Equity Resolution Process (ERP) Flowchart

Report of discrimination or harassment received by the Equity Office

Equity Officer will promptly contact the identified Complainant to discuss the availability of supportive measures and to explain and discuss the Equity process.

If a Complaint is filed, an investigation will be initiated and the Equity Officer will send to the known Parties the Notice of Allegations.

If Complainant is unidentified, a limited investigation may be conducted to identify the Complainant.

During the Equity Process and prior to a determination of responsibilty, each Party is allowed to have an Equity Support Person of their choice accompany them to any related interview, meeting or proceeding. If requested, the University may assign a Trained Equity Support Person to a student Party.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University. An investigative report will be sent to the Equity Officer for review.

Equity Officer will make a summary determination whether there is a sufficient basis to proceed with the Complaint that the Respondent is responsible for violating the University's anti-discrimination policies.

If not, process will end and the Parties will be sent notification of the determination.

The Parties may request reconsideration of a summary determination ending the process.

If so, process will continue to Conflict Resolution, Administrative Resolution, or Hearing Panel Resolution.

Types of Resolutions:

Conflict Resolution (pg. 11), Administrative Resolution (pg. 11) and Hearing Panel Resolution (pg. 12)

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ERP Flowchart (continued)

Type of Resolution: Conflict Resolution

*This process is not available to resolve allegations that an employee sexually harassed or engaged in sexual misconduct with a student.

Type of Resolution: Administrative Resolution

The Parties may choose to engage in Conflict Resolution (i.e., facilitated dialogue, mediation) at any time during the Equity Resolution Process. Each Party's choice to participate must be voluntary, informed and in writing.

A neutral, University-assigned facilitator will foster dialogue between the Parties to try to reach a mutually agreed upon resolution, if possible. Failure to abide by the agreed-upon resolution may result in sanctions. If the Parties are unable to reach a resolution, the investigation will be referred to an alternative process.

The decision-maker will attempt to meet separately with the Complainant and the Respondent to review the alleged policy violations, the investigative report and evidence provided by the Parties.

Each Party may provide a list of questions for the decision-maker to ask the other Party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting Party; answers will be shared with the requesting party.

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 decision-maker will render a finding that the individual is in violation of University policy for the admitted conduct.

For any disputed violations, the decision-maker will render a finding utilizing the preponderance of evidence standard.

The decision-maker will also render a finding on appropriate sanctions or remedial actions, if applicable.

Either Party may appeal a decision under Administrative Resolution.

The decision-maker will inform each Party of the finding on the alleged policy violation(s) and sanction(s), if applicable.

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ERP Flowchart (continued)

Type of Resolution: Hearing Panel Resolution

*This process is not available to Staff Respondents.

At least 20 business days prior to the hearing, a Notice of Hearing letter will be sent to the Parties providing specific information about the hearing, including a copy of the final investigative report and exhibits.

In the Notice of Hearing, the Parties will be given the names of each of the Hearing Panel members and must raise any objection to any panelist at least 15 business days prior to the hearing.

At least 10 business days prior to the hearing, the Investigator will provide to each Party the names of proposed witnesses and proposed documentary evidence that the other Party intends to call or use at the hearing.

The Hearing Panel Chair shall preside at the hearing, and may ask questions of the Parties or any witnesses including the Investigator at any time during the Hearing.

The Investigator will first present the written investigative report and may give a narrative report of the investigation and then be subject to questioning by the Complainant, the Respondent, and the Hearing Panel. The Investigator may also call witnesses who will be subject to questioning by the Investigator, the Complainant, the Respondent and the Hearing Panel. The Investigator may also submit documentary evidence. The Investigator will remain present during the entire hearing process.

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ERP Flowchart (continued)

The Complainant may give testimony and be subject to questioning by the Investigator, the Respondent* and the Hearing Panel. The Complainant may call and question witnesses who may also be questioned by Respondent, the Investigator and the Hearing Panel. The Complainant may also submit documentary evidence.

The Respondent may give testimony and be subject to questioning by the Investigator, the Complainant* and the Hearing Panel. The Respondent may call and question witnesses who may also be questioned by Complainant, the Investigator and the Hearing Panel. The Respondent may also submit documentary evidence.

*Neither the Complainant nor the Respondent may directly question the other. However, if both request the opportunity, direct questioning between the Parties will be permitted in the Hearing Panel Resolution process. Otherwise written questions will be directed to the Chair in the Hearing Panel Resolution Process, and those questions deemed appropriate and relevant will be asked on behalf of the requesting Party.

The Hearing Panel will deliberate with no others present, except any legal advisor to the Hearing Panel, to find whether or not the Respondent is responsible for the policy violation(s) in question. The panel will base its finding on a preponderance of the evidence (i.e., whether it is more likely than not that the Respondent committed each alleged violation). If a Respondent is found responsible by a majority of the panel, the panel will determine, or if a Faculty Respondent recommend to the Provost, appropriate sanctions and remedial actions by a majority vote.

The Hearing Panel Chair will prepare a written determination ("Hearing Panel Decision") within five (5) business days of the end of deliberations.

The Parties will be notified in writing of the finding(s) on the alleged policy violation(s) and sanction(s), if applicable, within five (5) business days of the Equity Officer's receipt of the panel decision.

Finding(s) and sanction(s) are subject to appeal.