

Investigative Resolution Standards

These standards support the consistent implementation of the Sexual Misconduct Policy, 1.15 and the Affirmative Action, Equal Employment Opportunity & Non-Discrimination/Harassment Policy, 1.10 by establishing required practices for handling Policy investigations under these policies. These requirements are designed to be read and followed in conjunction with the Sexual Misconduct Policy and the Affirmative Action, Equal Employment Opportunity & Non-Discrimination/Harassment.

All individuals and units that conduct investigations on behalf of the Office of Institutional Equity (OIE) must comply with these requirements.

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I. Purpose and Scope

- A. The Investigative Resolution Standards are intended to be the procedures used to address allegations made against students and employees pursuant to The Ohio State University Affirmative Action, Equal Employment Opportunity & Non-Discrimination/Harassment Policy, 1.10 and The Ohio State University Sexual Misconduct Policy, 1.15. This document should be read in conjunction with those policies.

II. Jurisdiction, Reporting Options, Privacy and Confidentiality, Prohibited Conduct, and Resources

- A. Please see The Ohio State University Affirmative Action, Equal Employment Opportunity & Non-Discrimination/Harassment Policy, 1.10 and The Ohio State University Sexual Misconduct Policy, 1.15 for guidance related to these topics.

III. Investigation Resolution Standard Modifications

- A. These Investigative Resolution Standards shall govern all procedures in matters brought and/or charged after becoming effective and also all further procedures in matters then pending, except to the extent that, in the discretion of the university, the application in a particular action pending would not be feasible, in which event prior procedure shall be used. The definitions of prohibited conduct used in a particular matter will be the definitions found in the relevant policy in effect at the time the alleged conduct occurred.
- B. The university reserves the right to modify these Investigative Resolution Standards. Modifications become effective upon approval by the Associate Vice President of the Office of Institutional Equity or designee.

IV. Conduct that May Violate Other Policies

- A. When reported conduct may violate Policy 1.10 or 1.15 and another university policy, the Associate Vice President for Institutional Equity or designee (for violations of Policy 1.10) or the Title IX Coordinator or designee (for violations of Policy 1.15) will consult with the appropriate university office(s) to determine how the matter should be investigated and adjudicated. This may, but is not required to, involve a joint investigation by more than one office. The office or process used to investigate and adjudicate the matter is within the sole discretion of the university, but procedures set forth in Policy 1.10 or Policy 1.15, as applicable, and the Investigative Resolution Standards will be used to investigate and adjudicate alleged violations of policies 1.10 and 1.15. The Associate Vice President for Institutional Equity, the Title IX Coordinator, or their respective designees may refer possible violations of other university policies to an appropriate office at any time.

V. Confidentiality and Privacy

- A. The university recognizes the importance of confidentiality and privacy. See the Resources section of Policy 1.10 and 1.15 for a list of confidential support, non-confidential support, and medical resources. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as private and will only involve individuals whom the university determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate university functions, or in accordance with applicable law.
- B. The university has the sole discretion to determine appropriate offices and officials to be involved in conducting an appropriate investigation, providing assistance and resources to parties, performing other appropriate university functions, or providing information in accordance with law.



VI. Interim Measures

- A. As referenced in Policies 1.10 and 1.15, upon receipt of a report of discrimination, harassment, sexual misconduct, or retaliation, the university will provide reasonable and appropriate interim measures designed to preserve access to educational or employment 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).
- B. Interim Support Measures are available regardless of whether a Complainant pursues an Investigative Resolution. In contrast, Interim Protective Measures are only available when the university pursues an Investigative Resolution. Interim Protective Measures may be imposed when the university has a reasonable foundation that would support the taking of a restrictive measure prior to the conclusion of the investigation.
- C. Interim Support Measures may include:
 - i. Mutual no contact directives;
 - ii. Referral to campus and/or community resources for advocacy, counseling, health services, sexual assault forensic/medical examination, legal assistance, immigration assistance, disability services;
 - iii. Referral to resources to assist in obtaining a protective order;
 - iv. Academic support including extensions of time and other course-related adjustments;
 - v. Assistance with academic petitions;
 - vi. Modification of work or class schedules;
 - vii. Change of one's own work or housing locations;
 - viii. Change in reporting relationship;
 - ix. Escort and other safety planning steps;
 - x. Consideration of leave request; and,
 - xi. Any other support measure that does not interfere with either party's access to educational or employment opportunities and can be reasonably tailored to achieve the goals of this policy.
- D. Interim Protective Measures may include:
 - i. Imposition of a no contact directive prohibiting certain individuals from having contact or communications with other individuals;
 - ii. Change in reporting relationship;
 - iii. Change in Respondent's class schedule;
 - iv. Administrative leave or assignment to home
 - v. Change in Respondent's university work schedule or job assignment;
 - vi. Change in Respondent's campus housing or exclusion from all or part of university housing;
 - vii. Exclusion from specified activities or areas of campus;
 - viii. Prohibition from participating in student activities or representing the university in any capacity;
 - ix. Interim suspension; and,
 - x. Any other protective measure that can be reasonably tailored to achieve the goals of Policy 1.10 or 1.15.
- E. The Associate Vice President of the Office of Institutional Equity or designee can make a recommendation to the Vice President of Student Life to interim suspend a student when there is reasonable cause to believe that the student's presence on university premises or at a university-related or registered student organization activity poses a significant risk of substantial harm to the safety or security of themselves, others, or to property. Consistent with the interim suspension provisions at Section 3335-23-20 of the Code of Student Conduct, the interim suspension may be terminated when a determination is made that reasonable cause for the interim suspension no longer exists.
- F. The Associate Vice President of the Office of Institutional Equity or designee can make a recommendation to place an employee of the university on administrative leave or assignment to home in accordance with university policy or faculty rules.



- G. The Associate Vice President of the Office of Institutional Equity or designee (for violations of Policy 1.10) or the Title IX Coordinator or designee (for violations of Policy 1.15) will conduct an individualized assessment and will review requests from either party to determine interim measures that are appropriate and reasonably available. The university may also independently issue and implement interim measures. The availability of supportive and protective measures will be determined by the specific circumstances of each report. The university will consider a number of factors in determining which measures to take, including but not limited to 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.
- H. OIE is responsible for ensuring the implementation of interim measures and coordinating the university's response in consultation with the appropriate offices on campus. OIE has the discretion to impose and/or request implementation or modification of 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.
- I. All individuals are encouraged to report to OIE 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 contact 911 or the Ohio State University Police Department at 614-292-2121 immediately. The university will determine appropriate action to enforce a previously implemented measure, which may include additional interim restrictions or investigation of a policy violation for failing to abide by a university-imposed Interim Protective Measure.

VII. Investigations Involving Student Respondents

- A. Overview of Resolution Process: OIE will conduct an initial assessment upon receiving a report alleging a violation of Policy 1.10 and/or 1.15. An initial assessment may include, but is not limited to, evaluating whether the complaint implicates a policy enforced by OIE, whether the complaint and parties are within the jurisdiction of OIE, and whether the complaint presents a safety threat such that OIE must report the concern to law enforcement. OIE will then determine the most appropriate means for addressing the report. Options include but are not limited to:
 - i. Preliminary Inquiry: As part of the initial assessment, OIE may conduct a preliminary inquiry related to a report. During a preliminary inquiry, the university may perform initial fact-gathering and may also consider the following: a) complainant's request for an investigation to be pursued or not pursued, b) complainant's request that the university not contact the respondent about their report, c) complainant's request that no disciplinary action be taken. After a Preliminary Inquiry, the university may move forward with one or more of the options listed below.
 - ii. Investigative Resolution Process: An investigative resolution can include four stages: Investigation, Hearing, Sanction, and Appeal.
 - iii. Educational Conversations: The university reserves the right to have educational conversations with students outside of the investigative process. Having an educational conversation does not preclude the university's ability to move forward in an investigative resolution process.
 - iv. Other referral or collaboration: Referral or collaboration with another office may be appropriate when a complaint does not fall within Policy 1.10 or 1.15 and/or concurrently falls under other university policies.
 - v. Case Closure: The university may close a case and take no further action if the reported



behavior would not violate university policy, if the university determines that a complainant's request that the university not contact the respondent about their report or that no disciplinary action be taken can be honored, or where the university otherwise determines that further action is not appropriate.

- B. Interim Student Suspension: The Associate Vice President of the Office of Institutional Equity or designee can make a recommendation to the Vice President of Student Life or designee to interim suspend a student pursuant to Code of Student Conduct 3335-23-20.
- C. Outside Investigators: The Associate Vice President of the Office of Institutional Equity or designee may designate other individuals (internal or external to the university) to conduct or assist with an investigation.
- D. The Associate Vice President of the Office of Institutional Equity or designee retains the discretion to determine whether the use of outside investigator(s) to conduct an investigation governed by the Investigative Resolution Standards is appropriate. The Associate Vice President of the Office of Institutional Equity or designee may consult with other appropriate university offices to determine whether use of outside investigators is warranted as well as the appropriate manner in which to engage such investigators.
- E. Outside investigator(s) shall have adequate training and qualifications, as determined by the university, to conduct a prompt, fair, impartial, and equitable investigation.
- F. Any outside investigator(s) designated to address an allegation must adhere to the requirements of applicable university policy and the Investigative Resolution Standards.

VIII. Initial Assessment

- A. Where a complainant wishes to pursue an investigation:
 - i. In every case in which the complainant reports conduct that would, if demonstrated to be true, constitute a policy violation and requests an investigation and the university has disciplinary authority over the respondent, the Associate Vice President of the Office of Institutional Equity or designee will conduct an initial assessment to determine if investigative resolution is appropriate under Policy 1.10 and 1.15. If investigative resolution is deemed appropriate, the university will initiate an investigation. If investigative resolution is deemed not to be appropriate, the university may take other action deemed appropriate, including but not limited to, Case Closure, referral to another office, or an Educational Conversation.
 - ii. The university's disciplinary response may be limited if the respondent is a visitor or other third-party or is not subject to the university's jurisdiction. Even though the university's ability to take direct action against such an individual may be limited, the university will still take steps to provide the complainant support and assistance through reasonably available university and/or community resources (including assistance with reporting to law enforcement) and provide non-investigative remedies as appropriate.
- B. Where the complainant requests the university not contact the respondent about their report, that an investigation not be pursued, and/or that no disciplinary action be taken:
 - i. A complainant may request that the university not contact the respondent about their report, that no investigation/hearing be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps, the university will forward the complainant's requests, along with all available information about the report gathered during the initial assessment, to the Associate Vice President of the Office of Institutional Equity or designee.
 - ii. The Associate Vice President of the Office of Institutional Equity or designee, after consultation with appropriate university officials, will consider a complainant's request that the university not contact the respondent about their report, that an investigation/hearing not be pursued, or that no disciplinary action be taken. The Associate Vice President of the Office of Institutional Equity or designee will balance the complainant's request against the following factors in reaching a determination on whether the request can be honored:



1. The nature and scope of the alleged conduct, including any aggravating or mitigating factors;
2. The respective ages and roles of the complainant and the respondent;
3. The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
4. Whether there have been other reports of violations or other misconduct by the respondent;
5. Whether the report reveals a pattern of misconduct by the respondent and whether that pattern relates to a given location or misconduct by a particular group;
6. The complainant's interest not to pursue an investigation or disciplinary action and the impact of such actions on the complainant;
7. Whether the university possesses other means to obtain relevant evidence;
8. The university's obligation to provide a safe and non-discriminatory environment; and
9. Any other available and relevant information.

IX. Investigative Resolution Process

- A. OIE may resolve a report of alleged misconduct through the investigative resolution process when the alleged misconduct, if true, would be prohibited under Policy 1.10 and 1.15. OIE may decline to pursue an investigative resolution if 1) a complainant has requested that an investigative resolution not be pursued, and 2) OIE has determined that the complainant's request can be honored.
- B. OIE is committed to providing a prompt, fair, impartial, and equitable resolution of all matters referred for investigative resolution. An investigative resolution can include four stages: Investigation, Hearing, Sanction, and Appeal, as applicable and described below.
- C. The complainant(s) and the respondent(s) shall each have equitable opportunity of:
 - i. **Presumption of Good Faith Reporting.** The university presumes that reports of violations of Policy 1.10 and 1.15 are made in good faith. A finding that the behavior at issue does not constitute a violation of university policy or that there is insufficient evidence to conclude that the incident occurred as reported does not mean that the report was a false allegation.
 - ii. **Presumption of Non-Responsibility.** The respondent is presumed to be not responsible until a preponderance of the evidence supports a finding that the respondent violated university policy. This presumption does not preclude the university from implementing Interim Protective Measures as described above. Imposition of an Interim Protective Measure does not mean that a Respondent has violated university policy.
 - iii. **Participation.** Because the most accurate and fair review of the facts can best be accomplished when all parties participate, the respondent and complainant are strongly encouraged to participate in an investigation and any scheduled hearings.
 - iv. **Trained Civil Rights Investigators.** An investigation and adjudication conducted by trained officials who do not have a conflict of interest or bias for or against the complainant(s) or respondent(s). An official shall recuse themselves from participating in an investigation or adjudication in those instances where the university believes that their impartiality might reasonably be questioned by an independent, neutral observer due to the official's personal bias or prejudice against the complainant(s) or respondent(s) or where the official has a personal or professional relationship with one of the parties that would adversely affect the official's ability to serve as an impartial investigator.
 - v. **Notice.** Receive notice before they participate in an interview.
 - vi. **Timeframes.** A process with reasonably prompt timeframes, with extensions for good cause, as described in the procedure section below;
 - vii. **Opportunity to be heard.** Present relevant information to the Civil Rights Investigator(s), including evidence and identifying witnesses;
 - viii. **Advisor.** Have an advisor of their choosing, including an attorney, advocate, or other support person who is not a potential witness in the investigation or could otherwise compromise the



- investigation, who provides support throughout the investigative resolution process, including being present for any meetings or hearings. A party's advisor or other support person is a silent and non-participating presence to observe and provide support for the party.
- ix. Access to information. Receive timely and equal access to any relevant information or documentation gathered during the investigation in accordance with applicable law ;
 - x. Outcome Notification. Receive written, concurrent notice of the hearing outcome in accordance with applicable law.
 - xi. Sanction Notification. Respondent will receive notice of any sanction, if applicable, in writing. Complainant will receive notice of sanctions in accordance with applicable law. At a minimum, complainant will receive notice of sanctions that directly relate to the complainant.
 - xii. Appeal. Appeal the investigative findings or sanction imposed.
 - xiii. Timeframes. A typical investigation will take approximately 60 calendar days following receipt of the complaint. This will vary depending on factors such as the complexity of the investigation and the severity and extent of the alleged sexual misconduct, discrimination, or harassment. Parties will be updated on the status of the investigation.
 1. This timeframe refers to the entire investigative resolution process, which includes and is not limited to:
 2. Initiating the investigation including contacting the complainant for an intake interview
 3. Conducting the fact-finding investigation;
 4. Holding a hearing or engaging in another decision-making process to determine whether a policy violation has occurred; and
 5. Determining what actions the university will take to eliminate the hostile environment, prevent its recurrence, and remedy its discriminatory effects, including imposing sanctions against the respondent and providing remedies for the complainant and university community, as appropriate, and issuing written notice of the finding of the investigation .
- D. The 60 calendar day timeframe is an approximation; the investigation resolution process could be longer or shorter. Other factors may affect one or more parts of the timeframe, including and not limited to, the complexity, severity, and extent of the alleged sexual misconduct, discrimination, or harassment. The process may be extended as determined appropriate by OIE if necessary due to illness, holidays, unavailability of parties or witnesses, complexity of the case, or competing demands on investigators or decision makers.

X. Major Stages of Investigative Resolution

A. Investigation

- i. If an investigative resolution is commenced, OIE shall send the respondent(s) and the complainant(s) written notice that may be presented by placement in the respondent's residence hall mailbox, by email to the respondent's official university email address (which may direct the student to view the notice on a secure website), by text message, by other form of electronic communication specific to the student on file with the university registrar. The written notice will:
 1. Provide a copy of applicable university policy and OIE Investigative Resolution Standards;
 2. Identify the complainant(s) and respondent(s);
 3. Identify the Civil Rights Investigator(s) who will conduct the investigation;
 4. Identify the section of the policy allegedly violated and describe the conduct alleged;
 5. Include a statement that no determinations have been or will be made until the conclusion of the investigation;
 6. Require that the respondent (s) contact OIE within three (3) business days to schedule a meeting.



- ii. Disciplinary Hold. The university may, within its discretion, place a hold or other notation on a student's transcript while any investigation or proceeding conducted pursuant to this policy is pending.
- iii. Non-participation. Because the most accurate and fair review of the facts can best be accomplished when all parties are present, all parties and witnesses are strongly encouraged to attend and participate. If an individual does not choose to attend a hearing, the charges will be reviewed as scheduled on the basis of the information available, and a decision will be made. No inference may be drawn against a student for failing to attend a hearing or remaining silent. When a hearing is held, the conclusion will be based on the evidence presented. No decision shall be based on the failure of the respondent or the complainant to attend the hearing or answer the charges.

B. Evidence and Fact Gathering

- i. The investigator, not the complainant or the respondent, is responsible for gathering relevant evidence to the extent reasonably possible. However, each party will be given the opportunity to identify witnesses, provide other relevant information, such as documents, communications, photographs, and other evidence.
- ii. Both parties will have the opportunity to meet with the investigator and provide a statement. As a result of the meeting, the investigator will prepare meeting notes and will send them via email to the respective parties for feedback. Each party will have three (3) business days to provide feedback via email. The feedback will be added to the original meeting notes before inclusion in the hearing packet.
- iii. The investigator will prepare meeting notes for all witnesses that are interviewed and will send them via email to the witness for feedback. Witnesses will have three (3) business days to provide feedback via email. The feedback will be added to the original meeting notes before inclusion in the hearing packet.

C. Completion of Investigation

- i. Disclosure of Summary of Evidence
 - 1. Following the fact gathering, the Civil Rights Investigator shall send a disclosure of summary of evidence of the relevant and material facts to the complainant(s) and respondent(s) who each have seven (7) business days to review and respond.
 - 2. Upon completion of an investigation, the investigator will decide upon an appropriate course of action, which may include but is not limited to:
 - a. Taking no further action: If there is not reasonable cause to believe that a policy violation may have occurred, then the investigative resolution process will end.
 - b. Possible referral to other investigative units and/or additional resolution processes: This may be appropriate if the alleged conduct potentially violates another university policy.
 - c. Initiating charges: If there is reasonable cause to believe that a policy violation occurred, then charges may be initiated.

D. Initiating Charges

- i. If there is reasonable cause to believe that a policy violation may have occurred, charges may be initiated.
- ii. Respondents will be notified of charges in writing. Complainants will be notified when charges are issued to a respondent.
- iii. Charges will contain:
 - 1. The identity of the complainant and the date and location of the alleged incident to the extent known and available;
 - 2. A description of the conduct allegedly constituting the potential violation;
 - 3. The specific policy violation alleged.



- iv. When charges are initiated, the respondent and complainant will receive access to the investigative materials;
- v. Respondents have five (5) business days to respond to the opportunity to accept responsibility and proposed sanctions or request a hearing.

E. Referral to Hearing

- i. If a hearing is requested, the investigator will refer the matter to the hearing body.
- ii. Once a hearing is requested, the respondent will have five (5) business days, absent extraordinary circumstances, to provide any additional witnesses or documentation.
- iii. Once the complainant is notified that a hearing is requested, the complainant will have five (5) business days, absent extraordinary circumstances, to provide any additional witnesses or documentation.

F. Hearing

- i. Notice of Hearing.
 1. If a hearing is to be held, written notification will be provided to the respondent and complainant. The notice will be given to the parties no fewer than ten (10) calendar days prior to the hearing. Unless already provided to the student, the notification will include the relevant policy, OIE Investigative Resolution Standards, date, time, and location of the hearing, and the designated hearing body.
- ii. Postponement.
 1. The respondent and the complainant may request a postponement for reasonable cause to the Associate Vice President for Institutional Equity or designee. A request for a postponement for reasonable cause must be made in writing, include supporting rationale and be received by the person sending the hearing notification at least two (2) business days before the scheduled hearing. The university reserves the right to reschedule the hearing for the first available date.
- iii. Hearing Body.
 1. The hearing body may be a single university administrator, an external adjudicator, or a panel comprised of university faculty and staff at the discretion of the University.
 2. Any person serving on the hearing body must be impartial and free from actual bias or conflict of interest and will be adequately trained to resolve cases of alleged sexual misconduct and familiar with applicable policies and procedures.
 3. The hearing body will be free from conflict of interest or bias for or against either party.
- iv. Attendance.
 1. Because the most accurate and fair review of the facts can best be accomplished when all parties are present, all parties and witnesses are strongly encouraged to attend and participate. If an individual does not choose to attend a hearing, the charges will be reviewed as scheduled on the basis of the information available, and a decision will be made. No inference may be drawn against a student for failing to attend a hearing or remaining silent. When a hearing is held, the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the respondent or the complainant to attend the hearing or answer the charges.
- v. Record of Proceedings.
 1. A single record consisting of audio recording, or other method selected by the hearing body, will be made of all hearings. Such record will remain the property of the university but will be made available to the respondent, and the complainant in charges involving sexual misconduct, discrimination, or harassment for review during the appeal period.
- vi. Evidentiary Standards.
 1. Standard of Evidence.
 - a. A student will only be found in violation if a preponderance of evidence



- supports the charges.
 - b. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all of the evidence and reasonable inferences from the evidence, that the respondent violated the policy.
 - c. If the evidence weighs so evenly that the hearing body is unable to say there is a preponderance on either side, the hearing body must determine that there is insufficient evidence to conclude that a violation of the policy occurred.
- vii. Sexual history in sexual misconduct cases.
 - 1. Irrelevant prior sexual history of either party will not be allowed as evidence in any proceeding.
- viii. Prior acts/pattern evidence
 - 1. OIE will review, if available, any information related to prior misconduct if relevant and probative to the alleged conduct at issue, or if it demonstrates a pattern of behavior. In such circumstances the prior information may be used as evidence in the investigative resolution process.
- ix. Questioning of Witnesses.
 - 1. The respondent and complainant have the opportunity to ask direct questions of all witnesses and each other. The hearing body may ask participants to rephrase or move on from questions that are not appropriate, such as questions that are irrelevant or argumentative.
- x. Expert Witnesses
 - 1. Expert witnesses are not permitted. In cases requiring special expertise, the hearing body may appoint individuals with appropriate expertise to serve as consultants to the hearing body. The consultant may be present and provide information as called upon during the hearing, but will not vote.
- xi. Notice of Finding
 - 1. Respondent will receive notice of the finding and any sanction, if applicable, in writing. Complainant will receive notice of the finding and sanctions in accordance with applicable law. At a minimum, complainant will receive notice of sanctions that directly relate to the complainant.
 - 2. In cases of sexual assault, relationship violence, or stalking, the parties will receive notice of findings simultaneously, in writing, including notice of all sanctions imposed.
 - 3. The parties will be notified of the university's procedures for appeal, the results of any appeal, any change to the result, and when such results become final.

G. Sanctions

- i. In cases where the respondent accepts responsibility, the civil rights investigator will determine the sanctions.
- ii. In cases that result in a hearing, the hearing body will determine the sanctions.
- iii. Any sanctions imposed by the Office of Institutional Equity will be referred to the Office of Student Life Student Conduct to manage. Managing sanctions includes:
 - 1. Monitoring deadlines,
 - 2. Responding to requests for extensions,
 - 3. Verification of satisfactory completion of educational sanctions and compliance with stipulations,
 - 4. Identifying appropriate supportive resources to assist students throughout the sanctioning period and, if applicable, upon the return to campus after a period of suspension,
 - 5. Maintaining disciplinary records resulting from the investigatory and adjudicatory process in accordance with Student Conduct retention and reporting policies.
- iv. Sanctions should be commensurate with the violations found to have occurred. In determining the sanction(s) to be imposed, the hearing body and/or civil rights investigator should take into



account any mitigating circumstances and any aggravating factors including, but not limited to:

1. any provocation by the subject of the conduct that constituted the violation,
 2. any past misconduct by the student,
 3. any failure of the student to comply fully with previous sanctions,
 4. the actual and potential harm caused by the violation,
 5. the degree of intent and motivation of the student in committing the violation,
 6. and the severity and pervasiveness of the conduct that constituted the violation.
 7. Misconduct, not including constitutionally protected expression, motivated by bias based on age, ancestry, color, disability, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, race, religion, sex, sexual orientation, or veteran status may be considered an aggravating factor for sanctioning.
 8. Impairment resulting from voluntary use of alcohol or drugs (i.e., other than medically necessary) will also be considered an aggravating, and not a mitigating, factor.
- v. One or more of the following sanctions may be issued when a student has been found to have violated university policy

H. Disciplinary sanctions

- i. Formal reprimand.
 1. A written letter of reprimand resulting from a student's misconduct.
- ii. Disciplinary probation.
 1. This probationary condition is in effect for a specified period of time and may involve the loss of specified privileges. Further violation of university rules, policies, standards, or guidelines during the probationary period will additionally be viewed as a violation of the probation, which shall result in further action up to and including suspension or dismissal.
- iii. Suspension.
 1. Suspension is a sanction that terminates the student's enrollment at the university for a specified period of time. Satisfactory completion of specified stipulations may be required for readmission at the end of the suspension period.
 2. Suspension in Abeyance. Under special circumstances, the hearing body may hold the imposition of suspension in abeyance, which would allow for the student's continued enrollment so long as the student adheres to all stipulations, restrictions, or conditions imposed by the hearing body
- iv. Dismissal.
 1. Dismissal is a sanction which permanently separates a student from the university without opportunity to re-enroll in the future.
- v. Conditions of suspension and dismissal.
 1. Unless a student is otherwise notified in writing, a suspension or dismissal will not take effect until after the appeal period. A student who has been dismissed or suspended from the university shall be denied all privileges afforded a student (including, but not limited to participation in university sponsored or sanctioned events or activities) and shall be required to vacate campus at a time determined by the hearing body.
 2. In addition, after vacating campus property, a suspended or dismissed student may not enter upon campus and/or other university property at any time, for any purpose, in the absence of expressed written permission from the vice president for student life or designee. To seek such permission, a suspended or dismissed student must file a written petition to the vice president for student life for entrance to the campus for a limited, specified purpose or to have the terms of this condition modified or reduced.
- vi. Other sanctions and remedies.
 1. Other appropriate sanctions may be imposed by a hearing body singularly or in



combination with any of the above-listed sanctions. Examples include, but are not limited to, making restitution for property damage or misappropriation of university property or services, or the property of any person, residence hall contract termination or reassignment to another room, restriction of access to specified campus facilities and/or property, research assignments, community service projects, special workshop participation, and/or referral to medical resources or counseling personnel.

2. The respondent and complainant will also be notified of other steps the university has taken to eliminate the hostile environment or other climate issue, if one is found to exist.

I. Appeals

i. Right to appeal.

1. A student found to have violated Policy 1.10 or 1.15 has the right to appeal the original decision. The appeal is not intended to re-hear or re-argue the same case and is limited to the specific grounds outlined in university policy.
2. The complainant may appeal the original decision in accordance with the appeals procedures provided in this rule.
3. The appeal must state the specific grounds for the appeal and should include all supporting documentation. The appeal must be postmarked or hand delivered to the appropriate appeal officer, or sent via email, as provided below, within five (5) business days after the date on which notice of the decision is sent to the parties.
4. A student who has accepted responsibility for violating university policy waives the right to appeal, except on the basis that the disciplinary sanction is grossly disproportionate to the violation(s) committed.
5. Each party shall be limited to one appeal.
6. The decision of the appeal officer is final.

ii. Grounds for appeal. An appeal may be based only upon one or more of the following grounds:

1. Discovery of substantial new evidence that was unavailable at the time of the hearing;
 - a. Substantial new evidence is evidence which reasonably could have affected the decision of the hearing body;
2. Procedural error that materially affected the outcome;
 - a. Material error means harm or prejudice to the student (i.e. by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results;
3. The sanction is clearly inappropriate and is not commensurate with the seriousness of the offense;
 - a. Clearly inappropriate means grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.

iii. Appeal procedures.

1. Timing. Appeals must be submitted in writing to the Associate Vice President of the Office of Institutional Equity or designee within five (5) business days after the notice of finding or outcome is issued.
 - a. Any extensions to the appeal date may be made at the discretion of the Associate Vice President of the Office of Institutional Equity or designee.
2. The appeal should indicate the specific basis for the appeal, supporting arguments and documentation, and any other relevant information the appealing party wishes to include. The appealing party should be aware that all appeals are documentary reviews, no interviews are conducted.
3. Appeals decisions are generally based upon a review of the record, the documents submitted, and responses of the other party or university, if applicable. Appeal documents therefore should be as complete and succinct as possible.
4. Unless the parties are otherwise notified, sanctions imposed in the case will not go



- into effect until either the deadline for filing an appeal passes and no appeal is filed or, if a timely appeal is filed, the appeal is decided, whichever comes first.
- iv. Appeal Response.
 1. The Associate Vice President of the Office of Institutional Equity or designee will notify the other party (complainant(s) or respondent(s)) in writing when an appeal has been filed, and the party will be provided five (5) business days to respond in writing to the appeal. The response should be sent to the Associate Vice President of OIE or designee.
 2. Neither party is required to respond to an appeal. Not responding to an appeal does not imply agreement with the appeal. After the submission of all documentation or the 5-day deadline for response has passed, the Associate Vice President of the Office of Institutional Equity or designee will review the appeal.
 - v. Appropriate appeal officers.
 1. Appeals of a decision of a hearing body will be submitted for decision to the Associate Vice President of the Office of Institutional Equity or designee.
 - vi. Appeal proceedings.
 1. The appeal officer will dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in this rule.
 2. The appeal officer will decide the appeal based upon a review of the record and supporting documents (e.g. prior disciplinary history).
 - vii. Possible dispositions by the appeal officer. The appeal officer may, after a review of the record:
 1. Uphold the original decision and/or sanction(s);
 2. Dismiss the case or individual charge(s) against the student and vacate any portion or all of the sanction(s);
 3. Modify or reduce the sanction(s);
 4. Remand the case to the original hearing body or refer the case to a new hearing body to be reheard. Cases may be remanded for the purpose of considering a specific issue(s) or for a new hearing. If a case is reheard by a hearing body, the sanction imposed can be greater than that imposed at the original hearing.
 - a. The appeal procedures above apply to the outcome of a remanded hearing.

J. Informal Resolutions

- i. Informal resolution may be utilized in some circumstances if the university deems appropriate.
- ii. Informal resolution may be appropriate for responding to anonymous reports and/or third-party reports when the university is unable to conduct further investigation.
- iii. In all cases, the university will inform the parties of the right to end the informal resolution process at any time. If the complainant chooses to end the informal resolution process, the university will inform the parties of available options, including the option to begin the investigative resolution process.

K. Student Disciplinary Hold, Process Abuse, and Retaliation

- i. Disciplinary Hold
 1. The university may, within its discretion, place a hold or other notation on a student's transcript while any investigation or proceeding conducted pursuant to this policy is pending.
 2. A disciplinary hold prohibits the student from registering for classes. A transcript hold prohibits an academic hold from being released. A hold will remain in effect until the OIE process has been completed or until the hold is otherwise released.
- ii. Process Abuse
 1. No member of the university community may:
 - a. obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a



- responsibility covered by this policy;
 - b. falsify or misrepresent information in or related to a process covered by this policy;
 - c. disrupt or interfere with the orderly conduct of any proceeding conducted under this policy;
 - d. fail to comply with any directive, sanction, or corrective action issued pursuant to this policy.
 - 2. The process provided by this policy is a university student conduct system. In addition to violating Policies 1.10 and 1.15, university student conduct system abuse is prohibited pursuant to Code of Student Conduct Section 3335-23-04 (M).
- iii. Retaliation
 - 1. Retaliation is prohibited by university policy and law. The university will not tolerate retaliation in any form against any individual who makes an allegation, files a report, serves as a witness, assists a complainant, or participates in an investigation of discrimination or harassment.
 - 2. Retaliation violates Policy 1.10 and 1.15.

L. Designees for Investigative Resolution Process

- i. The university may, at its discretion, use internal or external designees to perform any of the aforementioned functions outlined in this process including, but not limited to, investigations, adjudications, and appeals. The designee must adhere to the requirements of applicable university policy and the Investigative Resolution Standards.

XI. Investigations Involving Employee Respondents

A. Overview of Resolution Process:

OIE will conduct an initial assessment upon receiving a report alleging a violation of Policy 1.10 and/or 1.15. An initial assessment may include, but is not limited to, evaluating whether the complaint implicates a policy enforced by OIE, whether the complaint and parties are within the jurisdiction of OIE, and whether the complaint presents a safety threat such that OIE must report the concern to law enforcement. OIE will then determine the most appropriate means for addressing the report. Options include but are not limited to:

- i. Preliminary Inquiry: As part of the initial assessment, OIE may conduct a preliminary inquiry related to a report. During a preliminary inquiry, the university may perform initial fact-gathering and may also consider the following: a) complainant's request for an investigation to be pursued or not pursued, b) complainant's request that the university not contact the respondent about their report, c) complainant's request that no disciplinary action be taken.
- ii. After a Preliminary Inquiry, the university may move forward with one or more of the options listed below.
 - 1. Investigative Resolution Process: An investigative resolution can include three stages: Investigation, Sanction, and Written Rebuttal.
 - 2. Informal Resolution Process: Informal resolution may be utilized in some circumstances if the university deems appropriate.
 - 3. Other referral or collaboration: Referral or collaboration with another office may be appropriate when a complaint does not fall within Policy 1.10 or 1.15 and/or falls under other university policies.
 - 4. Case Closure: The university may close a case and take no further action if the reported behavior would not violate university policy, if the university determines that a complainant's request that the university not contact the respondent about their report or that no disciplinary action be taken can be honored, or where the university otherwise determines that further action is not appropriate.

B. Outside Investigators:



- i. The Associate Vice President of the Office of Institutional Equity or designee may designate other individuals (internal or external to the university) to conduct or assist with an investigation.
- ii. The Associate Vice President of the Office of Institutional Equity or designee retains the discretion to determine whether the use of outside investigator(s) to conduct an investigation governed by the Investigative Resolution Standards is appropriate. The Associate Vice President of the Office of Institutional Equity or designee may consult with other appropriate university offices to determine whether use of outside investigators is warranted as well as the appropriate manner in which to engage such investigators.
- iii. Outside investigator(s) shall have adequate training and qualifications to conduct a prompt, fair, impartial, and equitable investigation.
- iv. Any outside investigator(s) designated to address an allegation must adhere to the requirements of applicable university policy and the Investigative Resolution Standards.

C. Initial Assessment:

- i. Upon receiving a report, OIE will conduct an initial assessment to determine whether the complaint reports conduct that might constitute a policy violation under Policy 1.10 or 1.15 and whether the university has disciplinary authority over the respondent.
 1. Preliminary Inquiry: As part of the initial assessment, OIE may conduct a preliminary inquiry related to a report. During a preliminary inquiry, the university may perform initial fact-gathering, which may include an interview with the complainant and may also consider the following: a) complainant's request for an investigation to be pursued or not pursued, b) complainant's request that the university not contact the respondent about their report, c) complainant's request that no disciplinary action be taken.
 2. The university's disciplinary response may be limited if the respondent is a visitor or other third-party or is not subject to the university's jurisdiction. Even though the university's ability to take direct action against such an individual may be limited, the university will still take steps to provide the complainant immediate support and assistance through reasonably available university and community resources (including assistance with reporting to law enforcement) and provide non-investigative remedies as appropriate.
 3. If the report alleges conduct that does not constitute a policy violation under Policy 1.10 or 1.15 but does implicate another university policy, OIE will forward the complaint to the appropriate office.
 4. If the report does not allege conduct that implicates any university policy, the matter will not move forward to investigative resolution by OIE; however, OIE may forward the report to an appropriate unit for review. In addition, the university will still take steps to provide the complainant reasonable support and assistance available through university and community resources (including assistance with reporting to law enforcement).
- ii. During an initial assessment, the complainant may request that the university not contact a respondent about their report, that an investigation not be pursued, and/or that no disciplinary action be taken.
 1. In these instances, before taking any further investigative steps, the university will forward the complainant's requests, along with all available information about the report gathered during the initial assessment, to the Associate Vice President of the Office of Institutional Equity or designee.
 2. The Associate Vice President of the Office of Institutional Equity or designee, after consultation with appropriate university officials, will consider a complainant's request that the university not contact a respondent about their report, that an investigation/hearing not be pursued, or that no disciplinary action be taken. The Associate Vice President of the Office of Institutional Equity or designee will balance



the complainant's request against the following factors in reaching a determination on whether the request can be honored:

- a. The nature and scope of the alleged conduct, including any aggravating or mitigating factors;
- b. The respective ages and roles of the complainant and the respondent;
- c. The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- d. Whether there have been other reports of violations or other misconduct by the respondent;
- e. Whether the report reveals a pattern of misconduct and whether that pattern relates to a given location or misconduct by a particular group;
- f. The complainant's interest not to pursue an investigation or disciplinary action and the impact of such actions on the complainant;
- g. Whether the university possesses other means to obtain relevant evidence;
- h. The university's obligation to provide a safe and non-discriminatory environment; and
- i. Any other available and relevant information.

D. Investigative Resolution Process

OIE may resolve a report of alleged misconduct through the investigative resolution process when the alleged misconduct, if true, would be prohibited under Policy 1.10 and 1.15. OIE may decline to pursue an investigative resolution if a complainant has requested that an investigative resolution not be pursued, and OIE has determined that the complainant's request can be honored.

- i. OIE is committed to providing a prompt, fair, impartial, and equitable resolution of all matters referred for investigative resolution. An investigative resolution includes three stages: Investigation, Sanction, and Written Rebuttal, as applicable and described below.
- ii. The complainant(s) and the respondent(s) shall each have equitable opportunity of:
 1. **Presumption of Good Faith Reporting.** The university presumes that reports of violations of Policy 1.10 and 1.15 are made in good faith. A finding that the behavior at issue does not constitute a violation of university policy or that there is insufficient evidence to conclude that the incident occurred as reported does not mean that the report was a false allegation.
 2. **Presumption of Non-Responsibility.** The respondent is presumed to be not responsible until a preponderance of the evidence supports a finding that the respondent violated university policy. This presumption does not preclude the university from implementing Interim Protective Measures as described above. Imposition of an Interim Protective Measure does not mean that a Respondent has violated university policy.
 3. **Trained Civil Rights Investigators.** An investigation and adjudication conducted by trained officials who do not have a conflict of interest or bias for or against the complainant(s) or respondent(s). An official shall recuse themselves from participating in an investigation or adjudication in those instances where the university believes that their impartiality might reasonably be questioned by an independent, neutral observer due to the official's personal bias or prejudice against the complainant(s) or respondent(s) or where the official has a personal or professional relationship with one of the parties that would adversely affect the official's ability to serve as an impartial investigator.
 4. **Timeframes.** A process with reasonably prompt timeframes, with extensions for good cause, as described in the procedure section below;
 5. **Opportunity to be heard.** Present relevant information to the Civil Rights Investigator(s), including evidence and identifying witnesses;
 6. **Advisors.** Have advisor(s) of their choosing, including an attorney, advocate, or other support person who is not a potential witness in the investigation or could otherwise



- compromise the investigation, who provides support throughout the investigative resolution process, including being present for any meetings or hearings. A party's advisor or other support person is a silent and non-participating presence to observe and provide support for the party.
7. Access to information. Receive timely and equal access to any relevant information or documentation gathered during the investigation;
 8. Outcome Notification. Receive written notice of the investigation outcome.
 9. Discipline and Corrective Action Notification. Receive notice of any discipline and corrective action, if applicable, in writing.
 10. Written Rebuttal. Ability to provide written rebuttal to the investigative findings.
 - a. Timeframes. A typical investigation will take approximately 60 calendar days following receipt of the complaint. This will vary depending on factors such as the complexity of the investigation and the severity and extent of the alleged sexual misconduct, discrimination, or harassment. Parties will be updated on the status of the investigation.
 - i. This timeframe refers to the entire investigative resolution process, which includes and is not limited to:
 - ii. Initiating the investigation including contacting the complainant for an intake interview;
 - iii. Conducting the fact-finding investigation; and
 - iv. Determining what actions the university will take to eliminate the hostile environment, prevent its recurrence, and remedy its discriminatory effects, including imposing sanctions against the respondent and providing remedies for the complainant and university community, as appropriate, and issuing written notice of the finding of the investigation.
 - iii. The 60 calendar day timeframe is an approximation; the investigation resolution process could be longer or shorter than these timeframes. Other factors may affect one or more parts of the timeframe, including and not limited to, the complexity, severity, and extent of the alleged sexual misconduct, discrimination, or harassment. The process may be extended if necessary due to illness, holidays, unavailability of parties or witnesses, complexity of the case, or competing demands on investigators or decision makers.

E. Major Stages of Investigative Resolution

- i. Investigation.
 1. If an investigative resolution is commenced, OIE shall provide the respondent(s) and the complainant(s) written notice. This information may be shared in advance or during a meeting with a civil rights investigator and will:
 2. Provide a copy of applicable university policy and OIE Investigative Resolution Standards
 3. Identify the complainant(s) and respondent(s);
 4. Identify the Civil Rights Investigator(s) who will conduct the investigation;
 5. Identify the section of the policy allegedly violated and describe the conduct alleged;
 6. Include a statement that no determinations have been or will be made until the conclusion of the investigation;
- ii. Evidence and Fact Gathering
 1. The investigator, not the complainant or the respondent, is responsible for gathering relevant evidence to the extent reasonably possible. However, each person will be given the opportunity to identify witnesses, provide other relevant information, such as documents, communications, photographs, and other evidence.
 2. Both parties will have the opportunity to meet with the investigator and provide a statement. If OIE decides to conduct an investigation and either the complainant or the respondent chooses not to participate, the civil rights investigator will still make a



- finding based on the information provided.
- iii. Disclosure of Summary of Evidence
 1. In cases involving sex- or gender-based harassment or discrimination including sexual misconduct, following the fact gathering, the Civil Rights Investigator shall send a disclosure of summary of evidence of the relevant and material facts to the complainant(s) and respondent(s) who each have seven (7) business days to review and respond.
 - iv. Investigative Report
 1. The investigator will prepare a written investigation report summarizing the facts gathered during the investigation, analysis, and findings. Any recommended corrective action steps may be developed by appropriate university officials, which may include the employee's supervisor, Employee and Labor Relations and any other appropriate Human Resources professional, and the Associate Vice President of the Office of Institutional Equity or designee. If the evidence is sufficient to support a violation of the policy or other inappropriate behavior, corrective action will be implemented in partnership with the employing unit.
 - v. Evidentiary Standards.
 1. Standard of Evidence.
 - a. An employee will only be found in violation if a preponderance of the evidence establishes that an employee violated university policy.
 - b. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the evidence and reasonable inferences from the evidence, that the respondent violated the policy.
 2. Sexual history in sexual misconduct cases.
 - a. Irrelevant prior sexual history of either party will not be allowed as evidence in any proceeding.
 3. Prior acts/pattern evidence
 - a. OIE will review, if available, any information related to prior misconduct if relevant and probative to the alleged conduct at issue, or if it demonstrates a pattern of behavior. In such circumstances the prior information may be used as evidence in the investigative resolution process.
 - vi. Findings
 1. If there is a finding that Policy 1.10 or 1.15 has been violated:
 - a. In cases involving staff, corrective action will be implemented by the employee's supervisor and Employee Relations and any other appropriate Human Resources professional.
 - b. In cases involving faculty, formal misconduct complaints regarding policy violations or other inappropriate behavior must be pursued through the Faculty Rule 3335-5-04 process, and non-disciplinary measures may be implemented by the faculty member's chair or dean if appropriate. The parties will be informed of the outcome and any imposed sanctions or corrective action.
 2. If there is finding that that the respondent has not violated Policy 1.10 or 1.15:
 - a. If an employee respondent is found not responsible for violating the policy, the matter may be forwarded to the appropriate Employee Relations or Human Resources professional for a determination that the employee respondent engaged in conduct that was inappropriate or unprofessional, who will make the final determination on appropriate action or response.
 - b. If an employee respondent is found not to be responsible for violating the policy, a referral to other investigative units and/or additional resolution processes may be appropriate if the alleged conduct may violate another university policy. Other options, including interim measures and support services, remain available to both the complainant and respondent.



3. Notice of Finding
 - a. The complainant and respondent will be informed of the finding and corrective action imposed.
 - b. The respondent and complainant will also be notified of other steps the university has taken to eliminate the hostile environment or other climate issue, if one is found to exist.
 - c. In cases of sexual assault, relationship violence, or stalking, the parties will receive notice of findings simultaneously, in writing, including notice of all corrective action imposed.
4. Corrective Action
 - a. When a violation of Policy 1.10 or 1.15 is found, corrective action will be taken to ensure that the behavior is stopped promptly.
 - i. Appropriate corrective action may range from the respondent being referred for mandatory training, receiving a written reprimand, receiving a suspension, or receiving other action up to and including dismissal, in accordance with established university rules, policies, and procedures.
 - ii. OHR/WMC will monitor corrective action to ensure compliance.
 - iii. In cases involving faculty members, corrective measures may be imposed in accordance with Rules of the University Faculty 3335-5-04.
 - iv. For unclassified and classified civil service employees, refer to Corrective Action and Involuntary Termination, Policy 8.15.
 - v. For bargaining unit employees, refer to the appropriate collective bargaining agreement.
- vii. Written Rebuttal
 1. Upon the conclusion of the investigation, either the complainant(s) or respondent(s) may file a written rebuttal to the investigation outcome.
 2. Rebuttals must be submitted in writing, to the Associate Vice President of the Office of Institutional Equity or designee and must be postmarked, hand delivered, or sent via email to the Associate Vice President for Institutional Equity or designee, within five (5) business days after the date on which notice of the decision is sent to the parties.
 3. The basis for the written rebuttal is:
 - a. Procedural error that resulted in material harm or prejudice to the employee (i.e. by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures are not a basis for a written rebuttal unless material harm or prejudice results;
 - b. Discovery of substantial new evidence that was unavailable at the time of the investigation and which reasonably could have affected the outcome.
 - c. The written rebuttal will be reviewed by the Associate Vice President of the Office of Institutional Equity or designee. If any change is made to the outcome based upon a written rebuttal, both parties will be informed in writing.
- viii. Informal Resolution
 1. Informal resolution may be utilized in some circumstances if the university deems appropriate.
 2. Informal resolution may be appropriate for responding to anonymous reports and/or third-party reports when the university is unable to conduct further investigation.
 3. In all cases, the university will inform the complainant of the right to end the informal resolution process at any time. If the complainant chooses to end the informal resolution process, the university will inform the complainant of options, including the option to begin the investigative resolution process.



ix. Process Abuse and Retaliation

1. Process Abuse

- a. No member of the university community may:
 - i. obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a responsibility covered by this policy;
 - ii. falsify or misrepresent information in or related to a process covered by this policy;
 - iii. disrupt or interfere with the orderly conduct of any proceeding conducted under this policy; or
 - iv. fail to comply with any directive, sanction, or corrective action issued pursuant to this policy.
- b. Process abuse violates Policy 1.10 and 1.15.

2. Retaliation

- a. Retaliation is prohibited by university policy and law. The university will not tolerate retaliation in any form against any individual who makes an allegation, files a report, serves as a witness, assists a complainant, or participates in an investigation of discrimination or harassment.
- b. Retaliation violates Policy 1.10 and 1.15.

F. Designees for Investigative Resolution Process

- i. The university may, at its discretion, use internal or external designees to perform any of the aforementioned functions outlined in this process including, but not limited to, investigations, adjudications, and review of written rebuttals. The designee must adhere to the requirements of applicable university policy and the Investigative Resolution Standards.