

The University of Southern California
Resolution Process for Discrimination, Harassment and Retaliation

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I. INTRODUCTION

The University of Southern California (University) is committed to providing a prompt and equitable response to all reports and Formal Complaints of Discrimination, Harassment, and Retaliation, all of which fall under the University’s definitions of Prohibited Conduct under the [Policy on Prohibited Discrimination, Harassment, and Retaliation](#) (Policy). The University’s Resolution Processes for addressing Prohibited Conduct are grounded in fairness and support for all parties, as well as include procedural protections that ensure notice, equitable opportunities to participate, and a neutral and impartial investigation, resolution, and appeal. The definitions for specific forms of Prohibited Conduct and other core concepts are included in the Policy.

II. SCOPE

This Resolution Process will be used to resolve reports and Formal Complaints of Discrimination Harassment, and Retaliation other than Sexual Misconduct.

This Resolution Process applies to reports and Formal Complaints against Students, Faculty, and Staff that occur within the University’s education program or activity. In this Resolution Process, the individual reported to have experienced Prohibited Conduct is referred to as the Reporting Party. The individual who is reported to have committed Prohibited Conduct is referred to as the Respondent.

For reports of Formal Complaints against Third Parties, which include contractors, vendors, visitors, guests, or other individuals who are participating in or seeking to participate in the University’s education program or activities, the University will determine the appropriate manner of resolution, which may include referral to local law enforcement or to the home school or employer of the Third Party Respondent, and/or restriction from access to campus or University programs or activities. The University’s ability to take disciplinary action against a Third Party Respondent will be limited and is determined by the context of the Prohibited Conduct and the nature of the University’s relationship to the Third Party Respondent.

The term “education program or activity,” whether singular or plural, includes all of the University’s operations, including locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the conduct occurs; and any building owned or controlled by a student organization that is officially recognized by the University. Under limited circumstances, the Policy and this Resolution Process may also apply to instances in which the conduct occurred outside of the education program or activity, but where the University otherwise regulates the conduct, the conduct has or could have a continuing impact within the University’s education program or activity, or the conduct may have the effect of posing a serious threat to the University community.

In the event any individual with a responsibility identified in the Policy or Resolution Process, including the Vice President for Equity, Equal Opportunity, and Title IX, Investigator, or Decision-Maker, has a conflict of interest that would compromise that individual’s objectivity in discharging that responsibility, the University will appoint a designee. Concerns about a potential conflict of

interest involving an Investigator or other implementer should be raised with the VP for EEO-TIX. Concerns about a potential conflict of interest with the VP for EEO-TIX should be raised with the Senior Vice President of Human Resources.

III. RESOURCES AND REPORTING OPTIONS

A. Reporting Options

The University encourages anyone who has experienced Prohibited Conduct to report it directly to the Vice President for Equity, Equal Opportunity and Title IX (VP for EEO-TIX) or Office for Equity, Equal Opportunity, and Title IX (EEO-TIX Office).¹ Any individual may make a report of Prohibited Conduct under this Policy regardless of affiliation with the University and regardless of whether or not the person reporting is the person alleged to be the individual impacted by the conduct. Reports can be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the VP for EEO-TIX or EEO-TIX Office receiving the verbal or written report. A report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the VP for EEO-TIX as follows:

Catherine Spear
Vice President for Equity, Equal Opportunity, and Title IX
Office for Equity, Equal Opportunity, and Title IX
USC Credit Union Building
3720 South Flower Street, 2nd Floor
Los Angeles, CA 90089-0704
213-740-5086
<http://eeotix.usc.edu>
eeotix@usc.edu (for all inquiries, reports, or complaints regarding this Policy, Title IX, sexual harassment or other forms of Prohibited Conduct)
vpeeotix@usc.edu to reach the VP for EEO-TIX

In addition, the University encourages anyone who experiences or witnesses an incident of Prohibited Conduct that may also violate criminal law to *immediately* report the incident to the Department of Public Safety or external law enforcement through the following reporting options:

- **Department of Public Safety**
UPC: (213) 740-6000 (24 hour, non-emergency number)
HSC: (323) 442-1200 (24 hour, non-emergency number)
- **Los Angeles Police Department**
911 (for emergencies)
1-877-ASK-LAPD (24-hour, non-emergency number)

A Reporting Party may choose to make a report to the University to pursue resolution under this Resolution Process and may also choose to make a report to external law enforcement. A Reporting

¹ The VP for EEO-TIX serves as the University's Title IX Coordinator. All references to the VP EEO-TIX include an appropriately trained and experienced designee.

Party may make a report to the University, to law enforcement, to neither, or to both. As set forth in the Policy, a Reporting Party has the right to report, or decline to report, potential criminal conduct to law enforcement.² Upon request, the University will assist a Reporting Party in contacting law enforcement at any time, regardless of whether the Reporting Party wishes to pursue a Formal Complaint under this Resolution Process. Under limited circumstances posing a threat to health or safety of any University community member or as required by the University's Memorandum of Understanding with the Los Angeles Police Department, the University will independently notify law enforcement. The University's resolution process and law enforcement investigations may be simultaneously pursued, but will operate independently of one another. The University will, when appropriate, coordinate information with law enforcement if law enforcement is notified.

B. Confidential Resources

The University also offers access to Confidential Resources for individuals who are unsure about whether to report Prohibited Conduct or are seeking counseling or other emotional support in addition to (or without) making a report to the University. Confidential Resources include:

- **Relationship and Sexual Violence Prevention and Services (RSVP)**
Provides direct support to Reporting Parties, including crisis appointments, group therapy, discussions of reporting options, and support surrounding academic accommodations.
<https://studenthealth.usc.edu/sexual-assault/>
USC Student Health's Engemann Student Health Center Suite 356 (213) 740-9355 (WELL)
- **Counseling and Mental Health**
Provides counseling and support for students, including direct support to both Reporting Parties and Respondents <https://studenthealth.usc.edu/counseling/>
(213) 740-9355
- **Center for Work and Family Life**
Provides support for employees
<http://cwfl.usc.edu/>
(213) 821-0800

IV. ROLE OF THE ADVISOR

The Reporting Party and Respondent each have the right to be accompanied at any meeting or proceeding under the Policy and this Resolution Process by an advisor of their choice. The advisor may be any person, including an attorney, but need not be an attorney. The advisor may not otherwise be a party or witness involved in the investigation. A party may decline to use an advisor for all stages of the formal or alternative resolution process.

The Resolution Process is not a legal proceeding and, although a party may be advised by their advisor, the conduct of the advisor will be governed by the Policy and this Resolution Process. A

² The University will comply with external reporting obligations under California state law related to known or suspected abuse, molestation or neglect relating to children, elders or dependent adults. For more information, please visit <https://policy.usc.edu/mandated-reporters/>.

party's advisor of choice may provide support and advice to the party at any meeting and/or proceeding, but they may not speak on behalf of the party or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings. The advisor may observe, provide support, and provide guidance or advice to the party (in a non-disruptive manner). The University may remove or dismiss advisors who do not abide by the restrictions on their participation or who are otherwise disruptive. An advisor may be asked to meet with a member of the EEO-TIX Office in advance of any meetings or proceedings to receive and acknowledge the University's overview of the Policy and Resolution Process, expectations of the role, privacy considerations, and appropriate decorum.

Generally, all communications between the EEO-TIX Office and a Reporting Party or Respondent will occur through the party directly, not the advisor, and the party, rather than the advisor, is required to submit any written correspondence or documents. Although a party may authorize the University to share information with their advisor by executing a Family Education Rights and Privacy Act (FERPA) waiver, the University is not required to do so. An advisor should plan to make themselves reasonably available for all meetings and proceedings. The University will not unduly delay the scheduling of meetings or proceedings based on the advisor's unavailability.

An advisor is entitled to review all information gathered in the investigation that is directly related to the allegations (as part of evidence review) and to access to the investigation report.

V. INITIAL ASSESSMENT

A. Response to Report of Discrimination, Harassment or Retaliation

Any person may report Discrimination, Harassment or Retaliation to the University's VP for EEO-TIX. Upon receipt of a report alleging Discrimination, Harassment or Retaliation, or an alleged violation of the Policy, the VP for EEO-TIX will conduct an Initial Assessment of the reported information and respond to any immediate health or safety concerns raised by the report. The VP for EEO-TIX will also promptly contact the Reporting Party to discuss:

- the availability of supportive measures with or without the filing of a Formal Complaint;
- the process for filing a Formal Complaint; and
- ascertain and consider the Reporting Party's wishes with respect to supportive measures.

A Reporting Party may request supportive measures only, may file a Formal Complaint, or may request more time to consider their options. Alternatively, as described below, the VP for EEO-TIX may determine that it is appropriate to file a Formal Complaint on behalf of a Reporting Party. After the filing of a Formal Complaint, the Reporting Party may decide to seek an alternative resolution in lieu of a formal resolution process (investigation and appeal). A Reporting Party is always entitled to reasonably available supportive measures, regardless of whether a formal or alternative resolution process is initiated.

As part of the Initial Assessment, the VP for EEO-TIX will determine, in consultation with other need to know University officials as appropriate, whether the Policy applies to the report and whether the reported conduct falls within the jurisdiction and scope of the Policy.

VI. INTAKE MEETING

The Initial Assessment typically includes an initial intake meeting (which may take place in person, by telephone, or via live technology), with the Reporting Party to understand the nature and circumstances of the report and to provide the Reporting Party with information about resources, including local law enforcement resources as applicable, procedural options, supportive measures, and an opportunity to discuss the Policy and these Procedures.

In addition to the intake meeting the University will provide the Reporting Party with written information about resources, procedural options for alternative and formal resolution, reasonably available supportive measures and the process for requesting and obtaining them, the range of disciplinary sanctions available upon a finding of responsibility for violating the Policy, the prohibition against retaliation, and how to report concerns of retaliation. The written information will also include information about campus and community resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other available services. This written information will also include a notification about the process for seeking disability-based accommodations, academic adjustments, and/or auxiliary aids under Section 504 of the Rehabilitation Act and/or the Americans with Disabilities Act, and/or other applicable federal, state, or local laws.

A. Overview of Initial Assessment

As part of the Initial Assessment of the report, the VP for EEO-TIX will:

- Address immediate physical safety and emotional well-being of the Reporting Party or other campus community members and offer support and assistance;
- Notify the Reporting Party of the availability of medical and counseling resources to address physical and mental health concerns;
- Notify the Reporting Party of the importance of preservation of evidence, including examples of the types of evidence to preserve;
- Notify the Reporting Party of the right to contact or decline to contact law enforcement, and if requested, assist them with notifying law enforcement;
- Conduct an individualized analysis of safety and risk for the campus community to determine whether a Student Respondent's presence in the program or activity poses an immediate threat to the physical health or safety of any student, faculty, staff, or other individual such that it justifies emergency removal;
- Conduct an individualized analysis of safety and risk for the campus community to determine the need for administrative leave for an Employee Respondent;

- Consult with the University's threat assessment team as necessary and appropriate;
- Promptly contact the Reporting Party to discuss the availability of supportive measures;
- Consider the Reporting Party's wishes with respect to supportive measures;
- Assess the nature and circumstances of the report based on reasonably available information;
- Discuss the Reporting Party's expressed preference for manner of resolution (i.e., formal resolution in the form of an investigation or informal resolution) and any barriers to proceeding;
- Share information with the Department of Public Safety (DPS) to comply with Clery Act reporting requirements and timely warning assessment;
- Provide the Reporting Party with information about on- and off-campus support resources;
- Provide the Reporting Party with a copy of the Policy and an explanation of the procedural options, including seeking supportive measures, the process for filing a Formal Complaint, the formal resolution process, and alternative resolution;
- Inform the Reporting Party that they may seek an advisor of choice to assist them throughout the investigation and resolution of the report, that the advisor may accompany them to any meeting or proceeding under the Policy and Resolution Process;
- Assess for relevant evidence of a pattern or other similar conduct by the Respondent; and
- Explain the University's policy prohibiting Retaliation and that the University will take prompt appropriate action in response to the known circumstances of any report of alleged Retaliation.

B. Formal Complaint

The formal resolution process (*i.e.*, investigation and appeal) is initiated by the filing of a Formal Complaint. A Formal Complaint is a written document submitted to the VP for EEO-TIX by the Reporting Party alleging that a Respondent engaged in Discrimination, Harassment or Retaliation and requesting an investigation. The Formal Complaint may be submitted to the VP for EEO-TIX in person, by mail, or by electronic mail, using the Formal Complaint form. The Reporting Party may also contact the VP for EEO-TIX directly for assistance in making a Formal Complaint. At the time of filing the Formal Complaint, the Reporting Party must be participating in or attempting to participate in the University's education program or activity. In addition, the VP for EEO-TIX retains discretion, in consultation with relevant University stakeholders, to file a Formal Complaint

on behalf of any individual. Where a Reporting Party files a Formal Complaint and requests an investigation, and the reported conduct falls within the scope and jurisdiction of the Policy, the EEO-TIX Office must pursue an investigation.

1. Dismissal

The VP for EEO-TIX may dismiss a Formal Complaint, at any stage of the process, in any of the following three circumstances:

- 1) the Reporting Party notifies the VP for EEO-TIX in writing that the Reporting Party would like to withdraw the Formal Complaint or any of its allegations;
- 2) the Respondent is no longer enrolled or employed by the University; or
- 3) specific circumstances, including a Reporting Party's decision not to respond to outreach by the EEO-TIX Office, prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or its allegations.

The decision about whether to dismiss a Formal Complaint, in whole or in part, may be made at any stage in the process. Upon any dismissal, the VP for EEO-TIX will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. Either party may appeal the dismissal of some or all of the allegations in a Formal Complaint by notifying the VP for EEO-TIX in writing of the challenge within ten (10) calendar days of receipt of notification of the dismissal. The other party will be notified of the appeal. For more information about the appeals process, see Section X.Q.

A Reporting Party who withdraws a complaint may later request to reinstate or refile it, and a new initial assessment will be conducted.

2. VP for EEO-TIX Discretion to File Formal Complaint

The VP for EEO-TIX also has the discretion, in consultation with relevant University stakeholders, to file a Formal Complaint on behalf of any individual. In evaluating the appropriate manner of resolution, including whether the VP for EEO-TIX will file a Formal Complaint in the absence of a Formal Complaint by the Reporting Party, the VP for EEO-TIX will consider the following list of risk factors:

- whether the Reporting Party has requested anonymity;
- whether the Reporting Party wants to participate in an investigation;
- the totality of the known circumstances;
- the severity and impact of the alleged conduct on the Reporting Party and/or campus community members;
- whether the alleged conduct was committed with a weapon;
- the respective ages of the parties, including whether the Reporting Party is a minor (under the age of 18) or was a minor at the time of the alleged conduct;

- whether the Respondent has made any statements of admission or otherwise accepted responsibility for the alleged conduct;
- whether the alleged conduct involved physical violence (*i.e.*, exerting control over another person through the use of physical force, such as hitting, punching, slapping, kicking, restraining, strangling);
- whether the Respondent has a history of prior arrests or being the subject of prior reports or complaints of any form of Prohibited Conduct or has any history of violent behavior;
- whether the Respondent is alleged to have threatened to commit violence or any form of Prohibited Conduct;
- whether the alleged conduct was committed by multiple perpetrators;
- whether the report reveals a pattern of misconduct (*e.g.*, by the Respondent; at a particular location, event, or activity; by a particular group or organization);
- the existence of independent evidence that may be available without the participation of the Reporting Party;
- the scope and nature of prior remedial methods taken with the Respondent;
- whether the Respondent has a history of failing to comply with any University directives (*e.g.*, Avoidance of Contact Directive) or any judicial protective order;
- whether any other aggravating circumstances or signs of predatory behavior are present; and
- any other relevant and available information.

The EEO-TIX Office will take all reasonable steps to respond to the report in a manner that honors the Reporting Party's requested course of action, but its ability to do so may be limited based on the nature of the reported information. Where the VP for EEO-TIX files a Formal Complaint on behalf of the Reporting Party, the VP for EEO-TIX will inform the Reporting Party about the chosen course of action and the underlying rationale based on the risk factor listed above.

3. Consolidation of Formal Complaints

The University may consolidate Formal Complaints against more than one Respondent, or by more than one Reporting Party against one or more Respondents, or by one party against the other party (*i.e.*, counterclaim), where the allegations of Discrimination, Harassment or Retaliation arise out of the same or substantially similar facts or circumstances. All parties will receive simultaneous, timely notification of any such consolidation. During the course of the investigation, the investigation may reveal the existence of additional or different potential policy violations, which may also be consolidated following notification to the parties of the amended notice of investigation.

The University has an obligation to ensure that the formal resolution process is not abused for retaliatory purposes. The University permits the filing of counterclaims; however, it will use an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims determined based on the available information to be made in good faith (which is not the same as a determination as to whether they are substantiated or not) will be processed using this resolution process. Depending upon the timing and circumstances of such allegations, the VP for EEO-TIX retains discretion to resolve such claims through the same investigation with the same investigator(s) or following resolution of the initial allegations that gave rise to the formal investigation, in which case a delay may occur. When counterclaims are not made in good faith, they may constitute retaliation in violation of the Policy.

C. Determining the Scope and Manner of Resolution

The VP for EEO-TIX will consider the nature of the report, the safety of the individual and the campus community, and the Reporting Party’s expressed preference for the manner of resolution in determining the appropriate course of action to achieve the goals of the Policy. The range of available resolution options include:

No Further Action	Supportive Measures Only	Formal Resolution	Alternative Resolution
(which may involve referral to another University policy)	(regardless of whether a Formal Complaint is filed)	(following a Formal Complaint by the Reporting Party or VP for EEO-TIX)	(following a Formal Complaint by the Reporting Party or VP of EEO-TIX)

The Initial Assessment will proceed to the point where a reasonable individualized assessment of the safety of the Reporting Party and of the campus community can be made, and the VP for EEO-TIX, in consultation with other University stakeholders as appropriate, has sufficient information to determine the appropriate course of action. The VP for EEO-TIX will seek to complete the Initial Assessment as promptly as possible, typically within ten (10) calendar days of notice of the report or complaint. There may be circumstances, however, where the Initial Assessment takes longer based on the availability of the Reporting Party or other necessary information, the need to gather additional information, or other factors outside of the University’s control. The University also understands that a Reporting Party may engage in delayed decision-making, which may impact the timing of the conclusion of the Initial Assessment.

At the conclusion of the Initial Assessment, the Reporting Party will receive a written notice (*i.e.*, via email) of the determination about how the University will proceed. If the matter is proceeding via a Formal Complaint, the Respondent will also be notified and invited to participate in an intake meeting that will cover the same type of information as is provided to the Reporting Party, including supportive measures.

VII. SUPPORTIVE MEASURES

A. Supportive Measures

As set forth in the Policy, supportive measures are non-disciplinary, non-punitive, individualized support services that are offered as appropriate, as reasonably available, and without fee or charge to the Reporting Party when a report is received, whether or not a Formal Complaint is filed, and to Respondents after a Formal Complaint has been filed. Supportive measures are designed to address the physical safety and emotional well-being of the parties (and University community, as appropriate), as well as to restore or preserve equal access to the University's education (including employment and other University) programs and activities without unreasonably burdening the other party, or to deter Discrimination, Harassment or Retaliation.

Supportive measures may be temporary or permanent and may include, but not be limited to, the following:

- access to confidential counseling and providing assistance with scheduling initial appointments;
- arranging a meeting with appropriate law enforcement to discuss or report conduct and/or to discuss safety planning;
- assistance in seeking academic assistance, such as modified class schedules (including transfer to another section); permission to withdraw from and/or retake a class or attend a class via alternative means (*e.g.*, online or independent study), extensions of deadlines or other course-related adjustments, and voluntary leaves of absence;
- assistance in modifying University housing arrangements, including immediate temporary relocation to safe living quarters and/or permanent reassignment of University residence halls;
- assistance in modifying University employment conditions, such as changes in work schedules, job or supervisory assignments, work locations, and/or assigned parking;
- assistance in arranging campus escort services;
- imposition of a mutual Avoidance of Contact Directive (*i.e.*, a written directive to refrain from contact, directly or indirectly through a third-party proxy) to the parties;³
- increased security and monitoring of certain areas of the campus; and

³ One-way Avoidance of Contact Directives are permitted in limited circumstances, including to help enforce a restraining order, preliminary injunction, or other order of protection issued by a court, or if a one-way Avoidance of Contact Directive does not unreasonably burden the other party.

- any other similar measures that may be arranged by the University (to the extent reasonably available) to ensure the physical safety and emotional well-being of a Reporting Party or Respondent.

The VP for EEO-TIX will consider a number of factors in determining which supportive measures to take, including the needs of the student or employee seeking supportive measures; the severity or pervasiveness of the alleged misconduct; any continuing effects on the Reporting Party; whether the Reporting Party and the Respondent share the same residence hall, academic course(s), or job location(s); and whether judicial measures have been taken to protect the Reporting Party (*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.

The VP for EEO-TIX is responsible for ensuring the effective implementation of supportive measures and coordinating resources with the appropriate offices on campus. The University will maintain the confidentiality of any supportive measures provided under the Policy to the extent practicable and will promptly address any violation of supportive measures. Allegations that a party has violated the terms of a supportive protective measure, including but not limited to an Avoidance of Contact Directive or other University directive, may constitute a violation of the Policy and may subject the individual who has been alleged to violate the supportive protective measure to disciplinary or administrative actions. The VP for EEO-TIX will determine and identify the appropriate procedures to be followed for such alleged violations depending on the timing and circumstances of the reported violation.

The VP for EEO-TIX will also provide reasonably available supportive measures for third parties, provided that the supportive measures are within the scope of that individual's relationship to the University.

B. Emergency Removal

Certain circumstances may warrant removing a Student Respondent from a University program or activity on an emergency basis, typically in the form of an interim suspension. The University may remove a Student Respondent on an emergency basis from University property or employment, education, research programs or activities, or other University programs and activities. Before imposing an emergency removal, the University will undertake an individualized analysis of safety and risk for the campus community to determine whether the Respondent's presence in the University program or activity poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Discrimination, Harassment or Retaliation, and justifies removal of the Respondent from the University program or activity.

The VP for EEO-TIX will promptly provide the Reporting Party, where appropriate because the removal relates to them, and the Respondent with simultaneous written notice of the Emergency Removal, the effect of the Emergency Removal, the rationale for the Emergency Removal, and an opportunity for the Respondent to challenge the Emergency Removal. During any challenge, the Respondent will remain off-campus and must comply with the notice of Emergency Removal.

That notice will include a statement that any information the Respondent chooses to provide during the challenge may subsequently be used in implementing any aspect of this Policy, including the investigation and adjudication.

The Respondent will have 72 hours from the notice of Emergency Removal to submit a written challenge to the safety and risk analysis that forms the rationale for the Emergency Removal to the VP for EEO-TIX. The VP for EEO-TIX will assign the matter to be reviewed by the Vice President for Student Affairs or designee to evaluate the information in support of the individualized safety and risk analysis and any information provided by the Respondent and the Reporting Party, as applicable. The Vice President for Student Affairs will submit a final decision in writing to the Respondent and the Reporting Party within three (3) calendar days, with a copy to the VP for EEO-TIX.

C. Administrative Leave

The University may place a non-Student Staff or Faculty Respondent on administrative leave, with or without pay, at any time. In reaching a determination as to administrative leave, the VP of EEO-TIX will consult with the Respondent's immediate supervisor or designee, the Senior Vice President of Human Resources, or the Provost.

VIII. FORMAL RESOLUTION

This formal resolution process is followed after the filing of a Formal Complaint by the Reporting Party or VP for EEO-TIX.

A. Expectations of the Parties

During the formal resolution process, both the Reporting Party and Respondent can expect:

- a prompt, fair, impartial, thorough, and equitable investigation and resolution of allegations of Discrimination, Harassment or Retaliation conducted by individuals with sufficient training and/or experience related to their role;
- an investigator, decision-maker, and/or facilitator of alternative or formal resolution free from conflict of interest or bias for or against reporting parties or respondents generally or the individual parties related to the report or Formal Complaint;
- privacy, to the extent possible, in accordance with the Policy and any legal requirements;
- access to reasonably available supportive measures without fee or charge;
- the opportunity to request and receive reasonable accommodations for a disability or necessary language translation or interpreter services to ensure meaningful participation in any step of the proceedings under the Policy;

- freedom from Retaliation for making a good faith report of Discrimination, Harassment or Retaliation, or participating in any proceeding pursuant to the Policy;
- a presumption that the Respondent is not responsible until a determination is made at the conclusion of the formal resolution process;
- written notice of any meeting or proceeding at which the party's presence is contemplated by the Policy or this Resolution Process, including the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- an equal opportunity to identify witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- freedom to discuss the allegations under investigation or to gather and present relevant evidence;
- the opportunity to be accompanied by an advisor of choice, including the right to have that advisor accompany the party at any meeting or proceeding;
- an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, by an impartial decision-maker;
- reasonably prompt time frames with permissible extensions for good cause;
- written notice of a Formal Complaint (*i.e.*, investigation), including notice of potential Policy violations and the nature of the alleged Discrimination, Harassment, or Retaliation;
- timely and equal access to any information that will be used during formal resolution pursuant to this process and any related meeting or proceeding under this Policy, including all information gathered that is directly related to the allegations in the formal complaint as well as the information contained in the investigation report;
- reasonable time to prepare any response contemplated by the formal resolution process;
- written notice of the outcome of any Formal Resolution, including the determination of a Policy violation, any sanctions, and the rationale; and
- the opportunity to appeal the outcome of the investigation, as described below.

B. Participation by the Parties Generally

The Investigator may receive any information presented by the parties, but the Investigator, not the parties, is responsible for gathering relevant evidence. The Reporting Party and Respondent

will be asked to identify witnesses and provide other relevant information, such as documents, communications, and other evidence, if available. The parties are encouraged to provide all relevant information as soon as possible to facilitate prompt resolution. In the event that a party declines to voluntarily provide material information or delays in doing so, the University's ability to conduct a prompt, thorough, and equitable investigation may be impacted. The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, but the parties should be advised that doing so in a way that constitutes Harassment or Retaliation may subject them to additional policy violations.

1. Obligation to Provide Truthful Information

All University community members are expected to provide truthful information in any report or proceeding under this Resolution Procedure and are further expected to cooperate in any such proceeding. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Discrimination, Harassment or Retaliation is prohibited and may lead to administrative or disciplinary action under other applicable University policy. This provision does not apply to reports made or information provided in good faith, even if the information alleged in the report is not later substantiated or no Policy violation is found to have occurred.

2. Obligation to Participate by University Employees

The University expects all Faculty and Staff to cooperate fully in the investigation of Formal Complaints. In addition, except as limited under the Title IX regulations, Faculty and Staff may be required to participate in the investigation and resolution, and declining to cooperate in an investigation is subject to discipline up to and including termination of employment under other applicable University policy. The University will ensure that all participating Faculty and/or Staff are protected from retaliation for such participation.

C. Initiating an Investigation

The VP for EEO-TIX will assign one or more trained investigators to conduct a prompt, thorough, fair, and impartial investigation. The Investigator may be a University employee or an external professional. The role of the Investigator will be to gather information through interviews of the Reporting Party, Respondent, and relevant witnesses and synthesize relevant information in a report that will be provided to the Reporting Party and the Respondent. The investigation report will include all relevant information provided by either party, including inculpatory and exculpatory information, that will be used in the determination of responsibility or sanction.

Any Investigator used by the University will receive annual training on the issues related to Discrimination, Harassment and Retaliation; the scope of the University's education program and activity (to include employment and other University programs and activities); and on how to conduct an investigation and resolution process that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of Reporting Parties while promoting accountability; how to create an investigation report that fairly summarizes relevant evidence; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Investigator will be impartial and free from conflict of interest or bias.

D. Notice of Investigation

After a Formal Complaint is filed and accepted, the VP for EEO-TIX will simultaneously notify the Reporting Party and the Respondent, in writing, of the following information:

- 1) the process for formal and alternative resolution;
- 2) a meaningful summary of all allegations with sufficient details regarding:
 - a. the identity of the Reporting Party and the Respondent, if known;
 - b. the date, time (if known), location, and precise nature of the reported conduct;
- 3) specific potential Policy violation(s);
- 4) the name and contact information of the Investigator;
- 5) how to challenge participation by the Investigator on the basis of a conflict of interest or bias;
- 6) information about the parties' respective expectations and responsibilities;
- 7) the University's prohibition against Retaliation;
- 8) the importance of preserving any potentially relevant evidence in any format;
- 9) information about the privacy of the process;
- 10) information about how a party may request reasonable accommodations for a disability or language diversity during the process;
- 11) a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the formal resolution process;
- 12) that the parties are entitled to an advisor of their choice, including an attorney advisor, and the advisor is permitted to review the evidence gathered in the investigation that is relevant or directly related to the investigation;
- 13) that the University prohibits providing false or misleading information; and
- 14) a copy of the Policy and this Resolution Process.

If, at any time, the investigation reveals the existence of additional or different potential policy violations, including a violation of a supportive measure, the VP for EEO-TIX will promptly issue a supplemental notice of investigation to both parties detailing any additional allegations and corresponding potential Policy violations.

E. Informational Meeting with the Respondent

Upon the filing of a Formal Complaint and provision of the written notice of investigation, the University will provide outreach to a Respondent, in writing, to invite the Respondent to an informational meeting (in person or via live technology), similar to the intake meeting with the Reporting Party. The written communication will include notice of the date, time, location, participants, and purposes of the informational meeting, and will be provided with sufficient time for the Respondent to prepare to participate in the meeting. This meeting is informational in nature and is separate and distinct from a fact-gathering interview with the Investigator. At the informational meeting, the VP for EEO-TIX will provide the Respondent with information about resources, procedural options, and supportive measures, and an opportunity to ask any questions. In addition to the informational meeting, the University will provide the Respondent with written information about procedural options for alternative and formal resolution, reasonably available supportive measures and the process for requesting and obtaining them, the range of disciplinary sanctions available upon a finding of responsibility for violating the Policy, the prohibition against retaliation, and how to report concerns of retaliation. The written information will also include

information about campus and community resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other available services. Further, this written information will include a notification about the process for seeking disability-based accommodations, academic adjustments, and/or auxiliary aids under Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and/or other applicable federal, state, or local laws, and/or other applicable federal, state, or local laws.

F. Overview of Fact-Gathering Process

During an investigation, the Investigator will seek to meet separately with the Reporting Party, Respondent, and relevant witnesses. The Investigator will send a written notice of the interview date, time, and location, name of participant(s) and purpose of the interview to the parties and witnesses, and any identified party advisor, in sufficient time for the party to prepare and participate. The Investigator will also independently gather other relevant information or evidence, including documents, photographs, communications between the parties, and medical records (subject to the consent of the applicable person), and other electronic records as appropriate, as well as identify relevant witnesses not identified by the parties.

The Investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. If a person voluntarily chooses to share medical or counseling records with the Investigator, they must sign a written consent that acknowledges that relevant information from the medical or counseling records must be shared with the other party to ensure the other party has notice of that information and an opportunity to respond.

At the conclusion of the investigation, the Reporting Party and the Respondent will both have the opportunity to review and respond to all information gathered in the investigation that is directly related to the allegations, including information shared by the Reporting Party or the Respondent during their interviews or through evidence either party provides or that the Investigator independently gathers.

The Investigator may visit relevant sites or locations and record observations through written, photographic, or other means. In some cases, the Investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.

The Investigator may also consider information publicly available from social media or other online sources that comes to the attention of the Investigator. The EEO-TIX Office does not, however, actively monitor social media or online sources, and as with all potentially relevant information, the Reporting Party, Respondent, or witnesses are encouraged to bring online information to the attention of the Investigator.

The Investigator will seek to complete the fact-gathering stage of the investigation within sixty (60) to ninety (90) calendar days of the issuance of the notice of investigation. As detailed later in this process, the VP for EEO-TIX and the Investigator may grant limited extensions of time frames or temporary delays of the investigation for good cause with written notice to the Reporting Party and the Respondent of the delay or extension and the reasons for the delay.

G. Witnesses

Both the Reporting Party and Respondent have the option to provide names of potential witnesses to the Investigator. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, or related matters. Witnesses may also be offered to provide subject matter expert information. Where witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be shared with the parties at the conclusion of the investigation. The Investigator has the discretion to determine which of those potential witnesses, or other persons, may have relevant information about the alleged conduct. Witnesses may include individuals outside the University community.

Throughout the investigation, the Investigator will be alert to whether a witness may have been impacted by the effects of the reported conduct, and if so, whether the witness should be treated as a Reporting Party under the Policy and this Resolution Process, and therefore entitled to equitable access to process afforded to Reporting Parties and Respondents.

H. Additional Evidence

Both the Reporting Party and the Respondent are permitted to provide other relevant evidence to the Investigator. Such evidence may include any information presented in support of a party statement and may include text messages, email exchanges, timelines, receipts, photographs, etc. Any documentation shared by the Reporting Party or the Respondent with the Investigator will be provided to the other party. The Investigator may also consider additional documents, items, or other relevant information that the Investigator independently obtains through witnesses or otherwise during the course of the investigation. This information also will be shared with the parties.

During the course of the investigation, the parties are encouraged to bring any new or evolving evidence, such as harassing or retaliatory conduct, to the attention of the Investigator or VP for EEO-TIX. The Investigator may consider such information in the investigation and will also share any such information about retaliation or potential violation of the terms of a supportive measure and/or conduct that violates the Policy with the VP for EEO-TIX for consideration of appropriate action.

I. Evidentiary Considerations

1. Medical or Counseling Records or other Legally Privileged Documents

Legally privileged documents, including medical and counseling records of a Reporting Party and Respondent, are privileged and confidential records that individuals are not required to disclose. However, these records may contain relevant and material information and a party may voluntarily choose to share such records with the Investigator. In such circumstances, the University must obtain voluntary, written consent from the proffering party. Any records provided to the Investigator by a party will be available for review by the other party.

2. Prior or Subsequent Conduct

In gathering information, the Investigator may also consider other reports of, or findings of responsibility for, the same or substantially similar conduct by the Respondent to the extent such information is relevant and available. Such information may be relevant to determining motive, intent, absence of mistake, pattern, or another material fact. For example, where there is evidence of a pattern or conduct the same or substantially similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be relevant and probative to the determination of responsibility and/or sanctioning, as applicable. Similarly, prior or subsequent conduct of a Reporting Party, even when it involves conduct that may violate University policy, may be considered when relevant.

Any party seeking to introduce information about prior or subsequent conduct should bring this information to the attention of the Investigator at the earliest opportunity. Where a sufficient informational foundation exists, the Investigator will assess the relevance, form, and reliability of the information and determine, in consultation with the VP for EEO-TIX, if it is appropriate for inclusion in the investigative report.

J. Evidence Review

At the conclusion of the fact-gathering, the Investigator will make information gathered in the investigation available for review by the parties and any advisors. The parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The investigator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) calendar days to submit a written response, which the Investigator will carefully consider prior to completion of the investigative report. The written response may include comments, proposed questions for the Investigator to ask the other party, identification of additional witnesses or sources of evidence, which the Investigator will consider prior to completion of the investigation report.

K. Investigative Report

The Investigator will produce a written investigation report that fairly summarizes the relevant information gathered during the investigation. As noted above, the Investigator has the discretion to determine the relevance of any witness or other evidence. The investigative report will include both inculpatory and exculpatory facts, as well as the Investigator's findings of fact based on an objective evaluation of the relevant information.

The Investigator will consult with the delegate of the VP for EEO-TIX in the application of the findings of fact to the determination of responsibility; the delegate may be an internal designee or external professional, appropriately trained, and free from conflict of interest or bias. The Investigator will apply the preponderance of the evidence standard in making a determination of

responsibility. This means that the Investigator, in consultation with the delegate of the VP for EEO-TIX, will decide whether it is more likely than not, based upon the information provided, that the Respondent is responsible for the alleged violation(s). The findings of fact and determination of responsibility will be referred to the Sanctioning Officer/Panel for review of the finding, and as appropriate, imposition of sanction and remedies. Both the Reporting Party and the Respondent may submit written comment in response to the investigation report within ten (10) calendar days, which will be provided to the Sanctioning Panel/Officer.

L. Review for Dismissal Following Investigation

The VP for EEO-TIX, in partnership and consultation with relevant stakeholders (*e.g.*, Employee Relations, Student Affairs, Faculty Affairs), may address unprofessional, disrespectful, and/or offensive conduct that: 1) does not rise to the level of creating a hostile environment or a violation of this Policy, or 2) is of a generic nature not clearly based on a Protected Characteristic; and/or 3) runs counter to the University's mission and values. Addressing such behaviors will not typically result in the imposition of disciplinary sanctions under the Policy, but may be addressed through restorative remedial actions, such as coaching, education, and/or effective conflict resolution or other alternative resolution mechanisms. However, the University reserves the right to take any action it deems, in its sole discretion, appropriate in response to such behaviors.

M. Acceptance of Responsibility

At any point during the investigation, the Respondent may elect to accept responsibility for some or all of the Policy violations at issue. Where there is an acceptance of responsibility as to some but not all of the charges, the investigation will continue to conclusion and any acceptance of responsibility will be documented in the investigative report. Where there is an acceptance of responsibility as to all of the potential Policy violations, the Investigator will complete an investigative report of all information gathered to date and, after consultation with the VP for EEO-TIX, will refer the matter for sanctioning, as described below. Where both parties agree, the matter may also be resolved through the alternative resolution process.

N. Sanctioning

Following a finding of responsibility, a Sanctioning Officer/Panel will determine the appropriate sanction based on all available information.

The composition of the Sanctioning Panel/Officer will be determined by the role of the Respondent:

- For Student Respondents, the Sanctioning Panel will be composed of two employees appointed by the Provost and Senior Vice President for Academic Affairs, and one student by the Vice President for Student Affairs.⁴
- For Faculty Respondents, the Committee on Professional Responsibility will serve as the Sanctioning Panel. Under the Faculty Handbook, the Committee on

⁴ The student should be an undergraduate student in the case of an undergraduate student Respondent, and a graduate student in the case of a graduate student Respondent.

Professional Responsibility is a subcommittee of the Committee on Tenure and Privileges Appeals Committee. It is appointed by the Provost after consulting with the Chair of the Committee on Tenure and Privileges Appeals and the President of the Faculty. It will include past Presidents of the Faculty, if available, and faculty members in the research-, teaching-, practitioner-, or clinical-tracks.

- For a Staff Respondent, the Sanctioning Officer is a delegate of the Senior Vice President of Human Resources.

The Sanctioning Panel/Officer will convene no later than ten (10) calendar days following the referral of the Investigator's finding of facts and determination of responsibility. The Sanctioning Panel/Officer is responsible for reviewing the investigative report, written responses to the investigative report, and any mitigation or impact statements submitted.

1. Impact and Mitigation Statements

The Reporting Party may submit a written statement describing the impact of the Discrimination, Harassment or Retaliation on the Reporting Party. The Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed. The VP for EEO-TIX will provide any statement(s) to the Sanctioning Panel/Officer. Each party has the opportunity to view the other party's statement prior to the imposition of sanction.

2. Sanctioning Considerations

In determining sanction, the Sanctioning Panel/Officer will consider the following factors:

- the nature and severity of the conduct;
- the impact of the conduct on the Reporting Party;
- the impact or implications of the conduct on the community or the University;
- prior misconduct for which the Respondent has been found responsible, including the Respondent's relevant prior discipline history, both at the University or elsewhere (if available), including criminal convictions;
- whether the Respondent has accepted responsibility for the conduct;
- maintenance of a safe and respectful environment conducive to learning, including whether there is a continued hostile environment on campus caused by the Respondent's conduct;
- presence or absence of bias as a motivation for the Respondent's conduct;
- protection of the University community requiring extended protective measures or other sanctions; and

- any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

The Sanctioning Panel/Officer will draft a written sanctioning determination that will include the sanction and the rationale for the sanction and forward it to the EEO-TIX Office within five (5) calendar days for simultaneous distribution to the parties.

In the event the Sanctioning Panel/Officer recommends dismissal of a tenured faculty member, that information should be included in the written sanctioning determination that is forwarded to both the parties and the Provost.

The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of any appeal.

3. Range of Sanctions

Sanctions imposed upon Students can include a range of sanctions including, warning, censure, education, counseling, disciplinary probation, loss of privileges, suspension or expulsion from a residence hall or Greek housing, suspension or expulsion from University premises, and/or suspension or expulsion from the University's academic or extracurricular programs. Any of these forms of sanction may be supplemented with additional required actions by the Respondent.

Sanctions imposed on employees, including Staff and Faculty, can include a range of sanctions including, warning, censure, education, counseling, disciplinary probation, paid or unpaid suspension of employment, demotion, or termination of employment.

For tenured Faculty Respondents, the Sanctioning Panel may recommend the Provost initiate formal charges for termination consistent with Chapter 8 of the Faculty Handbook. This recommendation will consider whether the findings and conclusions meet the criteria stated in Section 8-C of the Faculty Handbook for adequate cause for dismissal of a tenured faculty member. The Provost may decide to bring formal charges and, if so, the charges shall be considered pursuant to the formal proceedings set forth in Section 8-D (2) of the Faculty Handbook, commencing with Step 4. Formal charges are heard by a dismissal Hearing Board as provided in Step 5 of Section 8D (2). It is up to the Provost to decide whether to file formal dismissal charges whether or not the panel has recommended them. At the conclusion of the tenure dismissal process, the Provost will communicate the sanctioning determination to the VP for EEO-TIX.

O. Remedies

The VP for EEO-TIX will review the determination of responsibility and sanction, if any, to determine whether additional remedies for the Reporting Party or the University community are necessary to restore and preserve equal access to the University's education program and activity. Examples of such remedies may include the continuation or initiation of supportive measures, including the provision of counseling, academic services, escort services, and/or training for members of the University community, as well as making modifications to academic, employment, or housing conditions or assignments.

P. Written Notice of Outcome

The Investigator and Sanctioning Panel/Officer will prepare a written decision, including the finding of responsibility or non-responsibility, any disciplinary sanctions, and rationale. The VP for EEO-TIX will issue the written notice of outcome to the Reporting Party and Respondent within ten (10) calendar days following the conclusion of the deliberations. The notice of outcome will include:

- (i) Identification of the allegations potentially constituting Prohibited Conduct;
- (ii) A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- (iii) Findings of fact supporting the determination;
- (iv) Conclusions regarding the application of the Policy to the facts;
- (v) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the Complainant; and
- (vi) The procedures and permissible bases for the complainant and respondent to appeal.

Q. Appeals

Both a Reporting Party and Respondent have the right to appeal the dismissal of the Formal Complaint, the final determination of responsibility, and/or the resulting sanction based on the following three limited grounds:

1. **Procedural irregularity that affected the outcome of the matter.** Procedural or technical irregularities will not be sufficient to sustain an appeal unless found to have affected the outcome of the Formal Complaint.

2. **New evidence, not reasonably available at the time of the investigation regarding responsibility or dismissal of the Formal Complaint, that could affect the outcome of the matter.**⁵ An appeal on this basis is limited to new evidence that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the Formal Complaint. The appeal must specify the new evidence that was not reasonably available at the time of the determination, why the evidence was unknown or unavailable, and how the new evidence could affect the outcome of the Formal Complaint.
3. **The VP for EEO-TIX, Investigator, or Sanctioning Officer/Panel had a conflict of interest or bias for or against Reporting Parties or Respondents generally or the individual Reporting Party or Respondent that affected the outcome of the matter.** The appeal must specify the basis on which the party believes there is an actual conflict of interest or bias that affected the outcome of the matter.

A concise written request for appeal must be submitted to the VP for EEO-TIX within seven (7) calendar days following delivery of either the notice of the outcome in the event of a finding of non-responsibility, or the written sanctioning decision in the event of a finding of responsibility. Each party may respond in writing to any appeal submitted by the other party. Written responses must be submitted within seven (7) calendar days following delivery of the notice of the written appeal. Written requests for appeal submitted by one party will be shared with the other party.

The designated Appellate Authority may be an external professional or a University administrator, appropriately trained, and free from conflict of interest or bias. The Appellate Authority, based on the status of the Respondent at the time of the alleged Prohibited Conduct, may be:

- For a Student Respondent, the Appellate Authority is a delegate of the Vice President of Student Affairs who is not otherwise involved in any step of the process.
- For a Faculty Respondent, the Appellate Authority is a delegate of the Provost who is not otherwise involved in any step of the process.
- For a Staff Respondent, the Appellate Authority is a delegate of the Senior Vice President of Human Resources who is not otherwise involved in any step of the process.

Either party may challenge the Appellate Authority on the basis of conflict of interest or bias. The Appellate Authority will review the written appeal submissions by the parties, the investigative report (including all exhibits and related materials), and the written notice of outcome. The Appellate Authority may: (a) affirm the findings or determination of responsibility; (2) affirm or modify the sanction(s); or (3) remand the matter for reevaluation or further investigation. The Appellate Authority will issue a simultaneous written decision to the parties

⁵ The time frame for filing an appeal based on newly discovered information may be extended at the discretion of the VP for EEO-TIX where the evidence could not reasonably have been discovered within the time frame and a compelling justification exists for its consideration.

within ten (10) calendar days of receipt of the appeal. In reaching a decision, the Appellate Authority has the discretion to consult with relevant stakeholders.

The decision by the Appellate Authority is final.

R. Time Frame for Resolution

The University will seek to complete the formal resolution process in a prompt and timely manner consistent with the reasonably prompt timeframes for the major stages of the process designated in this Resolution Process. The University may extend any timeframe in this Resolution Process for good cause. An extension may be required for good cause to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties (or their advisors) or witnesses; based on the need for language assistance or accommodation of disabilities; or for other legitimate reasons, such as intervening breaks in the academic calendar, finals periods, the complexity of the investigation, the volume of information or length of the written record, and/or the severity and extent of the alleged misconduct. While requests for delays by the parties may be considered, the University cannot unduly or unreasonably delay the prompt resolution of a report under this Policy.

Reasonable requests for delays by the parties will serve to extend the anticipated time period for resolution of the report. The VP for EEO-TIX, in consultation with the Investigator, has the authority to determine whether an extension is required or warranted by the circumstances, and will notify the parties in writing of any extension of the timeframes for good cause and the reason for the extension.

The University's overarching goal is that all complaints be investigated in a prompt, fair, and impartial manner. Although cooperation with law enforcement may require the University to suspend the fact-gathering portion of the investigation temporarily, the University will promptly resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed its initial evidence gathering process. The University will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide appropriate supportive measures for the Reporting Party and Respondent.

IX. ALTERNATIVE RESOLUTION

Following receipt of a Formal Complaint, the University may resolve reports through Alternative Resolution, as appropriate based on the circumstances. Alternative Resolution is available only once a Formal Complaint has been filed, prior to a determination of responsibility, and if the Reporting Party and Respondent voluntarily consent to the process in writing. In all cases, the VP for EEO-TIX will have discretion to determine whether or not Alternative Resolution, or any particular form of Alternative Resolution, is appropriate to the circumstances.

Alternative Resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent; mediation; indirect action by the EEO-TIX Office or other appropriate University officials; and other forms of resolution that can be tailored to the needs of the parties. With the voluntary consent of the parties, alternative resolution may be used

to impose agreed-upon disciplinary sanctions. Any person who facilitates an Alternative Resolution will be trained and free from conflicts of interest or bias for or against either party.

If the parties are interested in pursuing Alternative Resolution, the VP for EEO-TIX will send written notices to the parties describing:

1. the allegations at issue;
2. the requirements of the Alternative Resolution process;
3. the circumstances under which the parties are precluded from resuming a Formal Complaint arising from the same allegations;
4. the right to end the Alternative Resolution process at any time prior to resolution and resume the Formal Complaint process; and
5. the consequences resulting from participating in the Alternative Resolution, including that the records and communications created or maintained as part of the Alternative Resolution process may be viewed by parties, or later used or considered in the Formal Complaint process, including during the investigation, if found relevant by the Investigator.

All parties will be required to return signed copies of the written notices agreeing to the Alternative Resolution process.

With any form of Alternative Resolution, each party has the right to choose and consult with an advisor, or request that one be provided to them by the University, if available. The advisor may be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). The parties may be accompanied by their respective advisors at any meeting or proceeding held as part of Alternative Resolution. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to the University, the Complainant, and the Respondent is reached through Alternative Resolution, the terms of the agreement are implemented and the matter is resolved and closed. The VP-EEO-Title IX or designee will monitor the implementation of the agreement as appropriate. If an agreement between the parties and subject to the VP for EEO-TIX's approval is not reached or if a Respondent fails to comply with the terms of the Alternative Resolution, the Formal Complaint may be referred for investigation or an investigation may resume under the formal resolution process. Depending on the terms of the Alternative Resolution agreement, the matter may be considered closed and the parties will be precluded from filing another Formal Complaint arising from the same set of facts or circumstances.

Prior to reaching a resolution, any party can withdraw from the Alternative Resolution process, and the University will resume the Formal Complaint process. The University's goal is to complete an Alternative Resolution within thirty (30) calendar days of the parties' written agreement to participate in the process. If the University anticipates the process will take longer, written notification will be provided to the parties with an explanation regarding the delay.