the date that the Institutional Equity Officer or designee provides the Parties with the appeal decision, if an appeal was filed, or
- b. On the date on which an appeal (if applicable) would no longer be considered timely.

XIV. Appeal Process Following Notice of Outcome

A. Appeal of a Dismissal Following an Investigation

A dismissal resulting from a finding of Not Responsible is not subject to an appeal.

B. Appeal of a Finding of Responsibility

With the exception of a student Respondent who receives a hearing in cases involving a suspension and/or expulsion as outlined in Section XIII(D), within five (5) business days of the Notice of Outcome being issued, the Respondent may submit a written appeal on the following bases:

- a. Procedural irregularity that affected the outcome of the matter;
- b. New evidence that was not reasonably available at the time of the outcome, that affects the outcome of the matter; and
- c. The Institutional Equity Officer or investigator had an actual conflict of interest or bias for or against Complainants or Respondents (generally or individually) that affected the outcome and had not been known or managed.

If a timely appeal is received, IEO provides the appeal to the non-appealing Party and provides five (5) business days for the non-appealing Party to submit a written response. After receipt of a response or the lapse of the response period, IEO transmits the appeal to the appropriate appeal Decision-Maker for review. The appeal Decision-Maker will not have acted as the investigator or Institutional Equity Officer in the matter. Unless extended for good cause, the appellate Decision-Maker enters a decision of appeal within ten (10) business days after the Parties' statements, if any, are received.

1. *Students*

In matters in which the Respondent is a student and the sanction does not include suspension and/or expulsion, the Vice President for Student Affairs or designee will determine the appeal. If the Vice President for Student Affairs or designee grants the appeal, the matter will be overturned or remanded for further review. If denied, and if sanctions are recommended, the Vice President for Student Affairs or designee will make a written determination to accept the proposed sanctions or impose a sanction that is less or more severe than recommended against a student who has been found responsible. Any sanction involving a suspension and/or expulsion must require a hearing before becoming final.

2. *Non-Faculty Employees*

In all cases in which Respondent is a non-faculty employee, the Chief Human Resources Officer or designee, in conjunction with the executive officer over the area, will determine the appeal. If the Chief Human Resources Officer or designee, in conjunction with the executive officer over the area or designee, grants the appeal, the matter will be overturned or remanded for further review. If denied, and if sanctions are recommended, the Chief Human Resources Officer or designee, in conjunction with the executive officer over the area or designee, will make a written determination to accept the proposed sanctions or impose a sanction that is less or more

severe than recommended against a non-faculty employee who has been found responsible. Alternatively, OU may designate an independent, external Decision-Maker.

3. Faculty Members

In cases in which the Respondent is a faculty member, the Respondent is found responsible, and the recommended sanction is a minor sanction as defined in the applicable campus's policies on minor and severe sanctions Policy, the applicable Senior Vice President and Provost or designee determines the appeal. If the Senior Vice President and Provost or designee grants the appeal, the matter will be overturned or remanded for further review. If denied, and if sanctions are recommended, the Senior Vice President and Provost or designee will make a written determination to accept the proposed sanctions or impose a sanction that is less or more severe against a faculty member; however, if the Senior Vice President and Provost or designee seeks to impose a severe sanction, the severe sanction process below is applied.

In cases in which the Respondent is a faculty member, the Respondent was found responsible, and the recommended sanction is a severe sanction as defined by the applicable campus's minor and severe sanctions policy, the appeal is referred to the appeal procedures for the recommended sanction as outlined in the applicable campus's minor and severe sanctions policy to determine (1) if an appeal should be granted and (2) if so, the appropriateness of the sanction only. If an appeal is granted, the matter will be overturned or remanded for further review. If denied, and if sanctions are recommended, the committee may prepare a written opinion confirming the appropriateness of the recommended sanction, which will be forwarded to the Senior Vice President and Provost of the appropriate campus or program and the OU President. The Senior Vice President and Provost and OU President will determine whether the recommended sanction is appropriate.