

PROCEDURES FOR REPORTING AND RESPONDING TO COMPLAINTS OF DISCRIMINATION, HARASSMENT, AND RELATED MISCONDUCT INVOLVING A STUDENT AS A REPORTING PARTY AND A UNIVERSITY EMPLOYEE AS A RESPONDING PARTY

To implement the Policy on Prohibited Discrimination, Harassment and Related Misconduct Including Sexual Violence, Interpersonal Violence and Stalking

Any student who believes that he/she has been harassed, subjected to sexual misconduct, or discriminated against by a University employee based upon his/her protected status or who feels that he/she has been retaliated against for his/her good faith reporting of allegations of prohibited harassment, including sexual misconduct, or discrimination or his/her participation in an investigation of alleged prohibited harassment or discrimination may utilize these procedures to bring an internal complaint to redress the situation, or may proceed directly to the Student Grievance Committee.

Questions, concerns or complaints pursuant to the Policy on Prohibited Discrimination, Harassment and Related Misconduct Including Sexual Violence, Interpersonal Violence and Stalking (hereafter referred to as the Policy) and these Procedures should be directed to the Equal Opportunity and Compliance Office. Questions regarding the Student Grievance Committee process should be directed to the Office of the Dean of Students.

Allegations of harassment, including sexual misconduct, or discrimination by one student against another student are addressed in accordance with the Procedures for Reporting and Responding to Complaints of Discrimination, Harassment, and Related Misconduct Involving a Student as a Responding Party.

Because of the sensitive nature of alleged prohibited harassment, including sexual misconduct, or discrimination, all members of the University community are encouraged to make reasonable efforts to have their concerns addressed and resolved either informally or through the Administrative Review Process, as described in Section III, below. Under the Administrative Review Process, responsibility for investigation and resolution of a complaint is assigned to Deans, Directors, and Department Chairs and others in administrative and supervisory positions within the University or with the Equal Opportunity and Compliance Office.

Please contact the Equal Opportunity and Compliance Office for consultation and information on the guidelines for utilizing the Administrative Review option.

I. Time Frames

A. Filing a Complaint

The University encourages a student who has a concern involving a faculty, staff or student employee to bring a complaint within one hundred eighty (180)

calendar days of the alleged prohibited harassment, including sexual misconduct, or discrimination. More information about filing a complaint is provided in Section III.A., below.

B. Investigating a Complaint

1. Initial Notice

Any administrator or supervisor who receives notice of a student's complaint of alleged prohibited harassment, including sexual misconduct, or discrimination must notify the Equal Opportunity and Compliance Office within five (5) calendar days of receiving the complaint.

2. Conducting the Review

The University expects that an Administrative Review will be performed and the Administrative Review Report submitted to the Equal Opportunity and Compliance Office within forty-five (45) calendar days of receiving the complaint unless an extension has been granted. More information about extensions and about the report is provided in Section III.C.-D., below.

1. Responding to Report and Notification to the Parties

The appropriate Dean, Director, or Department Chair will have no more than five (5) calendar days to either accept or reject the recommendations provided in the Administrative Review Report, subject to any appeal rights of the parties involved.

The Equal Opportunity and Compliance Office will notify the parties, to the extent permitted by law, of the results of the Administrative Review and of the efforts to resolve the complaint within ten (10) calendar days after the final Administrative Review Report is issued. More information about this notification is provided in Section III.D., below.

II. Administrative Responsibility

University administrators and supervisors have special responsibility for implementing these procedures and are required to timely and appropriately respond to concerns. If an employee in an administrative or supervisory position has knowledge of conduct that may constitute prohibited harassment, sexual misconduct, or discrimination or receives a complaint from a University student alleging prohibited harassment, sexual misconduct, or discrimination, the administrator or supervisor must take steps to promptly and appropriately address the matter. Any other student or employee who becomes aware of

conduct that may constitute prohibited harassment, sexual misconduct, or discrimination is strongly encouraged to contact the Equal Opportunity and Compliance Office.

The administrator or supervisor must promptly notify the Equal Opportunity and Compliance Office and partner with that Office, the Office of Human Resources, or other appropriate University offices for advice on investigation, education, mediation, documentation, and/or disciplinary action, if appropriate.

If an administrator becomes aware of prohibited harassment, including sexual misconduct, or discrimination of a student by another student, he/she must take steps to promptly and appropriately address the matter, including contacting the Office of the Dean of Students or the Equal Opportunity and Compliance Office. Consistent with Section VI. of the Policy, University administrators and supervisors cannot assure confidentiality if they receive information about conduct that may constitute prohibited harassment or discrimination.

III. Administrative Review Process

The purpose of an Administrative Review, which will include interviewing the parties and witnesses, is to gather and assess the facts relevant to the complaint and to make recommendations to equitably address the concerns in order to resolve the complaint.

A. Filing a Complaint:

A Complainant should bring his/her complaint directly to the attention of the Equal Opportunity and Compliance Office within the time frame established in Section I.A., above, either orally or in writing. A student may also bring his/her complaint to the appropriate administrator or supervisor. This may include a department chair, associate dean or other administrator.

Any supervisor or administrator receiving a complaint must contact the Equal Opportunity and Compliance Office within five (5) calendar days from the receipt of the complaint for consultation regarding an appropriate response.

B. Determination of Whether to Conduct an Administrative Review

1. Administrative Review Deemed Appropriate

If the Complainant alleges conduct that appears to violate the Policy, the Equal Opportunity and Compliance Office will initiate an Administrative Review if informal attempts at resolution have been unsuccessful.

With the Complainant's knowledge, the Equal Opportunity and Compliance Office will identify the appropriate administrator(s) to

conduct the Administrative Review (the “Administrative Reviewer”, who is usually the supervisor or administrator most directly involved, excluding the person accused of prohibited harassment or discrimination), and inform the administrator(s) of the complaint and ensure that he/she is appropriately trained, including training on his/her responsibilities to promptly investigate the complaint under the Policy as provided in Section III.C., below. The Equal Opportunity and Compliance Office will also notify the appropriate Dean, Director or Department Chair.

While the supervisor of the person accused of prohibited harassment or discrimination generally has the responsibility for conducting the Administrative Review, another person(s) may be assigned responsibility depending on the nature of the complaint. The Equal Opportunity and Compliance Office may also conduct the investigation.

Importantly, in situations where a student alleges that a faculty member in his/her major department or area of study has violated the Policy, the Equal Opportunity and Compliance Office will assign someone outside of the department or area of study to conduct the Administrative Review.

2. Administrative Review Not Deemed Appropriate

If an Administrative Review is not deemed appropriate under this Policy, the Equal Opportunity and Compliance Office will meet with the Complainant to explain the reason and discuss other options for addressing his/her concerns.

C. Investigating the Complaint

The Administrative Reviewer is expected to promptly investigate and submit a confidential Administrative Review Report to the appropriate Dean, Director, or Department Chair, and to the Equal Opportunity and Compliance Office within forty-five (45) calendar days of receiving the complaint, unless an extension has been granted. If meeting this deadline is not possible, the Administrative Reviewer will advise the Dean, Director or Department Chair and the Equal Opportunity and Compliance Office, of the need for an extension and request a revised date. The Equal Opportunity and Compliance Office will review the request for a revised date and determine whether an extension is warranted. If the extension is approved, the Equal Opportunity and Compliance Office will provide written notification of the revised date to the parties.

1. The person(s) accused of prohibited harassment or discrimination must be notified of the complaint, advised of the need for confidentiality and

reminded to refrain from any behavior that could in any way be construed as retaliatory.

2. Both the Complainant and the person accused of prohibited harassment or discrimination will be given a copy of the Policy and relevant Procedures and also be given an explanation of the Administrative Review process.
3. Both the Complainant and the person accused of prohibited harassment or discrimination may provide information relevant to the complaint, including the names of any witnesses to the Administrative Reviewer(s) or the Equal Opportunity and Compliance Office.
4. In determining whether alleged conduct violates the Policy and what, if any, corrective action should be taken, the Administrative Reviewer must consider the record as a whole, including the nature of the alleged conduct and the context in which it occurred, and determine whether a preponderance of the evidence shows that the Policy has been violated.

D. Report and Documentation

1. At the conclusion of an Administrative Review, the Administrative Reviewer(s) will prepare a written report (“Administrative Review Report”) that includes, subject to confidentiality protections provided by the Family Educational Rights and Privacy Act (FERPA) and the State Personnel Act: factual findings, a summary of witness statements, a determination of whether the Policy has been violated, and the resolution of the complaint, including any corrective actions recommended or taken.
2. Upon receipt of the Administrative Review Report, the Dean, Director, or Department Chair shall have no more than five (5) calendar days to either accept or reject the recommendations contained in the report, subject to any appeal rights.
3. The Equal Opportunity and Compliance Office will notify the parties, to the extent permitted by law, of the results of the review and of efforts to resolve the complaint within ten (10) calendar days after the final Administrative Review report is issued. The Equal Opportunity and Compliance Office will inform the Complainant that appropriate corrective action has been taken, but cannot reveal the specifics of the action if it is a confidential personnel action. Additional information regarding what may and may not be reported to either party is available from the Office of University Counsel.

4. The University will also maintain an appropriate record in the confidential departmental personnel file and the appropriate student's file.

E. Actions Taken as a Result of the Review

1. If an Administrative Review results in a finding that the conduct or issue complained of violates the Policy, appropriate corrective action must be taken. In deciding what action is appropriate, the Administrative Reviewer should consult with the Equal Opportunity and Compliance Office and the Office of Human Resources, the Academic Personnel Office, or the appropriate Dean, Director, or Department Chair. Corrective action to address the accused party's conduct may include counseling about the behavior, a letter of reprimand, or other appropriate action up to suspension or dismissal. The Administrative Reviewer may also take measures to assist the Complainant, including but not limited to recommending a review of any negative academic decision that may have resulted from the conduct that violated the Policy or informing the Complainant of University resources, such as Counseling and Wellness Services, that may be helpful.
2. If an Administrative Review results in a finding that the conduct or issue complained of does not violate the Policy, all parties will be advised of the finding and the basis thereof.

IV. Appeal of an Administrative Review

A. Appeal to the Student Grievance Committee

A student whose complaint is not resolved through the Administrative Review Process may proceed to the Student Grievance Committee.

If a student chooses to proceed to the Student Grievance Committee, a grievance must be filed according to that Committee's established procedures, and that Committee will proceed under its established procedures.

B. Time Frames for Filing an Appeal

A student has thirty (30) calendar days from the date of notification of the Administrative Review findings to file an appeal if he/she feels that the Administrative Review failed to produce an equitable resolution.