

2023-24

STUDENT HANDBOOK

***Section 7 – Harassment &
Discrimination Policy***



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Harassment and Discrimination Policy

Applies to All Forms of Harassment and Discrimination Outlined in the University's Non-Discrimination Statement, Excluding Conduct Prohibited by the Sexual Harassment and Misconduct Policy for Students, Staff, Faculty, Trustees, and Third Parties

Policy Statement

The University of Evansville is committed to creating and maintaining an atmosphere where all members of the community – students, faculty, staff, and visitors – are treated with respect and dignity.

Reason for Policy

This Policy document informs members of the University community about the University's prohibition against harassment and discrimination. It provides information about resources, reporting options, and prompt and equitable resolution options. The policy reinforces the University's commitment to creating and maintaining an atmosphere of respect and dignity. Consistent with the procedures set forth in this Policy, the University will take steps to eliminate harassment and discrimination and prevent their recurrence and remedy any discriminatory effects for individuals or members of the University community.

Who is governed by this Policy?

All students, employees, alumni, independent contractors, vendors, as well as all visitors and guests of the University of Evansville, who are participating in University programs or activities, or on University owned, affiliated, or operated properties.

Policy

Consistent with the University's Non-discrimination Statement, the University does not discriminate and does not tolerate discrimination against students, faculty, staff, applicants for admission and employment, and visitors, in its education programs, activities, and its employment practices on the basis of race, color, gender, gender identity and expression, sexual orientation, creed or religion, national origin, age, disability, veteran status and all federally protected groups/classes.

Discrimination includes harassment, which includes a wide range of abusive and humiliating verbal or physical behaviors that are directed against a particular person or persons because of one or more of the above protected groups or classes. This includes creating a "hostile environment" where the conduct is sufficiently severe, pervasive, or persistent, which alters the conditions of the person's employment or educational experience at the University. The University will not tolerate any form of harassment of our employees, students, or other persons performing services for our campus by anyone, including any supervisor, co-worker, vendor, student, parent, or alumni of our University. All employees are responsible to help ensure that we avoid discrimination and harassment. If you feel that you have experienced or witnessed any conduct that is inconsistent with this Policy, you are to notify the Director of Institutional Equity [other possible reporting authorities].

The University forbids retaliation against anyone for reporting harassment or discrimination, assisting in making a discrimination or harassment complaint, cooperating in a discrimination or harassment investigation, or filing an EEOC claim.

The University's policy is to investigate all harassment or discrimination complaints thoroughly and promptly. To the fullest practical extent, the University will keep complaints and the terms of their resolution confidential. If an investigation confirms that a violation of the Policy has occurred, the University will take corrective action, including discipline, up to and including immediate termination of employment or dismissal of a student from the University.

The University has designated an Assistant Director of Institutional Equity and Title IX Coordinator to oversee the implementation of this Policy and to ensure compliance with applicable laws, and to work with the Office of Public Safety on compliance with the Clery Act and other applicable laws. The University's Assistant Director of Institutional Equity and Title IX Coordinator is Annie Sills:

Annie Sills
Assistant Director of Institutional Equity and Title IX Coordinator
University of Evansville
Olmsted Administration Hall, Room 118; or Center for Diversity, Equity and Inclusion, RUC 263
1800 Lincoln Avenue
Evansville, Indiana 47722
812-488-5261
cs175@evansville.edu

Concerns about the University's application of this policy may be addressed to the University's Assistant Director of Institutional Equity and Title IX Coordinator; the United States Department of Education, Clery Act Compliance Division (clery@ed.gov); the United States Department of Education, Office for Civil Rights (OCR@ed.gov or 800-421-3481); the Equal Employment Opportunity Commission (info@eeoc.gov or 800-669-4000); and/or (for Harlaxton College) the Office of Independent Adjudicator (www.oiahe.org.uk/contact-us/ or 0118 959 9813).

To request disability accommodations, students should contact the University's Office of Counseling Services at (812) 4882663 or disabilityservices@evansville.edu. Employees and other members of the University community should contact the Office of Human Resources at (812) 488-2943 or kg77@evansville.edu.

Prevention and Awareness Programs

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming and returning students and current employees receive ongoing training and related programs.

Scope and Jurisdiction

This Policy governs the conduct of faculty, staff, students, alumni, members of the board of trustees ("Trustees"), volunteers and other participants in University programs and activities that occur on the campuses of the University of Evansville, the Stone Center for Health Sciences, and Harlaxton College. It also governs the conduct of third parties, including visitors and third-party contractors and vendors.

In this Policy, the term "Complainant" refers to a person who is reported to have experienced Prohibited Conduct, regardless of whether that person makes a report or seeks disciplinary action. The term "Respondent" refers to a person who is reported to have engaged in Prohibited Conduct.

This Policy applies to Prohibited Conduct that occurs:

- on campus or University owned, affiliated, or operated properties;
- in the context of any University-related or sponsored education program or activity, regardless of the location (including, but not limited to, University-sponsored travel, research or internship programs, or University-sponsored athletic events, including NCAA, club, and recreational activities);
- through the use of University-owned or provided technology resources; or
- when the conduct has continuing adverse effects or the creation or continuation of a hostile environment on campus. (See the discussion of hostile environment under the section on Prohibited Conduct.)

The University's Assistant Director of Institutional Equity and Title IX Coordinator will review the circumstances of the reported conduct to determine whether the University has jurisdiction or disciplinary authority over the Respondent or the conduct. In instances where the University does not have disciplinary authority over the Respondent or the conduct is unconnected to a University program or activity, the University will take reasonably available steps to support a Complainant or other community members through Interim Support Measures and provide assistance in identifying external reporting mechanisms.

This Policy addresses discrimination on the basis of race, color, creed or religion, national origin, age, disability, veteran status, and all federally protected groups/classes not covered by Title IX as it relates to Prohibited Conduct reportedly committed by a student, employee, third party or student organization. Discrimination or harassment on the basis of sex or gender do not fall under this Policy.

In addition, student, staff, and faculty conduct is governed by applicable University policies and by the following:

- [University of Evansville Employee Code of Conduct](#)
- [University of Evansville Drug and Alcohol Policies](#)
- [University of Evansville Student Handbook](#)
- [Harlaxton College Student Handbook](#)
- [University of Evansville Staff Manual](#)
- [University of Evansville Administrator Manual](#)
- [University of Evansville Faculty Manual](#)
- [University of Evansville Adjunct Faculty Manual](#)
- [Harlaxton College Employee Manual, Part 1](#)
- [Harlaxton College Employee Manual, Part 2](#)

Where conduct involves the potential violation of both this Policy and another University policy, the University may choose to investigate other potential misconduct under the procedures set forth in this Policy, provided that it does not unduly delay a

prompt or equitable resolution of the report. The classification of the Respondent's primary role (student or employee) will direct the processes that will be followed for resolution.

This Policy applies to all reports of Prohibited Conduct that are received by the University on or after the effective date of this Policy, regardless of when the Prohibited Conduct occurred. Where the date of the Prohibited Conduct precedes the effective date of this Policy, the definitions of Prohibited Conduct in existence at the time of the alleged incident(s) will be used. The procedures under this Policy, however, will be used to investigate and resolve all reports made on or after the effective date of this Policy, regardless of when the incident(s) occurred.

The Role of the Assistant Director of Institutional Equity and Title IX Coordinator

The University's Assistant Director of Institutional Equity and Title IX Coordinator oversees the University's centralized response to all reports of Prohibited Conduct to ensure consistent implementation of this Policy and compliance with applicable federal, state, and local law. The Assistant Director of Institutional Equity and Title IX Coordinator and/or designated staff will:

- Communicate with all members of the University community regarding applicable law and policy and provide information about how individuals may access resources and reporting options.
- Maintain and implement applicable University policies to ensure institutional compliance with applicable law.
- Ensure that all students and employees have access to education and training regarding Prohibited Conduct defined in this Policy.
- Respond to any report regarding conduct that may violate this Policy. In this capacity, the Assistant Director of Institutional Equity and Title IX Coordinator shall:
 - Direct the provision of any Interim Support and Protective Measures (including oversight of the failure to abide by an interim protective measure).
 - Oversee the prompt and equitable investigation and resolution of the report.
 - Through Alternative Resolution or Disciplinary Resolution, take appropriate action to eliminate the Prohibited Conduct, prevent its recurrence and remedy its effects.
- Maintain centralized records of all reports, investigations, and resolutions.

The Assistant Director of Institutional Equity and Title IX Coordinator maintains broad oversight responsibility but may delegate responsibilities under this Policy to designated administrators or external professionals who will have appropriate training and/or experience. When used in this Policy, the term Assistant Director of Institutional Equity and Title IX Coordinator may include an appropriate designee.

Prohibited Conduct

In determining whether reported conduct violates this Policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the reported conduct and the context in which it occurred. Lack of familiarity with University policy is not a defense to a violation of this Policy. Unless specifically noted, intent is not a required element to establish a policy violation.

Prohibited Conduct may include, among other things, telling jokes or making offensive or derogatory remarks about another person's race, ancestry, national origin, age, disability, veteran status, or membership in another protected group. Prohibited conduct may occur through:

- Direct oral expression and/or physical gestures or actions;
- Notes, letters, and other forms of written communication distributed via U.S. mail, campus mail, or otherwise made visible to the public;
- Phone calls, phone messages, or other forms of electronic verbal communication;
- Email, text messages, instant messaging, social networks, or other means of electronic communication.

Definitions/Glossary

The following definitions are University-wide definitions and will be used as a reference for all cases involving harassment and discrimination covered by this Policy:

Protected Characteristics – Includes race, color, religion, national origin, age, disability status, genetic information, veterans' status, ethnic origin, ancestry, marital and parental status, or any other basis protected by applicable federal, state, or local laws, but not covered by the University's Sexual Harassment and Misconduct Policy.

Discrimination Based on Protected Characteristics – Discrimination based on Protected Characteristics involves treating someone (an applicant, student, or employee) unfavorably because they are of a certain protected or because of personal characteristics associated with a protected class (e.g., hair texture, skin color, or certain facial features).

Harassment Based on Protected Characteristics – Harassment based on Protected Characteristics is a form of prohibited discrimination. Harassment often takes the form of verbal statements regarding an individual’s Protected Characteristics, such as epithets, derogatory comments or slurs, profanity, gestures, innuendo, jokes, or forms of address. Harassment can also take the form of other adverse conduct motivated by a person’s Protected Characteristics, such as teasing or tricks, physical abuse, or bullying.

Intent vs. Impact – It is the impact of the behavior, not the intent of the person who exhibited the behavior that determines whether or not Prohibited Conduct has occurred. According to the law, actual intent is irrelevant. Courts have found a hostile environment exists if the victim believes the environment to be abusive and a reasonable person would find it to be an abusive environment.

Race, Color, National Origin, or Ethnicity Harassment is any verbal or physical conduct that is directed at an individual because of their race, color, national origin, or ethnicity, and that is sufficiently severe or pervasive so as to have the effect of creating an intimidating, hostile, or offensive work or educational environment, which unreasonably interferes with work or educational performance, or negatively affects an individual’s employment or educational opportunities. Such harassment is prohibited.

Disability Harassment* is any verbal or physical conduct or a pattern of a lack of reasonable accommodation that is directed at an individual because of their mental or physical impairment, and that is sufficiently severe or pervasive so as to have the effect of creating an intimidating, hostile, or offensive work or educational environment which unreasonably interferes with work or educational performance, or negatively affects an individual’s employment or educational opportunities. Such harassment is prohibited.

** If a student is dissatisfied with the accommodations recommended by a Disability Services staff member, they are not receiving the recommended accommodations from their instructor, or they feel they have been unjustly denied eligibility for Disability Services, the student should first follow the Disability Services Grievance Procedure.*

Religious Harassment is any verbal or physical conduct that is directed at an individual because of their religion and/or religious beliefs pertaining to religion and that is sufficiently severe or pervasive as to have the effect of creating an intimidating, hostile, or offensive work or educational environment, which unreasonably interferes with work or educational performance, or negatively affects an individual’s employment or educational opportunities. Such harassment is prohibited.

Veteran Status Harassment is any verbal or physical conduct that is directed at an individual because of their status as a person who serves or has served in the Armed Forces, Reserve, National Guard, or other uniformed Services, and that is sufficiently severe or pervasive as to have the effect of creating an intimidating, hostile, or offensive work or educational environment, which unreasonably interferes with work or educational performance, or negatively affects an individual’s employment or educational opportunities. Such harassment is prohibited.

Retaliation includes words or acts, as described below, committed against an individual or group of individuals involved in a protected activity. Protected activity includes making a good faith report under this Policy; filing an external complaint; or opposing in a reasonable manner and consistent with University policy an action reasonably believed to constitute a violation of this Policy. Retaliation may also include words or acts committed against an individual or group of individuals because they have participated in proceedings under this Policy. Retaliation can take many forms, including, but not limited to, adverse action or violence, threats and intimidation that would discourage a reasonable person (under similar circumstances and with similar identities to the targeted individual or group) from engaging in protected activity.

Complicity is any deliberate act or failure to act that knowingly or intentionally aids, attempts, or assists the commission of a specific act of Prohibited Conduct by another person.

Violation of University Directive is the failure to abide by the terms of an Interim Protective Measure or comply with a requirement of this Policy.

Understanding Privacy and Confidentiality

The University encourages all individuals who believe they have experienced or witnessed Prohibited Conduct to share information with the Assistant Director of Institutional Equity and Title IX Coordinator to a Responsible Employee (defined below), who will make a referral to the Assistant Director of Institutional Equity and Title IX Coordinator. The Assistant Director of Institutional Equity and Title IX Coordinator will provide the Complainant with information about resolution options and supports and resources. The Assistant Director of Institutional Equity and Title IX Coordinator will also consult with the Complainant to determine whether and how the University should respond.

If a Complainant or witness does not wish to report to the University but wishes to seek support or information in a confidential setting, they should seek such support from one of the Confidential Resources listed below.

The following information about Privacy and Confidentiality is intended to differentiate these two terms as they are used in the Title IX process.

Privacy refers to the discretion that will be exercised by the University, including the Office Institutional Equity and Title IX, in the course of any investigation or disciplinary processes under this Policy. Information related to a report of

Prohibited Conduct will be handled discreetly and shared with a limited circle of University employees or designees who need to know in order to assist in the assessment, investigation and resolution of the report and related issues. Individuals in the Center for Diversity, Equity, and Inclusion, along with Investigators, Disciplinary Authority members, and External Reviews will receive training in how to safeguard private information. The University will make reasonable efforts to investigate and address reports of Prohibited Conduct under this Policy, and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the University will maintain the privacy of the parties to the extent reasonably possible. The privacy of student education records will be protected in accordance with the university's Policy on the Access to Student Records in accordance with the Family Educational Rights and Privacy Act (FERPA). Access to an employee's personnel records is also governed by University policy and by applicable local laws.

Confidentiality refers to the statutory protections provided to individuals who disclose information in legally protected or privileged relationships, including professional mental health counselors, medical professionals, and ordained clergy (see Confidential Resources below). These Confidential Resources must maintain the confidentiality of communications disclosed within the scope of the provision of professional services. When an individual shares information with a Confidential Resource (on campus or in the community) as a confidential communication in the course of a protected relationship, the Confidential Resource cannot disclose the information (including information about whether an individual has received services) to any third party without the individual's written permission or unless permitted or required consistent with ethical or legal obligations. Similarly, medical and counseling records cannot be released without the individual's written permission or unless permitted or required consistent with ethical or legal obligations.

Confidential Resources submit non-personally identifying information about Clery-reportable crimes to the Office of Public Safety for purposes of the anonymous statistical reporting under the Clery Act.

Reporting Responsibility of University Employees

It is important to understand the different responsibilities of University employees. Some employees are designated as Confidential Resources, meaning that they will maintain the Confidentiality of information shared with them, as described above. All other employees are designated as Responsible Employees, meaning that they are required to promptly share all information about Prohibited Conduct with the University's Title IX Coordinator.

Confidential Resources include any University employee or independent contractor who has the ability to maintain the confidentiality of communications under applicable law or by designation. Confidential Resources include medical, clinical, and mental-health professionals, and clergy when acting in that professional role in the provision of services; and any employee providing administrative, operational and/or related support for such providers in their performance of such services. Confidential Resources will not disclose information about Prohibited Conduct without the individual's written permission or as set forth in the Confidentiality section above. When individuals who otherwise are Confidential Resources receive information outside of the provision of services, the Confidential Resource is required to share that information with the Assistant Director of Institutional Equity and Title IX Coordinator. For example, a licensed counselor who receives a disclosure in the context of speaking at a prevention program would be required to share the information with the Assistant Director of Institutional Equity and Title IX Coordinator.

The following are on-campus Confidential Resources:

Office of Counseling Services

Room 200, Ridgway University Center
812-488-2663
counselingservices@evansville.edu
www.evansville.edu/counseling/

The Office of Counseling Services is staffed by professional, licensed counselors and is available to all students. Appointments can be made by calling (812) 488-2663. Emergency counseling services are available after hours by calling the Office of Public Safety at (812) 488-2051 and asking for the counselor on call.

University Chaplains

Neu Chapel
812-488-
2235
religiouslife@evansville.edu
www.evansville.edu/religiouslif
e

The Office of Religious Life is staffed with licensed and ordained clergy in the United Methodist Church who provide pastoral care and counseling resources to the University of Evansville. Chaplains are best available by appointment or can be reached after hours by contacting the Office of Public Safety at (812) 488-2051.

Crayton E. and Ellen Mann Health Center

Sampson
Hall 812-
488-2033
healthcenter@evansville.edu
www.evansville.edu/offices/healthcente
r

The Health Center is staffed and operated by Tri-State Community Clinics, LLC (TSCC) and is available to all full-time students, as well as employees who are enrolled on UE health insurance. The University of Evansville Health Center is staffed by Nurse Practitioners, Registered Nurses and medical assistants who are under the supervision of R. Chad Perkins, MD, Chief Medical Officer of TSCC. The Health Center is open from 8:00 am to 5:00 pm Monday through Friday during the fall and semesters, with reduced hours in the summer.

While these Confidential Resources will ordinarily be able to maintain the confidentiality of the information shared with them in the course of their duties, there are certain limited circumstances where they may be required by law to share information. Those circumstances include:

- If they believe there is imminent danger of self-harm, or harm to others.
- If there is reason to believe that child, elder, or dependent abuse has occurred.
- If the individual express threats of violence towards another person.
- If federal law enforcement officials request your information under the United States Patriot Act.
- Under court order, subpoena or as otherwise required by law.

Employees may obtain confidential counseling from the University's *Employee Assistance Program*, which can be accessed by contacting 1-888-293-6948.

Responsible Employees are required to promptly report any information they learn about suspected Prohibited Conduct or potential violations of this Policy. All university employees, except for those that are designated as Confidential Resources, are considered Responsible Employees. For the purpose of this policy, Trustees are required to report potential violations to the Office of Institutional Equity, notwithstanding the fact that they are not employees of the University.

Responsible Employees must report all known information, including the identities of the parties, the date, time and location and any details about the reported incident to the Assistant Director of Institutional Equity and Title IX Coordinator. The Assistant Director of Institutional Equity and Title IX Coordinator may share reports with other University employees to ensure a coordinated institutional response. Responsible Employees may provide support and assistance to a Complainant, witness, or Respondent; but they cannot promise Confidentiality or withhold information about Prohibited Conduct. Failure by a Responsible Employee to report suspected Prohibited Conduct in a timely manner may subject them to appropriate discipline, including removal from a position or termination of employment. Responsible Employees are not required to report information disclosed at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums in which students may disclose prohibited conduct (collectively, public awareness events). The University may provide information about this Policy and available University and community resources and support at public awareness events. When individuals who are designated as Responsible Employees also serve, at times, a dual role as Confidential Resources, the individuals should not report information that they receive while providing services as Confidential Resources (except as set forth in the Confidentiality section above). In addition, a Complainant may choose not to make a report in their own case, even if the Complainant would otherwise have reporting obligations as a Responsible Employee.

Clery Act Reporting

Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the University withholds the names and other personally identifying information of complainants when issuing timely warnings to the University community.

Campus and Community Resources

A Complainant or witness has many options, including seeking counseling or assistance from a Confidential Resource, making a report under this Policy, and/or making a report to law enforcement. The University encourages prompt reporting of Prohibited Conduct to the Assistant Director of Institutional Equity and Title IX Coordinator and law enforcement. The University also recognizes that deciding among these options can be difficult and is an intensely personal decision. Complainants and witnesses are encouraged to seek assistance from a Confidential Resource and to explore all potential reporting and support options.

Emergency Resources and Law Enforcement

Emergency medical assistance and campus Public Safety assistance are available 24/7 both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense.

To report Prohibited Conduct that is imminent, in progress, or threatened, call:

University of Evansville: the University's Office of Public Safety at (812) 488-2051 or the Evansville Police Department at (812) 436-7896 or 911.

Stone Center for Health Sciences: IU Police Department/G4S Security at (812) 855-2425 or (812) 855-2421 or the Evansville Police Department at (812) 436-7896 or 911.

Harlaxton College: Lincolnshire Police at 101 or 999.

Medical Treatment and Preservation of Evidence

Regardless of whether a report is filed with local law enforcement, individuals should preserve all evidence that could be relevant to any criminal charges that may be brought or that might be needed to obtain a protection order.

University of Evansville and Stone Center for Health Sciences:

Deaconess Hospital
www.deaconess.com/Services/Emergency-Care
Hours: 24/7
812-450-3405

St. Vincent's Hospital
www.stvincent.org/Locations/Hospitals/Evansville
Hours: 24/7
812-485-4491

Harlaxton College:

Grantham Hospital
www.nhs.uk/Services/hospitals/Services/Service/DefaultView.aspx?id=34513
Hours: Daily from 8:00 a.m. - 6:30 p.m.
Manthorpe Rd,
Grantham NG31 8DG
01476 565232

Peterborough City Hospital
www.nwangliaft.nhs.uk/a-z-of-services/e/emergency-and-out-of-hours-care/ Hours: 24/7
Edith Cavell Campus
Bretton Gate,
Peterborough PE3 9GZ
01733 678000

Campus Resources

Members of the University community may obtain information about resources relating to Prohibited Conduct from:

- Keith Gehlhausen, Executive Director of Human Resources, and Institutional Equity
812-488-2943, kg77@evansville.edu
- Dr. Rachel Carpenter, Vice President of Student Affairs/Dean of Students
812-488-2500, rc35@evansville.edu
- Rob Shelby, Chief Diversity Officer
812-488-2949;
rs262@evansville.edu

The Assistant Director of Institutional Equity and Title IX Coordinator will provide Complainants with written notice about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services, as well as options and available assistance for changing academic, living, transportation and working situations, if requested, if reasonably available and regardless of whether reports are made to law enforcement. These supports are described in greater detail in the section on Interim Measures.

Reporting Options

The University encourages all individuals to report Prohibited Conduct or a potential violation of this Policy to the Assistant Director of Institutional Equity and Title IX Coordinator, the Office of Public Safety, and/or to local law enforcement. A Complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the University will assist a Complainant in contacting law enforcement at any time. Under limited circumstances (posing a threat to health or safety of any individual or to comply with applicable law), the University may independently notify law enforcement.

An individual may make a report to the University, to law enforcement, to neither, or to both. Campus discrimination processes and law enforcement investigations operate independently of one another, although the Assistant Director of Institutional Equity and Title IX Coordinator may coordinate information with law enforcement as part of the Initial Assessment. Anyone can make a report as follows:

- Make a report to the Assistant Director of Institutional Equity and Title IX Coordinator in person, by telephone, by email, or online at:

Keith Gehlhausen
Executive Director of Human Resources and Institutional
Equity Olmsted Administration Hall, Room 118
812-488-2943
kg77@evansville.edu

Annie Sills
Assistant Director of Institutional Equity and Title IX Coordinator
University of Evansville
Olmsted Administration Hall, Room 118; or Center for Diversity, Equity and Inclusion, RUC 263
1800 Lincoln Avenue
Evansville, Indiana 47722
812-488-5261
cs175@evansville.edu

- Make a report to local Law Enforcement

A Complainant has the right to report, or decline to report, to law enforcement at any time. The University's investigation and adjudication processes are distinct from the criminal justice/law enforcement process. The University will assist a Complainant in contacting law enforcement, or the Complainant may contact law enforcement directly.

University of Evansville and Stone Center for Health Sciences:

Evansville Police Department at 812-436-7896 or 911.

Harlaxton College:

Lincolnshire Police at 101 or 999.

- Make an anonymous report

A Complainant is not required to reveal their identity in order to report an incident; however, an anonymous report

may limit the ability to respond with an investigation or disciplinary action. An incident can be anonymously reported to University administration at:

[University of Evansville Office of Public Safety Report A Concern Form](#)

[Campus Conduct Hotline](#)

Although providing anonymous information may limit the ability of the University to investigate or impose discipline, it can help the University maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location, group, or Respondent; and alert the campus community to potential dangers when appropriate.

A Complainant or witness also has the ability to make an anonymous report to local law enforcement by contacting:

University of Evansville and Stone Center for Health Sciences:

WE TIP Crime
Hotline:
1-800-78-CRIME
1-800-782-7463
wetip.com

Harlaxton College:

Crimestopper
s 0800
555111
crimestoppers-uk.org

The University will assist a Complainant in contacting WE TIP/Crimestoppers or the Complainant may contact WE TIP/Crimestoppers directly.

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue a discrimination report and a criminal complaint). When initiating any of the above options, an individual does not need to know whether they wish to request any particular course of action nor how to label what happened. As part of a report to the Assistant Director of Institutional Equity and Title IX Coordinator, an individual can also request Interim Measures and support.

Timeframe for Reporting

Complainants and witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. The University does not, however, limit the timeframe for reporting. Depending on the relationship of the Respondent to the University, the University may not have the authority to impose disciplinary action. Where the University does not have disciplinary authority, the University will still seek to meet any federal obligations by evaluating the reported conduct, providing reasonably available Interim Support Measures, assisting the Complainant in identifying external reporting options, and taking reasonably available steps to end the Prohibited Conduct, prevent its recurrence, and address its effects.

Amnesty

The University encourages reporting and seeks to remove barriers to reporting by providing amnesty for Complainants and witnesses who report Prohibited Conduct for potential conduct violations occurring at or near the time of the incident. In general, the University will not pursue disciplinary action against a student who makes a good faith report to the University as a Complainant or witness to Prohibited Conduct for personal consumption of alcohol or other drugs (underage or illegal) which would otherwise be a violation of the *University's Drug and Alcohol Policies*, provided the misconduct did not endanger the health or safety of others. The University may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

Requests for Anonymity

Once a report has been shared with the Assistant Director of Institutional Equity and Title IX Coordinator, a Complainant may request that their identity not be shared with the Respondent (request for anonymity), that no investigation occur, or that no disciplinary action be pursued. The University will carefully balance this request in the context of the University's commitment to provide a safe and non-discriminatory environment for all University community members. The University will take all reasonable efforts to investigate and respond to the report consistent with a Complainant's request, but in order to pursue disciplinary action or impose Interim Protective Measures against a Respondent, the Respondent must be provided with sufficient notice of the reported conduct. In some circumstances, the Assistant Director of Institutional Equity and Title IX Coordinator may arrange for limited preliminary fact-finding by an Investigator to gain a better understanding of the context of the report or take other appropriate steps, including consulting with appropriate administrators. For more information, see

the section on Balancing Complainant Autonomy with University Responsibility to Investigate.

Interim Measures

Upon receipt of a report of Prohibited Conduct, the University will provide reasonable and appropriate Interim Measures designed to preserve access to educational opportunities; address safety concerns of the Complainant, the Respondent or broader University community; maintain the integrity of the investigative and/or resolution process; and deter retaliation. These actions may be supportive (measures designed to provide support and maintain continued access to educational opportunities) or protective (involving a restrictive action against a Respondent).

Interim Support Measures are available to the Complainant regardless of whether the Complainant pursues an investigation or seeks a disciplinary resolution. Interim Support Measures are also available to Respondents. In contrast, Interim Protective Measures are only available when the University initiates an investigation as part of a disciplinary resolution. Interim Protective Measures may be imposed when the University has an articulable factual foundation that would support the taking of a restrictive measure prior to the conclusion of the investigation.

Interim Support Measures may include:

- Facilitating access to counseling and medical services.
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines.
- Academic support.
- Assistance in requesting long-term academic accommodations through the Office of Counseling Services if the individual qualifies as an individual with a disability.
- Change in class schedule, including the ability to transfer course sections or withdraw from a course.
- Allow either a Complainant or a Respondent to drop a class in which both parties are enrolled in the same section.
- Voluntary changes in the Complainant's or Respondent's University work schedule or job assignment.
- Change in campus housing.
- Escort and other safety planning steps.
- Mutual "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals.
- Voluntary leave of absence.
- Referral to resources to assist in obtaining a protective order.
- Referral to resources to assist with any financial aid, visa, or immigration concerns.
- Any other remedial measure that does not interfere with either party's access to education can be used to achieve the goals of this Policy.

Interim Protective Measures may include:

- Imposition of a "no contact order" prohibiting certain individuals from having contact or communications with other individuals.
- Change in the Respondent's class schedule.
- Change in the Respondent's University work schedule or job assignment.
- Change in the Respondent's campus housing.
- Exclusion from all or part of University housing.
- Exclusion from specified activities or areas of campus.
- Prohibition from participating in student activities or representing the University in any capacity such as playing on an official team; serving in student government; performing in an official band, ensemble, or production; participating in a recognized student organization; participating in Greek life activities; or participating in academic honor ceremonies.
- Interim suspension
- Any other protective measure that can be used to achieve the goals of this Policy.

The availability of supportive and protective measures will be determined by the specific circumstances of each report and interim measures will be tailored to avoid depriving all parties of their education. The University will consider a number of factors in determining which measures to take, including the needs of the student or employee seeking supportive and/or protective measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the parties; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether court proceedings have been used to protect any parties (e.g., protective orders). The University will work in good faith to implement

the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority. The determination of whether to impose the Interim Protective Measure of interim suspension of a student may be made by the Assistant Director of Institutional Equity and Title IX Coordinator in consultation with other University employees, as necessary. A Respondent may be suspended on an interim basis when there is evidence that the continued presence of the student on the campus poses a substantial and immediate threat to themselves or to others or to the stability and continuance of normal University functions. The University may also impose a period of leave or separation for an employee. The decision to impose interim suspension or separation may be made at any point in the process. The University will provide reasonable supportive and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the University. The Assistant Director of Institutional Equity and Title IX Coordinator is responsible for ensuring the implementation of Interim Measures and coordinating the University's response with the appropriate offices on campus. The Institutional Equity and Title IX Coordinator has the discretion to impose and/or modify any Interim Measure based on all available information and is available to meet with a Complainant or Respondent to address any concerns about the provision of Interim Measures. The University will maintain the privacy of any supportive and protective measures provided under this Policy to the extent practicable and will promptly address any violation of an Interim Protective Measure.

All individuals are encouraged to report to the Assistant Director of Institutional Equity and Title IX Coordinator any concerns about the failure of another to abide by any restrictions imposed through an Interim Protective Measure. In the event of an immediate health or safety concern, individuals should law enforcement or the Office of Public Safety immediately. The University will take action to enforce a previously implemented measure, which may include additional interim restrictions and/or disciplinary penalties for failing to abide by a University-imposed Interim Protective Measure.

Overview of Resolution Processes

The University is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this Policy. The University uses two processes to resolve reports of Prohibited Conduct under this Policy:

- **Alternative Resolution:** an informal framework that includes informal or restorative options for resolving reports that typically do not involve disciplinary action against a Respondent.
- **Disciplinary Resolution:** formal procedures that involve an investigation, adjudication and, if appropriate, the imposition of sanctions.

The Assistant Director of Institutional Equity and Title IX Coordinator will determine the appropriate resolution process after making an initial assessment of the reported information, consulting with the Complainant, considering campus safety, and evaluating the University's obligation to maintain an environment free from harassment and discrimination. Where a Complainant requests a Disciplinary Resolution and the available information raises the elements of Prohibited Conduct, the Assistant Director of Institutional Equity and Title IX Coordinator will initiate an investigation.

Time Frame for Resolution

The University will seek to complete the appropriate resolution process as promptly as possible, consistent with the need to conduct sensitive and informed fact-gathering to ensure an equitable resolution. The Policy designates reasonable prompt timeframes for the major stages of the investigation and resolution process (typically set forth in business days), but the University may extend any timeframe in this Policy for good cause. An extension may be required for good cause to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the University calendar, University finals periods, the complexity of the investigation, the volume of information, number of witnesses, length of the written record, and/or the severity and extent of the alleged misconduct. While requests for delays by the parties may be considered, the University cannot unduly or unreasonably delay the prompt resolution of a report under this Policy. Reasonable requests for delays by the parties may serve to extend the time period for resolution of the report. The Assistant Director of Institutional Equity and Title IX Coordinator, in consultation with the Investigators, has the authority to determine whether an extension is required or warranted by the circumstances. The University will notify the parties in writing of any extension of the timeframes for good cause, the reason for the extension and the length of the extension. Although cooperation with law enforcement may require the University to suspend the fact-finding portion of an institutional equity investigation temporarily, the University will promptly resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. The University will not, however, wait for the conclusion of a criminal proceeding to begin or conclude its own investigation and, if needed, will take immediate steps to provide appropriate Interim Support Measures. Investigations will proceed according to the timeframes in this Policy to the extent possible during the summer and at other times when classes at the University are not in session. The Assistant Director of Institutional Equity and Title IX Coordinator will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation.

Timeframes for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings, and any related review of the finding, apply equally to both the Complainant and the Respondent.

Advisor of Choice

Throughout Alternative or Disciplinary Resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation or whose role in the process does not otherwise create a conflict of interest. On-campus Confidential Resources (Counseling Services staff, Chaplains, and Health Center staff) cannot serve as an advisor. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the resolution of a report under this Policy. While the advisor may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner delay, disrupt or interfere with meetings and/or proceedings. The University will not unduly delay the scheduling of meetings or proceedings based on an advisor's unavailability. An advisor may be asked to meet with a University administrator in advance of any proceedings to understand the expectations of the role, privacy considerations and appropriate decorum.

Obligation to Provide Truthful Information

All University community members are expected to provide truthful information in any proceeding under this Policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions, in accordance with the Students' Rights and Responsibilities section of the *University of Evansville Student Handbook*, Student Code of Conduct section of the *Harlaxton College Student Handbook*, the *University of Evansville Employee Code of Conduct*, and other applicable University policies and procedures. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

Intake and Initial Assessment

Upon receipt of a report of Prohibited Conduct, the Assistant Director of Institutional Equity and Title IX Coordinator will take immediate and appropriate steps to investigate or otherwise determine what happened and work to resolve the matter promptly and equitably. The first step in this process is called an Initial Assessment.

As part of the Initial Assessment, the Assistant Director of Institutional Equity and Title IX Coordinator will gather information about the reported conduct and respond to any immediate health or safety concerns raised by the report. The Assistant Director of Institutional Equity and Title IX Coordinator will assess the Complainant's safety and well-being, offer the University's immediate support and assistance, and assess the nature and circumstances of the report to determine whether the reported conduct raises a potential policy violation, whether the reported conduct is within the scope of this Policy, and the appropriate manner of resolution under this Policy. The Assistant Director of Institutional Equity and Title IX Coordinator may consult with other University administrators as part of the initial assessment.

As part of the initial assessment, the Assistant Director of Institutional Equity and Title IX Coordinator will typically:

- assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the Complainant, the Respondent, any witness and/ or any other individual with knowledge of the reported incident;
- address immediate physical safety and emotional well-being;
- notify the Complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
- notify the Complainant of the right to seek medical treatment;
- notify the Complainant of the importance of preservation of evidence;
- refer the report to the Office of Public Safety to enter the report into the University's daily crime log if required by the Clery Act;
- with the Office of Public Safety, assess the reported conduct and discern the need for a timely warning under the Clery Act;
- provide the Complainant with written information about on and off campus resources;
- notify the Complainant of the range of Interim Measures available, including the right to reasonable Interim Support Measures regardless of whether they choose to participate in a University or law enforcement investigation;
- notify the Complainant of the range of Interim Protective Measures available if the University pursues an investigation;
- provide the Complainant with an explanation of the procedural options, including Disciplinary Resolution and Alternative Resolution;
- notify the Complainant of the right to be accompanied at any meeting by an advisor of choice;
- assess the available information for any pattern of conduct by Respondent;
- discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns); and
- explain the University's policy prohibiting retaliation and how to report acts of retaliation.

When the Assistant Director of Institutional Equity and Title IX Coordinator decides to initiate an investigation, impose Interim Protective Measures, or take any other action that impacts a Respondent, the Assistant Director of Institutional Equity and Title IX Coordinator will also ensure that Respondent is notified and receives written information on available resources and options, consistent with the list outlined above.

The initial assessment will be conducted promptly and the time frame for the initial assessment will be tailored to the context and circumstances. The University will seek to complete the initial assessment within 10 business days but recognizes that there may be circumstances in which the initial assessment takes longer based on the availability of the Complainant or other necessary information, a Complainant's request to maintain privacy or not seek disciplinary action, or other factors outside of the University's control. The University understands that a Complainant may engage in delayed decision-making, which may impact the timing of the conclusion of the initial assessment.

Balancing Complainant Autonomy with University Responsibility to Investigate

In order to protect the safety of the campus community, the Assistant Director of Institutional Equity and Title IX Coordinator may need to proceed with an investigation even if a Complainant specifically requests that the matter not be pursued. The Institutional Equity and Title IX Coordinator may also initiate an investigation of potential violations of this Policy even absent a formal report or identified Complainant or Respondent and even if a report has been withdrawn. In such a circumstance, the Assistant Director of Institutional Equity and Title IX Coordinator will take into account the Complainant's articulated concerns, the safety of the campus community, fairness to all individuals involved, and the University's legal obligations.

A Complainant may request that their name or other personally identifiable information not be shared with a Respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps, the Assistant Director of Institutional Equity and Title IX Coordinator will discuss any concerns with the Complainant and seek to address and remedy barriers to reporting based upon concerns about retaliation or questions about procedural options and potential outcomes.

The Assistant Director of Institutional Equity and Title IX Coordinator will balance the Complainant's request against the following factors in reaching a determination on whether the request can be honored:

- the totality of the known circumstances;
- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the Complainant and Respondent;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there have been other reports of other prohibited conduct or other misconduct by the Respondent;
- whether the report reveals a pattern of misconduct related to Prohibited Conduct (e.g., illicit use of drugs or alcohol) at a given location or by a particular group;
- the Complainant's interest in the University not pursuing an investigation or disciplinary action and the impact of such actions on the Complainant;
- whether the University possesses other means to obtain relevant evidence;
- fairness considerations for both the Complainant and the Respondent;
- the University's obligation to provide a safe and non-discriminatory environment; and
- any other available and relevant information.

The Assistant Director of Institutional Equity and Title IX Coordinator will consider what steps may be possible or appropriate when a Respondent is unknown or the Complainant requests anonymity and what other measures or remedies might be considered to address any effects of the reported behavior on the campus community. The Assistant Director of Institutional Equity and Title IX Coordinator will make a determination regarding the appropriate manner of resolution under the policy. The University will seek resolution consistent with the Complainant's request, if it is reasonably possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the parties and the University community.

Where the Assistant Director of Institutional Equity and Title IX Coordinator determines that a Complainant's request(s) can be honored, the University may nevertheless take other appropriate steps to eliminate the reported conduct, prevent its recurrence and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate support measures to the Complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies.

The Assistant Director of Institutional Equity and Title IX Coordinator may also re-open a report under this Policy if any new or additional information becomes available, and/or if the Complainant later decides that they would like a Disciplinary Resolution to occur.

In those instances when the Assistant Director of Institutional Equity and Title IX Coordinator determines that the University must proceed with an investigation despite the Complainant's request that it not occur, the Assistant Director of Institutional Equity and Title IX Coordinator will notify the Complainant that the University intends to initiate an investigation. The Complainant is not required to participate in the investigation or in any of the actions taken by the University.

The University's ability to investigate and respond fully to a report may be limited if the Complainant requests anonymity or declines to participate in an investigation. The University will, however, pursue other steps to limit the effects of the reported conduct and prevent its recurrence. In all cases, the final decision on whether, how and to what extent the University will conduct an investigation and whether other Interim Support or Protective Measures will be taken in connection with a report of Prohibited Conduct will be made in a manner consistent with this Policy.

At the conclusion of the initial assessment, the University will proceed with one of the following options:

1. Proceed with Alternative Resolution. This will always require the consent of the Complainant. The consent of the Respondent is also required when the form of resolution involves the Respondent.
2. Proceed with an investigation under the Disciplinary Resolution process. This will occur when a Complainant requests an investigation, where the Assistant Director of Institutional Equity and Title IX Coordinator determines to proceed with an investigation even when a Complainant requests that no investigation be pursued, or where Alternative Resolution is not appropriate or available.
3. If outside the scope of this Policy, refer the matter to another appropriate office or department for resolution under the relevant policy.

Alternative Resolution

Alternative Resolution is a voluntary and remedies-based resolution. In some forms of Alternative Resolution, the remedies imposed will focus on supporting the Complainant with no participation or involvement by the Respondent. In other forms of Alternative Resolution, the Respondent may agree to participate. Depending on the form of Alternative Resolution used, it may be possible for a Complainant to maintain anonymity.

Potential Remedies

Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. Where an initial assessment concludes that Alternative Resolution may be appropriate, the University will take prompt action through the imposition of individual and community remedies designed to maintain access to the educational, extracurricular, and employment activities at the University and to remedy the impacts of conduct on members of the University community. Examples of Interim Support Measures are included in the Interim Measures section of the policy.

Other potential remedies include targeted or broad-based educational programming or training, supported direct conversation or interaction with the Respondent, and/or indirect action by the Assistant Director of Institutional Equity and Title IX Coordinator. In some circumstances, Alternative Resolution may involve disciplinary action against a Respondent. Disciplinary action will only be imposed against a Respondent where there is a sufficient factual foundation and both the Complainant and the Respondent have agreed to forego the additional procedures set forth in this Policy and accept an agreed upon sanction. The University will not compel a Complainant to engage in mediation, to confront the Respondent directly, or to participate in any particular form of Alternative Resolution. The decision to pursue Alternative Resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time.

Participation in Alternative Resolution

Participation in Alternative Resolution is voluntary, and either party can request to end Alternative Resolution at any time. If an agreement acceptable to the University, the Complainant, and the Respondent is reached through Alternative Resolution, the terms of the agreement are implemented, and the matter is deemed resolved and closed. If an agreement is not reached, and the Assistant Director of Institutional Equity and Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for an investigation and Disciplinary Resolution.

Where the Complainant or the Respondent withdraws from Alternative Resolution or Alternative Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Alternative Resolution may be considered in a subsequent investigation and Disciplinary Resolution.

Record Keeping

The Assistant Director of Institutional Equity and Title IX Coordinator will maintain records of all reports and conduct referred for Alternative Resolution, which will typically be complete within 60 business days of the initial report.

Disciplinary Resolution: Investigation

The University will conduct a prompt and equitable investigation to gather information relevant to the determination of whether

there is sufficient information, by a preponderance of the evidence, to determine that a policy violation occurred. The investigation will be impartial and will be conducted by trained individuals who have no actual bias or conflict of interest.

During the investigation and disciplinary proceedings, both the Complainant and Respondent have equitable opportunities, including the opportunity to receive a written notice of investigation; to participate in the investigation; to review and present information and evidence; to be accompanied by an advisor of their choice to any meeting; to timely and equal access to information that will be used in disciplinary proceedings; to timely notice of meetings at which their presence will be requested or required; to simultaneous written notice of the outcome, sanction and rationale; and to appeal the outcome.

The Investigator, not the parties, is responsible for gathering relevant evidence. The Complainant and Respondent will be asked to identify witnesses and provide other relevant information, such as documents, communications, and other evidence, if available. The parties are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution and are encouraged to preserve relevant evidence. In the event that a party declines to voluntarily provide material information, the University's ability to conduct a prompt, thorough and equitable investigation may be impacted.

Initiating an Investigation

When the decision is made to initiate an investigation, the University will designate two Investigators to conduct a prompt, thorough, fair, and impartial investigation. The Investigators may be a University employee and/or an experienced external investigator. Any Investigator used by the University will receive annual training on issues related to this Policy on how to conduct an investigation that is fair and impartial, provide parties with notice and a meaningful opportunity to be heard, and protect the safety of all participants while promoting accountability. The Investigators will be impartial and free from conflict of interest or actual bias for or against the Complainant or Respondent. If either party believes an assigned Investigator has a conflict of interest or bias, they may notify the Assistant Director of Institutional Equity and Title IX Coordinator, who will determine if a different Investigator should be appointed.

Notice of Investigation

The Assistant Director of Institutional Equity and Title IX Coordinator will notify the Complainant and the Respondent, in writing (typically via e-mail to each party's University e-mail address) of the following information: (1) the names of the Complainant and the Respondent; (2) the date, time (if known), location, and a brief summary of the nature of the reported conduct; (3) the reported policy violation(s); (4) the name of the Investigators; (5) information about the parties' participation options in the process; (6) the prohibition against retaliation; (7) the importance of preserving any potentially relevant evidence in any format; (8) how to challenge participation by the Investigators on the basis of a conflict of interest or actual bias; (9) access to Counseling Services for students and/ or *Employee Assistance Program* for employees; and (10) a copy of this Policy. If the investigation reveals the existence of additional or different potential violations of this Policy, the Investigators will issue a supplemental notice of investigation.

Consolidation of Investigation

The Assistant Director of Institutional Equity and Title IX Coordinator has the discretion to consolidate multiple reports into a single investigation if evidence relevant to one incident is relevant to the others. Consolidation might involve multiple Complainants and a single Respondent, one Complainant and multiple Respondents, or conduct that is temporally or logically connected.

Investigative Steps

During an investigation, the Investigators will seek to meet separately with the Complainant, Respondent, and relevant witnesses. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, the parties, or related matters. Witnesses may not participate solely to speak about an individual's character. Where witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be included in the written investigation report, which the parties will have the opportunity to review at the conclusion of the investigation. The Investigators will also gather other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person), and other electronic records as appropriate.

Social Media and Personal Communications

The Investigators may also consider information publicly available from online sources that comes to the attention of Investigators. The University does not actively monitor online sources, however, and as with all potentially relevant information, the Complainant, Respondent, or witness should bring online information to the attention of the Investigators if they believe it is relevant. The Investigators may also consider communications involving or relating to one or both parties that either party brings to the attention of the Investigators or that is provided by the parties in response to a request by the Investigators. The Investigators may also seek review of information available on University devices or servers, consistent with the University's technology policies.

Other Evidence: Site Visits and Experts

The Investigators may visit relevant sites or locations and record observations through written, photographic, or other means.

In some cases, the Investigators may consult with relevant experts when deemed appropriate and necessary by the University. The University will not consider polygraph results.

Medical and Counseling Records

In general, a person's medical and counseling records are confidential and not accessible to the Investigators unless the person voluntarily chooses to share those records with the Investigator. In those instances, the relevant information from the records must be shared with the other party.

Prior or Subsequent Conduct

Prior or subsequent conduct may be considered in determining pattern, knowledge, intent, or motive. For example, evidence of an articulable pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct. The Investigators will determine the relevance of this information, which may involve additional investigative steps, and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

Relevance

The Investigators will review all information identified or provided by the parties and will determine the appropriateness, relevance and probative value of the information developed or received during the investigation. In general, the Investigators will not consider statements of personal opinion or statements as to any party's general reputation for any character trait. All information considered relevant by the Investigators will be provided to the parties for their review and comment, as described in this Policy.

Expectations of the Parties

The University expects all members of the University community to cooperate fully with the investigation and disciplinary procedures. It is understood that there may be circumstances in which a Complainant or Respondent wish to limit their participation, and the University will respect the choice of the Complainant or Respondent as to how to engage in proceedings under this Policy. The University may, however, move forward with an investigation and disciplinary action without the participation of a party or parties.

If a Complainant or Respondent chooses not to answer any or all questions in an investigation for any reason, the University will continue its process; and the University will issue any discipline or sanctions as appropriate. The University will not draw any adverse inference solely from a Complainant's or Respondent's decision not to participate in the investigation or any form of resolution under this Policy; however, the Complainant or Respondent should be aware that declining to participate in the investigation may impact the timing and outcome of the case.

Effect of Withdrawal

At any time, the University may place an administrative hold on the Respondent's University transcript or defer or withhold the award of the Respondent's degree. Even if a Respondent withdraws from the University, the Assistant Director of Institutional Equity and Title IX Coordinator may proceed with further action as necessary to eliminate, prevent or address any impacts of the reported conduct.

Safeguarding the Privacy of Complainants and Respondents

Individuals involved in investigations or disciplinary proceedings under this Policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation.

While discretion regarding the process is important, Complainants and Respondents are not restricted from discussing and sharing information with others who may support or assist them during the process. All parties, however, are encouraged to maintain the privacy of Family Educational Rights and Privacy Act (FERPA)-protected and/or sensitive information gathered or learned in the process.

Timing of Investigation

The Investigators will provide periodic updates to the parties about the status of the investigation, with a goal to complete the fact-gathering portion of the investigation within approximately 50 business days.

Coordination with Law Enforcement

If there is a concurrent criminal investigation, the University will seek to work in a collaborative manner in order to respect the integrity of external investigations and University investigations. This may include contacting the law enforcement agency that is conducting any investigation to inform that agency that a University investigation is also in progress, attempting to ascertain the status of the criminal investigation, and seeking to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation.

Review of Preliminary Investigative Report

At the conclusion of the fact-gathering portion of the investigation, the Investigators will provide the Assistant Director of Institutional Equity and Title IX Coordinator with a preliminary investigative report that includes all facts gathered thus far in the investigation. The Assistant Director of Institutional Equity and Title IX Coordinator will then provide the Complainant and the Respondent equal and timely access to preliminary investigative report for their review. After reviewing the preliminary investigative report, each party will have five business days to: (1) provide written comment or feedback, (2) submit additional information, (3) identify additional witnesses, and/or (4) request the collection of other information by the Investigators. The Investigators will determine the appropriateness of additional investigative steps and the relevance of additional information. If either party provides a written response or makes a request for additional investigation, the written response and any additional information gathered by the Investigators will be shared with the other party and incorporated as appropriate in the final investigative report. Any information gathered through additional investigation steps will be shared with both parties, and, as appropriate, each will have the opportunity for further response. Typically, each party will have three business days to review any additional substantive information.

As necessary, the Investigators will designate reasonably prompt timeframes to ensure a timely completion of the process while also providing an adequate opportunity for both parties to respond thoroughly to the information gathered during the investigation. In the absence of good cause, information that could have been learned that is not provided to the Investigator upon review of the preliminary investigative report will not be considered in the determination of responsibility for a violation of the Policy.

Final Investigative Report

Upon the conclusion of the preliminary investigative report review by the Complainant and Respondent (including any additional investigative steps requested by the parties or identified by the Investigators, normally within five business days after receipt and consideration of additional comments, questions and/or information from the parties), the Investigators will provide the Assistant Director of Institutional Equity and Title IX Coordinator with a final investigative report, who will then simultaneously share with the Complainant, Respondent, and appropriate Disciplinary Authority in writing (typically via e-mail to each party's University e-mail address).

Disciplinary Resolution: Finding of Responsibility and Sanction

The University's disciplinary resolution process is designed to identify and implement a tailored and individual response intended to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission, legal obligations, and commitment to federal laws. Sanctions or interventions may also serve to promote safety and/or deter other individuals from similar future behavior. Other remedies may include corrective action that is intended to be non-punitive, such as targeted or broad-based educational programming or training.

Disciplinary Authority

The Disciplinary Authority refers to the Student Equity/Title IX Misconduct Hearing Board or the Employee Equity/Title IX Misconduct Hearing Board, which are designated to review the final investigative report and determine if a preponderance of evidence exists to warrant the imposition of appropriate sanction(s) and/or remedies. The Disciplinary Authority may consist of University employees and/or an experienced external adjudicator(s). Any Disciplinary Authority used by the University will receive annual training on issues related to harassment and discrimination of the protected classes outlined in this policy, and on how to adjudicate in a manner that is fair and impartial, will provide the parties a meaningful opportunity to be heard, and will protect the safety of all participants while promoting accountability. The Disciplinary Authority will be impartial and free from actual bias or conflict of interest. If either party believes a member of the Disciplinary Authority has a conflict of interest or bias, they may notify the Assistant Director of Institutional Equity and Title IX Coordinator, who will determine if a designee should be appointed.

The Assistant Director of Institutional Equity and Title IX Coordinator is administratively responsible for coordinating all aspects of the disciplinary process. For cases involving student-Respondents, the Assistant Director of Institutional Equity and Title IX Coordinator may utilize the Office of the Dean of Students for administrative assistance in coordinating the disciplinary process. For cases involving employee- Respondents, Assistant Director of Institutional Equity and Title IX Coordinator may utilize the Office of Human Resources for administrative assistance in coordinating the disciplinary process.

The Disciplinary Authority over the Respondent is as follows:

- For student Respondents, the Disciplinary Authority is the Student Equity/Title IX Misconduct Hearing Board. This hearing board is comprised of faculty and administrators, who are appointed by the President to serve as a pool of members for the Student Equity/Title IX Misconduct Hearing Board. From the pool of members, the Equity/Title IX Coordinator will select a total of three individuals from this pool to serve on the hearing board.*
- For employee Respondents, the Disciplinary Authority is the Employee Equity/Title IX Misconduct Hearing Board, which consists of the Vice President of Fiscal Affairs and Administration, Vice President of Student Affairs/Dean of Students, and Executive Vice President of Academic Affairs/Provost or their designee(s).* If the Complainant or Respondent reports to one of the Disciplinary Authority members, the Disciplinary Authority member is a party

to the complaint, or if a Disciplinary Authority member is unable to serve, the Assistant Director of Institutional Equity and Title IX Coordinator will appoint a designee from a pool of trained senior administrators.

- For tenured and tenure track faculty Respondents who may be subject to termination or suspension, the Disciplinary Authority is outlined below in the Adjudication and Appeal Process for Tenured and Tenure Track Faculty section.
- For a Respondent who is both a student and employee, the Disciplinary Authority is the Student Equity/Title IX Misconduct Hearing Board if the Respondent's primary status is an enrolled student. The Disciplinary Authority is the Employee Equity/Title IX Misconduct Hearing Board if the Respondent's primary status is an employee who is enrolled as a student as a benefit of their own employment. Where there is a question about the predominant role of the Respondent, the Assistant Director of Institutional Equity and Title IX Coordinator will consult with the Dean of Students and the Executive Director of Human Resources and Institutional Equity to determine the most appropriate Disciplinary Authority. Further, a Respondent may be subject to any of the sanctions applicable to students and employees.

**The Assistant Director of Institutional Equity and Title IX Coordinator will appoint one of these individuals to be the Presiding Board Member for the hearing.*

The Executive Director of Human Resources and Institutional Equity, or their designee, will serve as an advisor to the Disciplinary Authority. In all instances, the Disciplinary Authority may consult with the Executive Director of Human Resources and Institutional Equity to ensure that the sanction(s) and/or remedies satisfy the University's obligation to eliminate the Prohibited Conduct, prevent its recurrence and address its effects.

Impact or Mitigation Statements

In the time frame directed by the Assistant Director of Institutional Equity and Title IX Coordinator, the Complainant and Respondent may submit a written impact or mitigation statement for consideration by the Disciplinary Authority. The decision whether to provide an impact or mitigation statement is completely voluntary.

An impact statement is written information from the Complainant regarding how the Prohibited Conduct has affected them and the Complainant's views on an appropriate sanction. Impact statements may include description of: emotional impacts caused by the Prohibited Conduct; negative social or educational consequences arising from the Prohibited Conduct; medical or psychological consequences sustained as a result of the Prohibited Conduct; the Complainant's view on the Prohibited Conduct; or the Complainant's view on the appropriate sanction.

A mitigation statement is written information from the Respondent regarding any potential mitigating factors. Mitigation statements may include a description of: the Respondent's previous good character; worthy social or academic contributions and public service; whether the Respondent accepted responsibility for the Prohibited Conduct; cooperation with the investigation; the Respondent's mental or physical health; the Respondent's view on an appropriate sanction; and the likely effect of the sanctions on Respondent.

The Assistant Director of Institutional Equity and Title IX Coordinator will review all information submitted in an impact statement or mitigation statement for relevance and appropriateness and may determine that some or all of the information submitted will not be provided to the Disciplinary Authority. Both parties will receive a copy of the impact or mitigation statement provided to the Disciplinary Authority.

Adjudication and Appeal Process for Tenured and Tenure Track Faculty

The Employee Equity/Title IX Misconduct Hearing Board will review the final investigative report for tenured and tenure track faculty Respondents prior to a disciplinary authority hearing to assess whether the reported conduct could result in the termination or suspension of the faculty member. If the Employee Equity/ Title IX Misconduct Hearing Board determines termination or suspension could be an appropriate sanction if the tenured and tenure track faculty Respondent is found responsible, the adjudication and appeal of the case will be handled in accordance with the University's Tenure/Tenure Track Faculty Suspension and Termination Policy.

If the Employee Equity/Title IX Misconduct Hearing Board determines that termination or suspension may not be an appropriate sanction for reported conduct of a tenured and tenure track faculty Respondent, the Disciplinary Authority will be the Employee Equity/Title IX Misconduct Hearing Board and the faculty member will be subject to the adjudication and appeal policies outlined below. However, if at any time during the disciplinary authority hearing, the Employee Equity/Title IX Misconduct Hearing Board determines termination or suspension could be an appropriate sanction, the adjudication and appeal of the case will be handled in accordance with the University's Tenure/Tenure Track Faculty Suspension and Termination Policy.

For faculty members who are not tenured or tenure track, the Disciplinary Authority will be the Employee Equity/Title IX Misconduct Hearing Board and the faculty member will be subject to the adjudication and appeal policies outlined below, regardless of the sanctions that may be imposed.

Disciplinary Authority Hearing

1. The Investigators should be prepared to attend the hearing to answer questions posed by either party or by the

Disciplinary Authority or to provide additional information as requested.

2. Both the Complainant and the Respondent will be invited to be present for the entire hearing. Although the University will not compel either party to attend or participate, a party's decision not to attend or not to participate may impact the outcome as the Disciplinary Authority's determination will necessarily be based upon the available information.
3. When requested, the University will make arrangements to keep the parties separated during the hearing. For example, the University may use a physical barrier so that the parties cannot see one another, or the University may use phone or video conferencing to allow the parties to participate from separate rooms.
4. Each party may submit a list of witnesses to be called at the hearing at least 48 hours before the hearing starts. If a witness was not interviewed by the Investigators, the party must identify the information expected to be gleaned from that witness at the hearing. The Assistant Director of Institutional Equity and Title IX Coordinator will arrange for witnesses to be present and will inform each party of the witnesses requested by the other party. The Assistant Director of Institutional Equity and Title IX Coordinator has discretion to decline to call witnesses if they are being offered solely for an improper purpose, such as reputation/character. The Complainant and Respondent will each have the opportunity to prepare questions to be asked of the other party and of each witness. The Presiding Officer will collect the prepared questions during the hearing and will ask the questions to the parties and/or witnesses. The Presiding Officer, in consultation with the Executive Director of Human Resources and Institutional Equity, or their designee, will have discretion to rephrase or decline to ask questions that are inappropriate, such as questions about prior sexual history, character/reputation, or other acts not relevant to the alleged conduct.

The order of a hearing will be as follows:

1. The Complainant will be invited to deliver an opening statement.
2. The Respondent will be invited to deliver an opening statement.
3. The Complainant will be made available for questioning.
 - a. The Respondent may submit questions to be asked of the Complainant through the Presiding Officer.
 - b. The Disciplinary Authority may ask questions of the Complainant.
4. The Respondent will be made available for questioning.
 - a. The Complainant may submit questions to be asked of the Respondent through the Presiding Officer.
 - b. The Disciplinary Authority may ask questions of the Respondent.
5. Witnesses will be called individually for questioning.
 - a. The Complainant may submit questions to be asked through the Presiding Officer.
 - b. The Respondent may submit questions to be asked through the Presiding Officer.
 - c. The Disciplinary Authority may ask questions of each witness.
6. The Investigator(s) will be made available for questioning. Questions will be limited to the facts of the case. Investigators may not offer recommendations on a finding of responsibility or sanctions.
 - a. The Complainant may submit questions to be asked through the Presiding Officer.
 - b. The Respondent may submit questions to be asked through the Presiding Officer.
 - c. The Disciplinary Authority may ask questions of the Investigator(s).
7. The Complainant may make a closing statement, including an impact statement and a description of the desired outcome from the hearing.
8. The Respondent may make a closing statement, including a mitigation statement and a description of the desired outcome from the hearing.
9. The parties will leave the hearing in such a way to avoid contact with each other.

Determination and Possible Sanctions

At the conclusion of the hearing, the Disciplinary Authority will evaluate the investigative report and the record of the hearing to determine, by majority vote, a finding of responsibility (based on a preponderance of the evidence) and, if found responsible, sanctions for the Respondent. If a Respondent is found responsible, only then will the Disciplinary Authority be given access to the Respondent's discipline/criminal history.

In determining the appropriate sanction(s) and/or remedies, the Disciplinary Authority will consider a number of factors, including:

- the nature of the conduct at issue;
- the impact of the conduct on the Complainant;
- the impact or implications of the conduct on the University community;
- prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the University or elsewhere, and any criminal convictions, if such information is available and known;
- any expression of remorse or acceptance of responsibility by the Respondent;
- maintenance of a safe and respectful environment conducive to learning;
- protection of the University community;
- the necessity of any specific action in order to eliminate the Prohibited Conduct, prevent its recurrence and remedy its effects on the Complainant or other University community members; and,
- any mitigating, aggravating or compelling circumstances in order to reach a just and appropriate resolution in each case.

The Disciplinary Authority may also consider restorative outcomes that, taking into account the safety of the University community as a whole, allow a Respondent to develop insight about their responsibility for the behavior, learn about the impact of the behavior on the Complainant and the community, and identify how to prevent or change the behavior. Sanctions may be issued individually, or a combination of sanctions may be imposed. Sanctions will typically be imposed immediately, although the Assistant Director of Institutional Equity and Title IX Coordinator in consultation with the Dean of Students (if a student) or Executive Director of Human Resources and Institutional Equity (if an employee) has the discretion to stay imposition of some or all sanctions pending an Appeal.

Sanctions and Corrective Action for Student Respondents

Sanctions and corrective actions for student Respondents include, but are not limited to, censure, disciplinary probation, restitution, eviction from residence, suspension, expulsion, restriction from employment at the University, educational program attendance, educational project, professional assessment, removal from specific courses, activities or organizations, No Contact Order, transcript notation and/or notification to other institutions, withholding or delaying the conferral of a degree, prohibitions against participation in academic honor ceremonies, such as graduation, training, guidance, other reasonable sanctions and corrective actions, and measures to protect health and safety.

Student-employees who are reported to have engaged in Prohibited Conduct in their employment capacity may be subject to sanctions both in connection with their employment and in connection with their student status, as appropriate under applicable processes. If a student is employed through a financial aid package, such as work study, any modification to the employment will not result in a decrease in student aid funds.

Sanctions and Corrective Action for Employee Respondents

Sanctions and corrective actions for employee Respondents include, but are not limited to, verbal or written warning, disciplinary probation, suspension, termination of employment, training, guidance, adjustment of supervisory or evaluative responsibilities, other reasonable sanctions and corrective actions, and measures to protect health and safety. Sanctions of a faculty member may be subject to procedures outlined in the Faculty Manual. Those Procedures will be implemented in a manner consistent with the requirements of relevant laws and the Clery Act.

Written Notice of Outcome

The Complainant and Respondent will receive simultaneous written notification of the outcome (typically via e-mail to each party's University e-mail address) from the Assistant Director of Institutional Equity and Title IX Coordinator or designee, including:

1. the Disciplinary Authority's finding, by a preponderance of the evidence, as to whether or not a Policy violation occurred;
2. the Disciplinary Authority's rationale for the finding;
3. if there was a finding of responsibility, the sanctions imposed on the Respondent that directly relate to the Complainant;
4. the Disciplinary Authority's rationale for the sanction;
5. Information regarding the appeal process.

The Assistant Director of Institutional Equity and Title IX Coordinator will also document individual remedies provided to the Complainant and other steps the University took or will take to eliminate a hostile environment if one is found to exist. That documentation may be provided to the Complainant and/or Respondent as appropriate.

Appeals

The Complainant or Respondent* may appeal the outcome by submitting a written appeal within five business days of the date of the Notice of Outcome by contacting the Assistant Director of Institutional Equity and Title IX Coordinator in writing via e-mail. The appeal will be conducted in an impartial manner and equivalent procedural rights will be provided to both parties throughout the process.

If the Employee Equity/Title IX Misconduct Hearing Board determines termination or suspension could be an appropriate sanction if the tenured and tenure track faculty Respondent is found responsible, the adjudication and appeal of the case will be handled in accordance with the University's Tenure/Tenure Track Faculty Suspension and Termination Policy.

External Reviewer

The appeal review for students and all employees that are not subject to the University's Tenure/Tenure Track Faculty Suspension and Termination Policy will be conducted by an External Reviewer. The External Reviewer will be a neutral party outside of the university, most often an attorney with significant legal experience, training, and knowledge regarding sexual and gender-based harassment and interpersonal violence. The External Reviewer will receive annual training regarding the University's policies and procedures and other relevant issues.

The University will maintain a pool of External Reviewers selected through an inclusive committee process under the direction of the Assistant Director of Institutional Equity and Title IX Coordinator. The External Reviewers will serve for a limited term, unless reappointed by the selection committee. Any individual selected as an External Reviewer must be free from actual bias or conflict of interest.

The appeal process for faculty is outlined below.

Grounds for Appeal

A Complainant or Respondent may appeal on one or more of the following grounds:

- A material deviation from the procedures that affected the outcome of the case.
- There is new and relevant information that was unavailable, with reasonable diligence and effort, at the time of the investigation that could materially affect the investigation findings.
- The sanction(s) was clearly inappropriate and/or disproportionate to the Prohibited Conduct for which the Respondent was found responsible.

Process for Review

The appeal shall consist of a plain, concise, and complete written statement outlining the basis for appeal and all relevant information to substantiate the claim. Dissatisfaction with the outcome is not sufficient grounds for appeal. The appeal will be narrowly tailored to the stated appeal grounds.

Each party will be given the opportunity to review and respond in writing to the other party's appeal. Any response by a party to the other party's appeal must be submitted within three business days. All appeal documents from each party will be considered together in one review process.

The External Reviewer will review the matter based on the issues identified in the appeal(s) materials. The External Reviewer has the authority to determine the appropriateness of evidence, including whether certain evidence should be considered, and the strength and weight that evidence will be given. The External Reviewer will consider the final investigative report, any written submissions by the parties, and any impact or mitigation statements. The External Reviewer may request additional information, as necessary.

Appeals are not intended to be a reevaluation of the facts gathered, nor may the External Reviewer substitute their judgment for that of the Investigators or Disciplinary Authority merely because they disagree with the outcome. The finding and sanction are presumed to have been decided reasonably and appropriately, and the External Reviewer should give deference to the underlying outcome unless there is clear error based on the stated appeal grounds.

The External Reviewer may conclude that there is no error and therefore determine that the outcome be affirmed. In the alternative, the External Reviewer may identify error based on one of the stated appeals grounds. If so, the External Reviewer may modify the finding or may refer the matter back to the Assistant Director of Institutional Equity and Title IX Coordinator, Investigators, or Disciplinary Authority with instructions or recommendations for additional actions. The External Reviewer does not have the authority to modify sanction(s) in cases where the External Reviewer upholds a finding that the policy has been violated.

However, the External Reviewer may recommend that the sanction(s) be reconsidered if, based on the record, the External Reviewer reasonably believes that the sanctions(s) may be inappropriate and/or disproportionate to the Prohibited Conduct for which the Respondent was found responsible. In such instances, the External Reviewer may refer the matter to the following with recommendations for consideration*:

- For student Respondents, the Vice President of Student Affairs/Dean of Students, or their designee

- For employee Respondents, the Vice President for the area to whom they report or their designee
- For employee Respondents that report to the President, the President, or their designee
- If the Respondent is the President, the Chair of the Board of Trustees, or their designee

**The above individuals cannot serve in this role if they previously served as a member of the hearing board for that case, or if they are a party to the complainant.*

The External Reviewer will strive to complete the appeal review within 10 business days of receipt of all documents. Both parties will be provided with written notice of the outcome of the appeal. The determination by the External Reviewer is final, except in cases where the External Reviewer refers the matter of appropriate sanction(s), as stated above. In such cases, the individuals identified above make the final determination with respect to sanction(s).

Document History

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