



ORLANDO COLLEGE OF OSTEOPATHIC MEDICINE

Orlando College of Osteopathic Medicine

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Policy Title: OCOM Title IX Policy

Title IX Policy Non-discrimination, Sexual Harassment, Sexual Violence, Non-Retaliation Policy; Title IX Investigation and Hearing Procedures Notice of Non-Discrimination; Complaints Concerning Discrimination, Hostile Environment, and Sexual Harassment under Title IX

Orlando College of Osteopathic Medicine (OCOM) is committed to equality of educational opportunity and providing safe and nondiscriminatory learning, living, and working environments for all members of the OCOM community in accordance with Title IX of the Education Amendments Act of 1972.

Per the OCOM Non-Discrimination Policy, D001:

It is a violation of OCOM policy to discriminate in the selection of administrative personnel, faculty and staff, and students, the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, on the basis of race, ethnicity, color, sex, sexual orientation, gender, gender identity, national origin, age or disabilities, and religion.

OCOM does not tolerate acts of sex-based discrimination or harassment, including sexual harassment, sexual violence, or gender-based harassment. All members of the OCOM community are expected to conduct themselves in a manner that reflects personal integrity and respect for others.



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OCOM recognizes the serious and negative impacts sex-based discrimination and harassment have on individuals and the OCOM community. To that end, OCOM endeavors to eliminate, prevent, and address their effects.

This policy outlines how OCOM receives, investigates, responds to, and resolves complaints of sex-based discrimination and harassment, whether occurring on or off campus, regardless of whether the responding party is a student, faculty member, staff, or third party.

“Sexual Misconduct” refers to a broad range of prohibited behavior including, but not limited to, sex-based discrimination, sexual harassment, sexual violence, sexual assault, dating, and domestic violence, stalking, and other related forms of sex discrimination, including retaliation for reporting or participating in an investigation regarding sexual misconduct.

Once made aware of a complaint regarding sexual misconduct, OCOM may conduct an investigation regardless of how the information was brought to OCOM's attention or the extent to which the complaining party wishes to participate or be involved under the procedures outlined in this policy. Once OCOM investigates, it will respond to complaints or reports about sexual misconduct with measures designed to stop the behavior, eliminate any such prohibited conduct, prevent the recurrence of the prohibited conduct, and remediate any adverse effects of such conduct on campus or in OCOM-related programs or activities. This may include the implementation of temporary restriction(s).

Students, staff, and faculty who believe they have been subjected to discrimination or harassment in violation of Title IX should follow the procedures outlined in this policy to report these concerns immediately to the Title IX Coordinator. The Title IX Coordinator can be reached via email at titleIX@ocom.org.

Title IX prohibits retaliation by any student or employee against anyone who reports an alleged Title IX violation. Inquiries regarding applying Title IX and other laws, regulations, and policies prohibiting discrimination may be directed to the Title IX Coordinator. Information can be accessed via the Title IX web page found at www.ocom.org

Inquiries may also be directed to the United States Department of Education's Office for Civil Rights, District of Columbia Office, U.S. Department of Education, 400 Maryland Avenue, S.W. Washington, DC 20202-1475. Telephone: (202) 453-6020; Facsimile: (202) 453-6021; Email: OCR.DC@ed.gov.



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This Title IX policy governs the conduct of OCOM students, regardless of enrollment status, faculty, staff, and third parties (i.e., non-members of the OCOM community, such as vendors, alums/ae, visitors, or residents). This Title IX policy applies to all OCOM programs and activities. All campus community members are responsible for their actions and behavior, whether the conduct occurs on campus or in another location. Campus community members are responsible for adhering to OCOM's policies and local, state, and federal law. As a result, this policy applies both to on-campus and off-campus conduct. In particular, off-campus behaviors that have an actual or potential adverse impact on any campus community member or OCOM fall under this policy. Third parties are both protected by and subject to this policy. A third party may report or file a complaint concerning a violation of this policy committed by a member of the OCOM community. A third party may also be permanently barred from OCOM or subject to other restrictions for failing to comply with this policy. This policy applies to conduct that occurs on OCOM property and, in certain circumstances, off OCOM property (i.e., off campus). This policy applies to work that happens off campus when the conduct is associated with an OCOM-sponsored program or activity, such as travel, research, or internship programs; when it utilizes OCOM-owned or provided technology resources; or when such conduct may have a nexus to campus, such as a continuing adverse effect or creation of a hostile environment on campus. Judgments about these matters will depend upon the facts of an individual case.

OCOM Policies and Practices

The possibility of rape, date rape, and sexual assault exists, and OCOM's approach to addressing this problem is to (a) educate the campus community as a means of prevention; (b) deter such acts through prompt reporting and investigation of alleged violations of this policy, and the imposition of sanctions where a preponderance of the evidence finds a violation; (c) assist Complainants; and (d) place Complainants in contact with local law enforcement to investigate possible legal prosecution.

All OCOM employees shall refrain from any inappropriate relationship with students to the extent that the relationship may contravene any policies and expectations of OCOM. Inappropriate relationships include any romantic or physically intimate liaison with a student outside the bonds of marriage and when a power differential exists between the student and the other person in an academic, employment, or different context.

Educational programs on Title IX, including OCOM's policies, the elements of consent, sexual harassment and assault, and bystander intervention, are conducted through the Title IX office. Mental health counseling options are listed in the Student Catalog.



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Reporting a Title IX Incident

If you are in an emergency, dial 911. If a student, staff, or faculty member believes someone they know has experienced Sexual Misconduct, they should promptly report incidents to the Title IX Office. Individuals are encouraged to complete the [OCOM Title IX Intake form](#). The Title IX office can also be reached via email at titleIX@ocom.org.

All employees (including all faculty and staff) who observe or are aware of Sexual Misconduct must immediately report it to the Title IX Coordinator. The employee should not investigate, try to resolve, or mediate the situation. OCOM encourages the reporting of possible violations of Title IX policy by those subject to the breach or witnesses. Sometimes students are reluctant to make such reports or participate in a grievance proceeding; however, it is in the best interests of those subject to possible violations for them or witnesses to report to the Title IX Coordinator. Thus, a student who registers Sexual Misconduct by another will not be subject to conduct violations or disciplinary proceedings provided that the reporting student's actions did not place the health or safety of any other person at risk or violate additional OCOM policies. Only those subject to Sexual Misconduct or a witness may receive amnesty, not the alleged Respondent.

Any OCOM employee could, at one time or another, receive a report of actual or suspected sexual harassment or retaliation. All OCOM full-time employees, except designated full-time mental health counselors within OCOM Behavioral Health, are considered mandated reporters under Title IX. "Mandated Reporter" means an employee of OCOM who is obligated by policy to share knowledge, notice, and reports of harassment, discrimination, and retaliation with the Title IX Coordinator.

Definitions and Prohibited Behavior

Title IX of the Education Amendments of 1972 specifically prohibits discrimination based on sex, including sex-based harassment, when it is sufficiently serious to deny or limit an individual's ability to participate in or benefit from the program at issue. Sex-based harassment includes sexual harassment (including sexual violence) and gender-based harassment.

Sex-based harassment includes:

- **Sexual Harassment:** unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical behavior of a sexual nature.



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Sexual harassment can fall into one of two categories:

- (1) An employee of OCOM conditioning the provision of aid, benefit, or service of OCOM on an individual's participation in unwelcome sexual conduct (Quid Pro Quo); or
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the OCOM education program or activity.

• **Sexual Violence:** a form of sexual harassment, sexual violence refers to physical, sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the victim's age or use of drugs or alcohol, or because an intellectual or other disability prevents the victim from having the capacity to give consent). Several acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

• **Gender-Based Harassment:** unwelcome conduct based on an individual's actual or perceived sex. It includes slurs, taunts, stereotypes, name-calling, and gender-motivated physical threats, attacks, or other hateful conduct. An individual can experience harassment of one type or may experience combinations of discriminatory conduct.

Title IX applies to sex-based harassment that occurs in the following circumstances:

- On-campus; or
- Within an educational program or activity, which includes any building owned or controlled by a student organization that OCOM officially recognizes, or
- Against a person who is located in the USA.

These instances of prohibited conduct, as applied through the terms above and definitions below, will be addressed through this policy's Title IX Investigation & Outcome Proceeding section. Instances of sex-based harassment, as outlined above, that do not fall under these strict regulations will be dismissed under Title IX and addressed through the Student Progress and Professionalism Committee (SPPC).

Related Terms:

Advisor means a person chosen by a party or appointed by OCOM to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.



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Complainant means an individual who reports Sexual Misconduct or is alleged to be the victim of Sexual Misconduct.

Complaint (formal) means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging Sexual Misconduct against a Respondent and requesting that OCOM investigate the allegation.

Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in specific sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is explicit, knowing, and voluntary words or actions that permit specific sexual activity. 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 willingness to engage in (and the conditions of) sexual activity. There is no consent when force, coercion, intimidation, or threats are used. There also cannot be consent when an individual is incapacitated. Consent to any one form of sexual activity cannot automatically imply consent to any other conditions of sexual activity, nor can previous relationships or previous consent imply consent to any future sexual acts. Consent can be withdrawn once given as long as that withdrawal is communicated. Lastly, one must be of legal age to grant consent. The legal age in Florida is 18 years of age.

Dating Violence is defined as (a) violence, (b) based on sex, (c) committed by a person, (d) who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. For this definition, Dating Violence includes but is not limited to sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of domestic violence.

Domestic Violence is defined as:

- (a) violence,
- (b) based on sex,
- (c) committed by a current or former spouse or intimate partner of the Complainant,
- (d) by a person with whom the Complainant shares a child in common, or
- (e) by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner.



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Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct or retaliation for engaging in a protected activity.

Retaliation is any adverse action taken against a person for making a complaint of prohibited conduct or for participating or being involved in the investigation of any such allegation. Retaliation is not permitted with or without a *Cease Contact Directive*. Individuals should report alleged acts of retaliation immediately to the Title IX Coordinator. It is a violation of OCOM policy to retaliate against those involved in a complaint of Sexual Misconduct. Such conduct is inconsistent with OCOM policy and may also be legally prohibited. Instances of retaliation will be investigated and adjudicated, and sanctioned where appropriate, as outlined in this policy.

Sexual Harassment: acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and gender identity of those involved.

Examples of Sexual Harassment include:

- Unwelcome verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of that individual's gender or gender identity (or that of an individual's relatives, friends, or associates);
- Unwelcome threats, derogatory comments, jokes, innuendos, insults, slurs, epithets, negative stereotyping, and other similar conduct that relates to gender or gender identity; and
- The placement, dissemination, or circulation on the campus of any unwelcome written or graphic material (in hard copy or electronic form) that denigrates or shows hostility or aversion toward an individual or group because of gender or gender identity.

Sexual Assault is defined as Sex Offenses, Forcible: Any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent. Sexual acts include Forcible Rape: 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 Complainant.

Forcible Sodomy: oral or anal sexual intercourse with another person, forcibly and/or against that person's will (non-consensually), or not forcibly or against the person's will



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in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object: The use of an object or instrument to penetrate, no matter how slight, the genital or anal opening of the body of another person, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Forcible Fondling: The touching of the private body parts of another person (such as mouth, buttocks, groin, breasts, or any clothing covering them), forcibly and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. This would include having another person touch you sexually, forcibly, or without your consent.

Sexual Exploitation: When an individual takes non-consensual or abusive sexual advantage of another to benefit anyone other than the exploited. Examples of sexual exploitation include but are not limited to engaging in voyeurism; electronic transmission of pornographic or other sexually inappropriate material; exposing one's genitals or breasts in non-consensual circumstances or inducing another to expose genitalia or breasts; and any other sexual activity that goes beyond the boundaries of consent, such as recording of sexual activity, allowing another person to observe sexual activity without the other person's knowledge, or engaging in sexual activity while knowingly infected with a sexually transmitted infection (STI) or Human Immunodeficiency Virus (HIV) without informing the other person of the infection.

Stalking: Defined as engaging in the course of conduct based on sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

For this definition, "course of conduct" means two or more acts, including, but not limited to, those in which the Respondent 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.

Rights of Parties Involved

Both the Complainant and Respondent are afforded rights within this policy, including the ability to:



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- Have a written statement of the charges;
- Have written notice of the date, time, and place of investigative interviews no sooner than two (2) business days before the interview;
- Have the equal opportunity to access and present evidence to the investigators;
- Receive reasonable accommodation(s) as determined by the Associate Dean for Student Services;
- Be kept informed of the status of a report and anticipated resolution timeline;
- Have the investigation/interviews postponed for a good cause [*Request for postponement must be made no less than two (2) days before the scheduled time of the hearing and must be made in writing to the Title IX Coordinator*];
- Have an advisor of their choosing (*Please note the advisor's role as outlined in Intake & Investigation*);
- Hear and respond to the information related to the charge(s);
- Provide information on their behalf;
- Obtain witnesses on their behalf;
- Submit questions for the other parties interviewed during the investigation. (*Please see Intake & Investigation for more information*); and
- Know the final outcome of the investigation, including the level of responsibility for policy violation, sanctions (if applicable), and information on the appeals process.

Respondent's Withdrawal or Decision Not to Participate in the Investigation

Suppose the Respondent chooses not to participate in the process. In that case, the Respondent will still be informed that they are alleged to have violated OCOM policy, that an investigation will be conducted, and that the resolution process will continue. Respondents may elect to *Withdraw Pending a Hearing*. If a Respondent withdraws from OCOM without request and subsequent approval, a letter will be sent to the OCOM Registrar indicating that an investigation and determination are pending. The Registrar will notify the Title IX Coordinator if the student attempts to re-enroll before the matter is resolved. The matter must be fully resolved, including completion of potential outcomes, before the student is eligible to seek re-enrollment at OCOM.

Standard of Evidence

Preponderance of Evidence is the standard of proof by which decisions will be made regarding violations of this policy. The standard of preponderance of the evidence is defined as being more likely than not that a policy violation occurred. A Respondent is



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presumed only responsible once a determination has been made, and a Complainant is presumed to be reporting in good faith.

False reports violate our Code of Conduct and may be investigated through the Student Progress and Professionalism Committee.

Title IX Intake & Investigation

All Formal Complaints received within the scope of Federal Title IX Regulations will be addressed through the Title IX policies herein. The Student Progress and Professionalism Committee will handle allegations of behavior outside the scope of these regulations. Allegations of Sexual Misconduct against faculty and staff shall be addressed through the processes outlined in the OCOM Personnel Manual. Reports against students will be handled according to the following procedures.

Title IX Roles in Investigations

Title IX Coordinator: The Title IX Coordinator is a full-time staff member trained in all aspects of Title IX and this policy and process. The Title IX Coordinator oversees OCOM's education, prevention, and response to Sexual Misconduct, Gender-Based Violence, and Gender and/or Sex-based Harassment and Discrimination. The Title IX Coordinator receives reports, assigns investigators, reviews investigative reports, coordinates and facilitates the hearing process, and serves as the primary point of contact regarding Title IX at OCOM. The Title IX Coordinator (or designee) also facilitates the informal resolution of complaints.

Title IX Council: The Title IX Council will conduct a live, recorded hearing to review the information presented in the investigation report, hear testimony, cross-examinations of parties and witnesses, ask their questions to the parties, and determine if an individual or individuals violated OCOM policy (and, if yes, to determine an appropriate sanction). The Associate Dean for Student Services will appoint the Title IX Council.

Chair of Title IX Council: The Chair will determine within the Title IX Council if questions made by advisors on behalf of the Complainant or the Respondent are relevant. The Chair will explain the decision to exclude any irrelevant question(s).

Title IX Appeals Committee (TAC): This Committee serves as an appeal committee for students, faculty, and staff who allege to have been subjected to discrimination or harassment in violation of Title IX and alleged assailants who have violated Title IX policies. It may impose sanctions from a reprimand to OCOM expulsion. Membership in the TAC is listed in the OCOM Faculty & Staff Handbook.



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All Title IX Council and Title IX Appeals Committee members will receive annual training.

Title IX Intake

To initiate the formal Title IX complaint procedures, a Complainant must submit a formal complaint in writing (in hard copy or via [Title IX Form](#) electronic form).

Alternatively, suppose the Title IX Coordinator determines that OCOM must file a formal complaint on behalf of an affected individual who has requested confidentiality or is unwilling to participate in the complaint and investigation procedure. In that case, the Title IX Coordinator will submit a formal complaint without the Complainant, and OCOM will be the Complainant.

Regardless of a request that an investigation not be pursued, OCOM may still provide supportive measures and resources to a Complainant and a Respondent. OCOM will not only take steps to prevent retaliation but will take strong responsive action if retaliation occurs, even if a formal investigation is not pursued.

Complainants can withdraw their formal complaint at any time until the start of the Title IX hearing.

Title IX Informal Resolution

OCOM may offer an informal or alternative resolution of a complaint, such as mediation, that does not require a full investigation or hearing. The Title IX Coordinator has final discretion to determine if it would be appropriate to use an alternative resolution to resolve a Sexual Misconduct complaint. A formal complaint through the Title IX office must be filed to pursue an informal resolution. Once a party requests informal resolution, the Title IX Coordinator will send a written notice to the Complainant and Respondent detailing the allegations and the informal resolution process, including the right to withdraw. Both parties must give voluntary, informed, written consent to engage in the informal resolution process. Any time before agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the formal grievance process concerning the original complaint. Outcomes decided upon during the alternative resolution process are final, without an appeal option.

Title IX Timing of Investigations

If the Title IX Coordinator determines that a full investigation is necessary, OCOM will conduct a prompt, fair, and impartial investigation. Investigations regarding potential violations of this policy are expected to be completed promptly. However, investigations



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may take longer in some circumstances, including but not limited to the complexity of the case, the number of parties involved, the availability and cooperation of parties and witnesses, the OCOM academic calendar, or instances where OCOM's investigation may compromise a law enforcement investigation.

OCOM may delay its investigation to allow evidence collection by law enforcement; however, this policy and the processes herein are separate and distinct from any criminal investigation or legal proceeding.

Use of Electronic Devices: The Complainant and the Respondent will not be allowed to use electronic devices during the meeting with the Title IX Coordinator, subsequent investigation meetings, reviewing documents, and in any hearings, except to reveal evidence to the Title IX Coordinator that is on the electronic device.

Supportive Measures: Throughout and after the process, OCOM will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged Sexual Misconduct covered by this policy. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the education program or activity, including measures designed to protect the safety of all parties or the educational environment, and deter sexual harassment or retaliation. The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint.

Interim Measures and Remedies: For the Complainant, if deemed necessary by the Title IX Coordinator, interim remedial measures to avoid contact between the Complainant and the Respondent may be taken before completion of the investigation to change academic and extracurricular activities, including living, transportation, dining, and working situations. The Complainant will be referred to the Office of Student Affairs to be made aware of all available resources such as victim advocacy, academic support, counseling, disability services, health and mental health services, and the right to report a crime to the Sheriff's Department.

The Title IX Coordinator may direct interim measures and or remedies for the Complainant, which may include, but are not limited to:

- Providing an effective escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring the Complainant and Respondent do not share classes or extracurricular activities;



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- Providing comprehensive, holistic victim services, including medical, counseling, and academic support services, such as tutoring; and
- Arranging for the Complainant to have extra time to complete or retake a class or withdraw from a course without an academic or financial penalty.

Title IX Advisors

The Complainant and Respondent each may have an advisor or support person of their choosing present throughout the process. This person may be a friend, family member, faculty or staff member, or attorney. OCOM has designated and trained individuals who may serve in this capacity, and their information will be shared with both parties if requested. The role of the advisor is limited in scope. Complainants and Respondents are expected to ask and respond to questions each on their behalf, as an advisor may not answer for, speak for, or represent the advisee. The advisor may consult with their advisee quietly or in writing during hearings and meetings or outside during breaks. Complainants and Respondents should inform the Title IX Coordinator in advance of any meeting if an advisor is present so they may make accommodations for the meeting location.

There is one instance, and one instance only, where an advisor will speak on behalf of their advisee. Should a formal proceeding continue to the council or an appeal hearing, advisors are required (if a party does not have an advisor, the university will provide one for the participant) to conduct the cross-examination of the other party and witnesses on behalf of their advisee.

A party may reject the OCOM-provided advisor and choose their advisor, but they may only proceed with an advisor as part of the council or appeal hearing.

OCOM cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not or cannot afford an attorney, OCOM is not obligated to provide an attorney or pay for the services of any advisor.

Advisors and questions will be expected to adhere strictly to the hearing rules of decorum; failure to adhere will result in the removal of the advisor from the hearing process. A party may elect to change advisors during the process and is not obligated to use the same advisor throughout. The parties are expected to inform the Title IX Coordinator of the identity of their advisor at least two (2) business days before the date of their council meeting and or appeal hearing. The parties are expected to notify the Title IX Coordinator promptly if they change advisors at any time.



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Title IX Investigation and Resolution

When it is determined that a formal investigation is necessary, the Title IX Coordinator will open a case file, and the investigation will proceed as follows:

- Determine the identity of the Complainant (if not already known), the Respondent (if not already known), any witnesses, and contact information for all involved;
- Specify prohibited conduct within this policy to have allegedly occurred;
- Send a *Notice of Investigation and Potential Violation* to the Respondent and Complainant via e-mail to recipients via an OCOM-provided email address (per OCOM policy, it is expected that email is checked consistently and promptly);
- The Title IX Coordinator will review statements obtained from all parties, conduct interviews with both the Complainant and Respondent, conduct witness interviews, and identify, locate, and review other pertinent information;
- The Complainant and Respondent will have the same opportunity to identify witnesses for the Title IX Coordinator to interview. The Title IX Coordinator reserves the right to forgo interviewing a witness if it is determined that the person does not have information relevant to the investigation. The Title IX Coordinator will not interview character witnesses if they have no pertinent factual details about the incident;
- Additionally, letters or artifacts addressing If the investigation reveals that the matter should be dismissed, the Title IX Coordinator can dismiss the formal complaint for one of the following:
 - Mandatory Dismissal;
 - Conduct does not constitute sexual harassment under Title IX;
 - Conduct did not occur in an education program or activity;
 - Conduct did not occur in the United States;
 - Discretionary Dismissal;
 - The complainant withdraws the formal complaint in writing to the Title IX Coordinator;
 - Respondent is no longer enrolled or employed by OCOM; and
 - Circumstances prevent OCOM from gathering sufficient evidence to reach a determination.
- Once the Title IX Coordinator has determined that the complaint should be dismissed, a written notice of dismissal is sent to the Complainant, Respondent, and their advisors, detailing the reason for dismissal.



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- Dismissal under Title IX does not preclude consideration of sanctions for students under the Student Code of Conduct or for employees under the Code of Ethics and Professional Conduct.
- Either party may submit a request to appeal the dismissal of a formal complaint or any allegations within the formal complaint of prohibited behavior under Title IX;
- If the matter is not dismissed, the Title IX Coordinator will work to complete and issue an *Investigative Report*. Before completing the report, the Complainant and Respondent and their advisors will be provided with all information and evidence gathered during the investigation and given ten (10) business days to review and submit a written response to the Title IX Coordinator for consideration before compiling the final Investigative Report;
- The Title IX Coordinator will compile an investigative report summarizing the investigation and the information gathered. The Complainant and Respondent, and their advisors, will receive a copy of the Investigative Report ten (10) business days before the scheduled date of their hearing;
- The Title IX Council will conduct a live, recorded hearing utilizing Zoom or video conferencing for each party. No party or their advisor will be in-person in front of the Title IX Council. All parties must be present in the video conference via video and audio. The Title IX Coordinator will facilitate the hearing, including scheduling, document sharing, adding parties when necessary, and facilitating any technical issues;
- The Title IX Council will review the *Investigative Report*, ask questions of the parties and witnesses, then allow for cross-examination by the party's advisor. Only relevant questions may be asked to a party or witness. Before a party or witness answers a question, the Chair of the Title IX Council will determine if the question is relevant and explain the decision to exclude any irrelevant question. Title IX Council may have additional questions for each party before deliberation and may ask them;
- Questions about a Complainant's sexual predisposition or prior sexual behavior are irrelevant unless they are offered to prove that someone other than the Respondent committed the alleged conduct or offered to prove consent.; and
- If any party or witness does not submit to cross-examination at the live Title IX Council or participate in the Council as a whole, the Title IX Council cannot rely on any Appeals.



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The Title IX Appeals Committee (TAC) will hear appeals regarding cases investigated within this policy. Both Complainant and Respondent will be afforded equal opportunity to submit appeals under this policy. It comprises faculty and staff trained in this policy, the appeal process, and the issues related to Sexual Misconduct and gender-based violence.

Appeals must be made in writing within three (3) business days to the Title IX Office. If the request is filed timely, the TAC shall conduct a hearing within ten business (10) days after notice to the Complainant and Respondent.

Appeal requests are subject to the procedures outlined below. The written appeal must be clear and specific and contain a detailed statement regarding the grounds for appeal. Appeals are not re-hearings. The decision will be based solely on the written appeal, the *Investigative Report*, and the *Notice of Outcome* and include rationale. Hearing Committee members will also have access to the recorded Title IX Council hearing before deliberating with other members.

The TAC will consider only appeals based on the following grounds:

1. A procedural or substantive error occurred that significantly impacted the outcome of the Title IX Council (e.g., substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original investigation or Title IX Council, that could substantially impact the initial finding or sanction; a summary of this new evidence and its potential impact must be included; or
3. The sanctions assigned are substantially disproportionate to the severity of the violation.

Once a request for an Appeal is submitted, a written notice will be provided to the other party sharing the submission and the appeal procedures. Each party will be allowed to submit a written response in support of or challenge the outcome for consideration. All Outcomes imposed remain in effect during the appeal until a final decision is made and communicated to the student(s). Exceptions to this policy are at the discretion of the Title IX Coordinator.

The TAC has the authority to:

- Uphold the original decision;
- Uphold the original decision but change the Outcome (more or less severe);



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- Change the not/responsible decision; or
- Remand the case back to the Title IX Coordinator to be investigated again.

The Complainant and the Respondent will both be notified of the TAC decision.

The TAC decision is considered final.

This policy shall be posted to <https://ocom.org/policies>