



## Office for Institutional Equity Procedures for Addressing Reports of Discrimination, Harassment, Sexual Violence and Retaliation

### I. Introduction

The University is committed to addressing allegations and suspected instances of discrimination, harassment, sexual violence and retaliation in accordance with applicable law and University policies. The Office for Institutional Equity is responsible for following these procedures to investigate reports of discrimination, harassment, sexual violence and retaliation.

### II. Definitions

Definitions in the Policies are applicable to these Procedures.

#### **Complainant(s)**

A person or persons subject to the conduct that is investigated under these Procedures.

#### **Complaint**

An allegation of one or more violations of the Policies, made to the Office for Institutional Equity, requesting an investigation and signed by the Complainant.

#### **Investigation**

The process by which the Office for Institutional Equity or designee assesses an allegation of one or more violations of the Policies. The Office for Institutional Equity may initiate an investigation of allegations for which no Complaint has been or will be made.

### **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 Chief Compliance Officer 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 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 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 Chief Compliance Officer or designee within five (5) working days of the discovery of the possible conflict.

to the extent necessary to enable these individuals to provide effective advice and/or support.

- D. The University may also be required to permit a student to inspect and review records related to a complaint or investigation to the extent that they constitute education records as defined in the Family Education Rights and Privacy Act.
- E. The University will comply with requests or subpoenas for records related to a Complaint or investigation as required by law.

## **VI. Reporting Discrimination, Harassment, Sexual Violence and/or Retaliation**

- A. Reports of discrimination, harassment, sexual violence and/or retaliation may be made to the Office for In,

arrangements and/or campus living arrangements. When the Respondent is not affiliated with the University, a No Contact Directive may include a prohibition barring the Respondent from campus and/or University property.

- B. Once a Complaint has been received or an investigation is commenced, the Office for Institutional Equity may take additional interim measures as set forth below.
  - 1. Interim measures for students and employees will be imposed in consultation with the administrator with direct supervisory responsibility over the party; i.e. for a student, the Vice President of Student Affairs will be consulted; for an employee, the Chief Human Resources Officer will be consulted; for a faculty member or academic ; for a vendor, the Vice President for Business Affairs and Finance will be consulted.
  - 2. The Office for Institutional Equity will inform University administrators with a need to know of the implementation of interim measures.
- C. If the Office for Institutional Equity determines that a Respondent represents a threat or potential threat to the campus community, interim measures may include suspension, if the Respondent is a student, or the placement on a leave of absence, if the Respondent is an employee.
  - 1. If the interim measure constitutes suspension of a student, the Notice of Interim Suspension

C. Any party

Institutional Equity does not have jurisdiction, the Director may refer the Complainant to other appropriate resources and will advise the Complainant that the matter will not be investigated.

- H. A Complainant may report conduct to the University Police Department or other appropriate law enforcement agency in addition to or instead of filing of a Complaint under these procedures, but is never required to do so. The University is committed to working cooperatively with law enforcement.
1. Contact information for the University's Police Department is available on the [CSU Police Department website](#).
  2. When a simultaneous report of sexual violence is made to the Office for Institutional Equity and law enforcement, the University will coordinate with law enforcement, as needed, to preserve evidence and achieve other shared goals.
  3. At the request of a law enforcement agency, the University may temporarily delay an investigation while the law enforcement agency gathers evidence. Notwithstanding any temporary delay of the investigation, the University will implement necessary interim measures deemed necessary to protect the Complainant and the University community.
- H. Initiating a Complaint with the Office for Institutional Equity does not preclude filing a complaint with an external agency, such as the [Ohio Civil Rights Commission](#) (OCRC), the [Equal Employment Opportunity Commission](#) (EEOC) or the [Office for Civil Rights in the U.S. Department of Education](#) (OCR),

- 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





Section XIII of these Procedures. If no appeal is filed within five (5) working days of the date of the report, the findings, conclusions and remedial measures in the report are deemed final.

## **XII. Resolution of Student Matters**

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 VPSA will make a determination to approve, deny or modify the Investigator findings, implement remedial measures and sanction

- 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 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 Investigator's decision. 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 Investigator's decision ;
  - 3.

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           s:

7. Community Service: requiring the Respondent to render a designated amount of specified service to the University or community;
  8. Education: requiring the Respondent to attend a specified training or education program, whether on-line or otherwise; and
  9. Counseling: requiring the Respondent to meet with professional staff in the  
;
  10. Continuation of No Contact Directives: requiring the Respondent to comply with a new or ongoing No Contact Directive; and
  11. Creative or alternative sanctions: enrolling in and completing anger management or batterer intervention courses, performing volunteer work, writing essays, completing a 12-step or other addiction program, enrolling in and completing a sex offender rehabilitation program, issuing a sincere apology, and any other remedy appropriate for the circumstances.
- G. Other remedies may include: providing an escort; ensuring that the Complainant and Respondent do not attend the same class, work together or participate in the same extracurricular activities; relocation to a different residence hall or work area; providing counseling services or additional academic support services; arranging for the Complainant to re-take a course or withdraw from a class without penalty; job reassignment; targeted training for a group of students, faculty, or staff; and training, education initiatives or other remedies tailored to the circumstances.
- H. The Office for Institutional Equity will work with the appropriate administrator(s) to monitor corrective action to ensure compliance. The Office for Institutional Equity is responsible for ensuring that the necessary action steps are completed.
- I. Remedial action may be imposed on any individual who had a duty to report potential discrimination, harassment or sexual violence and who failed to act in a manner consistent with the Policies and these Procedures.

## **XV. Training**

University employees responsible for implementing these Procedures will be trained at least annually on matters which will include, but are not limited to, the Policies, these Procedures, confidentiality and privacy, determining appropriate remedies for conduct which violates the Policies and applicable state and federal laws, rules and regulations.

## **XVI. Record Keeping**

The Office for Institutional Equity will maintain documentation of reports, complaints and investigations and remedial measures. Investigation records will not be maintained in personnel

files or student files unless they are part of a formal corrective action. These records will be maintained in accordance with University record retention schedules.