

# 600.050 Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Staff Member

Bd. Min. 2-5-15; Amended 2-9-17 with an effective date of 3-1-17.

- 1. General.** The University will promptly and appropriately respond to any Complaint of violation of the University's Anti-Discrimination Policies. The procedures described below apply to such Complaints with the Respondent is a Staff Member, except as noted herein. Further, when the Complaint involves allegations against the President or a Chancellor, upon consultation between the Office of the General Counsel and the System Title IX Administrator, the investigation may be conducted by an outside investigator.
- 2. Jurisdiction.** Jurisdiction of the University of Missouri generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to, the imposition of sanctions under Section 600.050 of the Collected Rules and Regulations against Staff Members for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, visitors, patients or other members of the University community, (2) if there are effects of the conduct that interfere with or limit any person's ability to participate in or benefit from the University's educational programs, activities or employment or (3) if the conduct occurs when the Staff Member is servicing in the role of a University employee.  
If a Complainant simultaneously alleges or the investigation suggests that violations of the University's Anti-Discrimination Policies and disagreements arising from working relationships, working conditions, employment practices, or differences of interpretation of a policy, the University shall have the authority to investigate and take appropriate action regarding each of the Complainant's allegations pursuant to this Equity Resolution Process (i.e., the Grievance Procedure for Administrative, Service and Support Staff shall not apply). In conducting such investigations, the Equity HR Officer, Title IX Coordinator, and/or their Investigator may consult with and/or seek guidance from Human Resources staff or appropriate administrators as necessary.
- 3. At-Will Employment Status.** Nothing contained in this policy is intended and no language contained herein shall be construed as establishing a "just cause" standard for imposing discipline, including but not limited to, termination of employment. Further, nothing contained in this policy is intended and no language contained herein shall be construed to alter in any manner whatsoever the at-will employment status of any at-will University employee.
- 4. Definitions:**

1. **University's Anti-Discrimination Policies.** The University's Anti-Discrimination Policies include the Equal Employment/Education Opportunity and nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations and the Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy located at Section 600.020 of the Collected Rules and Regulations.
2. **Complainant.** "Complainant" refers to the person alleged to have been subjected to discrimination, harassment or sexual misconduct in violation of the University's Anti-Discrimination Policies. The University may serve as the Complainant when the person alleged to have been subjected to discrimination, harassment or sexual misconduct in violation of the University's Anti-Discrimination Policies chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued. If the University decides to pursue a claim of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Former University Faculty or Staff members may act as the Complainant in the applicable equity resolution process only when their employment is terminated and they allege that the termination of employment was discriminatory. For any other allegations of discrimination by former University Faculty or Staff members, the University will investigate and appropriately respond to Complaints of violation of the University's Anti-Discrimination Policies and if the University decides to pursue a claim of discrimination through the applicable equity resolution process, the University will act as the Complainant.
3. **Respondent.** The Staff Member of Members alleged to have violated the University's Anti-Discrimination Policies.
4. **Staff Members.** Staff Members include all Administrative, Service and Support Staff, which includes all regular employees, variable hour employees, nonregular employees, per diem employees as defined in Section 320.050.II of the Collected Rules and Regulations, and Subsidiary Employees as defined in Section 320.050.III. When academic administrators are acting in their administrative, at-will role, Complaints against them will be processed pursuant to this Equity Resolution Process.
5. **Complaint.** Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
6. **Advisors.** The individuals selected by the Complainant and the Respondent to provide support and guidance throughout the Equity Resolution Process. Each Party is allowed one Advisor.
7. **Investigators.** Investigators are trained individuals appointed by the Equity Officer or Title IX Coordinator (or Designee) to conduct investigations of the alleged violations of the University's Anti-Discrimination Policies.
8. **Equity Officer.** The Equity Officer is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of reports or Complaints regarding violation of the University's Anti-Discrimination Policies. All references to "Equity Officer" throughout this policy refer to the Equity Officer or the Equity Officer's designee.
9. **Title IX Coordinator.** The Title IX Coordinator is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of reports or Complaints regarding violation of the University's Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy. All references to "Title IX Coordinator" throughout this policy refer to the Title IX Coordinator or the Title IX Coordinator's designee.
10. **Equity Human Resources Officers ("Equity HR Officers").** The Equity Human Resources Officers ("Equity HR Officers") are trained human resources and/or equity administrators designated by either the Chancellor (or Designee) for campus Staff Members and MU Health Staff Members or the President (or Designee) for System Staff Members to receive and assist with the investigation and resolution of reports or Complaints regarding violation of the University's Anti-Discrimination Policies.
11. **Supervisor.** The individual or individuals who have authority to terminate the Respondent's employment. If a supervisor has a conflict as determined by the Equity HR Officer, the Equity HR Officer or Title IX Coordinator will determine the appropriate

manager to act as the Supervisor for purposes of this rule.

12. **Equity Resolution Appellate Officers.** Equity Resolution Appellate Officers are trained, senior-level administrators who hear all appeals stemming from the Equity Resolution Process and are designated by either the Chancellor (or Designee) for campus Staff Members or Health System Staff Members or the President (or Designee) for System Staff Members.
  13. **Summary Resolution.** Resolution of the Complaint upon the determination by the Equity Officer or Title IX Coordinator that there is an insufficient basis to proceed with the Complaint that the Respondent violated the University's Anti-Discrimination Policies.
  14. **Conflict Resolution.** Resolution using alternative dispute resolution mechanisms such as mediation, facilitated dialogue or restorative justice.
  15. **Administrative Resolution.** Resolution of a Complaint by the Equity HR Officer or Title IX Coordinator and the Respondent's Supervisor.
  16. **Record of the Case in Section 600.050 Process.** The Record of the Case in the Section 600.050 Process includes, when applicable: Letter(s) of Notice, exhibits; the finding on each of the alleged policy violations and sanctions by the Equity Officer, Equity HR Officer, and/or Title IX Coordinator; and the decision on appeal, if applicable.
  17. **Parties.** The Complainant and the Respondent are collectively referred to as the Parties.
5. **Filing a Complaint.** Any student, employee, volunteer, visitor or patient who believes that a Staff Member has violated the University's Equal Employment/Education Opportunity and Nondiscrimination Policy should report the Complaint to the Equity Officer. Any student, employee, volunteer, visitor or patient who believes that a Staff Member has violated the Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy should report the complaint to the Title IX Coordinator. Complainants may also contact campus police if the alleged offense may also constitute a crime. In order to foster reporting and participation, the University may provide amnesty to Complainants and witnesses accused of minor student conduct violations ancillary to the incident.
6. **Preliminary Investigation.** Upon receiving the Complaint, the Equity HR Officer or Title IX Coordinator shall conduct a preliminary investigation. The purpose of the preliminary investigation is to gather enough information to make a threshold decision regarding whether the Complaint describes a possible violation of the University's Anti-Discrimination Policies. If the Complaint describes a possible violation, the Equity HR Officer or Title IX Coordinator will refer the matter to the appropriate procedural process and provide appropriate interim remedies. If the Complaint does not describe a possible violation, the matter will be referred to the appropriate non-equity process. Under those circumstances, the Equity HR Officer or Title IX Coordinator may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation. The preliminary investigation shall be conducted promptly (typically within 7-10 business days of receiving the Complaint). At the conclusion of the preliminary investigation, the Equity HR Officer or Title IX Coordinator will provide the Complainant with written information regarding the appropriate procedural process and interim remedies, if any.
7. **Interim Remedies.** During the Equity Resolution Process and prior to a finding whether an alleged violation has occurred, the Equity Officer or Title IX Coordinator (or their Designee), in consultation with the Equity HR Officer when directly impacting a Staff Member, may provide interim remedies including but not limited to, one or more of the following:
1. Referral and facilitating contact for the Complainant to on- or off-campus counseling, medical services and/or mental health services.
  2. Implementing contact limitations on the Respondent or on all Parties.

3. Referral of the Complainant to victim advocacy and support services either on and/or off-campus.
  4. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or the Respondent, as appropriate.
  5. If the Complainant is a student:
    1. Referral of Complainant to academic support services and any other services that may be beneficial to the Complainant.
    2. Adjusting the courses, assignments, exam schedules, etc. of the Complainant.
    3. Altering the on-campus housing assignments, dining arrangements, or other campus services for the Complainant.
  6. Providing transportation accommodations for the Complainant.
  7. Informing the Complainant of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
  8. Implementing leave from work with or without pay for the Complainant and/or Respondent.
  9. Implementing suspension from campus with or without pay for the Respondent.
- 8. Employees and Students Participating in the Equity Resolution Process.** All University employees and students must be truthful when making any statement or providing any information or evidence to the University throughout the process, including to the Investigator, the Equity HR Officer (or Designee), the Equity Officer, the Title IX Coordinator and/or the Equity Resolution Appellate Officer, and all documentary evidence must be genuine and accurate. False statements, fraudulent evidence or refusal to cooperate with the Investigator, the Equity HR Officer (or Designee), the Equity Officer, the Title IX Coordinator and/or the Equity Resolution Appellate Officer by an employee may be the basis for personnel action or by a student may be the basis for student conduct action pursuant to Section 200.010.B.14 or other provisions of Section 200.010. However, this obligation does not supersede nor expand any rights the individual may have under applicable state or federal statutory law or the U.S. Constitution. Nothing in this provision is intended to require a Complainant to participate in the process.
- No employee or student, directly or through others, should take any action which may interfere with the investigation. Employees and students are prohibited from attempting to or actually intimidating or harassing any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.
- 9. Rights of the Complainant in the Equity Resolution Process.**
1. To be treated with respect by University officials.
  2. To be free from retaliation.
  3. To have access to campus support resources (such as counseling and mental health services and University health services).
  4. To have an Advisor of the Complainant's choice accompany the Complainant to all interviews, meetings and proceedings throughout the Equity Resolution Process.
  5. To refuse to have an allegation resolved through the Conflict Resolution Process.
  6. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
  7. To have Complaints heard in substantial accordance with these procedures.
  8. When the Complainant is not the reporting Party, The Complainant has full rights to participate in any Equity Resolution Process.
  9. To be informed in writing of the finding, rationale, sanctions and remedial actions.

10. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
11. To have an opportunity to appeal the findings and sanctions.

**10. Rights of the Respondent in the Equity Resolution Process.**

1. To be treated with respect by University officials.
2. To have access to campus support resources (such as counseling and mental health services and University health services), unless removed from campus pending the completion of the process.
3. To have an Advisor of the Respondent's choice accompany the Respondent to all meetings and proceedings throughout the Equity Resolution Process.
4. To refuse to have allegation resolved through the Conflict Resolution Process.
5. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
6. To receive notice of the policies alleged to have been violated.
7. To have Complaints heard in substantial accordance with these procedures.
8. To be informed in writing of the finding, rationale and sanctions.
9. To have an opportunity to appeal the findings and sanctions.

**K. Role of Advisors.** Each Complainant and Respondent is allowed to have one Advisor of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings. The Parties may select whoever they wish to serve as their Advisor, including an attorney. An Advisor is not required and any Party may elect to proceed without an Advisor. If Complainant is a student, the student Complainant may request that the Equity Officer or Title IX Coordinator assign a trained Advisor to provide support throughout the Equity Resolution Process. University trained Advisors are administrators, faculty, or staff at the University trained on the Equity Resolution Process. The Complainant may not require that the assigned Advisor have specific qualifications such as being an attorney.

**12. Investigation.** If, following the preliminary investigation, a Complainant or the University wants to pursue a formal investigation, then the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint) will promptly appoint a trained Investigator or a team of trained Investigators to investigate. Within ten (10) business days after the commencement of the formal investigation, the Investigator(s) will provide the Parties with written notice identifying the nature of the allegation(s) against the Respondent and stating that an investigation has commenced, either: (1) in person, (2) by email only to the Party's University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective Party as indicated in the official University records and emailed to the Party's University-issued emails account. If there is no local address on file, mail will be sent to the Party's permanent address. Notice is presumptively deemed delivered, when: 1) provided in person; 2) emailed to the individual (when prior consent – whether electronically or in writing – has been given to receipt of all notifications by email); or 3) when mailed and emailed.

The Parties are allowed to have an Advisor of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings in which they participate. All investigations will be thorough, reliable and impartial. The Investigator(s) will make reasonable efforts to include interviews with the Parties and relevant witnesses, obtain available evidence and identify sources of expert information, if necessary. The Investigator(s) will provide an investigative report to the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint), and the Supervisor. This report may include the Investigator's observations regarding the credibility of the Complainant, the Respondent, and any witnesses interviewed.

The investigation of reported misconduct should be completed expeditiously, normally within thirty (30) business days of the Equity Officer or Title IX Coordinator's decision to accept a Complaint for formal investigation. Investigation of a Complaint may take longer based on the nature or circumstances of the Complaint. A delay may also occur when criminal charges on the basis of the same behaviors that invoke this process are being investigated, to allow for evidence collection by the law enforcement agency. University action will not typically be altered or precluded on the grounds that civil cases or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

13. **Summary Resolution.** During or upon the completion of the investigation, the Equity Officer or Title IX Coordinator will review the investigation, which may include meeting with the Investigator(s). The investigative report is not provided to the parties during the Summary Resolution, but is provided to the Parties at either the Administrative Resolution or Hearing Panel Resolution. Based on that review, the Equity Officer or Title IX Coordinator will make a summary determination whether, based on the evidence gathered, there is a sufficient basis to proceed with the Complaint that the Respondent is responsible for violating the University's Anti-Discrimination Policies.

If the Equity Officer or Title IX Coordinator determines that there is a sufficient basis to proceed with the Complaint, then the Equity Officer or the Title IX Coordinator will direct the process to continue. The Complaint will then be resolved through either: Conflict Resolution or Administrative Resolution. There is no right to request consideration or appeal the summary determination to continue the process.

If the Equity Officer or Title IX Coordinator determines that there is an insufficient basis to proceed with the Complaint, then the process will end and the Complainant and the Respondent will be sent written notification of the determination. The Equity Officer or Title IX Coordinator may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

The Complainant may request reconsideration of the summary determination ending the process by filing a written request with the Equity Resolution Appellate Officer within five (5) business days of notice of the summary determination. If the Equity Resolution Appellate Officer decides there is a sufficient basis to proceed with the Complaint, the Equity Resolution Appellate Officer will reverse the determination ending the process and direct the process to continue. The Complaint will then be resolved through either: Conflict Resolution or Administrative Resolution. This determination to continue the process lies in the sole discretion of the Equity Resolution Appellate Officer and such determination is final. Further appeal of such determination is not permitted.

If the Equity Resolution Appellate Officer agrees with the summary determination ending the process by the Equity Officer or Title IX Coordinator and that there is an insufficient basis to proceed with the Complaint, then the process will end and the Complainant and the Respondent will be sent written notification of the determination. This determination to end the process lies in the sole discretion of the Equity Resolution Appellate Officer and such determination is final. Further appeal of such determination is not permitted.

14. **Conflict Resolution.** Either Party may request conflict Resolution at any time during the Equity Resolution Process, including during the preliminary investigation. Upon receiving such a request, or of their own accord, the Equity Officer or Title IX Coordinator will determine if conflict Resolution is appropriate based on the willingness of the Parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict Resolution. Conflict Resolution is often used for less serious, yet inappropriate behaviors and is encouraged as an alternative to the Administrative Resolution Process to resolve conflicts. Mediation is never utilized in cases

involving allegations of nonconsensual sexual intercourse or nonconsensual sexual contact. It is not necessary to pursue Conflict Resolution prior to pursuing the Administrative Resolution process and either Party can stop the conflict Resolution process at any time and request the Administrative Resolution Process.

In a Conflict Resolution meeting, a neutral, University-assigned facilitator will foster dialogue with the Parties to an effective resolution, if possible. The Complainant's and the Respondent's Advisor may attend the Conflict Resolution Meeting. The Equity Officer of Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the agreed upon resolution may result in sanctions. In the event the Parties are unable to reach a mutually agreeable resolution, the investigation will be referred to the Administrative Resolution Process. The consent of the Parties' discussion during the conflict Resolution Process will be kept confidential in the event the matter proceeds to the Administration Resolution process. The Parties' agreement to participate in, refusal to participate in, or termination of participation in conflict Resolution shall not be factors in any subsequent decisions regarding whether a policy violation occurred.

## 15. **Administrative Resolution.**

1. **Procedural Details for Administrative Resolution.** For the Administrative Resolution Process, which is described in more detail below, the following will apply:

1. The standard of proof will be "preponderance of the evidence," defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
2. The decision maker (i.e., the Investigator, Equity Officer or Title IX Coordinator, Equity HR Officer or Supervisor) has the discretion to determine the relevance of any witness or documentary evidence and may exclude information that is irrelevant, immaterial, cumulative, or more prejudicial than informative. In addition, the following rules shall apply to the introduction of evidence:
  - (1) Questioning or evidence about the Complainant's prior sexual conduct is not permitted, though the decision maker may grant a limited exception in regards to the sexual history between the Parties, if deemed relevant.
  - (2) Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either the Complainant or the Respondent's character is of limited utility and shall not be admitted unless deemed relevant by the decision maker.
  - (3) Incidents or behaviors of the Respondent not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by the Respondent that shows a pattern may be considered, only if deemed relevant by the Equity HR Officer (or Designee).
3. The Respondent and the Complainant may provide a list of questions for the Investigator(s) or Equity HR Officer (or Designee) to ask the other Party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting Party.
4. The Administrative Resolution Process will proceed regardless of whether the Respondent chooses to participate in the investigation or the finding.
5. The Administrative Resolution Process will normally be completed within sixty (60) business days of the Equity Officer or Title IX Coordinator's decision to accept the Complaint for formal investigation. Deviations from this timeframe will be promptly communicated to both Parties.

6. The Equity HR Officer (or Designee) may, in their discretion, grant reasonable extensions to the timeframes and limits provided.

2. **Administrative Resolution: Resolution by the Equity HR Officer and Supervisor.** Administrative Resolution by the Equity HR Officer and Supervisor can be pursued for any behavior that falls within the University's Anti-Discrimination Policies. The Administrative Resolution process consists of:

1. A prompt, thorough and impartial investigation by the investigator;
2. A joint finding by the Equity HR Officer and Supervisor on each of the alleged policy violations; and
3. A joint finding by the Equity HR Officer and Supervisor on sanctions for findings of responsibility.

At least fourteen (14) business days prior to meeting with the Equity HR Officer and Supervisor or if no meeting is requested, at least fourteen (14) business days prior to the Equity HR Officer and Supervisor rendering a finding(s) (or as far in advance as is reasonably possible if an accelerated resolution process is scheduled with the consent of the Parties), the Equity HR Officer and Supervisor will send a letter (Notice of Administrative Resolution) to the Parties with the following information:

- (1) A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
- (2) Reference to or attachment of the applicable procedures.
- (3) A copy of the investigative report.
- (4) The option and deadline of ten (10) business days from the date of the notice to request a meeting with the Equity HR Officer and Supervisor.
- (5) An indication that the Parties may have the assistance of an Advisor of their choosing at the meeting though the Advisor's attendance at the meeting is the responsibility of the respective Parties.

The Investigator(s) will provide an investigative report to the Equity HR Officer and Supervisor and Parties. The Equity HR Officer and Supervisor can, but are not required to, meet with and question the Investigator(s) and any identified witnesses. The Equity HR Officer and Supervisor may request that the Investigator(s) conduct additional interviews and/or gather additional information. The Equity HR Officer and Supervisor will attempt to meet separately with the Complainant and the Respondent to review the alleged policy violations and the investigative report. The Respondent may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If the Respondent admits responsibility, in whole or in part, the Equity HR Officer and Supervisor will render a finding that the individual is in violation of University policy for the admitted conduct. For any disputed violations, the Equity HR Officer and Supervisor will render a joint finding utilizing the preponderance of the evidence standard. The Equity HR Officer and Supervisor will also render a finding on appropriate sanctions or remedial actions, if applicable. The findings are subject to appeal.

The Equity HR Officer will inform the Respondent and the Complainant of the joint finding on each of the alleged policy violations and the joint finding on sanctions for findings of responsibility, if applicable, within five (5) business days of the findings, without significant time delay between notifications. Notification will be made in writing and will be delivered either: (1) in person, (2) by email only to the Party's University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective Party as indicated in the official University records and emailed to the Party's University-issued email account. If there is no local address on file, mail will be sent to the Party's permanent address. Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual (when

prior consent – whether electronically or in writing – has been given to receipt of all notifications by email) or 3) when mailed and emailed.

## 16. Sanctions.

1. **Factors Considered When Finding Sanctions/Remedial Actions.** If the Respondent is found responsible for a violation of the University's Anti-Discrimination Policies, the Equity HR Officer and Supervisor will determine sanctions and remedial actions. Factors considered when finding sanctions/remedial actions may include:
  1. The nature, severity of, and circumstances surrounding the violation;
  2. The disciplinary history of the Respondent;
  3. The need for sanctions/remedial actions to bring an end to the discrimination, harassment and/or retaliation;
  4. The need for sanctions/remedial actions to prevent the future recurrence of discrimination, harassment and/or retaliation;
  5. The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the University community; and
  6. Any other information deemed relevant by the Equity HR Officer or Title IX Coordinator and Supervisor.
2. **Types of Sanctions.** The following sanctions may be imposed upon any Staff Member found to have violated a University's Anti-Discrimination Policy. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:
  1. Warning – verbal or written;
  2. Performance improvement plan;
  3. Required counseling;
  4. Required training or education;
  5. Loss of annual pay increase;
  6. Loss of supervisory responsibility;
  7. Demotion;
  8. Suspension without pay;
  9. Termination; and
  10. Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions.
3. **Remedial Actions.** The following remedial actions may also be imposed to address the effects of the violation(s) of the University's Anti-Discrimination Policies on the Complainant. Such remedial actions will vary depending on the circumstances of the policy violation(s), but may include:
  1. Where the Complainant is a student:
    - (1) Permitting the student to retake courses;
    - (2) Providing tuition reimbursement;
    - (3) Providing additional academic support;
    - (4) Removal of a disciplinary action; and
    - (5) Providing educational and/or on-campus housing accommodations.

2. Where the Complainant is an employee:
  - (1) Removal of a disciplinary action;
  - (2) Modification of a performance review;
  - (3) Adjustment in pay;
  - (4) Changes to the employee's reporting relationships; and
  - (5) Workplace accommodations.

In addition, the University may offer or require training and/or monitoring as appropriate to address the effects of the violation(s) of the University's Anti-Discrimination Policies.

4. **When Implemented.** Sanctions and remedial actions are implemented immediately by the Equity Officer or Title IX Coordinator, unless the Equity Resolution Appellate Officer stays their implementation pending the outcome of the appeal. Suspension without pay is automatically a suspension with pay during the appeal but immediately converts to a suspension without pay upon the conclusion of an appeal upholding the sanction.

## 17. Appeal.

1. **Grounds for Appeal.** Both the Complainant and the Respondent are allowed to appeal the findings in the Administrative Resolution Process. Appeals are limited to the following:
  1. A procedural error occurred that significantly impacted the outcome of the Administrative Resolution Process (e.g., substantiated bias, material deviation from established procedures, etc.).
  2. To consider new evidence, unavailable during the original Administrative Resolution Process or investigation that could substantially impact the original finding or sanction.
  3. The sanctions fall outside the range typically imposed for this offense, or for the cumulative disciplinary record of the Respondent.
2. **Requests for Appeal.** Both the Complainant and the Respondent may submit a request for appeal to the Equity Resolution Appellate Officer. All requests for appeal must be submitted in writing to the Equity Resolution Appellate Officer within three (3) business days of the delivery of the findings. When any Party requests an appeal, the other Party (Parties) will be notified and receive a copy of the request for appeal.
3. **Response to Request for Appeal.** Within three (3) business days of the delivery of the notice and copy of the request for appeal, the non-appealing Party (Parties) may file a response to the request for appeal. The response can address that sufficient grounds for appeal have not been met and/or the merits of the appeal.
4. **Review of the Request to Appeal.** The Equity Resolution Appellate Officer will make an initial review of the appeal request(s). The Equity Resolution Appellate Officer will review the request for appeal to determine whether:
  1. The request is timely;
  2. The appeal is on the basis of any of the three grounds listed above; and
  3. When viewed in the light most favorable to the appealing Party, the appeal states grounds that could result in an adjusted finding or sanction.

The Equity Resolution Appellate Officer will reject the request for appeal if any of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The Equity Resolution

Appellate Officer will render a written decision whether the request for appeal is accepted or rejected within fourteen (14) business days from receipt of the request for appeal. If no written decision is provided to the Parties within fourteen (14) business days from receipt of the request, the appeal will be deemed accepted.

5. **Review of the Appeal.** If all three (3) requirements for appeal listed above are met, the Equity Resolution Appellate Officer will accept the request for appeal and proceed with rendering a decision on the appeal applying the following additional principles:
  1. Appeals are not intended to be full re-hearings of the Complaint and are therefore deferential to the original findings. In most cases, appeals are confined to a review of the written documentation and record of the Administrative Resolution Process, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original decision maker for reconsideration.
  2. Sanctions and remedial actions are implemented immediately unless the Equity Resolution Appellate Officer stays their implementation pending the outcome of the appeal.
  3. The Equity Resolution Appellate Officer will normally render a written decision on the appeal to all Parties within ten (10) business days from accepting the request for appeal. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity Resolution Appellate Officer will promptly notify the Parties in writing of the delay.
  4. Once an appeal is decided, the outcome is final. Further appeals and grievances are not permitted.
6. **Extensions of Time.** For good cause, the Equity Resolution Appellate Officer may grant reasonable extensions of time (e.g.: 7-10 business days) to the deadlines in the appeal process. The Equity Resolution Appellate Officer will notify the Parties in writing if such extensions are granted.
18. **Failure to complete Sanctions/Comply with Interim and Long-term Remedial Actions.** All Respondents are expected to comply with all sanctions, remedial actions and corrective actions within the timeframe specified. Failure to follow through on these sanctions, remedial actions and corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and remedial/corrective actions through the applicable process.
19. **Records.** In implementing this policy, records of all Complaints and resolutions will be kept by the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint). The "Record of the Case in the Section 600.050 Process" will include, if applicable, Letter(s) of Notice, exhibits; the finding on each of the alleged policy violations and sanctions by the Equity Officer, Equity HR Officer, and/or Title IX Coordinator; and the decision on appeal. The Record of the Case in the Section 600.050 Process will be kept for a minimum of seven (7) years following final resolution.
20. **Retaliation.** Retaliation is any adverse action taken against a person because of that person's participation in protected activity. The University strictly prohibits retaliation against any person for making any good faith report of discrimination, harassment, or sexual misconduct or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination, harassment, or sexual misconduct. Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to promptly notify the Equity Officer or Title IX Coordinator. The University will promptly investigate all claims of retaliation.