

# University of Findlay Non-Discrimination, Anti-Harassment, and Hostile Campus Environment Policy



# Table of Contents

I.	PURPOSE AND SCOPE OF POLICY	5
II.	NOTICE OF NON-DISCRIMINATION	6
III.	ROLE OF THE CIVIL RIGHTS COORDINATOR	6
IV.	PRIVACY AND CONFIDENTIALITY	7
	A. Definitions	7
	B. Limits to Confidentiality	7
	1. Mandatory Reporting of Child Abuse	7
	2. Ohio Felony Reporting Requirement	7
	3. Ohio Medical Professional Reporting Requirements	7
	4. Risk of Harm to Self or Others	8
	5. Clery Act Reporting	8
	C. Confidential Resources	8
V.	PROHIBITED CONDUCT	8
	A. Discrimination	8
	B. Discriminatory Harassment	9
	C. Retaliation	10
VI.	ACCOMMODATION	10
	A. Religion	10
	B. Military Service	11
VII.	HOW TO ADDRESS PROHIBITED CONDUCT: OPTIONS AND RESOURCES	11
	A. Resources To Assist	11
	1. Confidential Resources	11
	2. Other Resources	12
	B. Preserving Evidence	13
	C. Reporting to the Civil Rights Coordinator and Accessing Supportive Measures	13
	1. Civil Rights Coordinator	14
	2. Law Enforcement	14
VIII.	SUPPORTIVE MEASURES	15
	A. Overview	15
	B. Range of Supportive Measures	15
	C. University Imposed Restricted Access	16
IX.	REVIEW, INVESTIGATION & RESOLUTION OPTIONS	16
	A. Procedural Expectations: Complainant and Respondent	16
	B. Initial Civil Rights Assessment	17
	C. Advisor of Choice	18
	D. Reporting Party's Request for Anonymity or that No Action/Investigation Be Pursued	18
	E. Informal Resolution	19
	F. Formal Resolution	20
	1. Investigation	20
	2. Review of Investigation and Initial Investigative Report	22
	3. Determination of Responsibility	22
	4. Adjudicator	22

# Table of Contents (cont.)

5.	Sanctions	23
	(a) Sanctions for Students or Student Groups	23
	(b) Sanctions for Employees or Employee Groups	24
	(c) Sanctions for Faculty or Faculty Groups	25
6.	Timeframe for Resolution	25
7.	Notice of Outcome	25
G.	Appeals	25
X.	RECORDS	26

## How to Get Help

Any member of the University community who has experienced physical assault is encouraged to immediately seek medical assistance, contact law enforcement to make a report, and make a report to the University.

### EMERGENCY RESPONSE

**University of Findlay Campus Safety**  
419-434-47399 (24 Hours)

**City of Findlay Police**  
419-424-7150

**Hancock County Sheriff**  
419-424-7097

**Emergency Law Enforcement Response:**  
911 (from anywhere)

### MEDICAL TREATMENT

**Blanchard Valley Health System**

**Blanchard Valley Hospital**  
1900 South Main Street, Findlay  
419-423-4500

**Bluffton Hospital**  
139 Garau Street, Bluffton, Ohio  
(419) 358-9010  
24 hours/7 days a week

Blanchard Valley’s Forensic Nurse Services offers sexual assault forensic exams (SAFE) through the Emergency Department.

**Cosiano Health Center**  
419-434-4550  
Monday-Friday, 9:00 a.m.-4:00 p.m.  
Provides medical treatment to students.  
For information about medical attention during non-business hours, call Campus Safety at 740-427-5000

### COUNSELING

**Counseling Services**  
307 Frazer St.  
419-434-4526

### SUPPORT (non-confidential)

**Buford Center for Diversity & Service**  
1222 North Cory St.  
419-434-5798  
Office of Equity & Title IX; Old Main 45  
419-434-4739

# Confidential Resources

The resources designated below can provide counseling, information, and support under confidentiality protections.

## ON CAMPUS

**Cosiano Health Center**  
120 West Foulke St.  
419-434-4550

**Counseling Services**  
307 Frazer St.  
419-434-4526

**Campus Ministries**  
1049 N. Main St.  
419-434-5624

## OFF CAMPUS

**Hancock County Victim's Assistance**  
419-424-7089

**Spectrum of Findlay**  
[contact@spectrumoffindlaylgbt.org](mailto:contact@spectrumoffindlaylgbt.org)

**Columbus Branch NAACP**  
614-382-6900 [naacpcolumbus.org](http://naacpcolumbus.org)

**U.S. Equal Employment Opportunity Commission.**  
[eeoc.gov/laws/types](http://eeoc.gov/laws/types)

**The Legal Aid Society of Columbus**  
614-224-8374 [columbuslegalaid.org](http://columbuslegalaid.org)

**FAQ: Institutional Readmission Requirements for Service Members**  
[ed.gov/policy/highered/guide/readmission.html](http://ed.gov/policy/highered/guide/readmission.html)

**Rights and Benefits of Reservists Called to Active Duty**  
[chcoc.gov/content/rights-and-benefits-reservists-called-active-duty](http://chcoc.gov/content/rights-and-benefits-reservists-called-active-duty)

## REPORTING OPTIONS AT University of Findlay (Private, but not confidential)

**Charles Ludwig**  
Civil Rights/Title IX Coordinator  
Director for Equity & Title IX  
Old Main 45  
419-434-4038  
[charles.ludwig@findlay.edu](mailto:charles.ludwig@findlay.edu)

**Heather Ward**  
Deputy Civil Rights Coordinator  
Vice President of Human Resources  
Old Main 303 A  
419-434-4804  
[heather.ward@findlay.edu](mailto:heather.ward@findlay.edu)

**University of Findlay Harassment Hotline**  
419-434-6777

Your call will be answered confidentially and directed to the appropriate area for help. If you are in immediate danger, Campus Safety will be notified.



# University of Findlay

## Non-Discrimination, Anti-Harassment, and Hostile Campus Environment Policy

### I. PURPOSE AND SCOPE OF POLICY

The University of Findlay strives for an environment in which all individuals are treated with respect and dignity. Each individual has the right to study and work in an atmosphere which promotes equal opportunities and prohibits discriminatory practices and harassment based upon age, race, ethnicity, national origin, color, religion, genetic information, veteran or military status and any other characteristic protected by institutional policy, or state, local, or federal law (collectively, "Protected Characteristics" for purposes of this policy). The University also prohibits discrimination on the basis of sex, gender, gender identity, gender expression, sexual orientation, and disability. These are not included in the definition of "Protected Characteristics" under this Policy. Instead, discrimination or discriminatory harassment on the basis of sex, gender, gender identity, gender expression, or sexual orientation is covered in the University's Sex Discrimination, Sexual Harassment, and Other Forms of Sexual Misconduct Policy. Discrimination or discriminatory harassment on the basis of disability is covered within Grievance Procedures for the Americans with Disabilities Act and the Rehabilitation Act of 1973.

The University does not engage in discrimination in its programs, activities and policies against students, prospective students, employees or prospective employees. The University prohibits and will not tolerate any such discrimination or harassment at its facilities, programs and activities.

The purpose of this policy is to set forth what conduct is Prohibited Conduct under this Policy and to describe the process used in resolving complaints of discrimination based on Protected Characteristics. This Policy applies to all members of the University of Findlay community, including, but not limited to students, faculty, staff, administrators, the Board of Trustees, groups, vendors, others engaged in business with the University, guests, and visitors.

This policy applies to all forms of Prohibited Conduct that:

- Occur on campus;
- Occur in the context of any University of Findlay education or employment activities or programs;
- Have continuing adverse effects on campus, on any member of the University of Findlay community, or in the context of any University of Findlay education or employment activities and programs, regardless of where the conduct occurred.

Regardless of whether off-campus behavior meets any of the above characteristics, the University may hold individuals and groups responsible for off-campus behavior that is prohibited by the Student, Staff, or Faculty Handbooks.

University of Findlay supports the free exchange of ideas in the academic enterprise and shall interpret this policy in a way that protects such an exchange.

## II. NOTICE OF NON-DISCRIMINATION

University of Findlay does not discriminate in its educational programs and activities on the basis of race, color, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, pregnancy, disability, age, religion, medical condition, genetic information, veteran status, marital status, or any other characteristic protected by institutional policy or state, local, or federal law. The requirement of non-discrimination in educational programs and activities extends to employment and admission.

## III. ROLE OF THE CIVIL RIGHTS COORDINATOR

The University has designated Charles Ludwig as the Civil Rights Coordinator. The Civil Rights Coordinator will facilitate the University's centralized review, investigation, and resolution of all reports of discrimination and discriminatory harassment. The Civil Rights Coordinator will ensure the effective implementation of this policy. All references to actions by the Civil Rights Coordinator may be performed by the Civil Rights Coordinator, Deputy Civil Rights Coordinator, or a designee.

Complaints and inquiries may be made to the Civil Rights Coordinator or Deputy Civil Rights Coordinator:

Charles Ludwig  
Civil Rights/Title IX Coordinator  
University of Findlay  
Old Main #45  
419-434-4038  
charles.ludwig@findlay.edu

Heather Ward  
Deputy Civil Rights Coordinator  
Vice President of Human Resources  
Old Main 303 A  
419-434-4804  
heather.ward@findlay.edu

University Harassment Hotline 419-434-6777

Your call will be answered confidentially and directed to the appropriate area for help. If you are in immediate danger, Campus Safety will be notified.

Further information on non-discrimination may be obtained from the United States Department of Education's Office for Civil Rights:

1350 Euclid Ave., Suite 325, Cleveland, Ohio 44115.

Inquiries regarding non-discrimination in employment may also be directed to:

- U.S. Equal Employment Opportunity Commission 800-669-4000
- Ohio Civil Rights Commission 888-278-7101

## IV. PRIVACY AND CONFIDENTIALITY

### A. Definitions

Privacy and confidentiality have distinct meanings under this policy.

Privacy generally means that information related to a report of Prohibited Conduct will only be shared with those University employees who “need to know” in order to assist in the active review, investigation, or resolution of the report, including the issuance of supportive measures. University of Findlay will determine which employees have a legitimate need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly.

University of Findlay may notify the parents or guardians of any dependent students who are Respondents regarding conduct charges or sanctions, particularly disciplinary probation, loss of housing, suspension, and dismissal.

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual or as otherwise permitted or required by law. These designated professionals have the right to maintain privileged conversations under state law. Confidential resources include medical professionals, mental health professionals, and clergy.

### B. Limits to Confidentiality

Limits to confidentiality include:

#### 1. Mandatory Reporting of Child Abuse

All University employees, including confidential resources, are required to immediately report any knowledge or reasonable suspicion that a minor (someone under 18 years old) is experiencing abuse or neglect based on information shared by the minor, any other individual, or one’s own observations or knowledge. Any University employee suspecting abuse or neglect is required to bring all suspicions to the immediate attention of the Director of Campus Safety and the Civil Rights Coordinator. University community members who are not employees are strongly encouraged to report any knowledge or reasonable suspicion of child abuse to Campus Safety or to law enforcement. In addition to notifying the Civil Rights Coordinator and Director of Campus Safety, University employees must make a direct report to Hancock County Job & Family Services Children’s Protective Services (419-424-7022). View the University’s policy regarding the protection of minors on campus.

#### 2. Ohio Felony Reporting Requirement

Under Ohio law, all individuals, excluding confidential resources, must report possible felonies. Under Ohio Revised Code Section 2921.22, medical professionals, mental health professionals and clergy are not required to report felonies. This legal requirement means the Civil Rights Coordinator or Campus Safety must report any possible felony to the City of Findlay Police Department. Where the University makes a report to law enforcement under this section, the University will not typically share the names of the involved parties without permission from the reporting party. The University will communicate with the reporting party in advance of any report to law enforcement. The reporting party may choose whether and how to participate in any subsequent criminal investigation.

#### 3. Ohio Medical Professional Reporting Requirements

In Ohio, medical professionals have distinct legally mandated reporting responsibilities. Where a medical professional knows or has reasonable cause to believe that serious physical harm resulted from an offense of

violence, the medical professional is required to make a report to law enforcement. Medical professionals must deem a patient medically stable before reporting and must communicate to the patient that the patient does not have to report and/or speak to the police. If the patient chooses not to speak to police at the time of the medical examination, the medical professional does not need to report the patient's name — only the date, general time, and general location of the incident.

#### **4. Risk of Harm to Self or Others**

Mental health professionals are required to disclose information where there is an imminent threat of harm to self (the client) or others.

#### **5. Clery Act Reporting**

Pursuant to the Clery Act, anonymous statistical information for certain offenses that have been reported at campus locations must be shared with Campus Safety. The information does not include the names or any other identifying information about the persons involved in such incidents.

### **C. Confidential Resources**

The resources designated below can provide counseling, information, and support under confidentiality protections. These confidential resources will not share information about a reporting party, Complainant, or Respondent (including whether or not that individual has received services) with the Civil Rights Coordinator or any other employee of the University without the individual's express permission or as permitted or required above (Limits to Confidentiality).

#### **On Campus:**

- Cosiano Health Center 419-434-4550
- Counseling Services 419-434-4526
- Campus Ministries 419-434-5624

#### **Off-Campus:**

- American Association for Affirmative Action: 1-866-562-2233, [www.aaad.org](http://www.aaad.org)
- Human Rights First: 212-845-5200, [www.humanrightsfirst.org](http://www.humanrightsfirst.org)
- NAACP: [www.naacp.org](http://www.naacp.org)
- Anti-Defamation League: [www.adl.org](http://www.adl.org)
- Teaching Tolerance: [www.tolerance.org](http://www.tolerance.org)
- American-Arab Anti-Discrimination Committee: 202-244-2990
- Ohio Hispanic Coalition Domestic Violence 24-Hour Hotline: 614-746-3534, [ohiohispaniccoalition.org](http://ohiohispaniccoalition.org)

## **V. PROHIBITED CONDUCT**

This policy prohibits all forms of discrimination and discriminatory harassment on the basis of a Protected Characteristic. The policy also prohibits retaliation as defined below in Section V.C.

### **A. Discrimination**

Discrimination occurs when a behavior or policy has the purpose or effect of restricting or denying an individual's or a group's access to opportunities, programs, or resources in relation to a Protected Characteristic in a manner that interferes with an individual's working, academic, residential, or social environment or athletic participation or performance.

Examples of discrimination include but are not limited to:

- Treated differently in determining whether such person satisfies any requirement or condition for the



provision of any aids, benefits, or services

- Provided different aid, benefits, or services. For example, a professor never makes time to meet with Buddhist students but is very flexible in meeting with other students
- Provided aid, benefits or services in a different manner
- Denied any aids, benefits, or services
- Subjected to separate or different rules of behavior, sanctions, or other treatment. For example, only Black and Latinx employees are required to clock in and out for lunch
- Treated differently concerning the domicile or residence of a student or applicant
- Discriminated against by providing significant assistance to any agency, organization, or person which discriminates on the basis of a Protected Characteristic in providing any aid, benefit, or service to students, faculty, or employees. For example, special office or meeting space is allocated to all groups except those for military veterans.
- Otherwise limited in the enjoyment of any rights, privileges, advantages or opportunities with regard to aids, benefits, or services
- Treated differently with regard to terms, conditions or benefits of employment, or in the recruitment, consideration, or selection thereof. For example, only Jewish and Muslim job candidates are asked about vacation/personal days at their interviews

When these or other forms of discrimination are based on a Protected Characteristic as defined by this policy, the conduct will be resolved under this policy.

The University recognizes that, in some cases, behavior that may otherwise appear to constitute discrimination based on the above definitions may nevertheless be permissible under federal and state laws, regulations, and guidance. In such cases, permissible actions under such laws, regulations, and guidance shall not be considered a violation of this Policy. For example, the offering of or participation in programs for the benefit of veterans and/or military personnel constitutes the provision of different aid, benefits, or services on the basis of veteran/military status, but it is permissible under federal law and therefore would not constitute a violation of this policy.

Note that for purposes of an individual that is entitled to reasonable accommodations (see Section VI), those reasonable accommodations shall be taken into account in determining whether there is a Policy violation. For example, if an individual is permitted to wear different clothing or to change vacation days because of religion, that will not be considered a violation under this policy.

## **B. Discriminatory Harassment**

Discriminatory Harassment is any unwanted verbal or physical conduct on the basis of a Protected Characteristic when one or more of the following conditions is present:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, participation in a program or activity, or grade in a course or coursework
- Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting an individual
- Such conduct is sufficiently pervasive, offensive, or abusive to have the purpose or reasonable effect of interfering with an individual's work or educational performance, or creating an intimidating, hostile, or offensive work or educational environment, under both an objective and subjective standard. A single incident may create a hostile environment if the incident is sufficiently severe.

The determination as to whether a hostile environment exists is based on the totality of the circumstances, including but not limited to:

- The nature and severity of the conduct

- The type, frequency, and duration of the conduct
- The identity of, and relationship between, the Respondent and the Complainant
- The number of individuals involved
- The age and maturity levels of the Respondent and Complainant
- The location of the conduct and the context in which it occurred

Examples of Discriminatory Harassment include but are not limited to:

- Threatening to harm someone or their property based on their religion
- Repeatedly leaving notes/photos, etc. on a person's door demeaning their military service
- Repeated, and unwanted, demeaning or negative comments related to a person's race or color

### **C. Retaliation**

Retaliation is defined as intimidating, threatening, coercing, or discriminating against any individual:

- For the purpose of interfering with any right or privilege secured by Title IX law or regulations
- 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 under this Policy or under the complaint procedures relating to Title IX complaints with the U.S. Department of Education's Office for Civil Rights

Retaliation also includes filing a complaint against an individual for code of conduct violations that do not involve sex discrimination, sexual harassment, or prohibited conduct under this Policy, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, a report or formal complaint of sexual harassment, or a report or complaint of prohibited conduct under this Policy, for the purpose of interfering with any right or privilege secured by Title IX law or regulations.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a proceeding under this Policy does not constitute retaliation, except that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

When a student is found responsible for retaliation, the recommended sanction is a minimum of one semester suspension from the University.

## **VI. ACCOMMODATION**

The University will consider reasonable accommodations on the basis of religion or military service for otherwise qualified individuals.

### **A. Religion**

Individuals who are otherwise qualified to participate in the University's programs, services, or employment opportunities may request reasonable accommodations on the basis of religion. An interactive process will occur to determine whether and which accommodations will be provided. This process is governed by separate University policies and procedures. Individuals who believe that the accommodations they have been offered are not appropriate shall use separate grievance procedures established for that purpose.

Employees seeking reasonable accommodations for religious reasons may contact the Office of Accommodation and Inclusion.

Students seeking reasonable accommodations for religious reasons may contact the Office of Accommodation and Inclusion.

Anyone seeking reasonable accommodations for religious reasons may contact the Civil Rights Coordinator for more information and to be connected to an appropriate staff member.

## **B. Military Service**

Employees who are performing military service or are returning from performing military service should contact the Office of Human Resources at 419-434-6964 regarding questions about leave, employment, reemployment, and other related concerns.

Students who are interested in requesting a military leave of absence or other academic accommodation for military service should contact the Oiler Success Center at 419-434-5680. Students or applicants interested in financial aid relating to military service should contact the Office of Financial Aid at 419-434-4791.

## **VII. HOW TO ADDRESS PROHIBITED CONDUCT: OPTIONS AND RESOURCES**

If you or someone you know has experienced Prohibited Conduct, the first concerns to be addressed should be to make sure the individual is safe and has access to medical care if needed. Campus Safety (419-434-4799) can provide a safety transport and assist in obtaining emergency medical assistance. Emergency assistance can also be accessed by dialing 911.

Once the individual is safe, there are three primary considerations that should be addressed:

1. The individual should consider whether they want to access resources, either on campus or off campus, to get assistance. Emergency medical assistance can be reached by dialing 911 or contacting Campus Safety at (419) 434-4799.
2. Evidence should be preserved so that it is available if needed for purposes of a University investigation and/or a criminal investigation.
3. The individual should consider whether to make a report to the University, to law enforcement, both, or neither. Note that employees of the University, unless they have been designated as "Confidential Resources" according to this Policy, are required to report all Prohibited Conduct to the Civil Rights Coordinator as soon as possible after learning of the incident.

## **A. Resources To Assist**

Individuals who experience Prohibited Conduct may wish to access resources to assist with their personal needs following an incident. There are two primary types of resources: confidential resources and other resources which are not confidential.

### **1. Confidential Resources**

Confidential Resources are not obligated to report Prohibited Conduct to the University. They are also not required to report potential criminal behavior to law enforcement except in certain very limited situations required by the Ohio Revised Code. Confidential Resources include:

#### **On-Campus:**

- University of Findlay Counseling Services, 307 Frazer Street, (419) 434-4526  
Provides professional, confidential counseling, advocacy, guidance, and assistance in understanding options, rights, and outcomes with regard to both the University and criminal processes.

- Cosiano Health Center, 120 West Foulke, (419) 434-4550  
Provides medical assistance, including sexual assault response assistance, to students.
- Campus Ministry Counseling, 1049 N. Main Street, (419) 434-5624  
Provides confidential consultation with clergy.

### Off-Campus:

- Blanchard Valley Health System; Blanchard Valley Hospital: Emergency Services, 1900 S. Main Street, Findlay, Ohio, (419) 423-4500 and Bluffton Hospital: Emergency Services, 139 Garau Street, Bluffton, Ohio, (419) 358-9010 - Offers on-site Sexual Assault Forensic Exam (SAFE) services through the Emergency Department.
- Open Arms Domestic Violence & Rape Crisis Services 24 Hour Hotline, (419) 422-4766, [www.openarmsfindlay.com](http://www.openarmsfindlay.com) -- Can assist with emergency shelter, rape crisis, victim advocacy, and obtaining a Civil Protection Order
- Crisis Text Line, text HOME to 741741, [crisistextline.org](http://crisistextline.org)
- National Domestic Violence Hotline, 1 (800) 799-SAFE (7233), [www.ndvh.org](http://www.ndvh.org)
- Buckeye Region Anti Violence Organization (BRAVO), (866) 862-7286, [www.bravo-ohio.org](http://www.bravo-ohio.org) – Focuses on assisting the LGBTQI community
- Trans Lifeline, 1 (877) 565-8860, [translifeline.org](http://translifeline.org)
- ASHA-Ray of Hope 24-Hour Helpline, (614) 565-2918, [asharayofhope.org](http://asharayofhope.org) – Focuses on assisting individuals from South Asia
- Ohio Hispanic Coalition Domestic Violence 24 Hour Hotline, (614) 746-3534 (Spanish and English), [ohiohispaniccoalition.org/programs/safety/](http://ohiohispaniccoalition.org/programs/safety/)
- Legal Aid of Western Ohio, 1800 North Blanchard Street, (888) 534-1432, [www.lawolaw.org](http://www.lawolaw.org) – Provides legal assistance to low-income residents
- Medical personnel, psychologists, counselors, social workers, therapists, attorneys, rape crisis counselors, and clergy members

Note that there are limits to a Confidential Resource's ability to maintain confidentiality. Confidential Resources are required to report child abuse or neglect to Children's Services or local law enforcement. Medical professionals may also have certain legally mandated reporting responsibilities in certain serious cases, although depending on state law, the reporting requirement may only require that the professional share the date, general time, and general location of the incident. Mental health professionals are required to disclose information where there is an imminent threat of harm to self or others. Finally, pursuant to the Clery Act, anonymous statistical information for certain offenses that have been reported as occurring at campus locations must be shared with Campus Safety. The information does not include the names or any other identifying information about the persons involved in such incidents.

In some cases, an individual may not need services through a Confidential Resource immediately following the Prohibited Conduct. However, as time passes, it may be helpful to seek such assistance. Counselors found on-campus at the Counseling Center, advocates at Open Arms, and other service providers listed in this Policy can provide assistance and/or treatment in dealing with physical and emotional concerns as they may arise.

### Other Resources

Other resources may also provide helpful support in many ways, including assisting individuals with obtaining accommodations or interim protective measures, explaining their options, and connecting them with other appropriate resources. Friends and loved ones may also be important sources of emotional support.

University resources that are not Confidential Resources are expected to handle information in a manner that respects the privacy of those involved in the situation, sharing information only as necessary. However,

all employees of the University who are not listed as confidential resources, above, are required to report allegations of Prohibited Conduct to the Civil Rights Coordinator.

Note that under Ohio law, all individuals (except for those Confidential Resources listed above) have the obligation to report felonies to law enforcement. More information on involvement with law enforcement can be found below.

The primary non-confidential resource for all concerns regarding Prohibited Conduct is the Civil Rights Coordinator, who can be reached in Old Main Office #45, or by calling (419) 434-4038. In addition to providing information about this Policy, the Civil Rights Coordinator can provide information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid issues, and other services available for individuals as appropriate, regardless of where the Prohibited Conduct occurred. The Civil Rights Coordinator can also provide assistance in making changes to academic, working, transportation, and living situations; instituting a no-contact order; and instituting other protective measures as may be appropriate. Although the Civil Rights Coordinator is obligated to report felonies to law enforcement, it is not required that an individual disclose the nature of the Prohibited Conduct to the Civil Rights Coordinator in order to discuss resources that may be available.

In addition to the Civil Rights Coordinator, other non-confidential resources include:

- Office of Equity & Title IX, Old Main Office #45, (419) 434-4739;
- Office of Student Affairs, 1st Floor Old Main, (419) 434-4570;
- Buford Center for Diversity & Service, 1222 North Cory St, 419-434-5798
- Athletic Director, 2nd Floor of Croy Physical Education Center, (419) 434-4651;
- Office of Human Resources, 3rd Floor of Old Main, Office #304, (419) 434-6964;
- International Admissions, 1214 North Cory Street, (419) 434-4558;
- Any University of Findlay employee (aside from those designated as confidential resources, above);
- Campus Security/UF Police Department, 1st Floor Lovett Hall, (419) 434-4799;
- Findlay Police, 319 Dorney Plaza, Room 116, 911 or (419) 424-7150;
- Hancock County Sheriff, 200 West Crawford Street, (419) 424-7097;
- Hancock County Prosecutor's Office, (419) 424-7089;
- Hancock County Domestic Relations Court, 300 S. Main Street, (419) 424-7818;
- Hancock County Clerk of Court's Office, (419) 424-7037 – Can provide forms for filing a Civil Protective Order;
- Hancock County Law Library, (419) 424-7077 – Can provide names of local attorneys and their specific practice areas;

## **B. Preserving Evidence**

If an incident of Prohibited Conduct occurs, it is important to preserve evidence so that if the individual later chooses to file a complaint, to pursue criminal charges, or both, the evidence is able to be used for purposes of the investigation.

Individuals are encouraged to preserve all potentially relevant text messages, emails, voicemails, photographs, videos, social media posts, private messages, letters, and other forms of communication. Assistance with preserving this information can be obtained through the Civil Rights Coordinator, Campus Safety, or Information Technology Services.

## **C. Reporting to the Civil Rights Coordinator and Accessing Supportive Measures**

The University encourages all individuals who may have experienced Prohibited Conduct to report the incident(s) to the University. In addition, the University encourages individuals who may have experienced potentially



criminal behavior to report the incident(s) to local law enforcement. However, an individual may choose whether to make a report to the University, to law enforcement, both (at the same time or one after the other), or neither. Filing a report does not require the filing of a formal complaint and undergoing an informal or formal resolution. However, filing a report does assist the Civil Rights Coordinator in determining whether an individual may be eligible for supportive measures as described more fully below.

To facilitate the University being able to respond promptly to allegations of sexual harassment, all employees of the University, except for those confidential resources listed in Section IV(C), are required to report allegations of Prohibited Conduct to the Civil Rights Coordinator as soon as practicable after learning of the allegations. Upon receiving a mandatory report, the Civil Rights Coordinator will reach out to the potential Complainant to ask if they would like to meet to discuss supportive measures and other options. Failure to make a mandatory report may result in discipline, up to and including termination of employment.

The University encourages any member of the campus community to report Prohibited Conduct. To encourage such reporting and the honesty of those participating in the process, the University provides disciplinary amnesty for drug and alcohol violations to students who report an incident (as a Complainant or a witness) or otherwise participate in the University's process in good faith. However, amnesty will not be provided to individuals for behavior that causes harm to another person or for the participation in or facilitation of violations of this Policy.

The University will cooperate with investigations by law enforcement and may, at the request of law enforcement, briefly delay any concurrent investigation by the University. However, the University uses this and other policies to determine what constitutes misconduct, rather than Ohio criminal laws, and therefore does not defer to law enforcement's findings in lieu of administering this Policy.

## Civil Rights Coordinator

All individuals are encouraged to report Prohibited Conduct to the Civil Rights Coordinator, and all University employees (except confidential resources) are required to report Prohibited Conduct to the Civil Rights Coordinator. Such reports may be made in person at the Office of Equity & Title IX, Old Main Office #45, via email at [charles.ludwig@findlay.edu](mailto:charles.ludwig@findlay.edu), or by telephone at (419) 434-4038. More information about reporting to the Civil Rights Coordinator can be found below.

Individuals may also report through the University Harassment Hotline by calling 419-434-6777. Your call will be answered confidentially and directed to the appropriate area for help. If you are in immediate danger, Campus Safety will be notified.

## Law Enforcement

All individuals are encouraged to report criminal conduct to Campus Safety at (419) 434-4799. Campus Safety can connect individuals to the appropriate local law enforcement agency to file a police report, and can assist with securing the scene, providing safety transports, and preserving evidence if needed. Reporting to law enforcement does not require an individual to pursue criminal charges.

Anonymous reporting of crimes is available through Campus Safety's Silent Victim/Witness Program online at <https://www.findlay.edu/offices/student-affairs/safety-security/silent-victim-witness-program>. Note that providing information anonymously may impede the University's ability to respond to and investigate the reported incident(s).

## VIII. SUPPORTIVE MEASURES

### A. Overview

Upon receipt of a report of Prohibited Conduct, the University may impose reasonable and appropriate supportive measures designed to eliminate the reported hostile environment and protect the parties involved. Supportive measures may be both remedial (designed to address either party's well-being and continued access to educational and employment opportunities) or protective (involving action against a responding party). Supportive measures are available regardless of whether the reporting party chooses to pursue any action under this policy. The Civil Rights Coordinator will maintain the privacy of any supportive measures provided under this policy to the extent possible and will promptly address any violation of the protective measures.

A reporting party or Respondent may request separation or other protection, or the University may choose to impose supportive measures at its discretion to maintain the safety of all parties, eliminate a hostile environment, and/or protect the integrity of the process. The Civil Rights Coordinator will oversee and implement the provision of supportive measures and remedies. The Civil Rights Coordinator has the discretion to ensure the appropriateness of any supportive measure based on all available information, and is available to meet with a reporting party or Respondent to address any concerns about the provision of supportive measures.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by an supportive measure. The University will take immediate and responsive action to enforce a previously implemented supportive measure and disciplinary sanctions may be imposed for failing to abide by a University-imposed measure.

### B. Range of Supportive Measures

Potential supportive measures, implemented on behalf of the reporting party and/or the Respondent to the extent reasonably available and warranted by the circumstances, include, but are not limited to:

- Access to counseling services and assistance in setting up an initial appointment, both on and off campus;
- Imposition of a "no-contact order" (failing to abide by the no-contact order may result in allegations of additional policy violations)
- Rescheduling of exams and assignments
- Providing alternative course completion options
- Change in class scheduling, including the ability to transfer course sections or withdraw from a course without penalty
- Change in work schedule or job assignment
- Change in supervisor
- Change in student's University-owned, sponsored, or controlled housing
- Assistance from University support staff in completing housing relocation
- Limiting an individual's or organization's access to certain University facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Providing an escort to ensure safe movement between classes and activities
- Providing medical services
- Providing academic support services, such as tutoring
- University imposed administrative leave or separation
- Interim restricted access (in consultation with the appropriate division head as described in Section VIII.C)
- Providing assistance with obtaining information about visa or immigration issues, legal issues, and transportation options
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy

### **C. University Imposed Restricted Access**

Whenever a student's or group's alleged actions and/or activities are viewed as threatening or potentially injurious to the well-being or property of members of the University of Findlay community or to the property or orderly functions of University of Findlay, the Civil Rights Coordinator, in consultation with the Dean of Students, may impose interim (temporary) restricted access of a student or a group prior to the formal investigation or resolution of an alleged violation of University policy and/or pending the outcome of the resolution of a report. Interim restricted access is not disciplinary in nature and is not recorded on the Respondent's transcript.

If a Respondent student wishes to challenge interim restricted access, the Respondent shall provide written notice of such challenge, including their reasons, to the Civil Rights Coordinator within two (2) calendar days of receiving notice of the restrictions. The Civil Rights Coordinator, in conjunction with the Dean of Students (or designee), shall meet with the student and an advisor of the student's choice. The purpose of the meeting is to permit the student to respond to the restriction/s. The location of the meeting will be determined by the Civil Rights Coordinator and may occur via telephone or video-conference. Within one calendar day of the meeting, the Civil Rights Coordinator and Dean of Students shall again consult regarding the interim restricted access. The Civil Rights Coordinator will notify the student in writing of the resulting restrictions.

Similarly, the Civil Rights Coordinator, in consultation with the appropriate division head who would not typically serve as the adjudicator (i.e., Dean of Students for students, an Associate Vice President for faculty, and Vice President of Business Affairs for staff), may impose leave for any employee at their discretion prior to the formal investigation or resolution of a report. Such leave will be structured at the University's discretion in consultation with the appropriate department head. Such leave is not subject to the procedures applicable to students, above.

## **IX. REVIEW, INVESTIGATION & RESOLUTION OPTIONS**

The University's response to reports under this policy will be guided by principles of fairness and respect for all parties. In every case, the University will conduct an assessment and determine the most appropriate manner of resolution under the policy. The University recognizes that in some circumstances, due to aspects of a particular case, strict compliance with the policy may create unexpected conflicts of interest or raise other concerns about the fairness of the typical process. The Civil Rights Coordinator is empowered to adjust the process, with notice to the parties, as necessary to provide an adequate, reliable, thorough, and impartial investigation.

Resources are available for both parties, whether as a Complainant or Respondent, to provide guidance throughout the investigation and resolution of the report. Both Respondents and Complainants are entitled to an advisor of their choice throughout the process. The Civil Rights Coordinator will provide the Complainant and the Respondent with an overview of available resources and options at their first meeting.

Withdrawal, resignation, graduation, retirement, or other departure of a Complainant or Respondent from the University after a report has been made will not discontinue the review, investigation, and/or resolution of the report or complaint. A Respondent who separates from the University under any circumstance is not eligible for re-admittance or re-employment until they have successfully completed the terms of any sanctions imposed.

### **A. Procedural Expectations: Complainant and Respondent**

In any report, assessment, investigation or resolution under this policy, both a Complainant and a Respondent can expect:

1. A prompt and equitable response to reports of Prohibited Conduct
2. To receive supportive measures that may be reasonably available and necessary for protection and support
3. Information about where to find confidential resources on and off campus and other forms of support

available through the University and in the community

4. Notice of the alleged conduct, potential policy violations at issue, and the identity of the Complainant, which may be the University, prior to the start of a formal investigation
5. An adequate, reliable, thorough, and impartial investigation.
6. The opportunity for an advisor of choice who may attend all meetings and proceedings related to the assessment, investigation, or resolution of the report.
7. Agency and autonomy to decline to participate in an investigation or resolution under the policy, although the University may choose to continue the process even if the Complainant and/or Respondent do not participate.
8. To identify witnesses, submit suggested questions in writing, and provide evidence during the investigation.
9. Prompt remedial action if Prohibited Conduct is determined to have occurred.
10. Regular communication about the progress of the process and of the resolution.
11. Timely written notice of the outcome, and sanctions, and the rationale for each
12. The opportunity to appeal the outcome (determination as to responsibility) and sanction.
13. To be free from retaliation, harassment, or intimidation relating to this policy.
14. Reasonable accommodation during the resolution process for individuals with disabilities can be requested through established University protocol as provided by the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act.

## **B. Initial Civil Rights Assessment**

Upon receipt of a report, the Civil Rights Coordinator will conduct an initial assessment to provide an integrated and coordinated response to reports under this policy. In the course of this initial assessment, the Civil Rights Coordinator will consider the interest of the reporting party and their expressed preference for the manner of resolution, as well as the University's broader obligation to maintain a safe campus free from harassment and discrimination. Where possible, the University will seek to resolve reports under this policy in a manner consistent with the reporting party's request.

As part of the initial assessment, the Civil Rights Coordinator will:

- Assess the nature and circumstances of the allegation
- Address immediate physical safety and emotional well-being
- Notify the reporting party of the right to contact law enforcement
- Inform the reporting party of the importance of preservation of evidence (i.e., physical, electronic, etc.)
- Enter the incident into the University's daily crime log, if appropriate (without identifying information)
- Evaluate whether to issue a timely warning consistent with the Clery Act
- Provide the reporting party with information about on and off-campus resources
- Notify the reporting party of the range of supportive measures
- Provide the reporting party with an explanation of the procedural options under the policy, including Informal Resolution and Formal Resolution
- Notify the reporting party of the ways they may choose to participate, or decline to participate, in the various steps of the process. This will include notification that the Civil Rights Coordinator may, in certain circumstances, proceed without a reporting party's participation and that non-participation by the reporting party may limit the ability of the University to respond
- Assess for pattern evidence or other similar conduct by Respondent
- Discuss the reporting party's expressed preference for manner of resolution and any barriers to proceeding
- Explain the University's policy prohibiting retaliation
- If the determination has been made to notify the Respondent of the report, provide the Respondent with information about resources, possible supportive measures, and procedural options

The initial review will proceed to the point at which a reasonable assessment of the safety of the individual and of the campus community can be made, and the Civil Rights Coordinator has sufficient information to determine the appropriate manner of resolution.

At the conclusion of the assessment, the Civil Rights Coordinator will determine the appropriate manner of resolution. If the reported information would not support a policy violation (see Section V, Prohibited Conduct), accepting all reported information as true, the Civil Rights Coordinator may decline to pursue an investigation, and, when appropriate, refer the incident to the relevant University office. It is at the discretion of the Civil Rights Coordinator to determine which method of resolution is appropriate.

The Civil Rights Coordinator will communicate the decided upon manner of resolution to the reporting party in writing. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the action would impact a Respondent, such as protective measures that restrict the Respondent's movement on campus, the initiation of an investigation, or the decision to involve the Respondent in an informal process. If an investigation is initiated, the Respondent and Complainant will be informed of the nature of the alleged conduct and/or potential charges being investigated as detailed in section IX.F.1.

### **C. Advisor of Choice**

Both Complainants and Respondents may be supported by an advisor of choice during the resolution of a report under this policy. The advisor may be an attorney. Any person who serves as an advisor should be available for meetings, telephone calls, and/or video calls throughout the process. The advisor is a silent and non-participating presence who is there solely to observe and provide support during the investigative process. The University has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. Prior to participating in any meeting, the advisor will be required to meet with or speak with the Civil Rights Coordinator (or designee) for an orientation to the University's policies and procedures, privacy protections, and expected participation and decorum. The Complainant or Respondent may be present for this meeting. The advisor may not be a fact witness or otherwise have any conflicting role in the process. All communication shared with the investigators must come directly from the Complainant or Respondent.

### **D. Reporting Party's Request for Anonymity or that No Action/Investigation Be Pursued**

The Civil Rights Coordinator will take all reasonable steps to investigate and respond to the report consistent with the reporting party's request where possible. Where a reporting party makes a report but requests that a name or other identifiable information not be shared with the Respondent or that no formal action be taken, the University's ability to respond may be limited by the request. The University will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all University of Findlay community members.

In making this determination, the Civil Rights Coordinator will consider, among other factors:

- Whether the reporting party has requested confidentiality or will participate in an informal or formal process
- The severity and impact of the conduct
- The respective ages of the parties, including whether the reporting party is a minor (under the age of 18)
- Whether the Respondent has admitted to the conduct
- Whether there have been other complaints or reports of harassment or violence by the Respondent under this policy
- Whether circumstances suggest there is an increased risk of the Respondent committing additional acts of violence
- Whether the Respondent threatened further violence against the reporting party or others



- Whether the report indicates that multiple Respondents were involved
- Whether the report indicates that the conduct involved a weapon
- Whether the school possesses independent means to obtain relevant evidence (e.g., witnesses, security cameras or personnel, or physical evidence)

Where the University is unable to take action consistent with the request of the reporting party, the Civil Rights Coordinator will inform the reporting party about the chosen course of action, which may include the University initiating an investigation into whether a policy violation occurred. Alternatively, the course of action may include a form of Informal Resolution, which will include steps to eliminate the effects of the Prohibited Conduct and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the reporting party.

## **E. Informal Resolution**

The Informal Resolution process is designed to eliminate a hostile environment without taking formal disciplinary action against a Respondent. Where the initial assessment concludes that Informal Resolution may be appropriate, the University may take immediate and corrective action through the imposition of individual and community remedies designed to maximize the reporting party's access to the co-curricular, and employment activities at the University and to eliminate a hostile environment.

Participation in Informal Resolution is voluntary, and either party (the Complainant or the Respondent) can request to end Informal Resolution process at any time. Pursuing Informal Resolution does not preclude later use of Formal Resolution if the Informal Resolution fails to achieve a resolution acceptable to the parties and the University, or if the informal agreement is violated. The Civil Rights Coordinator may refer a report for Formal Resolution at any time and retains the discretion to determine the type of Informal Resolution that may be appropriate in a specific case.

As part of Informal Resolution, the Civil Rights Coordinator may:

1. Resolve the report through the implementation of remedies when there is sufficient information about the nature and scope of the conduct to support such a response.
2. Act promptly to meet with the parties involved to inform them of the corrective actions.

Remedies may include any option outlined in Section VIII.B. regarding Supportive Measures. Other potential remedies include targeted or broad-based educational programming or training, an agreement between the parties that addresses the Complainant's concerns, supported direct confrontation of the Respondent, and/or indirect action by the Civil Rights Coordinator or the University. Depending on the form of resolution, it may be possible for a reporting party to maintain anonymity.

There are two primary types of Informal Resolution: Facilitated Agreement, and Mediation. In an Informal Resolution, the parties are not compelled to engage in the process, to directly confront each other, or to participate in any particular form of Informal Resolution.

In Facilitated Agreement, the Civil Rights Coordinator or designee generally acts as a facilitator to work with the parties to reach an agreement outlining a resolution. In Mediation, a mediator conducts a confidential mediation between the parties to reach a binding legal agreement that may be enforced in court. Informal Resolution agreements are signed by the parties and the Civil Rights Coordinator and are enforced by the University. If the agreement includes disciplinary probation, suspension, or dismissal, this will be recorded in the Respondent's disciplinary record.

At the discretion of the Civil Rights Coordinator, after an investigation or Formal Resolution of a report has

begun, a Complainant and Respondent may agree to pursue Informal Resolution.

The Civil Rights Coordinator will maintain records of all reports and conduct referred for Informal Resolution, which will typically be completed within forty-five (45) calendar days of the initial report. When the Respondent is a student, an Informal Resolution will not be recorded in the Respondent's student file in the Dean of Students Office, unless the Respondent agrees to have it recorded. When the Respondent is an employee, a notation will be made in the employee's file maintained by the Office of Human Resources and/or the Office of Academic Affairs.

## **F. Formal Resolution**

Where the Civil Rights Coordinator concludes that Formal Resolution is appropriate, the University will initiate an investigation. The Civil Rights Coordinator will identify the potential violations and prepare the initial notification of charges. Any non-Civil Rights conduct charges will be determined in consultation with the appropriate administrator (Assistant Dean of Students, Human Resources Director, or Vice President of Academic Affairs) and will be investigated and, if appropriate, adjudicated and/or appealed pursuant to this policy, provided that it does not unduly delay resolution under this policy.

The University may delay granting a diploma otherwise earned until the completion of all phases of a formal resolution including completion of an appeal and/or sanctions imposed.

### **1. Investigation**

The Complainant and Respondent will receive written notice that an investigation has been initiated. The notice of investigation will include the identities of the parties involved, the specific section/s of the policy allegedly violated, the precise conduct allegedly constituting the potential violation, and the approximate date and location of the alleged incident. The notice shall be provided in advance of any interview with the investigators, with sufficient time for meaningful preparation. The Civil Rights Coordinator, in consultation with the investigators, may amend the charges as part of the investigative process. The Civil Rights Coordinator will, if appropriate, issue amended charges to both parties.

The Civil Rights Coordinator will designate two investigators to conduct an adequate, reliable, and impartial investigation, one of whom will typically be a University employee. Any investigator used by the University must have specific training in investigations. The University may engage an external investigator as one or both of the two assigned investigators. The investigators will be impartial and free of any actual conflict of interest. In complex situations, the Civil Rights Coordinator, in consultation with the two investigators, may engage additional trained investigators to gather additional information to be considered by the primary investigators in the resolution of the complaint.

The investigators will interview the Complainant and the Respondent to understand the details of the reported incident. The investigators, at their discretion, will conduct other fact finding and/or discussions with any other individuals who may have information relevant to the determination. The witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character. The investigators will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. Audio and/or video recording of interviews is prohibited under the policy unless there is a special need for the recording and it has been approved in advance by the Civil Rights Coordinator.

The Complainant and Respondent will have an equal opportunity to be heard; submit written questions for the investigators to ask of the other party; submit information and evidence; and identify witnesses who may have relevant information. Investigators will review submitted questions and, in their discretion, may choose which

questions are necessary and appropriate to the investigation and conduct any follow-up as they deem relevant.

All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of University policy and can subject a student or employee to disciplinary action. Making a good faith report to the University that is not later substantiated does not constitute false or misleading information.

The investigators and Civil Rights Coordinator have the discretion to consolidate multiple reports against a Respondent into one investigation in the interests of efficiency based on the relationship between the witnesses, incidents, and/or evidence. Where multiple Complainants are involved in the same investigation, each Complainant will be provided only with the appropriate portion(s) of the investigative documents that relate to their individual complaint. If there are multiple Respondents, each Respondent will be provided only with the appropriate portion(s) of the investigative documents that relate to the individual report involving them.

A person's medical and counseling records are privileged and confidential documents that a Complainant or Respondent will not be required to disclose to investigators. However, where a party chooses to share medical and counseling records as part of the investigation, the records will be shared with the other party subject to redaction requirements as detailed in section IX.F.2.

In gathering the facts, the investigators may consider similar prior or subsequent reports of, or findings of responsibility for, similar conduct by the Respondent to the extent such information is relevant. Such patterns may indicate a heightened risk to the campus community, and therefore can be taken into account during an investigation. If the Civil Rights Coordinator determines that there may be a pattern of behavior, the Civil Rights Coordinator may, in their discretion, offer the information to the investigators for the limited purpose of consideration as pattern evidence. The investigators may then, in their discretion, determine whether such evidence is or may be to determine whether a policy violation occurred with respect to the allegations being investigated based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct. Prior or subsequent conduct of the Respondent may also be considered in determining other relevant issues, including knowledge, intent, motive, or absence of mistake.

Any party seeking to introduce information about pattern evidence should bring this information to the attention of the investigators at the earliest opportunity. While the investigators may explore relevant areas of inquiry, the Civil Rights Coordinator has the discretion to make the final determination whether evidence of prior or other misconduct is relevant to the determination regarding responsibility.

At any time, the Respondent may choose to agree to a finding of responsibility to some or all of the charged conduct. The matter will be referred to an Adjudicator to determine the appropriate sanction as set forth below (Section IX.F.4).

The University will seek to complete the investigation within ninety (90) calendar days from the notice of investigation, but this time frame may be extended for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

## 2. Review of Investigation and Initial Investigative Report

At the conclusion of the investigation, the investigators will prepare a preliminary written investigation report that summarizes the relevant information gathered and synthesizes the areas of agreement and disagreement between the parties and any supporting information or accounts. In preparing the report, the investigators will:

- Review all facts gathered to determine whether the information is relevant given the allegation
- Redact information that is irrelevant, more prejudicial than probative, immaterial, and/or information relating to any mediation that may have occurred between the parties
- Redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

The Civil Rights Coordinator will share the initial investigative report with the Complainant and Respondent to provide each the opportunity for review before the report is finalized. Due to the privacy of all those involved, shared documents will not be printable, downloadable, or shareable by the parties. Exceptions may be made in compliance with Section 504 of the Rehabilitation Act of 1973.

The Complainant and Respondent may request that they be re-interviewed. The Complainant and the Respondent may, in writing, submit any additional comments, witnesses, evidence, or follow-up questions to the investigators within five (5) calendar days of the opportunity to review the report. Upon receipt of any additional information by the Complainant or Respondent, or after the five (5) calendar day period has lapsed without comment, the investigators will conduct any additional follow-up that they deem appropriate.

## 3. Determination of Responsibility

The investigators will make a determination, by a preponderance of the evidence, whether there is sufficient information to support a finding of responsibility. The investigators finding, and the rationale for the finding, will be included in the final investigative report which will be shared with the Complainant and the Respondent by the Civil Rights Coordinator. The preponderance of the evidence is the standard whereby the relevant and admissible information is found to support, more likely than not, the allegations.

If the investigators determine by a preponderance of the evidence that there is insufficient information to find the Respondent responsible for violating this or other policies, the Complainant may appeal this outcome following the procedures set forth in Section IX.G. (Appeals).

If the investigators determine, by a preponderance of the evidence, that there is sufficient information to find the Respondent responsible for violating this or other policies, the matter will be referred to an Adjudicator to determine the appropriate sanction. The Civil Rights Coordinator will notify the Registrar to place a hold on the Respondent's transcript until the sanction has been issued by the Adjudicator.

If the investigators determine, by a preponderance of the evidence, that there is sufficient information to find the Respondent responsible, the Respondent may be immediately placed on restricted access, the restrictions of which will be determined by the Civil Rights Coordinator on a case-by-case basis.

## 4. Adjudicator

The Adjudicator is determined by the status of the Respondent:

- For reports against students or student groups, the Adjudicator is typically the Assistant Dean of Students
- For reports against staff, the Adjudicator is typically the Director of Human Resources or, if the Director of

Human Resources is unable to serve, the Assistant Dean of Students

- For reports against faculty, the Adjudicator is typically the Vice President for Academic Affairs or, if the Vice President is unable to serve, one of the Associate Vice Presidents

When the typical or alternate Adjudicator is unable to serve, or is not otherwise designated in this policy, the Civil Rights Coordinator will select a trained individual to be the Adjudicator with notice to both parties.

The Adjudicator must be a neutral and impartial decision-maker. The parties will be informed, in writing, of the specific Adjudicator assigned to determine the sanction(s). Within one (1) calendar day of receiving the notice of the designated Adjudicator, the Complainant and the Respondent may submit a written request to the Civil Rights Coordinator to replace the named Adjudicator, if there are reasonable articulable grounds to establish bias, conflict of interest, or an inability to be fair and impartial. The designated Adjudicator will only be replaced if the Civil Rights Coordinator determines that their bias precludes impartiality or constitutes conflict. Additionally, an Adjudicator who has reason to believe they cannot make an objective determination must recuse themselves.

## 5. Sanctions

In determining the appropriate sanction(s), the Adjudicator will:

- Consider a sanction(s) designed to eliminate the Prohibited Conduct, prevent its recurrence, and address its effects, while supporting the University's educational mission and legal obligations
- Impose any sanction(s) deemed appropriate after a consideration of all of the relevant information

The Adjudicator will impose the sanction(s) based upon a full consideration of the following factors: (1) the Respondent's prior conduct history; (2) how the University has sanctioned similar incidents in the past; (3) the nature and violence of the conduct at issue; (4) the impact of the conduct on the Complainant; (5) the impact of the conduct on the community, its members, or its property; (6) whether the Respondent has accepted responsibility for their actions; (7) whether the evidence, in conjunction with the prior conduct history, suggests that the Respondent is reasonably likely to engage in the same or similar conduct in the future; (8) the need to deter similar conduct by others; and (9) any other mitigating or aggravating circumstances, including the University's values.

The imposition of the sanction(s) will typically take effect immediately, but may be stayed at the discretion of the Adjudicator in consultation with the Civil Rights Coordinator. A Respondent who separates from the University under any circumstance is not eligible for re-admittance or re-employment until they have successfully completed the terms of any sanction(s) imposed.

A transcript notation of Suspension or Dismissal will be noted at the time the sanction is imposed. If an appeal reverses the decision, the notation will be removed.

### (a) Sanctions for Students or Student Groups

For students, the sanction may include removal from specific courses or activities, removal from University housing, suspension from the University, or dismissal. While sanctions may be of a punitive nature, they are intended to be educational as well. The possible sanctions that may be issued, individually or in combination, for students found responsible for Prohibited Conduct include:

- Statement of Concern. May be issued to students who are found in the presence of a policy violation, but who are not held formally accountable for that violation.
- Warning. A warning is notification that a student has committed certain violations and that continuance of such conduct will result in more severe disciplinary action.



- **Educational Sanctions.** These include, but are not limited to education, mandatory counseling assessment and adherence to professional counseling recommendations, research paper or project, hall or building program with a residential life staff member, group education program, etc.
- **Administrative Hold on Student Accounts.** Enforced most often when students have failed to comply with assigned tasks from an adjudication or investigation. This action precludes students from registering for classes and obtaining such documents as transcripts and diplomas. Once the outstanding sanction has been satisfactorily completed, the hold will be lifted.
- **Disciplinary Service.** Service hours expected to be completed in a given area as a way to give back to the campus or local community.
- **Fine/Restitution.** A fine or restitution is a monetary penalty for violations such as vandalism or damage to University property or the property of others. All fines must be paid by personal or cashier's check; they will not be applied to a student's account.
- **University Restriction.** Restriction from certain buildings, events, activities, etc.
- **University Housing Restriction.** Residence re-assignment, removal from University housing, or restrictions on type of housing where a student may live.
- **Disciplinary Probation.** This sanction means that for a specified period of time (ordinarily no less than the equivalent of one semester) a student is not in good standing with the University.
- **Administrative Withdrawal.** Withdrawal from a specific course, major, or academic department may be invoked in cases where a student or group of students violates expectations of the academic arena (classroom incivility, disruption, harassment of faculty or other students in the classroom).
- **Deferred Suspension.** This involves students who have been held responsible for behavior that warrants suspension but where mitigating circumstances and additional sanctions may allow a student to remain in the community while these sanctions are being completed. Failure to complete any of the additional expectations by the stated deadlines will lead to the immediate implementation of suspension without further hearing. In addition, if a student is found responsible for any further University policy violations, at minimum, the student will automatically be recommended for suspension for at least one full semester.
- **Suspension.** The denial of the opportunity to continue in the University for a specified period of time (ordinarily no less than one semester), or indefinitely until the student's intervening record can support an application for readmission. While suspended, a student is not allowed to be on campus or to attend any official University event. The intent is for the student to have time away from the University to consider the implications of their behavior and to return to campus with a better understanding of their responsibility within the community. In the event that additional sanctions are imposed in conjunction with the suspension, these sanctions will most likely be expected to be completed prior to an application for readmission to be considered. This sanction is noted permanently on the student's transcript.
- **Dismissal.** The denial of the opportunity to continue as a student at the University. A student who has been dismissed is not eligible to apply for readmission. A student who is dismissed is not allowed to be on campus or to be at any official University event at any time. This sanction is noted permanently on the student's transcript.

For a student employee who is acting within the scope of their employment at the time of the incident, the sanction may include any permissible sanction as a student or an employee.

## **(b) Sanctions for Employees or Employee Groups**

For employees, the sanction may include any form of responsive action or progressive discipline as set forth in the Employee Handbook, including training, referral to counseling, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination of employment.

### **(c) Sanctions for Faculty or Faculty Groups**

Appropriate sanctions may range from a warning, a reprimand, relevant training, referral to counseling, salary freeze, removal from certain responsibilities (e.g., supervising employees), paid leave or unpaid leave, non-renewal of contract, reassignment, termination of tenure and/or termination of employment.

### **6. Timeframe for Resolution**

The University will seek to complete the adjudication (imposition of sanction) within 10 calendar days of the notice of referral to adjudication, but this time frame may be extended for good cause with written notice to the parties of the delay and the reason for the delay.

### **7. Notice of Outcome**

The Adjudicator's written determination of the outcome, the sanction, and the rationale for each will be provided to the Complainant and Respondent by the Adjudicator. The Complainant and Respondent will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements.

The outcome letter will also provide each party with their appeal options. If, under extenuating circumstances, there are any changes to the outcome, both parties will be simultaneously notified at the earliest possible time. The University may also notify appropriate University officials, including a direct supervisor, of a sanction as necessary to implement the outcome and/or sanctions.

### **G. Appeals**

Any party may appeal the decision-makers' determination regarding responsibility, or the University's dismissal of a formal complaint or any allegations therein. A party must submit a written appeal to the Civil Rights Coordinator within five (5) calendar days of receipt of the determination of responsibility. The University will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The Civil Rights Coordinator will appoint a three-person Panel to serve as the decision-maker for purposes of the appeal. Members of the Appeals Panel will be trained, unbiased, and impartial. The Appeals Panel will be comprised of a total of three University faculty and/or staff members, and may include external parties if so designated by the Civil Rights Coordinator.

The Appeals Panel will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties.

Members of the Appeals Panel will not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigators, or the Civil Rights Coordinator.

Grounds for appeal include:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, and;
- The Civil Rights Coordinator, investigators, or Panel members had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

- Evidence that the sanction received was grossly disproportionate to the conduct for which the party was found responsible; or
- Evidence that the decision of the investigative team was clearly erroneous based on the evidentiary record.

All grounds for appeal will be available to all parties.

If the appeal is not based on one of the above factors, the Civil Rights Coordinator may reject the appeal with written notice to the appealing party. The appealing party may then submit a revised written request for appeal within five (5) calendar days of the initial rejection notification. If the second request for appeal is rejected, no further appeal requests are permitted.

Upon receipt of the appeal letter, the Civil Rights Coordinator will forward the appeal letter, along with the written determination of responsibility, to the non-appealing party, who will be provided with five (5) calendar days within which to respond to the appeal in writing. No further reply will be permitted. The Civil Rights Coordinator will forward the appeal, the response, the final investigative report, the written determination of responsibility, and any other relevant information to a trained and impartial Appeals Panel.

The Appeals Panel will be permitted to review all materials associated with the case and may ask questions of the Civil Rights Coordinator, investigator/s, and decision-makers. The Appeals Panel is not permitted to speak with parties, advisors, or other witnesses about the case. Within ten (10) calendar days of receiving the appeal from the Civil Rights Coordinator, the Appeals Panel may:

- Affirm the decision
- Reverse the determination as to charge(s) and remove or add sanctions as appropriate
- Affirm the determination as to charge(s) but revise the sanctions
- Request that additional steps to be taken

The Appeals Panel will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties.

The decision of the Appeals Panel shall be final.

## X. RECORDS

Records will be maintained regarding the report, the investigation, evidence presented during the process (formal or informal), the outcome of the process (formal or informal), the outcome of any appeal, and any temporary and permanent remedies put in place by the University to address the Prohibited Conduct. Such records will be maintained by the Civil Rights Coordinator and, if a person is found responsible for conduct prohibited by this policy, by the University for at least nine years after the last party graduates, leaves the employment of the University, or otherwise is no longer a student or employee. Such records will be accessible only to the extent permissible under applicable records confidentiality and disclosure laws, including the Family and Educational Rights and Privacy Act, 20 U.S.C. 1232g, and the Clery Act, 20 U.S.C. 1092(f).

## NOTES:

1. When used in this policy, reporting party refers to either the individual making a report but not the target of the incident(s) or to the person making a report who was the target of the incident(s). A Complainant refers to the party/parties who was/were the target of the reported incident(s). In addition, the University may serve as a Complainant. The person who is the target of the behavior may participate in all aspects of the process, including the appeal, when the University serves as the Complainant. The

term "Complainant" is used when a Formal Investigation is being pursued. A Respondent refers to the individual(s) accused of Prohibited Conduct.

## Discrimination Complaint Resolution Process Flow Chart



