

Report

Information provided to the Office of Institutional Equity about a possible violation of University policies relating to discrimination, harassment, sexual violence and/or retaliation.

Reporting Party

A person or persons alleging or reporting a violation of the Policies.

Respondent(s)

A person or persons alleged to have violated the Policies and whose conduct is investigated under these Procedures.

III. Scope

- A. Individuals subject to these Procedures: The Policies and these Procedures apply to all students, employees, visitors or other individuals who participated, are participating or will participate in a University activity. The Policies and these Procedures apply to student organizations.
- B. Geographic reach of these Procedures: These Procedures address conduct that occurs on University property, off-campus during a University activity, or off-campus outside of a University activity when the conduct has continuing adverse effects on or creates a hostile environment for students, employees, visitors or other individuals who participated, are participating or will participate in a University activity.
- C. Individuals who are students and employees:
 - 1. Employees who are students may be treated either as students, employees or both at the sole discretion of the University.
 - 2. Student employees, whose employment with the University is student employment or who are enrolled in a degree-seeking program, will be treated as students.
 - 3. If a dispute arises as to the status of a Complainant or Respondent as a student or employee, the final decision determining that status for purposes of the investigation and remedial measures will be made by the General Counsel or designee.
- D. Adjudication of student matters: Allegations of discrimination, harassment, sexual violence and/or retaliation involving students will be adjudicated under these Procedures only, and not under the Code of Student Conduct.
- E. Investigation of matters involving employees in the Office for Institutional Equity and other specific employees: In the event that the Complainant or Respondent is an employee or student-worker from the Office for Institutional Equity, the Chief Compliance Officer or designee will designate an individual responsible for implementing these Procedures. In the event that the Complainant or Respondent is the Chief Compliance Officer, the General Counsel will designate an individual responsible for implementing the responsibilities of the Chief Compliance Officer pursuant to these Procedures. In the event that the Complainant or Respondent is the General Counsel, the Chief Compliance Officer will designate an individual responsible for implementing the responsibilities of the Chief

Compliance Officer pursuant to these Procedures. In the event that the Complainant or Respondent is the President or a Trustee, the Chairman of the Board of Trustees will be responsible for ensuring the implementation of these Procedures.

- F. Conflict of interest: Concerns about conflicts of interest or bias must be raised with the General Counsel or designee within five (5) working days of the discovery of the possible conflict. The General Counsel or designee will have five (5) workio

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- B. An informal resolution may consist of: individual or joint discussions facilitated by the Office for Institutional Equity with the Complainant and/or Respondent, an appropriate administrator or others, or guidance from the Office for Institutional Equity to the reporting party about options or strategies for resolving the concern

- B. The purpose of the investigation is to identify facts which permit the Office for Institutional Equity to evaluate the allegations of discrimination, harassment, sexual violence or retaliation, and formulate a remedial response.
- C. The Investigator will discuss the following with the Complainant and Respondent:
 - 1. The conduct and any related issues that gave rise to the Complaint.
 - 2. The importance of confidentiality during the investigation.
 - 3. The prohibition of retaliation.
 - 4. Upon conclusion of the investigation, records may be made available to the parties and the public to the extent mandated by law.
- D. Depending on the facts and circumstances of the case and in the discretion of the Investigator, the Investigator may interview Complainant(s), Respondent(s) and witnesses with relevant information. The Investigator may also gather and review relevant records, including video and audio recordings, text and email messages, police reports and other information. Both the Complainant and Respondent have the right to identify witnesses and provide records to the Investigator.
- E. Investigations should be concluded within sixty (60) calendar days from the date of the Complaint or the notice to the Respondent of the University-initiated investigation. If an extension of time is approved, the Investigator will inform the Complainant(s) and Respondent(s) of extensions of this deadline and the estimated conclusion date.
- F. After analyzing all the information, the Investigator will prepare a written Report containing the following: the allegations, a description of the investigation, the factual findings, the basis on which the conclusions were reached, recommended action steps and/or remedial measures, and other relevant information. The report will be provided to the Complainant, Respondent and appropriate administrator(s).
- G. A violation of the Policies will be found when a preponderance of the evidence supports the finding of a violation. The Investigator may recommend action without finding a violation.

- I. If the Investigator finds a violation of University Policies or determines that an allegation is false, and both parties are students, the report will contain recommended remedial measures to correct the violation, remedy the effects of the violation and prevent its recurrence.
- J. If the Investigator finds a violation of University Policies or determines that an allegation is false, and the Respondent is an employee:
 1. Report will be amended to include appropriate remedial measures, to the Chief Human Resources Officer or designee, if the Respondent is a staff or professional employee, or the Provost or designee, if the Respondent is a faculty member, or other appropriate administrator.
 2. Within five business days of the report, the Investigator will consult with the administrator to whom the appropriate discipline for the Respondent.
 3. Report will be amended to include appropriate remedial measures to correct the violation, remedy the effects of the violation and prevent its recurrence, and provided to the Complainant, Respondent and appropriate administrators.
- K. If no party is a student, the process used to determine discipline, sanctions or other appropriate action is set forth in Section XI below. If any party is a student, the Vice President of Student Affairs will make a final decision on the findings and remedial measures pursuant to the procedure set forth in Section XII below.

XI. Resolution of Non-Student Matters

- A. If the Respondent is a staff employee, the Investigator's report will be provided to the Chief Human Resources Officer. Appropriate discipline will be imposed pursuant to the Professional Staff Personnel Policies, the relevant collective bargaining agreement, or other policies. The Chief Human Resources Officer will inform the Investigator of any discipline imposed on the Respondent and/or other remedial measures taken, and provide the Investigator with copies of the relevant documents.
- B. If the Respondent is a faculty member, the report will be provided to the Provost and appropriate discipline will be imposed pursuant to the Faculty Personnel Policies or the AAUP Collective Bargaining Agreement. The Provost or designee will inform the Investigator of any discipline imposed on the Respondent and/or other remedial measures taken, and provide the Investigator with copies of the relevant documents.
- C. If the Respondent is not affiliated with the University, the report will be provided to the appropriate administrator and recommendations, if any, will be implemented by the appropriate administrator. The administrator will inform the Investigator of all action taken against the Respondent and/or other remedial measures taken, and provide the Investigator with copies of the relevant documents.

- D. If the Complainant is not a student and the Investigator does not find a violation of the Policies, the Complainant may appeal the [redacted] in accordance with Section XIII of these Procedures. If no appeal is filed within five (5) working days of the date of the [redacted] report, the findings, conclusions and remedial measures in the [redacted] deemed final.

XII. Resolution of Student Matters

- A. When either party is a student, the [redacted] shall be forwarded to the Chief Student Affairs Officer or designee (CSAO).
- B. Within ten (10) working days from the date of the [redacted] report, the CSAO will convene a meeting or meetings to provide the Complainant and Respondent an opportunity to discuss the findings. The Complainant and the Respondent may identify findings with which they agree or disagree, and state the bases for that agreement or disagreement. The Investigator will attend the meeting or meetings, and the Complainant and Respondent may question the Investigator about the findings in [redacted].
 1. The Complainant, Respondent and Investigator

- Policies, the AAUP Collective Bargaining agreement and other policies governing the
7. Within five (5) working days of the meeting with the Complainant and the Respondent, or the latter of the meetings if held separately, the CSAO will make a determination to approve, deny or modify the Investigator findings, implement remedial measures and sanction the Respondent, if appropriate. The Complainant, Respondent, Office for Institutional Equity and the appropriate administrator(s) will be notified in writing of the CSAO determination and rationale.
 8. Implementing sanctions and/or disciplinary action.
 - a. If the Respondent is a ttnt is nttonale. 03>4030057BT1 0 0 1 10404[)TJ3(a)

- b. If the Complainant is a student, a Complainant may appeal the CSAO to the Provost pursuant to this section.
- B. If the Respondent is an employee, any challenge to corrective action taken as a result of an investigation will be governed by the personnel policies or collective bargaining agreement applicable to that employee and subject to deadlines contained in those policies or collective bargaining agreement.
- C. When at least one party is a student, appeals filed pursuant to this section must be submitted within five (5) working days of the issuance of the CSAO decision. When no party is a student, appeals filed pursuant to this section must be submitted within five (5) days of the date of the Investigat . An appeal must be in writing with all supporting materials attached.
- D. An appeal is limited to the following bases:
 1. Whether the Investigator was biased or had a conflict of interest;
 2. Whether these Procedures were followed, and if not, whether the failure to follow these Procedures had a materially adverse impact on the Investigato ;
 3. Whether there is previously unavailable relevant evidence that could significantly impact the ; or
 4. Whether the recommended sanction is substantially disproportionate to the findings and conclusions in t .
- E. Within ten (10) working days of the date the appeal, the Provost or General Counsel, or designees, will review the record and issue a decision on the appeal to all parties.
- F. Any CSAO decision or I Report not appealed within the time frames set forth in this Section XIII is deemed final.

XIV. Corrective Action Implementation

- A. When will be promptly taken to correct the violation, eliminate its effects, and prevent reoccurrence.
- B. Corrective action for employee-Respondents will be implemented in accordance with established University rules, procedures and collective bargaining agreements, if applicable.
 1. The Investigator will be informed of all corrective action taken and provided with copies of the relevant documents.
 2. To the extent that employee-Respondents appeal under these procedures, a student-Complainant may participate in that process.

- C. Corrective action for student-Respondents will be implemented pursuant to these Procedures.
- D. Corrective action will include consideration of the following factors:
 - 1. Prior disciplinary history of Respondent, including other complaints of sexual violence;
 - 2. Whether Respondent intentionally incapacitated or attempted to intentionally incapacitate the Complainant through drugs or alcohol;
 - 3. Whether the Complainant was incapacitated due to drugs or alcohol;
 - 4. Whether violence, physical force, threats of physical force used, or a weapon used or displayed;
 - 5. Other mitigating or aggravating factors of significance to a particular matter; and
 - 6. The sanction imposed on a student-Respondent, who is found responsible for engaging in sexual violence or non-consensual sexual intercourse, oral, anal, and/or vaginal penetration to any degree and with any body part or object, is presumed to include a suspension of at least one semester.
- E. Any or all of following sanctions may be imposed for a violation of the Policies:
 - 1.

