



OKLAHOMA CITY COMMUNITY COLLEGE

**NO. 1012: RESPECTFUL EDUCATIONAL AND WORKING ENVIRONMENT:
SEXUAL MISCONDUCT, DISCRIMINATION, AND HARASSMENT
POLICY**

- 1.0 Policy. The College is committed to creating and maintaining a community where all persons who participate in college programs and activities can work and learn together in an atmosphere free from all forms of harassment, exploitation, or intimidation.
 - 1.1 The College condemns discrimination based on sex or gender, sexual harassment, sexual assault, sexual orientation discrimination, discrimination based on gender identity or expression, and sexual misconduct. Any such activity committed by a member of the college community may subject the individual to college sanctions as well as civil and criminal penalties.
 - 1.2 The College prohibits crimes of dating violence, domestic violence, sexual assault, and stalking as defined by the Violence Against Women Act (VAWA).
 - 1.3 Persons who have complaints alleging discrimination based upon sex or gender, which may include sexual harassment, sexual assault, sexual orientation discrimination, discrimination based on gender identity or gender expression, and sexual misconduct may file their complaints in writing with the College's Director of Equal Opportunity/Title IX Coordinator or any Deputy Title IX Coordinator identified in Appendix A below.
 - 1.4 The Director of Equal Opportunity/Title IX Coordinator will work in conjunction with Deputy Title IX Coordinators, investigators specifically trained in sexual misconduct, and appropriate staff persons to implement this policy.
 - 1.5 This policy covers unwelcome conduct of a sexual or gender-based nature, whether committed on-campus or off-campus, where the College has control over the complained of person or the context of the harassment. Consensual romantic relationships between members of the College community are subject to other College policies, but are investigated under this process and procedure. See OCCC Policy No. 2018.
- 2.0 Emergencies. In the event you are a victim of or witness an act of sexual assault or any other crime of violence occurring on College properties, you should report the incident immediately to the OCCC Campus Police Department by:
 - 2.1 Pressing the emergency button on any college telephone located in all classrooms and offices or emergency phone located inside most major entries and stairwells, activating an Emergency Call Box located in all parking and outdoor common areas; or
 - 2.2 Calling the OCCC Campus Police from any telephone by dialing 682-7872. Victims and witnesses of crime can also contact the Oklahoma City Emergency Communications Center by dialing 911.

- 3.0 Definitions. ¹Offenses prohibited under the College's policy include, but are not limited to sexual harassment, sex discrimination (including discrimination based on sexual orientation, gender identity or gender expression), non-consensual sexual intercourse (or attempts to commit same), non-consensual sexual contact (or attempts to commit same), sexual coercion and sexual exploitation (or attempts to commit the same) as well as domestic/dating violence and stalking when these offenses are sexual or gender based.
- 3.1 Gender: For purposes of this policy the term gender includes biological gender, sexual orientation, gender identity, and gender expression.
- 3.2 Complainant: The “Complainant” is an employee, student, or visitor who informs the Director of Equal Opportunity, any Title IX Coordinator or Deputy Title IX Coordinator that the employee, student, or visitor believes he or she has been subjected to prohibited discrimination or harassment. Complainant does not include an OCCC supervisor, administrator, or official who reports prohibited discrimination or harassment that he or she observed or a complaint that he or she received, involving only other persons.
- 3.3 Respondent: The “Respondent” is the employee, student, or visitor who allegedly discriminated against or harassed another person in violation of this policy.
- 3.4 Sex Discrimination: includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.
- 3.5 Pregnancy Discrimination:
- 3.5.1 The College prohibits discrimination on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom. Discrimination on the basis of pregnancy should be reported in accordance with this policy. Employees with questions regarding accommodations during pregnancy are encouraged to contact the ADA Coordinator in the Office of Human Resources at 405-682-7540. Students and visitors with questions regarding accommodations during pregnancy are encouraged to contact Student Support Services at 405-682-7520.
- 3.5.2 For complaints of pregnancy discrimination arising under this policy, please report to the Director of Equal Opportunity/Title IX Coordinator or a Deputy Title IX Coordinator.
- 3.6 Sexual Harassment: Sexual harassment is a form of Sex Discrimination. Sexual harassment is unwelcome and discriminatory speech or conduct which is undertaken because of an individual's gender or which is sexual in nature and is so severe, pervasive, or persistent, and is so objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students, employees, and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s).
- 3.6.1 Hostile Environment Sexual Harassment includes conduct that is

¹ 3.0 DEFINITIONS: Definitions taken, in part, from the model policy of [NCHERM: www.ncherp.org](http://www.ncherp.org)

sufficiently severe, pervasive, or persistent, and objectively and subjectively so offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to: the frequency of the conduct; the nature and severity of the conduct; whether the conduct was physically threatening; whether the conduct was deliberate, repeated humiliation based upon sex; the effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person; whether the conduct was directed at more than one person; whether the conduct arose in the context of other discriminatory conduct; continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and whether the speech or conduct deserves constitutional protections.

3.6.2 Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant: make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature and indicate, explicitly or implicitly, that the rejection of or failure to submit to such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant's submission to such activity.

3.6.2.1 Examples of Harassment: Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions, or privileges of employment or education. For example, a mere utterance of a gender-based epithet which creates offended feelings in an employee or student would not normally affect the terms and conditions of their employment or education. Examples of harassment that may affect terms or conditions of employment or education include but are not limited to:

3.6.2.1.1 A professor insists that a student have sex with him or her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.

3.6.2.1.2 A student repeatedly sends sexually oriented jokes around in an email list s/he created, even when asked to stop, causing one recipient to avoid the sender.

3.6.2.1.3 Explicit sexual pictures are displayed on an exterior door, or on a computer monitor in a public place, shared workspace, or visible to others.

3.6.2.1.4 Two supervisors frequently "rate" several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance within their earshot.

3.6.2.1.5 A professor engages students in discussions in class about their past sexual experiences, yet the conversation is not in any way germane to the subject

matter of the class.

- 3.6.2.1.6 A student or employee widely spreads false stories about his or her sex life with his or her former partner to the former partner's clear discomfort, making him or her a social pariah on campus.
- 3.7 Retaliation is any attempt to penalize or take an adverse employment, educational or institutional benefit action, including but not limited to making threats, intimidation, reprisals or other adverse action, against a person because of participation in a complaint or the investigation of discrimination, sexual harassment or sexual misconduct.
- 3.8 Sexual Assault: Defined as any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual activities that fall under this definition include forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.
- 3.9 Sex Offenses: Defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - 3.9.1 Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - 3.9.2 Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - 3.9.3 Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - 3.9.4 Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent
- 3.10 Domestic Violence: Defined as a felony or misdemeanor crime of violence committed
 - 3.10.1 By a current or former spouse or intimate partner of the victim;
 - 3.10.2 By a person with whom the victim shares a child in common;
 - 3.10.3 By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - 3.10.4 By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
 - 3.10.5 By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 3.11 Dating Violence: Defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- 3.11.1 For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- 3.11.2 Dating violence does not include acts covered under the definition of domestic violence.
- 3.11.3 Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting
- 3.12 Stalking: Defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - 3.12.1 Fear for the person’s safety or the safety of others; or
 - 3.12.2 Suffer substantial emotional distress.
 - 3.12.3 For the purposes of this definition:
 - 3.12.3.1 Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
 - 3.12.3.2 Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - 3.12.3.3 Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - 3.12.3.4 Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- 3.13 Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.
- 3.14 Sexual Exploitation occurs when a person takes non-consensual, unjust or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior may not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
 - 3.14.1 non-consensual video or audio-taping of any form of sexual activity;
 - 3.14.2 going beyond the boundaries of consent (such as letting a person or people hide in the closet to watch you having consensual sex without your partner's knowledge or consent);
 - 3.14.3 sexually-based stalking or bullying;
 - 3.14.4 engaging in non-consensual voyeurism, such as observing sexual acts or body parts of another from a secret vantage point;
 - 3.14.5 knowingly transmitting a sexually transmitted disease or illness to another;
 - 3.14.6 exposing one's genitals in a non-consensual circumstance, or inducing another to expose his or her genitals;
 - 3.14.7 prostituting another person;

- 3.14.8 other forms of invasion of sexual privacy.
- 3.15 Other Misconduct: Other forms of misconduct when based on one's gender also constitute violations of this policy including:
 - 3.15.1 Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
 - 3.15.2 Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
 - 3.15.3 Harassment, defined as unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or that is sexual in nature that has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities.
 - 3.15.4 Gender-based intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
 - 3.15.5 Gender-based hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining or other group-affiliation activity.
 - 3.15.6 Gender-based bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the First Amendment);
- 3.16 Consent: Defined as the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and the absence of "No" may not mean "Yes".
 - 3.16.1 Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
 - 3.16.2 Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
 - 3.16.3 Previous relationships or consent does not imply consent to future sexual acts.
 - 3.16.4 Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
 - 3.16.5 In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity to consent may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Under this policy, consent cannot be given by someone who one knows is or who (based on the circumstances) one reasonably should know to be mentally or physically incapacitated. Incapacitation is a state where someone cannot

make rational, reasonable decisions because he or she lacks capacity to give knowing consent (e.g. to understand the "who, what, when, where, why or how" of their sexual interaction). Whether a person is incapacitated is a determination that will be made after the incident and in light of all facts available. Individuals reach incapacitation at different points and as a result different stimuli and exhibit incapacity in different ways. Note that indications of consent are irrelevant if the initiator of sexual activity knows or should reasonably have known of the incapacity of the other person.

- 3.16.5.1 Common signs of incapacitation, or when a person should know that the other person is incapacitated, include but are not limited to:
 - 3.16.5.2 awareness of the amount of alcohol, medication or drugs consumed by the other, or
 - 3.16.5.3 imbalance or stumbling, or
 - 3.16.5.4 slurred speech, or
 - 3.16.5.5 lack of consciousness or inability to control bodily functions or movements, or vomiting.
 - 3.16.5.6 Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

3.17 State Law Definitions

In accordance with the Violence Against Women Reauthorization Act of 2013, please be advised that the following definitions are applicable should you wish to pursue Oklahoma state criminal or civil actions. These definitions may differ from the College's administrative policy definitions noted above. The College's administrative system and disciplinary procedures are separate and distinct from those available to someone in a state civil or criminal action. Individuals may seek administrative remedies in accordance with this policy and also may seek state or federal civil or criminal remedies for the same incident through the applicable systems. The definitions set forth below are reviewed and verified annually; for a more frequently updated resource, please consult Oklahoma's State Court Network site: <http://www.oscn.net>.

3.17.1 Oklahoma Criminal Law Definition of Rape

A. Oklahoma Penal Code, §21-1111:

Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:

1. Where the victim is under sixteen (16) years of age;
2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
4. Where the victim is intoxicated by a narcotic or anesthetic

agent, administered by or with the privity of the accused as a means of forcing the victim to submit;

5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
 6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;
 7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim; or where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system.
- B. Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.

3.17.2 Definition of Consent under Oklahoma Criminal Law

Oklahoma Penal Code, §21-113: provides that the term consent means the affirmative, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter which can be revoked at any time. Consent cannot be:

1. Given by an individual who:
 - a. Is asleep or is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason, or
 - b. Is under duress, threat, coercion or force; or
2. Inferred under circumstances in which consent is not clear including, but not limited to:
 - a. The absence of an individual saying “no” or “stop”, or
 - b. The existence of a prior or current relationship or sexual activity

3.17.3 Definition of Domestic/Dating Violence under Oklahoma Criminal Law

- A. Oklahoma Penal Code, §21-644 defines domestic and dating violence as any person who commits any assault and battery against
 - 1. a current or former spouse,
 - 2. a present spouse of a former spouse,
 - 3. a former spouse of a present spouse,
 - 4. parents,
 - 5. a foster parent,
 - 6. a child,
 - 7. a person otherwise related by blood or marriage,
 - 8. a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes,
 - 9. an individual with whom the defendant has had a child,
 - 10. a person who formerly lived in the same household as the defendant, or
 - 11. a person living in the same household as the defendant.

3.17.4 Definition of Stalking under Oklahoma Criminal Law

- A. Oklahoma Penal Code, §21-1173, defines stalking as:
Any person who willfully, maliciously and repeatedly follows or harasses another person in a manner that:
 - 1. Would cause a reasonable person or a member of the immediate family of that person to feel frightened, intimidated, threatened, harassed, or molested; and
 - 2. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

4.0 Designation of Title IX Coordinators

4.1 The Title IX Coordinators designated in Appendix A, are charged with coordinating compliance with this policy and ensuring a timely and complete investigation and resolution of complaints arising hereunder. OCCC's Director of Equal Opportunity has been designated as the Title IX Coordinator. He or she coordinates the investigation and resolution of all complaints of sexual misconduct and other gender-based misconduct.

4.2 Appendix A, is subject to amendment from time to time, and will remain currently posted on Title IX Coordinator page of OCCC's, listooMany website. <http://www.occc.edu/listoomany/coordinators.html>

5.0 Confidential Reporting

On campus, only the licensed counselors in Student Support Services may maintain confidentiality with regard to reports of sexual harassment or discrimination. The counselors may offer options and advice without an obligation to inform the Title IX Coordinator unless the complainant requests that the information be shared. Parties wishing to report confidentially, may do so by contacting

Counseling Office in Student Support Services
Oklahoma City Community College (1F8-MB)

7777 S. May Avenue
Oklahoma City, OK 73159
<http://www.occc.edu/support/Counseling.html>
(405) 682-7520

Licensed Counselors are encouraged but not required to report de-identified crime statistics to the Campus Police Department. Additionally, licensed counselors, unless contrary to counselor's professional judgment, will inform the complainant of his or her option to report to the Campus Police and the Title IX Coordinator.

6.0 Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit sexual misconduct are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a non-consensual sexual act.

- 6.1 Make your relationship limits known as early as possible.
- 6.2 Be aware of your alcohol intake. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a person intoxicated by alcohol or drugs as a sexual opportunity.
- 6.3 Take care of your friends or colleagues and ask that they take care of you.
- 6.4 Potential Aggressor: If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk of being accused of sexual misconduct:
- 6.5 Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- 6.6 Understand and respect personal boundaries.
- 6.7 Don't make assumptions about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you do not have consent.
- 2.8 Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading your partner. You must respect the timeline for sexual behaviors with which your partner is comfortable.
- 2.9 Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- 6.10 Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- 6.11 Understand that consent to one form of sexual behavior does not automatically imply consent to other forms of sexual behavior.
- 6.12 Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

7.0 Duty to Report Sexual Harassment, Discrimination, and Misconduct

7.1 Mandatory Reporting

- 7.1.1 All college employees are encouraged to report conduct that could

- constitute sexual misconduct or other gender-based misconduct to the Title IX Coordinator or Deputy Title IX Coordinator.
- 7.1.2 With limited exceptions, Coordinators, Deans, Directors and above must report conduct that could constitute sexual misconduct or other gender-based misconduct to the Title IX Coordinator or Deputy Title IX Coordinator.
 - 7.1.3 Where potential complainants wish to remain anonymous, the college employee should consult with the Title IX coordinator before making the report in a "John/Jane Doe" format. However, licensed counselors who receive reports while engaged in such capacity may keep such reports confidential.
 - 7.1.4 Supervisors, managers and faculty members with administrative duties or students with supervisory duties are responsible for taking all appropriate action to prevent sexual misconduct, discrimination and harassment, to correct it when it occurs.
 - 7.1.5 The failure to report when required to do so may result in disciplinary action up to and including termination.
- 7.2 Confidential Reporting
- 7.2.1 Confidential reporting resources are available through the College's counseling center:
Student Support Services provides privileged counseling services- (405) 682-7520. Reports to the counselors are legally confidential and may not be revealed without consent except in limited statutorily defined circumstances.
- 7.3 Reports Concerning Minors: Members of the college community should be aware that the College often has minors on its campus for a variety of reasons including field trips, campus tours, camps and credit courses.
- 7.3.1 OCCC policies addressing minors on campus are at:
 - 7.3.1.1 Children in the Workplace: 2025 Children in the Workplace.pdf
 - 7.3.1.2 Supervision of children:
<http://www.occc.edu/policy/pdf/2025.pdf>
 - 7.3.2 Should you have a reasonable suspicion of any abuse or neglect of a minor whether on College property or not, irrespective of whether you are a mandatory reporter for Title IX purposes, you have an independent obligation under Oklahoma state law to notify the Oklahoma Department of Human Services immediately (1-800-522-3511). Where the incident occurred on campus or involves a college related event, you must also call local law enforcement and/or OCCC Campus Police (405-682-7861). If any incidents also involve violations of the Sexual Misconduct, Discrimination and Harassment policy, you must contact DHS, OCCC Campus Police, and the College's Title IX Coordinator (405-682-7540).
- 7.4 Title IX Coordinator
- 7.4.1 The Title IX Coordinator has primary responsibility for investigations, education and training associated with this Policy. For complaints concerning actions governed by this Policy, please contact the Director of

Equal Opportunity/Title IX Coordinator, at (405) 682-7540 or any Deputy Title IX Coordinator. For a complete list of Deputy Title IX Coordinators, please see Appendix A.

7.4.2 The Title IX Coordinator, Deputy Title IX Coordinators, Title IX Advocates and any appointed investigators, will be specially trained in responding to matters involving allegations of Title IX sexual misconduct, including methods of investigation and as appropriate conducting hearings, in a manner that protects the safety of complainants and promotes accountability while protecting the due process rights of all parties.

8.0 Education and Training, Counseling Services and Interim Measures

8.1 Students are required to complete Title IX training for students annually.

8.2 For students, the College offers the following training and services:
Confidential counseling through the Office of Student Support Services (405) 682-7520 (Monday – Friday, 8:00 a.m. – 5:00 p.m.)

Mandatory online training

In-person training for Active Bystander Intervention skills

On-going campus campaigns and information at a variety of events concerning the policy and appropriate behaviors, including Bystander Intervention

Informational website and brochures devoted to educating students at: www.OCCC.edu/sexualmisconduct

With respect to cases of sexual harassment and sexual misconduct, the College offers services to the victim and will engage in a discussion concerning appropriate interim measures, e.g. class and scheduling adjustments, no contact orders, blocking emails, referral to counseling services, etc.

8.3 All employees are required to complete Title IX training annually. Failure to have a certification of this required training may result in appropriate disciplinary action. Employees may be required to be recertified on demand.

8.4 The College requires volunteers who will be providing volunteer services for ten (10) or more days within a calendar year to take Title IX training at least once during their career.

8.5 For employees, the College offers the following training and services:
Counseling through the Employee Assistance Program at (405) 840-0231

Mandatory online training for employees

In-Person training on sexual harassment/discrimination/violence and mandatory reporting through new employee orientations, Supervisory Series, and other periodic training opportunities and upon request

In-person training for Active Bystander Intervention skills

Ongoing campus campaigns and information at a variety of events, concerning the policy and appropriate behaviors, including Bystander Intervention

Informational website and brochures devoted to educating employees at: www.occc.edu/sexualmisconduct

In person training prevention workshops

With respect to cases of sexual harassment and sexual misconduct, the College offers services to the victim and will engage in a discussion concerning appropriate interim measures, e.g. scheduling adjustments, no contact orders, blocking emails,

- referral to counseling services, etc. (See Section 8.8.2)
- 8.6 Additional Resources Available to the College community:
 OCCC Campus Police Dept. (405) 682-7872
 Norman Rape Crisis Center - Women's Resource Center (405) 701-5660 – confidential off-campus resource
 Norman Domestic Violence Crisis Line: (405) 701-5540 - provides confidential resources off campus
 Heartline Health 1-800-273-CARE-provides referral and support
 OKC Rape Crisis/YWCA (405) 943-7273 - provides confidential resources off campus
 OKC Police Department - 911 for emergencies; (405) 231-2121 – non-emergencies.
 Oklahoma Coalition Against Domestic Violence and Sexual Assault (405) 524-0700 – provides confidential resources off campus
 Oklahoma Safeline (800) 522-7233 - provides confidential resources off campus
- 8.7 Bystander Intervention: Means safe and positive options that may be carried out by an individual or individuals to prevent violence, promote safety, and reduce incidents.
- 8.7.1 Bystander intervention includes:
- 8.7.1.1 Recognizing situations of potential harm;
- 8.7.1.2 Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene
- 8.7.2 If you witness a policy violation, or behaviors that may lead to a policy violation, there are a variety of things you can do as a bystander:
- 8.7.2.1 Divert the intended victim (e.g. "help me out of here; I don't feel well")
- 8.7.2.2 Distract the alleged offender (e.g. "looks like your car is being towed")
- 8.7.2.3 Confront the alleged offender (e.g. "don't speak to him or her in that manner")
- 8.8 Interim Measures: Complaining parties may request certain interim measures from the Title IX Coordinator. No formal complaint or investigation, civil or criminal, need occur before these options are available. The College will maintain confidentiality to the fullest extent possible in implementing these measures.
- 8.8.1 The Title IX Coordinator and OCCC Police Department, working in coordination with necessary college administrators, may take immediate interim actions to protect the safety of the college community, to enable students or employees with complaints to continue studies or duties of employment, and to insure the integrity of the investigation.
- 8.8.2 Examples of interim measures include:
- Assistance in filing a complaint with the College and appropriate law enforcement agencies
 - Assistance in filing for an Emergency Protective Order
 - No Contact Order
 - Change of class schedules and academic support

- Transportation arrangements and campus escorts
 - Counseling services
 - Blocking emails
 - Other measures, as discussed
- 8.9 When a student or employee reports that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether on or off campus, the College will provide a written explanation of the student or employees' rights and options.
- 8.10 Explanation of Employee or Student's Rights and Options:
In order to provide accessible, prompt, and equitable methods of investigation and resolution of incidents of sexual or other gender-based misconduct, the College has developed a process for investigation and adjudication of misconduct reports. Throughout this process, both the complainant and the respondent have the following rights:
- 8.10.1 To appropriate support from the College
 - 8.10.2 To privacy to the extent possible consistent with applicable law and College policy
 - 8.10.3 To information about the College's Sexual Misconduct Policy
 - 8.10.4 To the presence of an advisor throughout the process
 - 8.10.5 To participate or decline to participate in the investigation or any appeal process. However, a decision to refrain from participating in the process either wholly or in part will not prevent the process from proceeding with the information available.
 - 8.10.6 To prompt and thorough investigation of the allegations
 - 8.10.7 To adequate time to review documents in the office of the Title IX Coordinator following the investigation
 - 8.10.8 To adequate time to prepare
 - 8.10.9 To an opportunity to challenge an investigator or hearing panel member for possible conflicts of interest.
 - 8.10.10 To refrain from making incriminating statements
 - 8.10.11 To be free from retaliation for filing or participating in the investigation of a complaint
 - 8.10.12 To appeal the decision made by the Title IX Coordinator
 - 8.10.13 To notification in writing of the case resolution, including the outcome of any appeal
 - 8.10.14 To report the incident to law enforcement at any time
 - 8.10.15 To understand that information collected in the process may be subpoenaed in criminal or civil proceedings
- 9.0 Intentional False Reporting
Individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action up to and including termination or expulsion. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.
- 10.0 Free Speech and Academic Freedom
Members of the college community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. However, freedom of speech

and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

11.0 Availability of Other Complaint Procedures

Office of Civil Rights:

Kansas City Field Office

[Kansas City Office - OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

1-816-268-0550

Washington D.C.:

[Washington D.C. Office - OCR@ed.gov](mailto:OCR@ed.gov)

1-800-421-3481

Equal Employment Opportunity Commission:

Oklahoma City Field Office:

1-800-669-4000

Washington D.C.

[EEOC Contact page - EEOC.gov/contact/](http://EEOC.gov/contact/)

1-800-669-4000

State of Oklahoma Attorney General's Office:

Office of Civil Rights Enforcement: OK Atty General - OCRE@oag.gov

405-521-2029

12.0 Investigative Process for Internal Complaints

12.1 Who May Utilize this Procedure?

12.1.1 Complaints arising under College Policy No. 1012, Respectful Educational and Working Environment-Sexual Misconduct, Discrimination and Harassment must be filed with the Director of Equal Opportunity/Title IX Coordinator or Deputy Title IX Coordinator ("Title IX Coordinator").

12.1.2 This procedure is available to any person who, at the time of the acts complained of, was employed by Oklahoma City Community College, was an applicant for employment, was an applicant for admission to a College program, was enrolled as a student at the College or was a guest at a College event, and the College has control over either the alleged offender or the facility or context of the event (whether on or off campus).

12.1.3 The Director of Equal Opportunity/Title IX Coordinator may, in his or her discretion, dismiss a grievance if he or she determines the person filing the complaint is not entitled to use this procedure.

12.2 Filing of Complaint

12.2.1 Persons who wish to file a complaint arising under College Policy No. 1012, Respectful Educational and Working Environment-Sexual Misconduct, Discrimination and Harassment, or Policy No. 2018, Consensual Relationships, must file their complaints in writing, including email, with the Title IX Coordinator or any Deputy Title IX Coordinator designated by the College. Complainants who exercise their right to use this procedure agree to accept its conditions as outlined. Where multiple issues exist (*e.g.*, sexual harassment and violation of due process or grade appeal), the complainant must specify all of the grounds of the complaint that the complainant should have reasonably known about at the time of filing.

12.2.2 A complaint filed under this procedure may normally not be filed under any other College procedure. Depending on the nature of the issues involved, the Title IX Coordinator will advise the complainant about the

- available procedure(s) to invoke (applicable disciplinary policies and procedures, performance appraisal appeal).
- 12.2.3 Any party to the complaint, including the respondent and the complainant, may obtain the advice of any advisor or attorney at the party's own expense. Advisors and attorneys may be present during any meetings or hearings, but only parties and the witnesses may participate directly in the process, not the advisors or attorneys.
 - 12.2.4 Effect on Pending Disciplinary Actions: Filing a complaint under Policy No. 1012 will not prevent, delay or affect any non-retaliatory evaluation or discipline of the complainant for conduct or performance deficiencies or for violation of OCCC policies and procedures.
 - 12.2.5 The Title IX Coordinator in consultation with the College's Legal Counsel may modify these procedures from time to time as deemed appropriate for compliance with federal, state and local law or applicable regulations or guidance.
- 12.3 Timing of Complaint
- 12.3.1 Generally, to aid in a proper investigation, complaints filed with the Title IX Coordinator should be filed within 365 calendar days of the act of alleged sexual discrimination, harassment or misconduct to facilitate the ability to gather facts and evidence. However, complaints about conduct occurring outside this time-frame will be reviewed as well. Individuals are counseled that claims filed after lengthy lapses in time may be more difficult to investigate.
 - 12.3.2 The Title IX Coordinator may reasonably extend this and all other time periods, and may, in his or her discretion, dismiss a grievance if the person is not entitled to use this procedure.
 - 12.3.3 Nothing herein should be construed to extend or restrict a person'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 these other avenues.
 - 12.3.4 Further, to the extent the complainant's allegations involve criminal activity, the Title IX Coordinator may refer such matters to local law enforcement.
- 12.4 Administrative Action
- 12.4.1 The College recognizes its obligation to address incidents of sexual misconduct, discrimination and harassment on campus when it becomes aware of its existence even if no complaints are filed; therefore, the College reserves the right to take appropriate remedial measures, unilaterally, under this procedure, including interim measures, including but not limited to issuing no-contact orders, modifying course-schedules, etc.
 - 12.4.2 With respect to students, the Vice President for Student Support Services (or designee) or other appropriate persons in authority may take immediate administrative or disciplinary action deemed necessary for the welfare or safety of the college community.
 - 12.4.3 With respect to employees, upon a determination at any stage in the

investigation or complaint procedure that the continued performance of any party's regular duties or college responsibilities would be inappropriate, the proper President's Cabinet member may suspend or reassign said duties or responsibilities, place the individual on leave of absence, or terminate employment, pending the completion of the investigation, sanction or appeal process.

12.5 Withdrawal of Complaint

The complainant may withdraw the complaint at any point during the investigation; however, the Title IX Coordinator may determine, in his or her discretion, that the issues raised warrant further investigation despite the complainant's desire to withdraw the complaint.

12.6 Standard of Review

At every level of the proceedings, the appropriate standard of review is the preponderance of the evidence, which means that it is more likely than not that the allegation is true. The investigation and determination should be completed as soon as practicable, but in all cases within 60 calendar days of the filing of the complaint, unless the need for an extension is appropriately documented by the Title IX Coordinator and communicated to the parties.

12.7 Privacy of Proceedings and Records

12.7.1 Students wishing to make legally confidential reports have the option of reporting sexual and other gender-based misconduct matters to the college's licensed counselors in the Office of Student Support Services. To the extent the complainant speaks to a licensed counselor acting in his or her counseling capacity, such communication is confidential and privileged, and may not be disclosed except where statutorily required.

12.7.2 Although college employees other than licensed counselors will maintain an individual's privacy to the best of their ability, individuals should know that college employees (other than licensed counselors) may not be able to maintain legal confidentiality of the complainant, but will maintain the privacy of the parties as noted herein.

12.7.3 The complainant may request that his or her name not be disclosed and may request that no investigation into the complaint be conducted. The College's ability to investigate may be limited if a complainant insists his or her name not be disclosed to the respondent. The College must weigh such requests for privacy against its responsibility to provide a safe and nondiscriminatory environment. Title IX Coordinators, investigators and those involved with the investigation are individually charged to preserve privacy with respect to any matter investigated or heard, to the extent consistent with a thorough and complete investigation.

12.7.4 Failure to preserve privacy is considered a serious offense and may subject the offender to appropriate disciplinary action.

12.7.5 Parties and witnesses are also admonished to maintain privacy with regard to these proceedings, and if they are college employees, failure to maintain said privacy may result in appropriate disciplinary action. Furthermore, federal law prohibits retaliation against those who file complaints, and the College will take responsive action if such retaliation

- occurs, up to and including termination and/or expulsion.
- 12.7.6 All records involving complaints of sexual or other gender-based misconduct, upon disposition of a complaint, shall be transmitted to and maintained by the Title IX Coordinator as confidential records except to the extent disclosure is permissible or required by applicable law or College policy. It should be noted that under the Family Educational Rights and Privacy Act, final disciplinary actions as well as the rationale may be reported to the complainant, to the extent the sanctions directly relate to the complainant.
- 12.7.7 The College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against the individual who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for the purposes of this paragraph.
- 12.8 Proceedings
- 12.8.1 Informal Resolution of Sexual Misconduct or Sexual Harassment
- 12.8.1.1 Employees or students who believe they are victims of sexual harassment or misconduct have the option of proceeding informally or formally. Informal resolution may be appropriate if the conduct is isolated or non-threatening. Informal resolution is not an option for cases of sexual assault, including sexual or inappropriate touching of any kind.
- 12.8.1.2 If one chooses to proceed informally, the employee or student should contact the Title IX Coordinator to report the sexual harassment or misconduct and specify they wish to proceed informally. Resolution at the informal complaint process will be mediated by the Title IX Coordinator, or his/her designee, and may include an agreement in which one or more of the parties involved agree to accept discipline in the form of a warning, censure, probation, or other such disciplinary action as may be warranted by the circumstances of each case.
- 12.8.1.3 To the extent the parties are able to achieve a satisfactory resolution of the complaint through the informal resolution process, the complaint will be considered resolved. The complainant and responding party will receive written notification of the outcome and disposition of the complaint. The fact that a complaint of sexual harassment or misconduct may be concluded at the request of the accusing party does not preclude the filing of a formal complaint by others, including appropriate college officials.
- 12.8.1.4 In cases in which a mutually satisfactory informal resolution cannot be achieved, either the complainant or responding

party may request in writing to advance the complaint to the formal complaint process. This request should be submitted in writing to the Title IX Coordinator within five (5) business days when either party is aware that a mutually satisfactory informal resolution cannot be achieved.

12.8.2 Formal Complaint Process

12.8.2.1 Preliminary Investigation:

12.8.2.1.1 Upon receiving a complaint or report of sexual misconduct, the Title IX Coordinator has the initial responsibility of determining whether there is sufficient evidence of a violation of the College's sexual misconduct policy which would justify proceeding with a formal investigation. The Title IX Coordinator shall make this initial preliminary investigation within ten (10) business days of receiving a complaint.

12.8.2.1.2 If the Title IX Coordinator finds (a) that the facts in the complaint or the report, even if taken as true, do not constitute a violation of the College's sexual misconduct policy; or (b) the complaint fails to assert facts that suggest sexual misconduct; or (c) the appropriate resolution or remedy has already been achieved, the coordinator shall close the investigation and notify the complainant of the findings and that the matter is closed.

12.8.2.1.3 If the Title IX Coordinator finds sufficient evidence of a violation of the College's sexual misconduct policy, a formal investigation will be initiated.

12.8.2.2 Formal Investigation

12.8.2.2.1 The Title IX Coordinator shall notify the complainant (individual filing report of misconduct) when the formal investigation commences and provide a tentative time frame for the completion of the investigation and the decision. The Title IX Coordinator shall also prepare and send notice of the complaint to the responding party (individual accused of the misconduct), which will include the tentative time frame for the completion of the investigation and the decision.

- 12.8.2.2.2 The complainant and responding party may have one adviser of their own choosing present for support and consultation during the investigation at any time the respective party is meeting with the Title IX Coordinator, a Deputy Title IX Coordinator or any duly appointed and specially trained Investigator.
- 12.8.2.2.3 During the investigation, the Title IX Coordinator shall by himself/herself and/or with the aid of one or more of the Title IX Deputy Coordinator or appointed investigators collect all evidence relating to the complaint or report of sexual misconduct from all available sources.
- 12.8.2.2.4 Interviews of the parties and any witnesses, if applicable, will be conducted. Each person interviewed will be asked to write his or her statement or sign a summary drafted by the investigator based upon the information given during the interview.
- 12.8.2.2.5 Additional evidence may be sought from any relevant party or witness, including but not limited to, documents, email communications, social media postings, text messages, etc. Parties are expected to cooperate and provide this information. Failure to cooperate with an investigation may result in separate disciplinary proceedings. Parties should be aware that as members of the college community, their expectation of privacy in college resources is limited, and the college may obtain information through the college's resources and informational technology system with or without the individual's cooperation.
- 12.8.2.2.6 Upon completion of the formal investigation, and after a conference to review the investigation findings with one or more Deputy Title IX Coordinators, which may at the discretion of the Title IX Coordinator and/or the College's Legal Counsel, include calling for a formal in person hearing of the parties and witnesses. In such instance, the Hearing Panel will be composed of Title IX Deputy Coordinators and/or specifically

trained Title IX Advocates or investigators. The Title IX Coordinator will serve as the Chair of the Hearing Panel, and be a non-voting member. The investigator assigned to the complaint will be excluded from any Hearing Panel for the matter.

12.9.2.2.7 Following the Title IX Conference and/or in person hearing, the Title IX Coordinator shall make a factual finding, based upon a preponderance of the evidence, as to whether or not a violation occurred and will prepare a written report in conformity with those findings.

12.9.2.2.8 If there is a finding of no violation of the college sexual misconduct policy, the process is concluded. The Title IX Coordinator will give written notice of the findings and termination of the proceedings to the complainant, responding party, and appropriate college administrators.

12.9.2.2.9 If there is a finding of a violation of the college sexual misconduct policy, the Title IX Coordinator will convene with the Sanctioning Official to determine the appropriate sanction(s) to be imposed. The Sanctioning Official shall be the Vice President of Enrollment and Student Services (or designee), if a student is the respondent; the Vice President of Academic Affairs (or designee), if a faculty member is the respondent; or the Executive Vice President (or designee), if a staff member or anyone else is the respondent.

13.0 Sanctions:

The following matrix shall guide the Title IX Coordinator and the Sanctioning Official in determining sanctions and provide notice to the college community of the possible sanctions for an individual who is found responsible under this policy. This matrix only provides guidance and is not meant to be exclusive as to other sanctions that may be imposed.

Additionally, prior disciplinary actions of a same or similar nature against an individual may be taken into consideration when imposing sanctions. The sanctions of dismissal, suspension, and probation may apply to academic enrollment, participation in campus activities and organizations, and campus employment.

Employees determined to be in violation of the VAWA will also receive sanctions according to this matrix. VAWA offenses are specifically excepted from the purview of the OCCC Positive Discipline Policy No. 2019, the Demotion, Suspension without Pay,

Disciplinary Loss of Pay, and Termination Policy, No. 2022, and the Resolution of Employee Grievance Policy No. 2021, and the Student Code of Conduct. Further, any appeal of the determination or sanction imposed will be pursuant to Section 15.0, Appeal, of this policy. Sanctions for each prohibited behavior may include sanctions at any higher level, based on the severity of the behavior.

Prohibited Behavior/Conduct	Range of Sanctions
Sexual Misconduct Constituting of Sexual Assault (Offenses in violation of the Violence Against Women Act , inclusive of Sexual Assault, Domestic Violence, Dating Violence, and Stalking)	Dismissal/Termination Administrative leave Suspension/Expulsion
Sexual Misconduct Not Constituting Sexual Assault	Dismissal/Termination Suspension Probation Reprimand or other written discipline
Unwanted Sexual Touching	Dismissal/Termination Suspension/Expulsion Probation Community Service Educational/Counseling Consultation Reprimand or other written discipline
Non-physical Sexual Harassment	Dismissal/Termination Suspension Probation Community Service Educational/Counseling Consultation Reprimand or other written discipline
Discrimination	Dismissal/Termination Suspension Probation Community Service Educational/Counseling Consultation Reprimand or other written discipline
Retaliation False Allegations	Dismissal/Termination Suspension Probation Community Service

	Educational/Counseling Consultation Reprimand or other written discipline
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14.0 Notification of Outcome

- 14.1 Once the Title IX Coordinator and Sanctioning Official decide upon an appropriate sanction, the Title IX Coordinator shall notify the complainant and responding party in writing of the outcome of the investigation by hand delivery or by U.S. Mail. The notification shall include a summary of the investigative findings, the sanction(s) to be imposed, if applicable, and each party’s right to appeal. The form of notice shall be at the discretion of the Title IX Coordinator and shall be that which is determined to be the most expedient and reliable method of informing the parties.
- 14.2 Any disclosure to persons other than the parties deemed necessary shall be in accordance with all applicable federal and state laws, including FERPA with regard to students.
- 14.3 Any sanction imposed may be suspended pending appeal, at the Sanctioning Official’s discretion.

15.0 Appeal

- 15.1 A party aggrieved by a decision of the Title IX Coordinator or by the sanctions imposed may file a Petition for Appeal within five (5) business days of notification of the final outcome.
- 15.2 The appeal must be sent to the Title IX Coordinator in writing and state clearly what the grounds are that would justify consideration. General dissatisfaction with the outcome of the proceeding is not a basis for appeal. The written appeal must address one of the following criteria:
 - 15.2.1 An error in procedure, which prejudiced the process to the extent the participant was denied a fundamentally fair investigation as a result of the error. Only significant procedural errors that may have affected the decision or which relate to the sanction imposed will be considered.
 - 15.2.2 New evidence that was previously unknown and became available during the appeal process that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included with the notice of appeal.
 - 15.2.3 Sanctions imposed are not appropriate for the violation the individual(s) committed.
 - 15.2.4 Clearly demonstrated investigator bias.
- 15.3 An appeal which does not clearly raise one of these four criteria will be dismissed without further consideration.
- 15.4 After receiving a Petition for Appeal, the Title IX Coordinator shall inform the other party of the appeal and give the non-appealing party an opportunity to respond within five (5) business days. The Title IX Coordinator shall also inform the Sanctioning Official of the appeal.
- 15.5 After receipt of the Petition for Appeal and any response, the Title IX Coordinator shall notify the President of the college (or designee) who shall act as the final Appeals Officer.

15.6 The Appeals Officer shall review the appeal and any response to determine if the appeal meets any of the limited grounds and is timely. Appeals decisions are to be deferential to the original investigation, making changes to the findings only if there is clear error and to the sanction only if there is a compelling justification to do so. The original finding and sanction will stand if the appeal is not timely or does not meet one of the stated grounds. The Appeals Officer will render a written decision on appeal to all parties within seven (7) business days from receipt of the appeal. The Appeal Officer's decision to deny appeal requests is final.

15.6.1 If the Appeals Officer determines that new evidence should be considered, he/she will return the complaint to the Title IX Coordinator and/or Title IX Deputies who conducted the original investigation to reconsider in light of the new evidence only, and the parties will be notified in writing accordingly. The Title IX Coordinator and/or Title IX Deputies shall conduct any supplemental investigation in accordance with the procedures set out above with proper notice and opportunity to be heard conveyed to the parties.

15.6.2 If the Appeals Officer determines that a material procedural error occurred, he/she may return the complaint to the Title IX Coordinator and/or Title IX Deputies who conducted the original investigation with instructions to cure the error. In rare cases, where the procedural error cannot be cured by the original investigators (as in a case of bias), the Appeals Officer may order a new hearing on the complaint with new investigators. The results of a new investigation may be appealed.

15.6.3 If the Appeals Officer determines that the sanctions imposed are beyond the articulated sanctioning matrix, the Appeals Officer will return the complaint to the original Sanctioning Official, who may then increase, decrease or otherwise modify the sanctions. This decision will be final. The Sanctioning Official will provide notification to all parties and any appropriate College officials.

15.6.4 The investigation and determination should be completed as soon as practicable, but in all cases within 60 calendar days of the filing of the complaint, unless the need for an extension is appropriately documented by the Title IX Coordinator and communicated to the parties.

16.0 Retaliation Prohibited

Any employee, student, or visitor who retaliates in any way against any an individual who has initiated or participated in the investigation or resolution of a good faith complaint of a violation of Policy No. 1012 is subject to investigation and discipline under this policy. Any student, employee or visitor who believes he or she has been subjected to retaliation as a result of participating in the Title IX process shall report the suspected retaliatory activity to the Title IX Coordinator or Deputy Title IX Coordinators identified in Policy No. 1012.

17.0 Time Frame

The time frames set forth in this policy shall be adhered to except in the event of unusual or complex circumstances. The Director of Equal Employment/Title IX Coordinator has sole authority to extend the time limits established herein. Any extension of time and the reasons therefore must be documented in writing.

Adopted as OCCC Administrative Procedure No. 2013: September 15, 1997
Revised and Renumbered: July 1, 2007
Revised: September 24, 2013
Revised: June 20, 2014
Revised: September 22, 2014
Revised: February 1, 2016

APPENDIX A —DESIGNATION OF TITLE IX COORDINATORS

Any complaint of Sexual Misconduct or other Gender-based Misconduct, including sexual assault, may be directed to the Director of Equal Opportunity/Title IX Coordinator:

Regina Switzer, J.D.
Director of Equal Opportunity
Oklahoma City Community College (105-JMC)
7777 S. May Avenue
Oklahoma City, OK 73159
regina.a.switzer@occc.edu
(405) 682-7540

OCCC's Assistant Registrar been designated as the Deputy Title IX Coordinator for complaints against credit students:

Chris Shelley, M.Ed., Assistant Registrar.
Oklahoma City Community College (1H3A-MB)
7777 S. May Avenue
Oklahoma City, OK 73159
christopher.l.shelley@occc.edu
(405) 682-7528

OCCC's Employment and Graduation Coordinator has been designated as a Deputy Title IX Coordinator for complaints against credit students:

Christina Atencio, M.H.R.
Employment and Graduation Coordinator
Oklahoma City Community College (1I2C)
7777 S. May Avenue
Oklahoma City, OK 73159
christina.l.atencio@occc.edu
(405) 682-7813

OCCC's Coordinator of Community Outreach has been designated as a Deputy Title IX Coordinator for complaints related to the Capital Hill Center Campus:

Paul Burkhardt
Coordinator of Community Outreach
123 SW 25th Street, Suite 100
Oklahoma City, Oklahoma 73109
pburkhardt@occc.edu
(405) 682-1611 ext. 7280

OCCC's Director of the Professional Development Institute, PDI, has been designated as a Deputy Title IX Coordinator for complaints related to the PDI Campus:

John Claybon, M.A.
Director of the Professional Development Institute
7124 S. I-35 Service Road
Oklahoma City, Oklahoma 73149
jclaybon@occc.edu
(405) 682-7855

OCCC's Director of Community Outreach and Education has been designated as a Deputy Title IX Coordinator for complaints related to the Family and Community Education Center Campus:

Alan Dale
Acting Director Community Outreach and Education
6500 S. Land Avenue
Oklahoma City, Oklahoma 73159
alan.dale@occc.edu
(405) 682-7755