

Title IX Policy

Title IX Policy and Procedures for Title IX Discrimination and Sexual Harassment

I. Title IX Generally

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex, including sex-based harassment and violence, in any federally funded education. Ohio Christian University (OCU) is an academic institution that, in accordance and full compliance with federal, state, and local laws, does not discriminate on the basis of sex. OCU does not knowingly support or patronize any organization that engages in unlawful discrimination on the basis of sex.

All OCU proceedings under this policy are conducted in compliance with the requirements of Title IX, the Clery Act as amended by the Violence Against Women Act, the Family Educational Rights and Privacy Act (FERPA), and state and federal law, where applicable. No information shall be released from such proceedings except as required or permitted by law and University policy.

II. Title IX Non-Discrimination Policy and Procedures

OCU is committed to fostering a climate free from discrimination on the basis of sex in the following areas: admissions, educational programs and activities, housing, access to classes and schools, counseling, financial assistance, employment assistance, health and insurance benefits and services, marital or parental status, and athletics. This policy is strictly enforced by OCU, and alleged violations receive prompt and equitable attention and appropriate corrective action. OCU takes steps to eliminate sex discrimination, to prevent the recurrence of sex discrimination, and to remedy the effects of sex discrimination, as appropriate.

Discrimination occurs when a behavior or policy has the same purpose or effect of restricting or denying an individual's or group's access to opportunities, programs, or resources, on the basis of sex, in a manner that interferes with an individuals' working, academic, residential, or social environment or athletic participation or performance. OCU will not, on the basis of sex:

- Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
- Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
- Deny any person any such aid, benefit, or service;
- Subject any person to separate or different rules of behavior, sanctions, or other treatment;
- Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;
- Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or services to students or employees;
- Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

Discrimination on the basis of sex in employment is permissible in situations where sex is a bona fide occupational qualification reasonably necessary to the normal operation of OCU. Note that the federal regulations regarding Title IX include certain exceptions, such as single-sex housing, athletic participation, and chorus participation, that do not constitute discrimination on the basis of sex.

Individuals who believe they may have witnessed or been subjected to discrimination on the basis of sex are encouraged to make a report with the Title IX Coordinator. Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person who has been subject to the conduct that constitutes sex discrimination or sexual harassment. This could be done in person, by mail, by telephone, or by electronic mail using the contact information listed below. Such a report can be made at any time (including during non-business hours) by using the telephone number, email address, or by sending mail to the office address listed below.

Ronda Baldwin
Title IX Coordinator

Location: Ohio Christian University
Graham Administration Building
Address: 1476 Lancaster Pike
Circleville, Ohio 43113

Phone Number: 740-414-4551
Fax Number: 740-500-0687
Title IX [Email: TitleIX@ohiochristian.edu](mailto:TitleIX@ohiochristian.edu)

For further information on Title IX or other non-discrimination laws, visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> for the address and phone number of the office that serves your area, or call 1-800-421-3481.

A. Grievance Procedure for Resolution of Sex Discrimination Complaints

Any student, faculty member, employee, or applicant who feels they have been the victim of discrimination on the basis of sex, or retaliated against because of reporting or participating in an investigation of sex discrimination, may report the matter to the Title IX Coordinator identified in this Policy. The Title IX Coordinator will conduct an initial assessment and determine whether it is appropriate to offer an opportunity to the parties to informally resolve the report, or whether it is appropriate to conduct a formal investigation, or both. If the matter is not resolved through informal resolution, the Title IX Coordinator or their designee shall conduct a prompt and thorough investigation of the reported discrimination. During the investigation, all parties and witnesses may be accompanied at interviews by an advisor of their choice. This investigation will be documented, and a determination will be made as to whether the reported discrimination occurred, using the preponderance of the evidence standard. When the investigation has been completed and a determination has been made, the parties will receive simultaneous written notice of the determination. Such determination will typically be issued within thirty days of the report. During

such process, the Title IX Coordinator shall offer supportive measures to the parties, if and as appropriate.

In addition to addressing complaints against a particular party, the Title IX Coordinator also addresses concerns raised that University policies or practices may discriminate on the basis of sex. The Title IX Coordinator conducts an assessment of such concerns and, using procedures the Title IX Coordinator determines to be appropriate given the circumstances, works with the University to ensure that its policies and practices are compliant.

III. Title IX Sexual Harassment Policy and Procedures

OCU is committed to fostering a climate that is free from harassment on the basis of sex. This policy is strictly enforced by OCU, and alleged violations receive prompt attention and appropriate corrective action. OCU takes steps to eliminate Title IX Sexual Harassment, as that term is defined below, and to remedy the effects of discrimination, as appropriate. All forms of prohibited Title IX Sexual Harassment are explained in greater detail, below.

The term “harassment” may mean different things, depending on the context and conduct at issue. For this reason, different types of harassment are subject to different policies and procedures. This Policy applies to “Title IX Sexual Harassment” in an education program or activity of OCU against a person in the United States. “Education program or activity” includes locations, events, or circumstances over which OCU exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Complaints regarding Title IX Sexual Harassment under this Policy should be brought to the Title IX Coordinator. The Title IX Coordinator has also been designated to handle inquiries regarding this Policy:

Ronda Baldwin
Title IX Coordinator

Location: Ohio Christian University
Graham Administration Building
Address: 1476 Lancaster Pike
Circleville, Ohio 43113

Phone Number: 740-414-4551
Fax Number: 740-500-0687
Title IX [Email: TitleIX@ohiochristian.edu](mailto:TitleIX@ohiochristian.edu)

For further information on Title IX or other non-discrimination laws, visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> for the address and phone number of the office that serves your area, or call 1-800-421-3481.

A. Who May Use These Reporting and Grievance Procedures

Any member of the OCU community who has experienced sexual or physical assault is encouraged to immediately seek medical assistance, contact law enforcement to make a report, and make a report to OCU.

The Grievance Procedures outlined in this Policy provide for the prompt and equitable resolution of Title IX Sexual Harassment complaints by all members of the OCU community, including students, employees, consultants, vendors, independent contractors, applicants for admission or employment, guests, visitors, and third parties, who are participating in or attempting to participate in the education program or activity of OCU.

B. Jurisdiction

OCU has jurisdiction to address conduct that constitutes Title IX Sexual Harassment under this Policy, and occurs within OCU's education programs or activities within the United States. For the purposes of this Policy, OCU's "education programs or activities" includes all of the following: (1) the operations of the University, (2) locations, events, or circumstances over which OCU exercises substantial control over both the respondent and the context in which the Prohibited Conduct occurred, and (3) buildings that are owned or controlled by student organizations officially recognized by OCU.

OCU maintains the right to respond to Title IX Sexual Harassment as defined by this Policy that falls outside the jurisdiction described in the preceding paragraph. Depending on the conduct at issue, the Student Handbook or Employee Handbook may apply.

C. Prohibited Conduct Covered by These Grievance Procedures – "Title IX Sexual Harassment"

There are six types of Prohibited Conduct that qualify as "Title IX Sexual Harassment," each of which is defined more specifically below: (1) *quid pro quo* sexual harassment, (2) unwelcome conduct sexual harassment, (3) sexual assault, (4) dating violence, (5) domestic violence, and (6) stalking on the basis of sex. The definitions used here are mandated by federal regulations.

For reported behavior to qualify as Title IX Sexual Harassment under this Policy, in addition to meeting the elements of the specific type of sexual harassment below, it must meet all of the following threshold requirements, as determined by the Title IX Coordinator and as mandated by federal regulations:

- The conduct must have occurred against a person in the United States.
- The conduct must have occurred within the University's education program or activity. For purposes of this provision, this means that the conduct must have occurred either (a) in a location, event, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual

harassment occurs or (b) in relation to a building owned by a student organization that is officially recognized by the University.

- The complainant must be participating in or attempting to participate in the education program or activity of the University at the time the formal complaint is filed.

1. **Types of Title IX Sexual Harassment:**

a. **Quid Pro Quo Sexual Harassment**

“Quid pro quo sexual harassment” is conduct on the basis of sex where a University employee conditions the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct.

b. **Unwelcome Conduct Sexual Harassment**

“Unwelcome conduct sexual harassment” is conduct on the basis of sex that is unwelcome and determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity.

c. **Sexual Assault**

“Sexual assault” is conduct on the basis of sex that is defined as a forcible or non-forcible sex offense, or attempted forcible or non-forcible sex offense, as classified under the Uniform Crime Reporting system of the FBI. This includes six separate categories, each of which is considered a form of sexual assault:

- (i) *Rape* is defined as the carnal knowledge of a person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. Carnal knowledge is defined as the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).
- (ii) *Sodomy* is defined as oral or anal sexual intercourse with another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- (iii) *Sexual Assault With An Object* is defined as the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the complainant.
- (iv) *Fondling* is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- (v) *Incest* is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. In Ohio, Revised Code

Section 3101.01(A) provides that individuals nearer of kin than second cousins may not marry.

- (vi) *Statutory rape* is defined as sexual intercourse with a person who is under the statutory age of consent. In Ohio, Revised Code section 2907.02(A)(1)(b) provides that no person may have sex with a child under the age of thirteen. Ohio Revised Code Section 2907.04(A) provides that no person over the age of eighteen may have sex with a child under the age of sixteen.

d. Dating Violence

“Dating violence” is conduct on the basis of sex that consists of violence committed by a person who is or has been in a romantic or intimate relationship with the complainant. The existence of such a romantic or intimate relationship is determined by the length of the relationship, the type of relationship, and the frequency of interactions between the individuals involved in the relationship.

e. Domestic Violence

“Domestic violence” is conduct on the basis of sex that consists of a felony or misdemeanor crime of violence committed by:

- (a) A current or former spouse or intimate partner of the victim,
- (b) A person with whom the victim shares a child in common,
- (c) A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner,
- (d) A person similarly situated to a spouse of the victim under the domestic/family violence laws of the jurisdiction
- (e) Any other person against an adult or youth victim who is protected from that person’s acts under the domestic/family violence laws of the jurisdiction.

f. Stalking

“Stalking” is conduct on the basis of sex that consists of engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person’s safety or the safety of others; or (B) suffer substantial emotional distress.

For purposes of the definition of Stalking under this Policy:

- A “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.
- A “reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking that is *not* based on sex, but otherwise meets the definition above, is addressed in the Student Handbook and the Employee Handbook.

D. Retaliation Prohibited

Neither OCU nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing provided for in this Policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes retaliation. Complaints alleging retaliation may be filed according to the grievance procedures outlined in Section III.G of this Policy. Any member of the OCU community who commits retaliation will be subject to prompt and appropriate disciplinary action.

An individual who brings a complaint under this Policy in good faith, even if it may be erroneous, will not be subject to discipline. However, the use of this policy for false, malicious, or frivolous purposes is strictly prohibited. OCU’s decision to charge an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this provision.

E. Resources for Assistance

Individuals who believe they have experienced Title IX Sexual Harassment under this Policy have multiple resources available to assist them with their needs, both on and off campus. Some resources are confidential, in that they are not required to report Title IX Sexual Harassment to anyone, including OCU or law enforcement. Other resources may have an obligation to report to OCU or law enforcement. More information on available resources is below.

1. Confidential Resources

Confidential resources are those resources that are not required to report information about Title IX Sexual Harassment to OCU. Confidential resources include individuals who are clergy and who

are acting in that role, persons providing medical or psychological treatment, and counselors. Rape crisis counselors are also considered confidential resources. For on-campus confidential assistance, the Office of Student Development's Director of Spiritual Formation may be contacted. (Student chaplains are not considered confidential resources.)

Off-campus confidential resources include the following:

- National Sexual Assault Hotline – 1-800-656-HOPE (4673)
- National Domestic Violence Hotline – 1-800-799-7233
- Ohio Sexual Violence Helpline – 1-844-OHIOHELP (1-844-644-6435)
- Ohio Hispanic Coalition Domestic Violence 24 Hour Hotline (614) 840-9934 (Spanish and English)
- Haven House of Pickaway County –(740) 477-9113
- Medical care options in your community, including:
 - o Ohio Health in Circleville, Ohio – (740) 474-2126, Ext. 8237
- Counseling Services

Seeking medical care quickly after a sexual assault may help to preserve forensic evidence that may be unavailable if there is a delay of more than a few days. While an individual may not wish to make a criminal report at that time, the evidence would then be available should the individual choose to pursue criminal charges in the future. Medical information is not available to OCU without a release from the patient.

Note that there are limits to confidentiality. Confidential resources are required to report child abuse or neglect to Children's Services or local law enforcement. Medical professionals may also have certain legally mandated reporting responsibilities in certain serious cases, although depending on state law, the reporting requirement may only require that the professional share the date, general time, and general location of the incident. Mental health professionals are required to disclose information where there is an imminent threat of harm to self or others. Finally, pursuant to the Clery Act, anonymous statistical information for certain offenses that have been reported as occurring at campus locations must be shared with Campus Security. The information does not include the names or any other identifying information about the persons involved in such incidents.

2. Other Resources

All OCU employees other than the Director of Spiritual Formation are required to report information about suspected Title IX Sexual Harassment to the Title IX Coordinator, who will contact the reporter to offer the opportunity to discuss the matter, seek interim protective measures, and ensure they understand their options under this Policy. While most OCU employees are not able to keep information confidential, they do keep information private and share only with those who need to know the information.

The following officials at OCU are considered to be officials of OCU who have authority to institute corrective measures on behalf of OCU: the President, Provost, Chief Financial Officer, Athletic Director, Title IX Coordinator, and the Chief of Campus Security. Any and all reports

made to these officials will trigger a reasonably prompt response from the Title IX Coordinator that is reasonable in light of the known circumstances.

Note that under Ohio law, all individuals have the obligation to report felonies to law enforcement. (This does not include the confidential resources listed above.) More information on involvement with law enforcement can be found below.

The following non-confidential resources are available on campus:

Ronda Baldwin
Title IX Coordinator
(740) 414-4551 or TitleIX@ohiochristian.edu

Campus Security
(740) 412-5337 or security@ohiochristian.edu

In addition to providing information about this Policy, the Title IX Coordinator can provide information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for individuals as appropriate, regardless of where the Title IX Sexual Harassment occurred. The Title IX Coordinator can also arrange for off-campus counseling at OCU's expense.

3. Law Enforcement

Any individual who believes that they have been the victim of criminal activity may contact Campus Security at (740) 412-5337 to contact the appropriate local law enforcement agency. In an emergency, individuals should dial 911 before contacting Campus Security. Contacting law enforcement does not require that the individual press criminal charges.

Law enforcement is not a confidential resource. Reports filed by law enforcement may constitute public records that must be released under state law. However, reports made to law enforcement may help to preserve evidence, particularly in cases of sexual assault, that would therefore be available if an individual should choose to pursue criminal charges at a later time. Law enforcement may also encourage a medical examination and/or the collection of a "rape kit" to preserve relevant evidence for an investigation.

An individual may choose whether to pursue criminal charges, to seek assistance through this Policy, both, or neither. OCU will cooperate with investigations by law enforcement and may, at the request of law enforcement, briefly delay any concurrent investigation by OCU. However, OCU does not defer to law enforcement's findings in lieu of administering this Policy.

F. Definitions

The following terms are defined for purposes of this Policy:

Complainant. An individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment.

Consent. Clear, verbal or non-verbal communication, freely and actively given, that is mutually understood as willingness to participate in a sexual activity and the conditions of the sexual activity. An individual may withdraw consent for further sexual activity at any time with clear communication to the other party. An individual's consent to one sexual activity cannot be seen as consent to other sexual activity. Consent cannot be given by a person who has not reached an age under state law by which they are permitted to consent, by individuals with a developmental or cognitive disability that prevents them from having the capacity to consent, and individuals who are incapacitated. If consent cannot be given by an individual, sexual activity with that individual is considered to be without consent, even if the person appears to have given consent. Silence or failure to resist does not constitute consent. Consent cannot be obtained through force, threat of force, fraud, or coercion. Consent for previous sexual activity between the parties does not constitute consent for future sexual activity.

Formal Complaint. A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment and/or other forms of sexual misconduct against a Respondent and requesting that the University investigate the allegations. Formal Complaints must be filed in order to pursue either an informal resolution process or a formal grievance process. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in an education program or activity of OCU. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed within the section titled, "Title IX Non-Discrimination Policy and Procedures" of this policy. Additionally, a "document filed by a Complainant" can be in the form of an electronic submission (such as by electronic mail or through an online portal provided for this purpose by OCU) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

Incapacitation. The state of being unconscious, asleep, or under the influence of drugs and/or alcohol to such an extent that the person cannot appreciate the nature or consequences of their actions. Incapacitated individuals cannot give consent. Note that incapacitation is not a defense to Title IX Sexual Harassment or other conduct prohibited by OCU policies.

Respondent. An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Supportive Measures. Non-disciplinary, non-punitive individualized services offered to both the complainant and respondent as appropriate, reasonably available, and without fee or charge.

Title IX Dismissal. If the conduct alleged in a Formal Complaint does not constitute Title IX Sexual Harassment, did not occur in a University education program or activity, or did not occur against a person in the United States, the University must dismiss the Formal Complaint with regard to that conduct for the purposes of Title IX Sexual Harassment. The fact that a Formal Complaint has been dismissed under this Title IX Policy does not mean that the matter is concluded. Depending on the conduct at issue, the relevant policies and procedures in the

Student Handbook and Employee Handbook may apply, even after a Formal Complaint is dismissed under this Policy. The process for appealing a Title IX Dismissal is explained in Section III.G.6 of this Policy.

G. Grievance Process

All tasks assigned to the Title IX Coordinator under this Policy may be delegated to a designee.

Individuals who require reasonable accommodations due to a disability should consult with the Title IX Coordinator regarding appropriate accommodations for participation in the process.

1. Reporting

Individuals who believe they may have witnessed or been subjected to Title IX Sexual Harassment are encouraged to make a report with the Title IX Coordinator. Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person who has been subject to the conduct that constitutes sex discrimination or sexual harassment. This could be done in person, by mail, by telephone, or by electronic mail using the contact information listed within the section titled, "Title IX Non-Discrimination Policy and Procedures. Such a report can be made at any time (including during non-business hours) by using the telephone number, email address, or by sending mail to the office address listed for the Title IX Coordinator identified in this policy.

Students will be offered amnesty for personal alcohol and drug violations that are incidental to a good faith report so as not to discourage reporting of Prohibited Misconduct.

All employees of OCU that become aware of Title IX Sexual Harassment (other than those previously designated as confidential resources, including the Director of Spiritual Formation), are required to make a report to the Title IX Coordinator. The person who may have been subjected to Title IX Sexual Harassment is referred to as the Complainant. The person who may have committed Title IX Sexual Harassment is referred to as the Respondent.

Please note that a report of sexual harassment does not automatically result in a formal investigation as defined in this Policy. The Title IX Coordinator will work to provide supportive measures, access to resources, information about formal and informal resolution procedures, and information about filing a report with the appropriate law enforcement agency.

Upon receipt of a report, the Complainant will be offered the opportunity for an initial discussion to give the Complainant the opportunity to recount what has taken place and discuss how best to proceed. The Complainant will be permitted to have an advisor of their choice during this discussion. The Title IX Coordinator will review with the Complainant the University's procedures for filing a formal complaint, informal and formal resolution, the rights of the Complainant, the availability of supportive measures, information relating to law enforcement reporting if appropriate, and available medical and/or counseling resources as appropriate. Options for, and available assistance in, changing academic and living situations can be discussed and provided if

so requested, and if such changes are reasonably available. Except in certain serious circumstances as discussed more below, it is at all times the Complainant's decision whether they will file a formal complaint, seek interim measures of protection, pursue informal resolution and/or formal resolution (including the grievance process outlined in Section III.G of this Policy). As a result of this meeting, depending on the nature of the allegations, the Title IX Coordinator may be obligated to report the incident to law enforcement pursuant to state law.

Upon receiving a report, the Title IX Coordinator will conduct an initial assessment to evaluate whether the complaint alleges sufficient information to meet the jurisdictional and threshold requirements listed in Sections III.B and III.C.

“Supportive Measures” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or OCU's educational environment, or deter sexual harassment.

Supportive measures may include one or more of the following:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules,
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Other similar measures

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures and shall consult with appropriate supervisors as necessary. OCU must maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. For example, if a change in housing locations is determined to be necessary, the Title IX Coordinator may have to share some information with individuals responsible for Housing assignments.

If, after receipt of a complaint and an individualized safety and risk assessment, OCU determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of a Respondent OCU may remove the Respondent on an emergency basis. A removed Respondent will receive notice and an opportunity to challenge the decision immediately following the removal. Threats must pose more than a generalized, hypothetical, or speculative risk to health and safety for emergency removal to be appropriate.

Non-student employees may be placed on administrative leave during the grievance process. Placement on such leave is not subject to challenge.

2. Formal Complaint

After the initial discussion with the Complainant described in Section III.G.1 above, the Complainant will be asked whether they would like to file a Formal Complaint. “Formal Complaint” is defined as a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that OCU investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in an education program or activity of OCU. As noted in Section III.F of this Policy, a Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information found in Section III of this Policy. Additionally, a “document filed by a complainant” can be in the form of an electronic submission (such as by electronic mail or through an online portal provided for this purpose by OCU) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

If the Title IX Coordinator initiates or signs a Formal Complaint, the Title IX Coordinator will not be considered a “Complainant” as that term is defined in this Policy.

3. Informal Resolution

OCU’s Informal Resolution process involves informal consultation to find an acceptable resolution for both parties without invoking the full investigation and adjudication process described below. The informal process may include counseling the Complainant on ways to address the Respondent directly regarding their behavior if the Complainant is comfortable doing so, counseling of the Respondent by the Title IX Coordinator on changing their behavior, a facilitated discussion between the Complainant and Respondent, a mediated agreement between the Complainant and Respondent, or any other informal process that is appropriate under the circumstances.

The informal resolution process is voluntary. OCU will not require that a complainant and/or respondent participate in informal resolution and waive the right to a full investigation and adjudication of formal complaints of Title IX Sexual Harassment in order to enroll or continue to be enrolled, or be employed or continue to be employed, or enjoy any other right granted by OCU. The parties may choose to pursue a formal resolution and end the informal resolution process at any time prior to reaching a determination of responsibility.

OCU is responsible for taking the following steps prior to facilitating an informal resolution:

(1) Providing written notice to the parties of:

1. the allegations,

2. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and
3. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

- (2) Obtaining the parties' voluntary, written consent to the informal resolution process.

OCU will never offer or facilitate an informal resolution process to resolve allegations that an employee engaged in Title IX Sexual Harassment of a student.

The Complainant and Respondent are permitted to bring an advisor of their choosing to any discussions as part of the informal resolution process. An advisor may offer their assistance to the Complainant or Respondent, but may not speak for them during the process.

4. Investigation Process for Formal Complaints

A party may choose to resolve a Formal Complaint through the investigation process, provided that the Title IX Coordinator has conducted an initial assessment and determined that the jurisdiction and threshold requirements listed in Sections III.B and III.C have been met, that Title IX Sexual Harassment may have occurred, and that an investigation is appropriate.

OCU may also choose to move forward with a Formal Complaint signed by the Title IX Coordinator, as described above.

The investigation process will begin with the Title IX Coordinator appointing one or more investigators. An investigator will begin the full investigation promptly, and will conduct the full investigation in a manner that is complete, thorough and impartial.

a. Notice

OCU will provide to all known parties written notice of:

- OCU's grievance process
- The allegations of sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- The presumption that the Respondent is not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

- The parties' right to have an advisor of their choice, who may be an attorney;
- The parties' right to inspect and review evidence; and
- The date, time, location, participants, and purpose of all hearings, investigative interviews or other meetings, with sufficient time for the party to prepare to participate.

If, during the course of the investigation, additional allegations of Title IX Sexual Harassment are reported or otherwise discovered, the parties will receive notice of these additional allegations that were not included in the original notice. The obligation to notify the parties of the Title IX Sexual Harassment allegations being investigated is an ongoing one.

b. Grounds for Dismissal of Formal Complaint

If, after the initial review of the Formal Complaint by the Title IX Coordinator, it is determined that any of the following conditions exist, OCU will dismiss the Formal Complaint from the Grievance Procedures outlined in this Policy:

- The alleged conduct, if it occurred as alleged, would not constitute Title IX Sexual Harassment;
- The alleged conduct, if it occurred as alleged, did not occur in OCU's educational programs or activities, or;
- The alleged conduct, if it occurred as alleged, did not occur against a person in the United States.

Although prior determinations on each of these issues were likely made earlier in the process, additional information may be uncovered during an investigation that requires them to be reconsidered. The Title IX Coordinator is responsible for reconsidering these issues at any point during the processes outlined in the Policy, which may result in the report of misconduct being referred to Human Resources, the Provost, or Student Development, and/or being dismissed from the Grievance Procedures outlined in this Policy.

OCU may also dismiss a formal complaint or allegations therein if:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by OCU, or;
- Specific circumstances prevent OCU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Such a dismissal does not preclude OCU from proceeding under another University conduct process.

OCU will send written notice of the dismissal and the reasons for dismissal simultaneously to all parties.

c. Investigative Interviews and Gathering of Evidence

During the investigation, both the Complainant and Respondent may present statements, witnesses and other evidence to the investigator. The Reporting Person (who may or may not be the Complainant), the Complainant (if not the Reporting Person), the Respondent, and witnesses with relevant information may be interviewed as part of the full investigation. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. Follow-up interviews may be conducted by the investigator as needed. The full investigation is designed to provide a fair and reliable gathering of the facts.

OCU will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

OCU will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. A party's communication with a witness or potential witness is considered part of a party's right to meaningfully participate in furthering the party's interests in the case, and not an "interference" with the investigation. However, where a party's conduct toward a witness might constitute "tampering" (for instance, by attempting to alter or prevent a witness's testimony), such conduct also is prohibited as retaliation.

OCU will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless OCU obtains that party's voluntary, written consent.

The parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which OCU does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source. OCU will not consider or provide for inspection and review evidence which OCU knows was illegally or unlawfully created or obtained. OCU may impose on the parties and the party's advisors restrictions or require a non-disclosure agreement not to disseminate any of the evidence subject to inspection and review.

Prior to completion of the investigative report, OCU will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

All evidence subject to the parties' inspection and review will be available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

d. Timeframe

OCU will attempt to complete most investigations within 60 days. The timeframe for investigations will begin upon filing of a Formal Complaint and will conclude upon dissemination of the investigative report to the parties. Investigations may be delayed, and timeframes for investigations may be extended, for good cause and with written notice provided to Complainants and Respondents including the reason for the delay or extension. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement or civil rights enforcement activity; or the need for language assistance or accommodation of disabilities.

e. Investigative Report

The investigator will prepare an investigative report that fairly summarizes relevant evidence and send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. If a party disagrees with an investigator's determination about relevance, the party may argue relevance in their written response, during the party's pre-hearing conference, and/or to the decision-maker at the hearing.

If the report involves multiple complainants, multiple respondents, or both, OCU may issue a single investigative report.

If a party, after receiving and reviewing the investigation report, believes that the threshold requirements of Section III.B and III.C have not been met, that party may submit a written appeal of the decision to proceed with the case as one of Title IX Sexual Harassment. The appealing party must submit a written appeal that explains the basis for their objection within 3 days of receiving the investigation report. The appeal will then be considered by an appropriately trained staff member designated by the Title IX Coordinator, and an appeal decision will be communicated in writing, to the parties, their advisors, and the Title IX Coordinator within 3 days.

In cases where there is an appeal at this juncture, the parties will have 10 days from the date of the appeal decision to submit a written response to the Investigation Report. The written appeal and appeal decision will be included for consideration in the resolution process.

f. Equitable Treatment

Complainants and respondents are eligible for Supportive Measures as defined within this Policy. OCU will not impose disciplinary sanctions against a respondent unless a determination of responsibility for sexual harassment has been made against the respondent.

OCU will conduct an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. OCU will not require, allow, rely upon, evaluate, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected by a legally

recognized privilege (e.g., attorney client), unless the person holding such privilege has waived the privilege.

g. Bias and Conflicts of Interest

Any individual designated by OCU as a Title IX Coordinator, investigator, decision-maker, or informal resolution process facilitator, must not have a conflict of interest or bias for or against complainants or respondents generally, or for or against an individual complainant or respondent. The following will not be considered evidence of bias:

- The Title IX Coordinator’s initiation of a formal complaint, or;
- An individual’s decision that allegations warrant an investigation.

OCU will apply an objective (whether a reasonable person would believe bias exists), common sense approach to evaluating whether a particular person serving in a Title IX role is biased, and will exercise caution not to apply generalizations that might unreasonably conclude that bias exists. An individual’s current job title, professional qualifications, past experience, identity, or sex will not, alone, indicate bias.

Use of trauma-informed practices will not be considered evidence of bias when such practices do not:

- Rely on sex stereotypes;
- Apply generalizations to allegations in specific cases;
- Cause loss of impartiality, and;
- Prejudge of the facts at issue.

h. Presumption of Non-Responsibility

There is a presumption that a respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

i. Standard of Evidence

The standard of evidence for review of Formal Complaints under this Policy is preponderance of the evidence. “Preponderance of the evidence” is a determination based on facts that are more likely true than not. In the preponderance of the evidence standard, where the evidence in a case is “equal” or “level” or “in equipoise,” the preponderance of the evidence standard results in a finding that the respondent is not responsible.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on OCU and not on the parties.

j. Consolidation of Formal Complaints

OCU may consolidate Formal Complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment rise out of the same facts or circumstances. The same facts and circumstances means that the multiple complainants' allegations are so intertwined that their allegations directly relate to all the parties.

k. Advisors during the Investigation

Each party will have the right to bring an advisor of their choosing to any meetings or discussions relating to the investigation of a Formal Complaint. The advisor may advise the party directly and ask clarifying questions, but may not speak for the party or disrupt the investigation. If a party's advisor refuses to comply with restrictions set by OCU, OCU may require that the party use a different Advisor. This provision applies to all parts of the grievance proceeding except for the live hearing described in Section III.G.5 below. For information about the role of Advisors during the live hearing, see Section III.G.5.b.

5. Hearing

When the investigation is concluded, and the parties have had the opportunity to review the evidence and the opportunity to respond in writing to the draft investigation report as described in Section III.G.4(e), OCU will facilitate a live hearing during which each party's advisor will be permitted to ask the other party and any witnesses all relevant question and follow-up questions, including those questions that challenge credibility.

Hearings will be conducted with all parties physically present in the same geographic location or, at the discretion of OCU, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

Hearing witnesses will only participate in the Hearing when they are answering questions. They will not be permitted to observe or otherwise participate in the Hearing unless they are serving as an Advisor, as outlined below in Section III.G.5(b).

OCU will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

The Title IX Coordinator will appoint a person to serve as decision-maker during the hearing. The decision-maker will not be the Title IX Coordinator or the individual who investigated the Formal Complaint.

a. Pre-Hearing Conference

Each party will have their own Pre-Hearing Conference with the decision-maker prior to the hearing, which will be scheduled no less than 10 days after the investigator has sent the investigative report to each party and the party's advisor. The Title IX Coordinator or decision-maker will communicate to the parties and their advisors the date, time, and format for their Pre-

Hearing Conference. The decision-maker and the advisor must be in attendance. While the parties are strongly encouraged to attend, they are not required to do so.

During the Pre-Hearing Conference, the advisors must share with the decision-maker their list of witnesses to appear at the hearing, the identity of any requested witnesses that were not questioned during the investigation, the request for any new evidence to be considered that was not submitted previously to the investigators, and the availability of the advisor and the party for hearing dates.

Evidence and witnesses may only be presented at the hearing if they were submitted to the investigators and made available to the parties for review, unless they were unavailable at the time of the investigation or the relevance was unknown until the investigation report was submitted. The decision-maker will address any requests to present new evidence and new witnesses at the Pre-Hearing Conference.

The advisor is strongly encouraged to discuss lines of questioning with the decision-maker at the Pre-Hearing Conference to obtain guidance from the decision-maker on relevancy prior to the hearing. Additionally, the decision-maker will discuss the expectations and guidelines for appropriate behavior and decorum during the hearing.

After the conclusion of the Pre-Hearing Conferences, the Title IX Coordinator or decision-maker will provide each party and their advisor with written notice of the date, time, and manner for the hearing, which will typically occur no less than 10 days after the conclusion of the final Pre-Hearing Conference.

b. Advisors at Hearings

In order to question a party or witness at a hearing, a party must be accompanied by an Advisor. Parties will not be permitted to conduct cross-examination on their own. OCU will not limit the choice or presence of any advisor for a complainant or respondent, and the advisor of their choice may be, but is not required to be, an attorney. If a party does not have an advisor present at the live hearing, OCU will provide without fee or charge to that party, an advisor of OCU's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

At the live hearing, the decision-maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. All questioning at the live hearing must be relevant, respectful, and non-abusive. No party will be "yelled" at or asked questions in an abusive or intimidating manner. If a party's advisor refuses to comply with restrictions set by OCU, OCU may require that the party use a different Advisor.

c. Relevance

During the hearing, only relevant cross-examination and other questions may be asked of a party or witness.

The following may be considered irrelevant:

- Repetition of the same question;
- Evidence that is duplicative of other evidence;
- Questions related to information that is protected by a legally recognized privilege;
- Questions related to a party's medical, counseling/psychological, and similar treatment records unless the party has given voluntary, written consent; and
- Questions related to information about the complainant's sexual predisposition or prior sexual behavior, unless:
 - The information is to offered to prove that someone other than the respondent committed the alleged Title IX Sexual Harassment, or
 - The information concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Evidence will not be excluded at the hearing solely because it is unduly prejudicial, concerns prior bad acts, or constitutes character evidence. However, the Decision-Maker may objectively evaluate such evidence by analyzing whether that evidence warrants a high or low level of weight or credibility.

During the hearing, the decision-maker will first determine whether a question is relevant, and explain any decision to exclude a question as not relevant, *before* a complainant, respondent, or witness answers a cross-examination or other question.

OCU will not require parties to submit cross-examination questions before they are asked.

Decision-makers are not required to give a lengthy or complicated explanation of a relevancy determination during the hearing. The decision-maker may send to the parties after the hearing any revisions to the decision-maker's explanation that was provided during the hearing.

d. Weighing Credibility

The decision-maker will evaluate all admissible, relevant evidence for weight or credibility. The degree to which any inaccuracy, inconsistency, or implausibility in a narrative provided by a party or witness should affect a determination regarding responsibility is a matter to be decided by the decision-maker, after having the opportunity to ask questions of parties and witnesses, and to observe how parties and witnesses answer the questions posed by the other party. Corroborating evidence is not required.

Credibility determinations are not based solely on observing demeanor, but also are based on other factors (e.g., specific details, inherent plausibility, internal consistency, corroborative evidence). Cross-examination brings those important factors to a decision-maker's attention.

A party's answers to cross-examination questions can and should be evaluated by a decision-maker in context, including taking into account that a party may experience stress while trying to answer questions. Parties will not be unfairly judged due to inability to recount each specific detail of an incident in sequence, whether such inability is due to trauma, the effects of drugs or alcohol, or simple fallibility of human memory.

e. Decision

The decision-maker must objectively evaluate all relevant evidence, both inculpatory and exculpatory, and must independently reach a determination regarding responsibility without giving deference to the investigative report. The decision-maker has the right and responsibility to ask questions and elicit information from parties and witnesses on the decision-maker's own initiative to aid the decision-maker in obtaining relevant evidence, both inculpatory and exculpatory. The parties will have equal rights to present evidence in front of the decision-maker so the decision-maker has the benefit of perceiving each party's unique perspectives about the evidence.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker will not rely on any statement (factual assertion to prove or disprove the allegations) of that party or witness in reaching a determination regarding responsibility. The decision-maker will not draw an inference about the determination regarding responsibility based solely on a party's or witness' absence from the live hearing or refusal to answer cross-examination or other questions.

Video evidence showing the conduct alleged within a Formal Complaint may be considered, even if the party performing said conduct does not submit to cross-examination.

In cases where a respondent's alleged verbal conduct is, itself, the conduct alleged to be Title IX Sexual Harassment, statements regarding the alleged verbal conduct are *not* considered the respondent's statement for purposes of this section. This is because the verbal conduct at issue does not constitute the making of a factual assertion to prove or disprove the allegations of sexual harassment; instead, the verbal conduct constitutes part or all of the underlying allegations of sexual harassment itself.

For example, where a complainant alleges that the respondent said to the complainant: "If you go on a date with me, I'll give you a higher grade in my class," and at the live hearing, the respondent does not submit to cross-examination. This Policy does *not* preclude the decision-maker from relying on *the complainant's testimony* that the respondent said those words to the complainant. The words described by the complainant, allegedly attributed to the respondent, are themselves the misconduct that constitutes Title IX Sexual Harassment under this Policy, and are not the respondent's "statement" (i.e., the respondent's intent to make a factual assertion).

Within 21 days of the hearing, the decision-maker will issue a written determination of responsibility. This determination will include:

- Identification of the allegations potentially constituting Title IX Sexual Harassment
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with

- parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including:
 - a determination regarding responsibility,
 - any disciplinary sanctions OCU imposes on the respondent,
 - whether remedies will be provided by OCU to the complainant; and
- OCU’s procedures and permissible bases for the complainant and respondent to appeal

The determination will lay out the evidentiary basis for conclusions reached in the case. The nature of remedies, if any, will not be included within the determination. The determination will be provided to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

f. Sanctions and Remedies

Sanctions that may be imposed include:

- Continuing “no contact” orders;
- Trespass order prohibiting presence on campus, at OCU-owned facilities, and/or at campus activities or events;
- Fines/work detail;
- Required counseling;
- Alcohol/drug assessment;
- Restitution/Restoration, where property has been damaged/stolen or funds have been misappropriated;
- Campus Restriction on behavior, access to certain campus facilities, participation in campus activities, housing restrictions, and/or scheduling restrictions;
- Social Probation
- Suspension of student;
- Dismissal;
- Written warning of employee;
- Suspension of employee, with or without pay;

- Termination of employment; and
- Cancellation of third-party contract.

When a determination of responsibility for Title IX Sexual Harassment has been made, OCU will provide remedies to a complainant designed to restore or preserve equal access to OCU's education program or activity. Such remedies may include the same individualized services provided as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent after a determination of responsibility for Title IX Sexual Harassment has been made. The Title IX Coordinator is responsible for effective implementation of remedies. Where the final determination has indicated that remedies will be provided, the complainant can then communicate separately with the Title IX Coordinator or their designee to discuss what remedies are appropriately designed to preserve or restore the complainant's equal access to education. Remedies for a complainant which do not affect the respondent must not be disclosed to the respondent.

6. Appeals

Complainants and respondents may appeal the decision-maker's determination regarding responsibility within five (5) days from the date of the written determination described in Section III.G.5.d of this Policy. Complainants and respondents may also appeal OCU's dismissal of a Formal Complaint or any allegations therein within five (5) days from the date of the written notice of dismissal described in Section III.G.4.b of this Policy. OCU will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The non-appealing party will have five (5) days from the date of the written notice of the appeal to submit a written statement in response to the appeal.

Grounds for appeal include:

- Procedural irregularity that affected the outcome of the matter (including OCU's failure to objectively evaluate all relevant evidence, including inculpatory and exculpatory evidence, and erroneous relevance determinations);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, and;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

All grounds for appeal will be available to all parties.

The decision-maker for the appeal will not be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator. The decision-maker for the appeal will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to

both parties within 10 days of the date the non-appealing party's written response to the appeal is received.

7. Record-Keeping

OCU will retain all records of each investigation instituted under this policy for seven (7) years. Records will include all documents, recordings, or transcripts from investigations, hearings, appeals, and informal resolutions, as well as records of any actions taken in response to a report or Formal Complaint of sexual harassment, including consideration of supportive measures. OCU will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to OCU's education program or activity. If the College does not provide a complainant with supportive measures, then the College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The first date of the first record created by OCU will begin the seven year retention period. Records will be maintained for all investigations including investigations that have been dismissed, completed, or otherwise resolved.

OCU will also maintain and publish on OCU's website training materials of employees who serve as Title IX Coordinators, investigators, decision-makers, and persons who facilitate informal resolutions.

8. Education and Training

OCU conducts annual training on sexual harassment, sexual misconduct, dating violence, domestic violence, and stalking for all faculty, staff, and Board of Trustee members. Students are provided with various training opportunities, and all student athletes receiving training on Title IX.

The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, will receive training on the definition of sexual harassment, the scope of OCU's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. This includes how to apply the definitions with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with this policy.

Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Decision-makers will receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. Training materials for training under this section will be made publicly available through OCU's website. Published training materials will be up-to-date and reflect the latest training provided.

The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, will receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.