



Prohibited Discrimination and Harassment Policy



Dear Adelphi Community,

Adelphi is a community committed to achieving diversity and inclusiveness, and to fostering a constructive environment where all our members benefit from learning and working together. Through the lens of this commitment, below is an excerpt from the Adelphi University policy on anti-discrimination, harassment and retaliation that clearly states our principles in this area:

Discrimination, harassment and retaliation of any type will not be tolerated at Adelphi University. Upon notice, the University will act to: end the discrimination, harassment or retaliation; prevent its recurrence; and remedy the effects of the alleged conduct.

This policy is more than just words—it is embedded in our culture. All members of our community are welcome and encouraged to be their authentic selves, and in turn we expect that this respect will be given to others.

Adelphi is a safe place to learn, work and grow as an individual, and we uphold each community member's right to a welcoming and supportive environment. Thank you for sharing in our commitment.

All the best,

A handwritten signature in black ink that reads "Christine M. Riordan". The signature is fluid and cursive, with a long, sweeping underline.

Christine M. Riordan, President

Dear Members of the Adelphi Community,

Adelphi's commitment to a safe and welcoming environment is supported by this Policy and our commitment to investigate all concerns regarding discrimination, harassment, and any resulting retaliation. Please feel free to review the entire policy within.

To file a complaint, fill out the [online reporting form](#). For emergency assistance, contact the Department of Public Safety and Transportation at (516) 877-3511, or dial 5 from a campus phone.

Your complaint can be filed anonymously, however information provided may be shared with the person(s) accused. Although absolute confidentiality cannot be guaranteed in all cases, the University will treat the concerns of all complainants with sensitivity and respect, and maintain the privacy of all parties to the greatest extent possible.

Complaints are reviewed by the Executive Director of Labor Relations and Human Resources Operations and the Title IX Coordinator/Director of Equity and Compliance.

Sincerely,

Jane Fisher
Executive Director of
Labor Relations & HR Operations

Allison Vernace
Title IX Coordinator, Director of Equity and
Compliance

Prohibited Discrimination and Harassment Policy

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I. STATEMENT OF POLICY AND NON-DISCRIMINATION

Adelphi University (the “University”) is proud of its work and academic environment and strives to maintain a pleasant and collegial environment for employees, students, guests and visitors, all of whom are expected to treat each other with courtesy, consideration and professionalism. The University will not tolerate discrimination, harassment or retaliation based on the protected status of an individual's race, religion, age, color, creed, ethnicity, national origin, actual or perceived disability, height and weight, genetic predisposition or carrier status, military or veteran status, status as a victim of domestic violence, immigration/citizenship status, arrest and/or conviction record, caregiver status, credit history, salary history, unemployment status, and all other basis protected by applicable local, state, or federal laws. This Policy prohibits unlawful discrimination, harassment, and retaliation, including derogatory or inappropriate remarks, slurs, or jokes related to any protected class that is not based on sex (which includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, pregnancy related conditions, or sexual and reproductive health decisions). For complaints of sex-based please refer to the [Sex Discrimination, Sexual Misconduct and Other Prohibited Conduct Grievance Procedures](#). The University will make this Policy available in various and appropriate places on campus and on the University website.

Discrimination, harassment and/or retaliation in any context, in addition to being unlawful, is reprehensible and is a matter of particular concern to an academic community in which students, faculty and staff are related by strong bonds of intellectual interdependence, collegiality, and trust.

The University is committed to preventing, investigating, and remedying violations of this Policy. Members of the community who perpetrate prohibited behavior are subject to the full range of institutional disciplinary actions, up to and including separation from the University and/or referral to authorities for criminal prosecution, as appropriate. Non-members of the community, such as guests or visitors, who inflict such behavior on the University’s campus, at campus events or within campus programs may be referred for criminal prosecution and/or barred from campus events and property and/or referred to institutions or employers with which they are affiliated. Guests and/or visitors impacted by discrimination, harassment, and/or retaliation may file a complaint of prohibited conduct with the University.

A violation of any University policy which is motivated by the actual or perceived membership of the victim in a protected class may be investigated, resolved and remedied under this Policy. Any misconduct related to an investigation into a violation of this Policy may also be investigated under this Policy.

II. SCOPE OF POLICY

A. Who is Covered by this Policy

This Policy applies to: all employees (including faculty and staff) and applicants for employment in all positions involved in the University's academic, educational, recreational, and living programs; visitors, guests and campers; recipients and/or providers of Adelphi's programs or services, including participants in Adelphi-based research projects and activities, student teaching, internships and field placements regardless of locations; and subcontractors. All of these groups are included in the terms "University community" and "campus community."

The protections in this policy apply to the campus community regardless of an individual's race, creed, color, national origin, sex, gender identity, gender expression, age, marital status, disability, ethnicity, sexual orientation, predisposing genetic characteristics, religion, pregnancy, military status, veteran status, status as a victim of domestic violence, immigration/citizenship status, arrest and/or conviction record, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, pregnancy related conditions, or sexual and reproductive health decisions or any other basis protected by applicable local, state or federal laws.

B. Scope of Policy as it Relates to Location of Incident

This Policy encompasses behavior at all campuses and/or Campus Centers or sites; University-sponsored events that occur off-campus; and off-campus incidents that have an on-campus impact or affect members of the campus community. This Policy also applies to events sponsored by other individuals or entities that may take place on any campus or campus center or site of Adelphi University, regardless of whether or not members of the campus community are involved.

C. Scope of Policy as it Relates to Individual Speech and Academic Freedom

The role of universities in the community is to encourage the free flow of thoughts and ideas essential to higher education. Therefore, while Adelphi University does not encourage offensive or insensitive speech, principles of academic freedom may limit the University's ability to restrict speech that is germane to academic subjects and pedagogically appropriate to those subjects. However, when speech rises to the level of discrimination, harassment, and/or retaliation as defined herein, it cannot be protected by academic freedom and will be considered to be a violation of this Policy.

III. DISCRIMINATION, HARASSMENT, AND RETALIATION

Discrimination, harassment and/or retaliation can occur between individuals of

the same or different status. This conduct can involve individuals or groups; can occur during one incident or over a series of incidents that in isolation would not necessarily constitute discrimination or harassment, but can be so by pattern or repetition over time; and can be direct or systemic.

Each member of the University community should avoid conduct that may be perceived by a reasonable person as discrimination, harassment, and/or retaliation. Failure to recognize that your behavior is harassing or discriminatory to an individual or group of individuals is not an acceptable defense to discrimination, harassment and/or retaliation. Differences in perception on the part of individuals involved in complaints of discrimination, harassment or retaliation will be resolved based on the “reasonable person” standard in evaluating offensive behavior. Accordingly, all members of the University community should consider how a reasonable person may view their behavior, notwithstanding their intent.

A. Definitions

Advisor

An individual who may be, but is not required to be, an attorney. An advisor can assist with navigating and understanding the grievance process, provide emotional support during each portion of the process and attend any meeting or interview that is associated with the process.

Complainant

An individual who is alleged to be the victim of conduct that could constitute discrimination, harassment or retaliation as prohibited by this Policy.

Complaint

An oral or written request by a complainant, or signed by the Title IX Coordinator/Director of Equity & Compliance alleging misconduct in violation of this Policy that objectively can be understood as a request for the university to investigate and make a determination about alleged prohibited conduct.

Confidentiality

Confidentiality is the commitment not to share any identifying information with others, except as required by law in emergency circumstances (such as risk of death or bodily harm). Confidentiality may only be offered by individuals who are not required to report known instances of prohibited conduct to the University. Confidential resources are counselors in the Student Counseling Center, medical professionals in Student Health Services, and clergy in the Interfaith Center.

Disciplinary Sanction

A consequence imposed by the University on a respondent who is found to have violated this Policy.

Discrimination

Treating individuals less favorably and/or actions that deprive individuals of educational or employment access, benefits or opportunities, on the basis of the individual's actual or perceived protected status (as protected status is described in Section I above).

Harassment

Harassment is a form of discrimination. Harassment is unwelcome conduct (whether visual, verbal, non-verbal, physical or effectuated through electronic means) on the basis of an individual's actual or perceived protected status (as protected status is described in Section I above) when the unwelcome conduct:

- creates an intimidating, hostile, abusive or offensive working or learning environment (including social and residential experiences);
- unreasonably interferes with an individual's work or academic performance;
- subjects an individual to inferior terms, conditions or privileges of employment; or
- submission to the conduct is made either explicitly or implicitly a term or condition of the individual's academic or employment status or advancement.

Examples of prohibited conduct that constitutes harassment include, or may include, but are not limited to:

- Derogatory visual posters, cartoons or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
- Threatening, intimidating or causing physical harm, or other conduct that threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the University Hazing Policy) on the basis of actual or perceived membership in a protected class;
- Bullying, defined as repeated and/or aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally, on the basis of actual or perceived membership in a protected class;

Hostile Environment

A hostile environment exists when: harassing conduct on the basis of actual or perceived membership in a protected class has the purpose or effect of

unreasonably interfering with an individual's work or academic experience (including social and residential participation) or creates an intimidating, hostile, offensive or abusive environment.

A single or isolated incident of harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical.

Investigator

Individual appointed by the Title IX Coordinator/Director of Equity & Compliance, or their designee, to investigate the allegations of prohibited conduct.

Investigators analyze and document available evidence, including witness statements; objectively evaluate the credibility of parties and witnesses; synthesize all available evidence, including both inculpatory and exculpatory evidence; and take into account the unique and complex circumstances of each case. Investigators are also charged with creating an investigative report that fairly summarizes relevant evidence.

No-Contact Order

A directive prohibiting contact between and among designated individuals through any means, direct or indirect, including personal contact, email, telephone, text message, social media, or by means of a third party. Continued intentional contact would be a violation of University policy subject to additional conduct charges.

Party or Parties

Party refers to a complainant or a respondent; and parties include the complainant(s) and respondent(s), collectively.

Preponderance of the Evidence

The standard to determine responsibility under this Policy. This means that it is more likely than not that a violation of this Policy occurred.

Privacy

Privacy is the assurance that an individual or the University will only reveal information about allegations of prohibited conduct to those that need to know the information in order to carry out their duties or responsibilities required by law and/or this Policy.

Prohibited Conduct

Includes all conduct that is in violation of and prohibited by this Policy, including discrimination, harassment, and retaliation on the basis of an actual or perceived protected status.

Remedies

Measures determined by the University to be provided as appropriate, to a complainant or any other person the university identifies as having had their equal access to the university's education program or activity limited or denied by discrimination or harassment. These measures are provided to restore or preserve a person's access to the recipient's education program or activity after the University determines that discrimination and/or harassment occurred.

Report

A verbal or written report made to the Title IX Coordinator/Director of Equity & Compliance, by any person, alleging discrimination, harassment or retaliation as prohibited by this Policy. Such a report can be made at any time in person, by mail, by phone, or by electronic mail. A report is not the same as a complaint and will not initiate the processes set forth in this Policy.

Reporting Individual

Any individual who reports an alleged violation of this Policy to the Title IX Coordinator/Director of Equity & Compliance. This may or may not be the same as the complainant, a witness, or a bystander.

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment or retaliation for engaging in a protected activity as prohibited by this Policy.

Retaliation

Retaliation is an intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms or attempts to harm an individual as reprisal for filing a complaint, supporting a complainant or otherwise participating in a proceeding pursuant to this Policy. Retaliation includes intimidating, threatening, coercing or in any way discriminating against an individual because of the individual's complaint or participation in an investigation or proceeding.

Under no circumstances will Adelphi University tolerate any retaliation against an individual or group for making a complaint of harassment or discrimination in good faith under this Policy or for participating in an investigation.

Examples of retaliation include, but are not limited to, the following actions taken because the individual has filed or makes known plans to file a complaint pursuant to this Policy:

- A professor fails a student or assigns a grade lower than the student earned because the student has filed or makes known plans to file a complaint against the professor.

- A coach excludes a student from a team or limits the amount of playing time during an athletic activity of a student because the student has filed or makes known plans to file a complaint against the coach.
- A supervisor gives deflated performance evaluations, or withholds deserved support for tenure and promotion, or requires punitive work assignments of an employee because the employee has filed or makes known plans to file a complaint against the supervisor.
- A professor or administrator excludes a student from participation in an organization, club or activity or imposes an inequitable workload because the student or employee has filed or makes known plans to file a complaint against the professor or administrator.
- A third party or person disparages a student or employee because the student or employee supports a complainant or any other participant in the process.

IV. REPORTING DISCRIMINATION, HARASSMENT AND/OR RETALIATION

A. Required Reporting and Cooperation in the Process

All members of the University community, including students, faculty, and staff are strongly encouraged, if not required (see Employee Reporting Responsibilities below) to report all violations of this Policy and cooperate in the application of this Policy, including any investigation under this Policy. University community members are expected to acknowledge and respond to requests for information from University officials or their designees in a timely fashion, as well as be available for discussions with such individuals. Any person who knowingly misrepresents the truth, or whose willful action or inaction obstructs the application of these procedures, will be subject to disciplinary action.

1. Employee Reporting Responsibilities

Employees fall into three categories of reporting responsibilities - required to report, encouraged to report and confidential resources.

a. Required to Report

Certain University employees, including all persons who act in a supervisory, managerial, or instructional role, are required to report conduct in violation of this Policy.

Employees who are required to report information about any prohibited conduct include, but are not limited to:

- public safety officers
- faculty

- deans
- managers
- resident assistants
- assistant directors in residential life
- residential life directors
- senior administrators
- supervisors.

Upon learning of prohibited discrimination, harassment or retaliation, employees who must report are required to promptly report all relevant details about the alleged misconduct shared by the reporting individual to the Title IX Coordinator/Director of Equity & Compliance.

Employees who are required to report can be held responsible for actions or inaction that obstructs the application of this Policy.

b. Encouraged to report

All other employees, who are not identified as confidential resources (see Confidential Resources and Support, below) are strongly encouraged to report conduct in violation of this Policy, but are not required to do so.

c. Confidential Resources and Support

The University encourages all members of the Adelphi community to report incidents related to this policy. However, individuals who are not ready or willing to make a formal report, but who still wish to speak with someone, can utilize the confidential on-campus resources of the Student Counseling Center, Student Health Services or the Campus Chaplains, as well as off campus mental health providers listed on the University website. These resources are subject to legal confidentiality obligations that prohibit the release of information without the express consent of the individual. For more information, see <http://operations.adelphi.edu/handbooks/>.

B. Confidentiality and Privacy in the Reporting Process

Confidentiality will be maintained to the extent required by law and to the extent possible given the University's obligations under law and under this Policy. At the beginning of the process, the University will inform the complainant about confidentiality standards and privacy concerns, as well as confidential and other resources available

However, even offices and employees that cannot guarantee confidentiality will maintain the privacy of all parties to the greatest extent possible. Information

provided to a non-confidential resource will be relayed only as necessary to the required administrators in order to investigate and seek resolution of the case.

The University will evaluate a request for confidentiality or not to act on a complaint in the context of its responsibility to provide a safe and nondiscriminatory environment for all members of the community. Therefore, while absolute confidentiality cannot be promised, the University will treat the concerns of the complainant with sensitivity and respect. The University will also assist with reasonable academic, housing, transportation, employment and other accommodations requested regardless of reporting choices. A request for confidentiality however may limit the University's ability to respond.

Upon learning of prohibited discrimination, harassment or retaliation, all employees must strive to maintain privacy of the individuals involved and are directed to share the information reported to them only with those having a need to know such information in order to respond in accordance with University policy.

C. The Reporting Process

Any employee, student, or third party who believes that they may have been subjected to discrimination, harassment and/or retaliation is strongly encouraged to make a report in accordance with the procedures set forth in this Policy.

For emergency or immediate assistance, or when outside of typical business hours, contact the Department of Public Safety and Transportation (twenty-four hours a day, seven days a week) at 516-877-3511 or dial 5 from any campus phone. All emergency contact numbers are listed on the reverse side of your Adelphi identification card.

If you are a student complainant, contact Allison Vernace (Title IX Coordinator, Director of Equity & Compliance) titleix@adelphi.edu or (516) 877-4819, Joseph De Gearo (Assistant Vice President of Student Affairs and Dean of Students) degearo@adelphi.edu or 516-877-3654, Sentwali Bakari (Vice President for Student Affairs, Diversity, Equity, Inclusion and Belonging), sbakari@adelphi.edu.

If you are an employee or third party complainant, or if you have questions pertaining to this policy, contact Allison Vernace (Title IX Coordinator, Director of Equity & Compliance), titleix@adelphi.edu or (516) 877-4819, or Jane Fisher (Executive Director of Labor Relations and Human Resources Operations), fisher2@adelphi.edu or (516) 877-3222.

To file a complaint involving the Vice President for Student Affairs, Diversity, Equity, Inclusion and Belonging; the Assistant Vice President/Dean of Students, or the Executive Director of Labor Relations and Human Resources Operations,

please contact the Title IX Coordinator/Director of Equity & Compliance. To file a complaint involving the Title IX Coordinator/Director of Equity & Compliance, please direct your complaint to the Executive Director of Labor Relations and Human Resources Operations. Anyone who reports misconduct to the above resources will be informed about this process as outlined in this Policy.

You may choose to file a complaint anonymously. This will be received and reviewed by the Director of Labor Relations and Human Resources Operations and/or the Title IX Coordinator/Director of Equity and Compliance. The University will comply with all federal, state and local mandates regarding the reporting of crimes to appropriate authorities.

D. Other Proceedings

The University's investigation is independent of any civil or criminal investigation or proceeding. The University's investigation and related proceedings may be carried out prior to, simultaneously with, or subsequent to any related civil or criminal proceeding and will not be subject to challenge or delay based on the grounds that criminal or civil proceedings involving the same incident have been dismissed, reduced or are pending. Action pursued through the criminal justice process is governed by the penal law and the criminal procedure law.

E. Timing of Report and Investigation

There is no time limit on when a report or complaint may be made. The University will conduct an investigation and make all efforts to provide a resolution of a complaint, including investigations and grievance processes, but excluding the appeal process, within sixty (60) to ninety (90) business days from the time the University receives notice. However, the resolution of a complaint may vary depending on the complexity of the investigation and/or extent of the alleged harassment or discrimination.

The investigation shall be conducted in a manner that is adequate, reliable, prompt, fair, and impartial and may include any of the following:

- interviews of the complainant and the accused,
- interviews of any witnesses,
- gathering of any other relevant information, including but not limited to, past complaints of a similar nature raised against either party.

The investigator(s) will make every effort to keep the complainant timely informed about the status of the investigation.

V. SUPPORTIVE MEASURES, ADMINISTRATIVE LEAVE, AND NO CONTACT

ORDERS

A. Supportive Measures

Supportive measures are non-disciplinary and non-punitive individualized services provided to a party which are designed to restore or preserve equal access to the University's education program or activity for that party without unreasonably burdening the other party. Such measures include those designed to protect the safety of all parties or the University's educational environment as well as measures to deter prohibited conduct under this Policy. Supportive measures can range from referral to supportive services such as counseling or medical services to class/housing/office modifications, administrative leaves, and no-contact orders.

Provided it has notice or it is otherwise aware of prohibited conduct, the University (through the Title IX Coordinator/Director of Equity & Compliance) will provide supportive measures, as needed. The Title IX Coordinator/Director of Equity and Compliance will work with the complainant to determine their requests for supportive measures and confirm that such requests are considered.

The determination of appropriate supportive measures is based on the facts and circumstances of each individual situation. Supportive measures include but are not limited to:

- Providing campus escort services;
- Modifications to work schedules;
- Changes to work, academic, transportation, or other applicable situations including changes in office locations;
- Referral to counseling, medical and/or other healthcare services;
- Establishing restrictions on contact (no-contact orders) between the parties;
- Providing increased security, supervision or monitoring of certain areas of the campus; and
- Other similar measures or any other actions deemed appropriate

The University will review the facts and circumstances of each case and will implement measures in a way that does not unreasonably burden the other party. Upon written request and in accordance with University policies, a party may seek prompt review of the need for/terms of provided supportive measures to the extent the challenged supportive measure has a direct impact on them. This request should include the basis for the request and any supporting evidence. A party may also ask for review of a request for additional supportive measures and submit evidence in support of the request. Such requests should be submitted in writing to the Title IX Coordinator/Director of Equity & Compliance. The other party will have the right to respond to the request for review to the extent the relevant supportive measure has a direct impact on them.

B. Administrative Leave

The University may place a non-student employee respondent on administrative leave at its discretion and/or in accordance with federal and state laws. If the Title IX Coordinator/Director of Equity & Compliance, in consultation with other University administrators as needed, determines based on an individualized safety and risk analysis that an immediate threat to the physical health or safety of any individual justifies it, the University will remove a respondent from its education program or activity and place them on administrative leave.

In determining whether an administrative leave is appropriate based on the allegation of prohibited conduct, the University will consider, among other things, the following factors:

- Whether there have been other complaints, or formal complaints about the same respondent;
- Whether the incident involves a weapon or violence;
- Whether the respondent has a history of arrests or disciplinary records;
- Whether the incident represents an escalation in and unlawful conduct on behalf of the respondent from previously noted behavior; and
- Whether there is an increased risk that the respondent will commit additional acts of violence.

The implementation and terms (such as the conditions or duration) of an administrative leave based on a recommendation from the Title IX Coordinator/Director of Equity & Compliance, are at the discretion of the Vice President of Administration or Provost. Individuals who fail to comply with an administrative leave or any other interim measures may be subject to discipline. Sanctions may include, but are not limited to, termination from the University.

C. No-Contact Orders

All no-contact orders will be mutual – i.e. neither party involved will be permitted to contact the other party -- unless the Title IX Coordinator/Director of Equity & Compliance determines, in their discretion and after a fact-specific analysis, that a non-mutual order is appropriate. The Title IX Coordinator/Director of Equity & Compliance will issue any no-contact order in writing, specifying the terms of the no-contact order, including the parties' responsibilities. The parties may request a review of the need for, and terms of, the no-contact order, including potential modification, and may submit evidence in support of their request. Any such requests should be submitted to the Title IX Coordinator/Director of Equity & Compliance. The Title IX Coordinator/Director of Equity & Compliance will notify the other party and conduct a prompt review in response to such request.

Violations of a no-contact order issued pursuant to this Policy are grounds for

discipline including but not limited to termination from the University.

VI. Complaint Process

This section addresses the resolution process for complaints involving an employee respondent. Complaints involving employee respondents may be resolved through a formal or informal resolution process, as detailed below.

A. Right to an Advisor and Other Support.

During all meetings pursuant to this process, the parties may have one (1) advisor of their choice and one (1) Faculty/University Advocate present. Unionized Employees are permitted one (1) union representative and one (1) advisor of choice or faculty/University advocate. All parties are permitted a maximum of two (2) people, as identified above, to accompany them through the grievance process.

1. *Advisor of Choice*

An advisor may be, but is not required to be, an attorney. An Advisor of Choice can assist with navigating and understanding the grievance process, provide emotional support during each portion of the process and attend any meeting or interview that is associated with the process.

2. *Faculty/University Advocate*

Refers to designated members of faculty and staff who are available to assist a party through a grievance process. Advocates are appointed by the Provost. Faculty Advocates are trained by Student Conduct and Community Standards staff in conduct and grievance procedures, but function as independent advisors for parties.

The University has a compiled list of Advocates comprised of professional faculty and staff members from the university who have received specific training on this Policy, procedures, and the rights afforded to parties. Parties may choose to utilize these advocates upon request to the Title IX office at any time during the proceedings.

3. *Union Representation*

Unionized employees are permitted one (1) union representative and one (1) advisor of choice or faculty/University advocate for all proceedings described herein. The union representative and advisor of choice can be the same person.

The role of the Advisor of Choice, Faculty/University Advocate, and Union Representative is narrow; they may attend and help a party prepare for all proceedings, such as meetings,

interviews, and hearings. The Advisor of Choice, Faculty/University Advocate, and/or Union Representative may consult with the party throughout the process, including during interviews and hearings, but are not permitted to ask or answer any questions on the party's behalf during proceedings. All advisors, faculty advocates and union representatives are required to abide by the university's rules of decorum.

B. Informal Resolution Process

Certain complaints of discrimination, harassment and/or retaliation can be resolved through informal resolution procedures, which is an attempt to resolve the issue between the parties through mutual agreement. These informal procedures may include, but are not limited to mediation, counseling, and/or any other means of resolving a complaint other than the formal resolution process. The complainant will not be required to meet with the accused individual face to face.

The use of the informal resolution process is voluntary and must be agreed to by the complainant, the respondent, and the investigator(s). Either the complainant or the respondent may end the informal process at any time and choose to pursue the formal resolution process, or the complainant can choose not to pursue the matter further.

The assigned investigator(s) will meet with the complainant to discuss the complaint and the informal process. The investigator(s) will explain to the complainant the nature of the informal resolution process and, if acceptable to the complainant, the investigator(s), whenever possible, appropriate and safe, will attempt to resolve the complaint through an informal resolution process.

Any agreement reached through informal resolution must be acceptable to both parties and the University. If a resolution is reached, it must be memorialized in writing (the "informal resolution agreement"). Informal resolution agreements must be reviewed and approved by the Vice President of Administration in consultation with the Title IX Coordinator/Director of Equity & Compliance.

If the informal resolution agreement is approved, the parties will be promptly notified in writing, by either the Provost, the Vice President of Administration, or the Title IX Coordinator/Director of Equity & Compliance. The notification will specify the findings and the terms of the approved resolution.

In cases involving faculty members, all mutually agreed upon resolutions are subject to the approval of the union (unless the faculty member has declined their right to union representation). If a referral for disciplinary action is included as a term of the informal resolution agreement, a referral will be forwarded to the Provost. The Provost will initiate disciplinary proceedings in accordance with Article XIX of the Collective Bargaining Agreement between the University and the AAUP. After the completion of the proceedings, the Provost will issue an outcome letter to the faculty

member, with a copy to the Title IX Coordinator/Director of Equity & Compliance and the Vice President of Administration for their files.

C. Formal Resolution Process

If the complaint cannot be resolved informally, or if the action complained of is not appropriate for resolution through the informal resolution process, the investigation will continue to the formal resolution process.

Investigations will be conducted by the Title IX office, with an investigator assigned by the Title IX Coordinator/Director of Equity & Compliance. The investigator will review all evidence gathered through the investigation and consider all relevant evidence when making their determination.

To ensure a prompt and thorough investigation of a complaint, the complainant should provide as much of the following information as possible to the investigator and/or Title IX Coordinator:

- The name, department, and position of the person or persons allegedly engaging in discrimination, harassment, and/or retaliation.
- A description of the incident(s) including the date, location and the identity of any witnesses.
- If the complainant is an employee, the alleged effect of the incident on the complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment.
- If the complainant is a student, the alleged effect of the incident on the complainant's academic standing, housing environment, or social status or other terms or conditions of the educational environment.
- The names of other persons who may have witnessed or been subject to the same or similar offenses.
- Any other information the complainant believes relevant to the discrimination, harassment, and/or retaliation.

Depending on the nature of the allegations, the investigation may include interviews with parties and witnesses (and follow-up interviews), collection of evidence, a review of documentation and any other steps deemed necessary by the investigator to thoroughly and fairly conduct the investigation. The Investigator will provide written notice of the date, time, location, participants, and purpose of all meetings or proceedings to a party whose participation is invited or expected with sufficient time for the party to prepare to participate.

Before an interview of a member of a bargaining unit who has been accused of violating this Policy is conducted, the member will be advised that they are entitled to have a Union representative accompany them to the interview.

At the end of the investigation, an investigative report containing a determination

regarding responsibility will be prepared by the investigator and/or the Title IX Coordinator/Director of Equity & Compliance. The investigative report will be submitted to the Vice President of Administration, Provost, and/or the employee's supervisor, as appropriate. If the determination is one of responsibility, the appropriate individual will decide which sanctions, if any, are to be imposed on the respondent. The Vice President of Administration will determine sanctions for staff, the Provost will determine sanctions for faculty. Sanctions can range from a warning up to and including termination.

The final outcome will be sent simultaneously and in writing to the complainant and to the respondent within ten (10) business days of the conclusion of the formal resolution process, except as outlined in the paragraph below. This written determination will include the findings of fact, decision, and sanction, as well as the rationale for the decision and sanction. While the outcome of the complaint will be provided in writing to both the complainant and the respondent, certain disciplinary action taken against the respondent as a result of the investigation may be kept confidential from the complainant as required by law. The parties will also be simultaneously informed in writing of the procedures to appeal the determination of any change to the results that occurs prior to the time that such results become final, and when such results become final.

The Title IX office may make recommendations for disciplinary action against faculty members accused of violations of this Policy which will be forwarded to the Provost who will initiate disciplinary proceedings in accordance with Article XIX of the Collective Bargaining Agreement between the University and the AAUP. After the completion of the proceedings, the Provost will issue an outcome letter with sanctions to the faculty member with a copy to the Title IX Coordinator/Director of Equity & Compliance and the Vice President of Administration for their files.

1. *Complaints Accusing Students*

Complaints accusing students of discrimination or harassment will be handled pursuant to the process outlined in the [Code of Conduct](#).

2. *Investigation of Complaints Accusing Third Parties and Complaints of Third Parties that Occur on any Campus, Campus Center or Site*

Normally, the Title IX Coordinator will investigate reports/complaints accusing non-students and non-employees of incidents related to the University's programs and activities and programs involving third parties that take place on any University campus or Campus Center. Examples include incidents involving visitors to the University, camps conducted by third parties on any University Campus or Campus Center or site, vendors, and individuals at a field placement or internship. Any third-party who, after appropriate investigation, has been found to have violated this Policy, will be subject to restriction from University property, cancellation of vendor contracts,

discontinued use of placement sites, or such other responsive actions deemed appropriate for the violation. Referrals may also be made to law enforcement, as appropriate.

D. APPEALS PROCESS

Either the complainant or the respondent may request an appeal of the findings of the University regarding the formal resolution process. A request for such an appeal that is associated with a complaint accusing employees and others must be submitted in writing to the Title IX Coordinator/Director of Equity & Compliance within three (3) business days of the receipt of the original outcome. If no request is made in that time, then the decision is rendered final. An appeal of the decision may be raised on only the following grounds:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made;
- The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants, respondents, or the individual complainant or respondent that would change the outcome; and
- The sanction imposed is clearly not appropriate for the violation. (For determinations of responsibility, only).

Once a request for an appeal, as defined above, is received, a decision will be rendered on eligibility for appeal usually within ten (10) business days. The decision regarding the eligibility for appeal will be made by the Vice President of Administration for appeals filed in a complaint accusing staff, by the Provost for appeals filed in a complaint accusing faculty.

If none of the grounds for appeal stated above are met, the request for an appeal will be denied with no further appeal through this Policy and the parties will be simultaneously so informed.

If appropriate grounds for appeal are present, the appeal will be presented to an appellate body ("Appeal Panel") composed of three members of the University Hearing Panel. Regardless of whether all parties request an appeal, the complainant and accused individual will be made aware of, and permitted to participate in, the appeal as it will be the only appeal conducted and its conclusion will be final. Where the complainant and accused individual each request to appeal on different grounds, those grounds will be consolidated into one appeal process. The parties, as applicable, will be permitted to provide a written response to the other party's appeal within five (5) business days of being notified that the appeal is proceeding to an appellate body. The written response should be sent to the Title IX Coordinator/Director of Equity & Compliance.

An appeal proceeding will include all parties to the complaint and all related documents. The Appeal Panel will be solely responsible for determining who should participate, what information is needed, and how proceedings will be structured.

If an appeal is heard, then the final outcome of the appeal will be communicated simultaneously to the parties usually within five (5) business days following deliberations. If an appeal based on “significant and relevant new information that was unavailable during the original process, which has become available and could impact the outcome on the ground of new evidence,” is granted, the matter may be referred to the original investigator(s) for reconsideration.

Because the scope of the appeal proceedings is limited to the allowable grounds, full re-hearings are exceptionally rare. A successful appeal permits the original investigator(s) to consider ONLY the matter resulting in a remand, such as the new evidence, or to address ONLY those other grounds that were determined to be present and significant.

E. Standard of Proof for Resolution Processes

The standard of proof for all determinations and findings regarding the provisions of this Policy shall be the preponderance of the evidence. The preponderance of the evidence means such evidence that, when considered and compared with that opposed to it, is more convincing, creating the belief that what is sought to be shown is more likely than not to have occurred.

VII. DESIGNATION OF AUTHORITY

The University may, at its discretion, designate another trained and experienced person(s) to act in the place of the investigator, adjudicator, decision-maker, and/or facilitator in this Policy. If there is such a designation, the parties involved will be informed.

VIII. FALSE COMPLAINTS

Submitting a false report of prohibited conduct or providing false or misleading information in bad faith in connection with an incident of discrimination, harassment, and/or retaliation is prohibited and subject to disciplinary action, up to and including dismissal from the University. Such bad faith reporting may constitute retaliation in violation of this Policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate. An inquiry into a false complaint may be considered in a separate complaint and resolved through a separate investigation.

IX. POLICY REVIEW

Typically, this Policy will be reviewed for possible revision every year, or as otherwise necessary.

X. RECORDKEEPING

For a period of seven (7) years, the University will maintain records generated in connection with reports, investigations, disciplinary proceedings, hearings, informal resolutions, appeals, and the audio, audiovisual recording, or transcript, as well as any determinations regarding responsibility including any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant. All materials used to train the Title IX Coordinator/Director of Equity & Compliance, investigators, or Appeals Panel, and any individual who facilitates informal resolution processes will also be maintained for at least seven (7) years.

For a period of seven (7) years, the University will also maintain records of any responses, including supportive measures, that the University took in response to a report, complaint, or formal complaint discrimination, harassment and retaliation. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity. If the University does not provide a complainant with supportive measures, the University must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

XI. POLICY REVISIONS

This Policy is in effect for conduct occurring after August 1, 2024. For conduct occurring prior to August 1, 2024, the previous policy and procedures will apply. The most current revision of this Policy supersedes all previously issued revisions and inconsistent verbal or written policy statements. The University reserves the right at any time to change, modify, delete, or add to any of the provisions of this Policy.

XII. U.S. Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days¹ from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief, but may take other

¹ Note: this is actual days, not business days.

action including pursuing cases in federal court on behalf of complaining Parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.