



Ohio Medical Career College

Dayton Campus: 1133 S. Edwin C. Moses Blvd, Suite 110 Dayton, OH 45417
Phone: (937) 567-8880 Fax: (937) 567-8881 Website: www.omcc.edu

Ohio Medical Career College – Nondiscrimination Policy, Notice of Nondiscrimination, Grievance Procedures for Complaints of Sex-Based Harassment & Sexual Discrimination

Last Reviewed & Revised on: August 1, 2024

Nondiscrimination Policy & Notice of Nondiscrimination

Ohio Medical Career College (OMCC) does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, sex characteristics, disability, or age in its educational programs, activities, or employment practices, as required by Title II of the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975 as well as any applicable state laws. OMCC is committed to providing equal access and opportunities for all students, employees, and applicants, and prohibits any form of discrimination, harassment, or retaliation in admission and employment.

Inquiries regarding compliance with these laws may be directed to the School Director, contact information below.

Inquiries about Title IX or complaints may be referred to OMCC's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights (OCR), or both. To inquire about Title IX or file a complaint with OCR visit: <https://ocrcas.ed.gov/contact-ocr>

OMCC Title IX Coordinator

Dr. Daisy Deng
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Prohibited Conduct

Sex-based harassment: A form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- (1) Quid pro quo harassment. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- (2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
 - (ii) The type, frequency, and duration of the conduct;
 - (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - (iv) The location of the conduct and the context in which the conduct occurred; *and*
 - (v) Other sex-based harassment in the recipient's education program or activity; *or*



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(3) Specific offenses.

- (i) Sexual assault: an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- (ii) Dating violence: violence committed by a person:
 - (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (1) The length of the relationship;
 - (2) The type of relationship; *and*
 - (3) The frequency of interaction between the persons involved in the relationship;
- (iii) Domestic violence: felony or misdemeanor crimes committed by a person who:
 - (A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
 - (B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - (C) Shares a child in common with the victim; *or*
 - (D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; *or*
- (iv) Stalking: 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.



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Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents at Post-Secondary Institutions

Ohio Medical Career College (OMCC) has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

Complaints

The following people have a right to make a complaint of sex-based harassment, requesting that OMCC investigate and make a determination about alleged sex-based harassment under Title IX:

A “complainant,” which includes:

1. A student or employee of OMCC who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; *or*
2. A person other than a student or employee of OMCC who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in OMCC education program or activity; *or*
3. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; *or*
4. OMCC Title IX Coordinator.

OMCC may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

OMCC will treat complainants and respondents equitably.

OMCC requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

OMCC presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

OMCC has established the following timeframes for the major stages of the grievance.

Procedures

- **Evaluation:** Once a complaint is made the Title IX Coordinator has 30 days to either dismiss the claim or to have it investigated.
- **Investigation:** If an investigation is initiated, the investigator has 60 days to complete the investigation.
- **Determination:** after the investigation is completed, the Decision Maker has 30 days to make a determination.
- **Appeal:** If either the complainant or respondent wishes to appeal the determination, they have 7 days, from when they have been informed in writing of the determination, to appeal the determination (see appeals process for its timeframes).

OMCC has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. Any request for



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a delay will be made in writing and given to the Title IX Coordinator. The reason for the delay must have a substantial impact on the proceedings and/or the investigation. Reasons for a delay include but not limited to:

1. Death of immediate family member or a party to the proceedings.
2. Server injury or hospitalization of a party to the proceedings.
3. Severity of the complaint and/or involvement of law enforcement.
4. Major holidays where the school is out of session.

The Title IX Coordinator will make the final decision as to whether or not the request meets the threshold of requiring a delay in the process.

OMCC will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

The parties cannot engage in retaliation, including against witnesses. Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

OMCC will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence and questions seeking that evidence are impermissible (i.e., will not be accessed or considered, except by OMCC to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless OMCC obtains that party's or witness's voluntary, written consent for use in its grievance procedures; *and*
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations

Upon initiation of these Title IX grievance procedures, OMCC will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- OMCC Title IX grievance procedures and any informal resolution process;



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- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s).
- Retaliation is prohibited.
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision-maker.
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney.
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence.

If, in the course of an investigation, OMCC decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of a Complaint

OMCC may dismiss a complaint of sex discrimination if:

- OMCC is unable to identify the respondent after taking reasonable steps to do so.
- The respondent is not participating in OMCC education program or activity and is not employed by OMCC.
- The complainant voluntarily withdraws any or all the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and OMCC determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; *or*
- OMCC determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, OMCC will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, OMCC will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then OMCC will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

OMCC will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then OMCC will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, OMCC will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, OMCC will, at a minimum:

- Offer supportive measures to the complainant as appropriate.
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; *and*
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within OMCC education program or activities.

Investigation

OMCC will provide for adequate, reliable, and impartial investigation of complaints.



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The burden is on OMCC not on the parties to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

OMCC will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

OMCC will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- OMCC will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- OMCC may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

OMCC will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

OMCC will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

OMCC will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

OMCC will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- OMCC will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence;
- OMCC will provide a reasonable opportunity to review and respond to the evidence or the investigative report. If OMCC conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing; *and*
- OMCC will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning the Parties and Witnesses

OMCC will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

When OMCC chooses not to conduct a live hearing: OMCC process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness.
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; *and*
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.



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When OMCC chooses to conduct a live hearing: OMCC process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; *or*
- Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. OMCC permits advisor-conducted questioning, and a party does not have an advisor to ask questions on their behalf, OMCC will provide the party with an advisor of OMCC choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, OMCC will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Procedures for a Live Hearing

OMCC will conduct the live hearing with the parties physically present in the same geographic location or, at OMCC discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

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

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, OMCC will:

1. Use the preponderance of the evidence or, if applicable, clear, and convincing standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

2. Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:

- A description of the alleged sex-based harassment.
- Information about the policies and procedures that OMCC used to evaluate the allegations.
- The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred.



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- When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions OMCC will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by OMCC to the complainant, and, to the extent appropriate, other students identified by OMCC to be experiencing the effects of the sex-based harassment; *and*
- OMCC procedures and permissible bases for the complainant and respondent to appeal.

OMCC will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.

If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of remedies to a complainant and other people OMCC identifies as having had equal access to OMCC education program or activity limited or denied by sex discrimination.
- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; *and*
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within OMCC education program or activity.

OMCC will comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent.

OMCC will not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that OMCC provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Appeals

OMCC will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; *and*
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
- Any additional procedures or bases for appeal OMCC offers will be equally available to all parties.

If a party appeals a dismissal or determination whether sex-based harassment occurred, OMCC will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent.
- Implement appeal procedures equally for the parties.
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint.
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations.
- Communicate to the parties in writing that OMCC will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; *and*
- Notify the parties in writing of the result of the appeal and the rationale for the result.



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The time frame for an appeal will be as follows:

OMCC offers the following process for appeals from a determination whether sex discrimination occurred:

1. The appeal must be in writing.
2. The application for the appeal must be given to the School Director within 7 days of the determination.
3. The School Director will accept or reject the application for appeal within 7 days of receiving the application and will inform all parties in writing within 10 days of receiving the application.

If application to appeal is accepted then:

1. All parties have 10 days after they have been notified to present new evidence.
2. School Director will review all evidence gathered through the investigation and the appeals process.
3. School Director will use the preponderance of the evidence or, if applicable, clear, and convincing standard of proof to determine whether sex discrimination occurred. The standard of proof requires the School Director to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the School Director is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the School Director will not determine that sex discrimination occurred.
4. School Director has 30 days after accepting the appeal to make a determination.

This appeal process will be, at a minimum, the same as OMCC offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

Informal Resolution

In lieu of resolving a complaint through OMCC Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. OMCC will inform the parties in writing of any informal resolution process it offers and determine if appropriate, if any. OMCC will not offer informal resolution to resolve a complaint when such a process would conflict with federal, state, or local law. Before the initiation of an informal resolution process OMCC will explain in writing to the parties:

- The allegations.
- The requirements of the informal resolution process.
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution.
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations.
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; *and*
- What information OMCC will maintain and whether and how OMCC disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures

OMCC will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to OMCC education program or activity or provide support during OMCC Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include:

1. **No-Contact Orders:** The institution may issue a no-contact order, which prohibits the respondent (the person accused of harassment) from contacting the complainant directly or indirectly.



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2. **Academic Accommodations:** The complainant may receive academic accommodations, such as extensions on assignments, rescheduling exams, or adjusting class schedules.
3. **Counseling Services:** The institution may offer external counseling services to the complainant. These services can provide emotional support, coping strategies, and resources for dealing with the impact of harassment.
4. **Safety Escorts:** If the complainant feels unsafe on campus, the institution may provide safety escorts to accompany them to and from classes or other locations.

Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, OMCC may impose disciplinary sanctions, which may include warning, probation, suspension, or expulsion. Disciplinary sanctions are determined based on the severity of the violation and may vary depending on the circumstances of each case.

1. **Expulsion:** Expulsion involves permanently terminating a student's enrollment.
2. **Suspension:** Suspension temporarily prohibits a student from attending classes or participating in school activities. It can be for a specific duration (e.g., one quarter) or until certain conditions are met (e.g., completing counseling).
3. **Probation:** Probation places a student on notice that their behavior or performance is unsatisfactory. During probation, the student must meet specific requirements (such as maintaining a certain GPA) to continue their enrollment.
4. **Warning:** Warning is a formal reprimand issued by the school. It does not involve direct consequences like revocation or suspension but serves as a warning.



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Grievance Procedures for Complaints of Sex Discrimination and Appeals Procedures

Ohio Medical Career College (OMCC) has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex discrimination.

Complaints

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that OMCC investigate and make a determination about alleged discrimination under Title IX:

A “complainant,” which includes:

1. A student or employee of OMCC who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; *or*
2. A person other than a student or employee of OMCC who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in OMCC education program or activity; *or*
3. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; *or*
4. OMCC’s Title IX Coordinator.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above; the following persons have a right to make a complaint:

- Any student or employee OMCC; *or*
- Any person other than a student or employee who was participating or attempting to participate in OMCC education program or activity at the time of the alleged sex discrimination.

OMCC may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

OMCC will treat complainants and respondents equitably.

OMCC requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

OMCC presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

OMCC has established the following timeframes for the major stages of the grievance.

Procedures

- **Evaluation:** Once a complaint is made the Title IX Coordinator has 30 days to either dismiss the claim or to have it investigated.
- **Investigation:** If an investigation is initiated, the investigator has 60 days to complete the investigation.
- **Determination:** after the investigation is completed, the Decision Maker has 30 days to make a determination.



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- **Appeal:** If either the complainant or respondent wishes to appeal the determination, they have 7 days, from when they have been informed in writing of the determination, to appeal the determination (see appeals process for its timeframes).

OMCC has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. Any request for a delay will be made in writing and given to the Title IX Coordinator. The reason for the delay must have a substantial impact on the proceedings and/or the investigation. Reasons for a delay include but not limited to:

1. Death of immediate family member or a party to the proceedings.
2. Server injury or hospitalization of a party to the proceedings.
3. Severity of the complaint and/or involvement of law enforcement.
4. Major holidays where the school is out of session.

The Title IX Coordinator will make the final decision as to whether or not the request meets the threshold of requiring a delay in the process.

OMCC will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

The parties cannot engage in retaliation, including against witnesses. Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

OMCC will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence and questions seeking that evidence are impermissible (i.e., will not be accessed or considered, except by OMCC to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless OMCC obtains that party's or witness's voluntary, written consent for use in its grievance procedures; *and*
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations



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Upon initiation of OMCC's Title IX grievance procedures, OMCC will notify the parties of the following:

- OMCC Title IX grievance procedures and any informal resolution process.
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s).
- Retaliation is prohibited; *and*
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

If, in the course of an investigation, OMCC decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, OMCC will notify the parties of the additional allegations.

Dismissal of a Complaint

OMCC may dismiss a complaint of sex discrimination if:

- OMCC is unable to identify the respondent after taking reasonable steps to do so.
- The respondent is not participating in OMCC education program or activity and is not employed by OMCC.
- The complainant voluntarily withdraws any or all the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and OMCC determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven. *or*
- OMCC determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, OMCC will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, OMCC will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then OMCC will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

When a complaint is dismissed, OMCC will, at a minimum:

- Offer supportive measures to the complainant as appropriate.
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; *and*
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within OMCC education program or activities.

OMCC will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then OMCC will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; *and*
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.



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If the dismissal is appealed, OMCC will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent.
- Implement appeal procedures equally for the parties.
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint.
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations.
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; *and*
- Notify the parties of the result of the appeal and the rationale for the result.

Investigation

OMCC will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on OMCC not on the parties to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

OMCC will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

OMCC will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

OMCC will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- OMCC will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence.
- OMCC will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; *and*
- OMCC will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses

OMCC will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

The questioning can occur in different formats:

- **Live Hearing:** In some cases, a live hearing is conducted where parties and witnesses appear before the decision-maker.
- **Written Questions:** Alternatively, the decisionmaker may submit written questions to the parties and witnesses.

The questions focus on relevant details, consistency, and credibility. When assessing credibility, the decisionmaker evaluates the demeanor, consistency, and reliability of each person's statements. Factors considered include:



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- **Consistency:** Are the statements consistent over time and across different interviews?
- **Corroboration:** Is there any corroborating evidence or witness testimony?
- **Demeanor:** How do the parties and witnesses present themselves during questioning?
- **Motivation:** Are there any potential biases or motivations affecting credibility?
- **Relevance:** The decisionmaker considers whether credibility directly impacts the outcome of the case.

Determination Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, OMCC will:

1. Use the preponderance of the evidence or, if applicable, clear, and convincing standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.
3. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
4. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people OMCC identifies as having had equal access to OMCC education program or activity limited or denied by sex discrimination.
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within OMCC education program or activity.
5. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; *and*
6. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations

Both the complainant and the responder may appeal the determination to the School Director of OMCC if either party can prove that one of the following has occurred:

1. Procedural irregularity that would change the outcome.
2. New evidence that would change the outcome and that was not reasonably available when the determination was made.
3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

OMCC offers the following process for appeals from a determination whether sex discrimination occurred:

1. The appeal must be in writing.
2. The application for the appeal must be given to the School Director within 7 days of the determination.
3. The School Director will accept or reject the application for appeal within 7 days of receiving the application and will inform all parties in writing within 10 days of receiving the application.



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If application to appeal is accepted then:

1. All parties have 10 days after they have been notified to present new evidence.
2. School Director will review all evidence gathered through the investigation and the appeals process.
3. School Director will use the preponderance of the evidence or, if applicable, clear, and convincing standard of proof to determine whether sex discrimination occurred. The standard of proof requires the School Director to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the School Director is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the School Director will not determine that sex discrimination occurred.
4. School Director has 30 days after accepting the appeal to make a determination.

This appeal process will be, at a minimum, the same as OMCC offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

Informal Resolution

In lieu of resolving a complaint through OMCC's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. OMCC does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with federal, state, or local law.

Supportive Measures

OMCC will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to OMCC education program or activity or provide support during OMCC Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include:

1. **No-Contact Orders:** The institution may issue a no-contact order, which prohibits the respondent (the person accused of harassment) from contacting the complainant directly or indirectly.
2. **Academic Accommodations:** The complainant may receive academic accommodations, such as extensions on assignments, rescheduling exams, or adjusting class schedules.
3. **Counseling Services:** The institution may offer external counseling services to the complainant. These services can provide emotional support, coping strategies, and resources for dealing with the impact of harassment.
4. **Safety Escorts:** If the complainant feels unsafe on campus, the institution may provide safety escorts to accompany them to and from classes or other locations.

Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, OMCC may impose disciplinary sanctions, which may include warning, probation, suspension, or expulsion. Disciplinary sanctions are determined based on the severity of the violation and may vary depending on the circumstances of each case.

1. **Expulsion:** Expulsion involves permanently terminating a student's enrollment.
2. **Suspension:** Suspension temporarily prohibits a student from attending classes or participating in school activities. It can be for a specific duration (e.g., one quarter) or until certain conditions are met (e.g., completing counseling).
3. **Probation:** Probation places a student on notice that their behavior or performance is unsatisfactory. During probation, the student must meet specific requirements (such as maintaining a certain GPA) to continue their enrollment.
4. **Warning:** Warning is a formal reprimand issued by the school. It does not involve direct consequences like revocation or suspension but serves as a warning.