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Bd. Min. 2-5-15; Amended 2-09-17 with an effective date of 3-1-17; Revised 7-28-20 with effective date of 8-14-20; Amended 2-4-21; [Amended 6/27/24.](#)

- A. General. The University will promptly and appropriately respond to any report of violation of the University's Anti-Discrimination policies. The procedures described below apply to such reports when the Respondent is a Faculty Member(s), a student(s), or a student organization. Further, when the report involves allegations against the President or a Chancellor, upon consultation between the Office of the General Counsel and the Equity Officer, the investigation may be conducted by an outside investigator. T

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- pursue a report of discrimination through the applicable equity resolution process, the University will act as the Complainant.
3. Complaint. A document prepared by the Equity Officer when a verbal or written report of alleged discrimination or harassment becomes known to the University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University

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prepares a Complaint, the Equity Officer is not a Complainant or otherwise a party under this policy.

The University may consolidate Complaints as to allegations of discrimination or harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party where the allegations of discrimination or harassment, arise out of the same facts or circumstances. Where this process involves more than one Complainant or more than one Respondent, each Complainant and each Respondent shall be entitled and subject to all of the rights and obligations set forth herein.

G. Notice of Allegations

1. Upon receipt of a Complaint, the Equity Officer, will provide a written notice to the known Parties that includes the following:

a. A description of the University's available Equity Resolution processes, including Conflict Resolution;

Notice of the Allegations of Discrimination and Harassment

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Student Organization might otherwise be eligible, pending the completion of the Equity Process when the Equity Officer finds and believes from available information that the presence of the student organization on campus would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. The appropriate procedure to determine the future status of the student organization will be initiated within seven (7) business days.

4. Administrative Leave. The Equity Officer may implement an administrative leave for an employee in accordance with University Human Resources Policies. Administrative leave for an employee is not an Emergency Removal under this policy.
- I. 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 but not limited to the Investigator, Equity Officer, Provost (or Designee), the Hearing Panel, and/or the Equity Resolution Appellate Officer, and all documentary evidence must be genuine and accurate. False statements or fraudulent evidence or refusal to cooperate with the Investigator, Equity Officer, Provost (or Designee), Hearing Panel, and/or the Equity Resolution Appellate Officer by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or if by a student may be the basis for disciplinary action pursuant to the provisions of CRR 200.010.

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Investigator's observations regarding the credibility of the Complainant, the Respondent, and any witnesses interviewed.

The final investigative report will fairly summarize the relevant evidence.

All investigations will be thorough, reliable and impartial. All interviews shall be recorded. In the event that recording is not possible due to technological issues, the investigator shall take thorough notes and such notes shall be provided to the Parties in lieu of recordings. The investigator shall document the reason the recording was not possible and such documentation shall become part of the Record of the Case.

The investigation of reported discrimination or harassment should be completed expeditiously, normally within thirty (30) business days of the filing of the Complaint. Investigation of a Complaint may take longer based on the nature and circumstances of the Complaint.

- M. Impact of Optional Report to Law Enforcement. 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. However, 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 such charges have been dismissed or reduced.

The Equity Officer will not wait for the conclusion of a criminal investigation or criminal proceeding to begin the Equity Resolution process. However, an Equity investigation and resolution process may be temporarily delayed for good cause, which can include concurrent law enforcement activity. In such instances, written notice of the delay or extension with reasons for the action will be sent to each Party.

If delayed, the Equity Officer will promptly resume the Equity investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process. The Equity Officer will implement appropriate supportive measures during the law enforcement agency's investigation period to provide for the safety of all Parties, the University community and the avoidance of retaliation, discrimination, or harassment.

- N. Summary Resolution. During or upon completion of investigation, the Equity Officer will review the investigation which may include meeting with the Investigator(s). The investigative report is not provided to the Parties during Summary Resolution, but is provided to the Parties at either the Administrative Resolution or Hearing Panel Resolution. Based on that review, the Equity Officer 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-

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The Parties may request that the Equity Resolution Appellate Officer reconsider 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 pursuant to this policy. The Equity Resolution Appellate Officer will simultaneously send the Parties notice of their decision. This decision to continue the process lies in the sole discretion of the Equity Resolution Appellate Officer and such decision is final. Further reconsideration of such decision is not permitted.

If the Equity Resolution Appellate Officer agrees with the summary determination ending the process by the Equity Officer that there is not a sufficient basis to proceed with the Complaint, then the process will end and the Complainant and the Respondent will simultaneously be sent written notification of the decision. This decision to end the process lies in the sole discretion of the Equity Resolution Appellate Officer and such decision is final. Further reconsideration of such decision is not permitted.

- O. Conflict Resolution. The Parties may choose to engage in Conflict Resolution at any time during the Equity Resolution Process. The decision of the Parties to engage in Conflict Resolution must be voluntary, informed, and in writing. The Parties are not required to engage in Conflict Resolution as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right. The Parties are not required to waive their right to an investigation of a Complaint or a right to a hearing. It is not necessary to pursue Conflict Resolution prior to pursuing the Administrative or Hearing Panel Resolution Process and either Party can stop the Conflict Resolution Process at any time and request either the Administrative Resolution Process or Hearing Panel Resolution Process. Conflict Resolution is never available to resolve allegations that an employee sexually harassed or engaged in sexual misconduct with a student. Upon receiving a request for Conflict Resolution, the Equity Officer 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.

In Conflict Resolution, which includes mediation or facilitated dialogue, a neutral facilitator will foster dialogue with the Parties to an effective resolution, if possible. The Complainant's and the Respondent's Equity Support Person may attend the Conflict Resolution meeting. The Parties will abide by the terms of the agreed upon resolution. Failure to abide by the terms of the agreed upon resolution may be referred to the Equity Officer for review and

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Panel for a specific Formal Complaint. The Pool Chair may serve as a panel member for a specific Formal Complaint. Administrators, faculty, and staff will be removed from the Hearing Panelist Pool if they fail to satisfy the annual training requirements, as determined by the Equity Officer. Under such circumstances, the Equity Officer will notify the Chancellor (or Designee), who will inform the administrator, faculty, or staff member of the discontinuation of their term.

2. Equity Resolution Hearing Panel ("Hearing Panel"). When a Complaint is not resolved through the Administrative Resolution Process, the Hearing Panelist Pool Chair will randomly select two (2) members from the Hearing Panelist Pool to serve on the specific Hearing Panel together with the Hearing Officer. A good faith attempt will be made for the Hearing Panel to include at least one faculty member and one administrator or staff member. Up to two (2) alternates may be designated to sit in throughout the process as needed. The University reserves the right to have its attorney present during the hearing and during deliberations to advise the Hearing Panel.
3. Notice of Hearing.
 - a. At least twenty (20) business days prior to the hearing, the Equity Officer will send a letter (Notice of Hearing) 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) A description of or attachment of the applicable procedures.
 - (3) A statement that the Parties may have the assistance of an Equity Support Person of their choosing, at the hearing; at the hearing, though the Equity Support Person's attendance at the hearing is the responsibility of the respective Parties.
 - (4) The time, date and location of the hearing.
 - (5) A list of the names of each of the Hearing Panel members, including the Hearing Officer, and alternates, and information on how to raise an objection to any member of the Hearing Panel and the timeline in which to raise any objections.
 - (6) A copy of the final investigative report and exhibits.
 - (7) Notification to the Parties that all of the evidence gathered in the course of the investigation that is directly related to the allegations is available to the Parties and instructions regarding how to request access to that information.
 - (8) Notice that the Parties may request a virtual hearing and/or any necessary accommodations.

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- b. The Notice of Hearing letter will be sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.
4. Pre-Hearing Witness List and Documentary Evidence.
- a. At least fifteen (15) business days prior to the hearing, the Complainant and Respondent will provide to the Investigator a list of the names of the proposed witnesses and copies of all proposed documentary evidence that a Party intends to call or use at the hearing.
 - b. At least ten (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.
 - c. No employee or student, directly or through others, should take any action which may interfere with the investigation or hearing procedures. Employees and students are prohibited from attempted or actual intimidation or harassment of any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.
 - d. At least five (5) business days prior to the hearing date, the final investigative report and all exhibits will be provided to the Hearing Panel members.
5. Objection to or Recusal

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a. Order of Evidence. The order of evidence shall be the following:

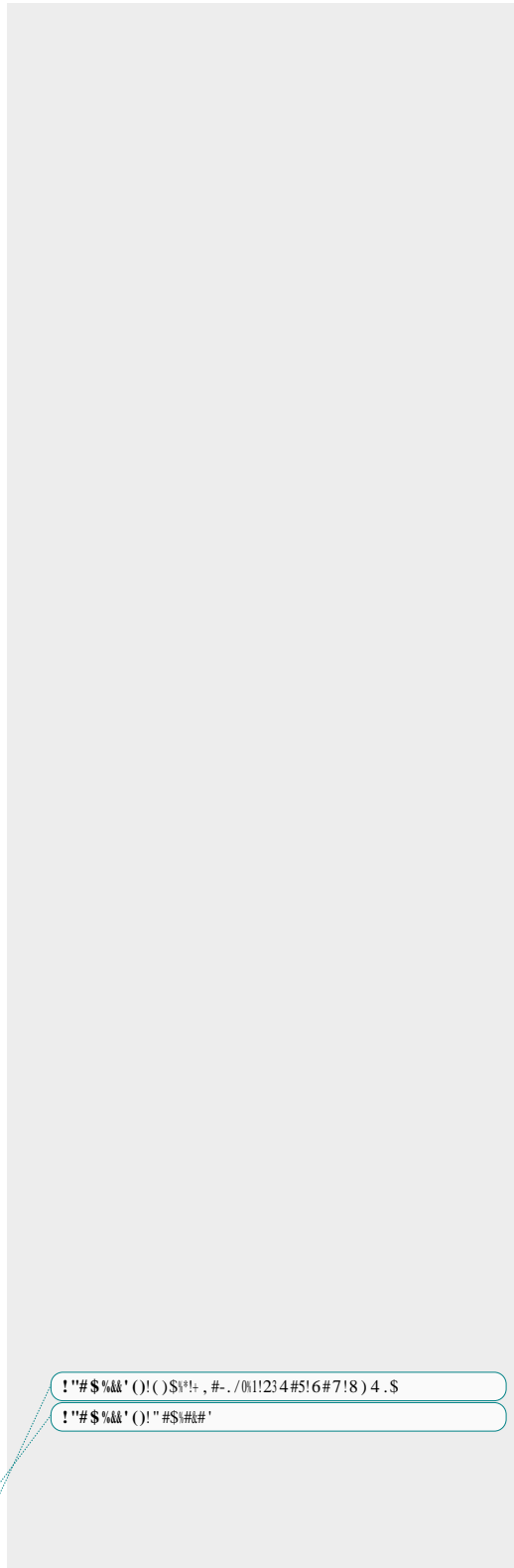
(1) Investigator's Report and Testimony. The Investigator(s) will first present the written investigative report and may give a narrative report of the investigation, and then be subject to questioning by the Complainant, the Respondent and the Hearing Panel. The Investigator(s) may also call witnesses 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(s) will remain present

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(1) Identification of the allegations potentially constituting discrimination or harassment, as



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delivered, when: 1) provided in person 2) emailed to the individual to their University-issued email account or 3) when sent via the alternate method of notification specified by the Party.

- f. The Hearing Panel Decision will become final either on the date that the Parties are provided with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- g. The Equity Officer is responsible for effective implementation of any remedies.

S. Sanctions and Remedial Actions.

- 1. Factors Considered When Finding Sanctions/Remedial Actions. When recommending or imposing sanctions and/or

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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.

- c. 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 extension

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the Investigator, Equity Officer, Provost (or Designee), Hearing Panel, and/or the Equity Resolution Appellate Officer.

For matters involving sex discrimination under this policy, no person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by law, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by law, constitutes retaliation.

The University must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of applicable law, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

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