

## **STUDENT WISHING TO REPORT A POLICY VIOLATION AGAINST ANOTHER STUDENT PROCESS FAQs**

### **Where can I report a potential sexual misconduct violation?**

Potential policy violations may be reported to the Title IX Office at Five Partners Place, 201 Stephenson Parkway, Suite 4300, Norman, Oklahoma 73019, (405) 325-2215. However, you may also report a potential policy violation to OUPD Norman (405) 325-2864, OUHSCPD (405) 271-4300 or OU-Tulsa Campus Police Department (918) 660-3900 or to an OU Advocate who are on-call 24/7 at Norman/HSC (405) 615-0013, or Tulsa (918) 660-3163 and After Hours (918) 743-5763. Additionally, you may contact the Title IX Coordinator, at (405) 325-3546, to report an incident or to inquire further about whether certain conduct amounts to a potential violation.

### **What happens after I file a report?**

If you initially report the incident to OU Advocates, all reports are taken as Jane/John Doe reports, meaning the victim's name is not utilized. Where you have given OU Advocates permission to reveal your name, your name will be used in the report. If you wish to remain anonymous, only the facts as described to OU Advocates will be reported to the Title IX Office. If a threat to the University community is determined to exist, you may be contacted and advised that an investigation may be necessary.

If you initially report the potential violation to the Title IX Office or to the Title IX Coordinator, an investigation will be commenced. If you initially contacted OUPD, OUHSCPD or Tulsa Campus Security and asked them to keep your name anonymous, they will notify the Title IX Office of the facts surrounding the incident, but will indicate you are a reluctant victim and you will initially not be identified by name, unless and until a determination regarding a threat to the University community is made.

### **What if I don't want OU Advocates/OUPD to notify the Sexual Misconduct Office?**

If you indicate to OU Advocates or OUPD, OUHSCPD or Tulsa Campus Security that you do not wish to make a formal complaint with the Title IX Office, OU Advocates or OUPD, OUHSCPD or Tulsa Campus Security will indicate that you are a reluctant victim and will not initially identify you or the accused by name. However, depending on the facts surrounding the incident, the Title IX Office may require more information to determine whether action must still be taken to ensure community safety. If this occurs, the Title IX Office will re-contact OU Advocates/OUPD, OUHSCPD or Tulsa Campus Security and determine why you are reluctant to come forward and what the University can do to assist you in feeling more comfortable in reporting the incident. Depending on the circumstances, an

investigation may still need to take place to ensure community safety; however, efforts will be made to protect your identity should you still choose not to come forward.

### **What if I do wish to file a formal complaint?**

You will be referred to the Title IX Office, (405) 325-2215, Five Partners Place, 201 Stephenson Parkway, Suite 4300, Norman, Oklahoma 73019, to file a formal complaint.

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

You will complete a complaint form, a waiver allowing your educational records to be reviewed by certain administrators to properly conduct an investigation, and a waiver allowing the Title IX Office to discuss the matter with relevant witnesses and the accused individual. You will also be advised of your right to file a police complaint or you may indicate that at this time you do not wish for police involvement. If you wish future police involvement, you may still seek their assistance; however, note that the longer you wait to commence a police investigation, the more difficult it is for them to gather evidence necessary for the filing of criminal charges.

Additionally, there may be times that the Title IX Office notifies law enforcement regarding the nature of the crime, particularly where there is a continuing threat to the community.

### **Will a criminal investigation automatically be commenced?**

Not necessarily. Depending on the facts of the case and the age of the victim (e.g. if the victim is a minor, law enforcement is required to commence an investigation and anyone with knowledge of the incident must notify law enforcement and the Department of Human Services), there is no requirement that criminal investigations be conducted where a victim refuses to cooperate with a police investigation. However, where there is a threat to the community, police may undertake an investigation even without a victim's cooperation.

If you desire a police investigation, you must notify law enforcement immediately so that valuable evidence will not be lost. Further, the Title IX Office will ask you whether you wish to commence a criminal investigation or are waiving that opportunity at the time of the initial interview. Note that you are always free to seek law enforcement assistance and protection even if you initially indicate you do not wish to commence criminal process; however, their ability to assist you may diminish the longer you wait to ask for assistance.

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

Your parents will not be informed that you have filed a complaint unless you tell them, or you expressly agree to allow them to be told, or your health or safety is determined to be at risk by the University.

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

If you wish to engage your own attorney or other advisor, you are free to do so at your own expense. Additionally, you may utilize the services of the OU Advocates. Attorneys and advisers may not directly participate in the meetings.

### **What happens next?**

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

The Title IX Office will draft a preliminary report and make a recommendation of findings determining whether, more likely than not, a policy violation occurred. The Title IX Office along with the Title IX Coordinator will make a determination whether sufficient evidence warrants additional action should be taken. You will be notified of a summary of the findings.

### **If a finding of impropriety is made with respect to another student, what happens next?**

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

You are likewise entitled to discuss the matter with the Director of Student Conduct should you so desire. You will be notified of a hearing date and location. Student Conduct or the Title IX Office will present all of the undisputed facts to the hearing panel and then ask both you and the charged student whether you wish to call any additional witnesses or ask questions of those witnesses or each other. You may not directly question the charged student and vice versa; however, you may ask the hearing panel to pose any questions you would like answered and that are relevant. The hearing panel will then ask any questions or call any witnesses. At the conclusion of the hearing, the panel will deliberate and determine whether a policy violation has occurred. Both you and the charged student may submit any mitigating or aggravating evidence for the hearing panel to consider in determining sanctions. You and

the charged student will be notified of the outcome either the same day or within three business days of the hearing panel's decision.

If either party seeks to appeal the hearing panel's decision, he/she may request an appeal to the Vice President for Student Affairs and an appellate panel may be constituted to determine if an appeal is appropriate. Appeals will only be granted where evidence that is material to the determination is new and not otherwise available at the time of the hearing and would have substantially affected the outcome of the case or where a procedural error that substantially affects the outcome of the case occurred. Appeals regarding the severity of the sanctions will not be heard if the sanction falls within the sanctioning guidelines noted in the Student Code for sexual misconduct cases.

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

Generally, the accused student has the right to confront his accuser; however, you need not be in the same room with the accused student. There are a variety of mechanisms the University can implement so that you do not have to be in the same room. For example, the use of video monitors, screens, or Skype may be provided for you if requested.

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

If the Title IX Office finds that no policy violation occurred or there is insufficient evidence to make such a determination, you will be notified. You may request that the Title IX Coordinator, at (405) 325-3549, review the determination. However, if the Title IX Coordinator agrees with the Title IX Office's findings, there is no further appeal.

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

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

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