



**UNIVERSITY^{OF}
DENVER**



**Office of Civil Rights and Equal Opportunity
Comprehensive Discrimination and
Harassment Procedures (“CDHP”)
2026-2027
(Effective September 16, 2026)**

University of Denver

Table of Contents

1. Purpose	1
2. Application	3
3. Definitions.....	3
A. Associate Vice Chancellor	3
B. Business Days	3
C. Complainant.....	3
D. Complaint.....	4
E. Disciplinary Action.....	4
F. Employee(s).....	4
G. Investigator	4
H. Outcomes	4
I. Outcome Council.....	4
J. Party/Parties	4
K. Preponderance of the Evidence.....	4
L. Prohibited Conduct	4
M. Protected Status.....	4
N. Reasonable person.....	4
O. Relevant	5
P. Remedies.....	5
Q. Report	5
R. Reporting Party or Reporter.....	5
S. Respondent	5
T. Responsible Employee	5
U. Student(s).....	5
V. Supportive Measures	5
W. Third Party/Third Parties.....	6
X. University Premises.....	6
Y. Witness(es).....	6
Z. Written Notice	6
4. Reporting and Filing of Complaints	6
A. Reporting Prohibited Conduct to the University.....	7
B. Responsible Employee Reporting	8
C. Reporting to Law Enforcement	9
D. Anonymous Reporting	10
E. Timeliness and Location of Incident.....	10
F. Amnesty for Personal Use of Drugs or Alcohol	10
5. Requests for Accommodations and/or Language Assistance.....	11
6. Privacy & Confidentiality	11
7. Initial Assessment, Intake, and Consolidation	11
A. Initial Assessment	11
B. Intake	12
C. Evaluation	13
D. Dismissal of a Report or Complaint.....	15
E. Consolidation	15
8. Advisors and Support Persons	16
9. Supportive Measures.....	17
10. Emergency Removal, Administrative Leave, and Trespass.....	18
11. Resolution Processes	19
12. Early Intervention Process	20
A. Conclusion of Early Intervention Process.....	20
B. Timeframe for Early Intervention Process	20
13. Informal Resolution	21

A.	Availability of Informal Resolution Process:	21
B.	Notice Prior to Commencing Informal Resolution	21
C.	Requirements for the Facilitator of Informal Resolution	22
D.	Conclusion and Finality of Informal Resolution Process	22
E.	For Student Respondents	22
F.	For Employee Respondents	23
G.	Timeframe for Informal Resolution	23
14.	Agreed Admission of Responsibility	23
A.	Availability of Agreed Admission Process	23
B.	Process	23
C.	Notice to the Complainant	24
D.	Conclusion and Finality	25
15.	Formal Resolution Processes	25
A.	Time Frames for Formal Resolution	25
B.	Types of Formal Resolution	26
C.	Administrative Inquiry	26
D.	Inquiry for the POWR Act	28
E.	Formal Investigation	29
1.	Notice of Investigation	29
2.	Informational Meeting	30
3.	Participation and Interviews of Parties and Witnesses	30
4.	Investigation Procedure	31
5.	Evidence	31
6.	Preliminary Investigative Report	32
7.	Final Investigative Report	33
16.	Remedies	34
17.	Disciplinary Action/Outcomes	35
A.	Disciplinary Action	35
B.	Outcomes	36
18.	Appeal	37
A.	Ineligible Actions/Decisions/Determinations	37
B.	Eligible Actions/Decisions/Determinations	37
C.	Bases for Appeal	38
D.	Requirements for Filing an Appeal	38
E.	Time Frame for Completion of Appeal	39
F.	Appeal Procedure	39
G.	Grievance of Disciplinary Action for Employees	40
19.	Recordkeeping and Recordings	40
20.	Additional Considerations	40
A.	Responsibilities of Parties	40
B.	External Agreements	41
21.	Bias, Training, and Presumptions	41
22.	Education and Prevention Programs	42
23.	Revisions	42

1. Purpose

Consistent with the University's Non-Discrimination Statement and the [University's Discrimination and Harassment Policy \(the "Policy"\)](#), the University has adopted these Procedures¹ to take prompt and effective action through its Office of Civil Rights and Equal Opportunity ("CREO") to address and resolve Reports of Prohibited Conduct, as defined by the Policy, within the University's Education Program and Activity.

The University has designated the Associate Vice Chancellor for Civil Rights and Equal Opportunity/Title IX Coordinator/Title VI Coordinator ("AVC for CREO") to coordinate the University's compliance with all federal, state, and local laws within the scope of the Policy.² The University's AVC for CREO is:

Michael D. Todd, JD
Associate Vice Chancellor of Civil Rights and Equal Opportunity/
Title IX Coordinator/Title VI Coordinator
University of Denver
Office of Civil Rights and Equal Opportunity
Driscoll Center South, Suite 30
2050 E. Evans Ave.
Denver, CO 80208
303-871-7016
<https://www.du.edu/equalopportunity/index.html>
CREO@du.edu or Michael.Todd@du.edu

The University complies with all federal and state laws that protect individuals with disabilities from discrimination based on their disability or perceived disability status. As such, the University makes available reasonable accommodations and auxiliary aids and services to individuals with disabilities when such modifications and services are necessary to access the University's programs and services.

The University's ADA/504 Coordinator is:

Joshua Kaufman/Melissa Katt (Interim)
ADA Coordinator
Office of Civil Rights and Equal Opportunity
Driscoll Center South, Suite 30
2050 E. Evans Avenue
Denver, CO 80208
(303) 871-3941
<https://www.du.edu/equalopportunity/index.html>

¹ These Procedures should be read in conjunction with the Policy. Capitalized terms used and not otherwise defined in these Procedures are defined in the Policy.

² The AVC for CREO may, in their discretion, designate responsibilities to the Deputy Title IX Coordinator, Deputy Equal Opportunity & Deputy Title VI Coordinator, Director of Investigations and Resolution Services, or other appropriately trained personnel within the University. In these Procedures, when the term "AVC for CREO" is used, it should be understood to include any of the AVC for CREO's designees.

ADA.Coordinator@du.edu

The ADA Coordinator oversees the provision of reasonable accommodations for University Employees, applicants for employment or admission, visitors, and guests. The University has designated [Student Disability Services \(“SDS”\)](#) to manage the process for granting reasonable accommodations to qualified students with documented disabilities to facilitate equal opportunity and full participation in University programs for undergraduate and graduate students. SDS is the only office on campus authorized to review a student’s self-disclosure of a disability, medical, and/or mental health condition and determine the student’s eligibility for requested accommodations.

Inquiries about the University’s prohibitions against discrimination and harassment and related retaliation under the Policy may be directed to the AVC for CREO (for all forms of discrimination or harassment based on Protected Status) or the ADA/504 Coordinator (for disability-related questions or requests for reasonable accommodations from University Employees, applicants for employment or admission, visitors, and guests).

An individual who believes that they have been subjected to Prohibited Conduct has the right to file a complaint with an appropriate local, state, or federal agency, such as the U.S. Department of Education Office for Civil Rights (“OCR”), the Equal Employment Opportunity Commission (“EEOC”), or the Colorado Civil Rights Division (“CCRD”), identified below. In addition, any individual who is dissatisfied with the University’s internal procedures for handling complaints or with the result of an Informal Resolution or Formal Resolution or the Outcomes and/or Disciplinary Action imposed pursuant to these Procedures may seek redress through these means to the extent allowed by law.

Contact Information for the United States Department of Education Office for Civil Rights is as follows:

**United States Department of Education
Office for Civil Rights (“OCR”)**

Lyndon Baines Johnson Department of
Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
FAX: 202-453-6012
TDD: 800-877-8339
Email: OCR@ed.gov

Denver Office

Office for Civil Rights

U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: 303-844-5695
FAX: 303-844-4303
TDD: 800-877-8339
Email: OCR.Denver@ed.gov

Equal Employment Opportunity Commission

Denver Field Office
950 17th St., Suite 300
Denver, CO 80202
Telephone: (800) 669-4000
FAX: 303-866-1085
TTY: (800) 669-6820
ASL Video: 844-234-5144

Colorado Civil Rights Division

1560 Broadway, Suite 825
Denver, CO 80202
Telephone: 303-894-2997
Fax: 303-894-7830
TTD: 711
DORA_CCRD@State.co.us

Any person who believes the University as a federal contractor has violated applicable nondiscrimination obligations may contact the Office of Federal Contract Compliance Programs (“OFCCP”) at:

OFCCP

U.S. Department of Labor
200 Constitution Ave., NW
Washington, D.C. 20210
www.dol.gov
Telephone: (800) 397-6251
TTY: (202) 693-133

2. Application

As stated in Section II.E of the Policy, these Procedures apply to Discrimination/Harassment Prohibited Conduct as defined in Section III.B of the Policy regardless of when that alleged Discrimination/Harassment Prohibited Conduct is reported to have occurred.

The AVC for CREO, in their sole discretion, shall determine whether these Procedures or the Title IX Procedures, or both, apply to the Prohibited Conduct. The University may apply a different policy or procedures under certain circumstances where required by a change in the law, regulation, or federal agency guidance.

All members of the University of Denver community are subject to these Procedures, including Students, Employees, and Third Parties, subject to the following limitations. Third Parties may initiate a Report or, consistent with Section 4 of these Procedures, a Complaint that a member of the University community engaged in Prohibited Conduct committed against them, but Third Parties alleged to have themselves engaged in Prohibited Conduct are limited in their rights pursuant to these Procedures at the discretion of the AVC for CREO. For example, the University may trespass (restrict campus access to) Third Parties who have been alleged to have engaged in Discrimination/Harassment Prohibited Conduct without any rights to the resolution processes described in these Procedures.

3. Definitions

A. Associate Vice Chancellor

The Associate Vice Chancellor of Civil Rights and Equal Opportunity/Title IX Coordinator/Title VI Coordinator or their designee (“AVC for CREO”).

B. Business Days

Any weekday Monday through Friday in which the University is in operation, including days when the University is in operation, but classes are not in session. For example, University holidays are not Business Days.

C. Complainant

Pursuant to Section VI of the Policy, an individual who is alleged to have experienced conduct that, if true, would constitute Discrimination/Harassment Prohibited Conduct. Where groups of individuals initiate Complaints pursuant to these Procedures, the AVC for CREO has the discretion to determine the proper course of action whether to file a Complaint on behalf of the University or the individual Complainants. However, the University reserves the right to initiate a Complaint and act as a Complainant when CREO determines, in its sole

discretion, based on a review of prior Reports, that concerning patterns or trends require the University to proceed with a complaint with the University as Complainant.

D. Complaint

An oral or written request made to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged Prohibited Conduct pursuant to these Procedures.

E. Disciplinary Action

Any action levied by the University against an Employee found responsible for Prohibited Conduct under these Procedures.

F. Employee(s)

As stated in Section II.E of the Policy, all full-time and part-time faculty, University staff, student workers, temporary employees, professional research staff, and post-doctoral fellows.

G. Investigator

The individual or individuals designated by the AVC for CREO to be responsible for gathering evidence, including interviewing Parties and Witnesses, and/or drafting investigation reports.

H. Outcomes

The required University statuses and educational opportunities, restrictions, and/or expectations for a Student found responsible for Prohibited Conduct.

I. Outcome Council

A body composed of University staff and faculty convened by the Office of Student Rights & Responsibilities to determine and impose Outcomes after a Respondent who is a Student has been found responsible for Prohibited Conduct under these Procedures.

J. Party/Parties

Complainant(s) and/or Respondent(s).

K. Preponderance of the Evidence

The standard of proof applied under these Procedures in which, an allegation is proven if, based on the credible, relevant information acquired during the inquiry or investigation on the one side outweighs the credible, relevant information on the other side, such that it is more likely than not the alleged fact or conduct occurred.

L. Prohibited Conduct

Conduct prohibited by the University as set forth in Section III.B of the Policy.

M. Protected Status

The statuses identified in Section II.B of the Policy.

N. Reasonable person

A reasonable person under similar circumstances and with similar identities to the Complainant or Respondent.

O. Relevant

Related to the allegations of Prohibited Conduct under investigation as part of a process under these Procedures. Information is relevant if it may aid a decisionmaker in showing whether the alleged conduct occurred, in determining whether the alleged Prohibited Conduct occurred, and in determining the credibility of Parties or Witnesses. As described in Section 15 below, certain evidence will not be considered as Relevant.

P. Remedies

The measures provided, as appropriate, to a Complainant or any other person that CREO identifies as having had their equal access to a University Education Program or Activity limited or denied, after CREO determines, pursuant to these Procedures, that Prohibited Conduct has occurred or that there exists or existed a hostile environment.

Q. Report

One or more allegations of Prohibited Conduct made to the Office of Civil Rights and Equal Opportunity pursuant to these Procedures.

R. Reporting Party or Reporter

Any individual who has reported allegations of Prohibited Conduct pursuant to these Procedures. The Reporting Party need not be the Complainant.

S. Respondent

As stated in Section VI of the Policy, an individual who is alleged to have engaged in conduct that, if true, would constitute Prohibited Conduct. For purposes of these Procedures, a Respondent may also be a group who is alleged to have engaged in conduct that, if true, would constitute Discrimination/Harassment Prohibited Conduct.

T. Responsible Employee

All individuals who have the obligation to report alleged Prohibited Conduct to the Office of Civil Rights and Equal Opportunity pursuant to the University's Reporting by University Employees of Disclosures Relating to the University's Discrimination and Harassment Policy.

U. Student(s)

As stated in Section II.E of the Policy, any individual registered for or auditing classes at the University; admitted to or enrolled in any University program; or on University premises for any purpose related to the same regardless if the class, program, or other education activity is credit earning or part of a degree or non-degree program. An individual is also considered a Student under this definition if they have completed the immediately preceding term and are enrolled for a subsequent term or program; if they are representing the University between terms or programs; or if they have previously been enrolled but are on a leave of absence or otherwise have a continuing relationship with the University.

V. Supportive Measures

Non-disciplinary, non-punitive individualized services offered, as appropriate and reasonably available, without fee or charge to the Complainant or Respondent to restore or preserve that Party's access to the University's Education Program or Activity, without unreasonably burdening the other Party, including measures that are designed to protect the safety of all Parties or of the University's educational or employment

environment; or provide support during any resolution process under these Procedures.

W. Third Party/Third Parties

As stated in Section II.E of the Policy, contractors, vendors, visitors, guests, prospective students, applicants for employment, alumni, or other third parties.

X. University Premises

All land, buildings, facilities, or other property in the possession of or owned, used, operated or controlled by the University, including adjacent streets and sidewalks.

Y. Witness(es)

A person asked to provide information or a statement under these Procedures.

Z. Written Notice

Notice in writing and delivered (1) via electronic mail to the Party's or Witness's University email address or other email address reported to CREO; (2) in person; or (3) by other means to a Party's or Witness's permanent mailing address, as reported by the individual to CREO.

4. Reporting and Filing of Complaints

Reporting concerns of potential Prohibited Conduct is critical to the University's ability to respond to potential Prohibited Conduct, to provide appropriate support and resources to individuals who may have been impacted, and to monitor campus trends and provide appropriate training and prevention education to the University community. The University encourages all individuals to report any incident to the University and, if the incident involves potential criminal conduct, to also report to law enforcement. Individuals have several reporting options within and outside the University. Individuals may pursue these options simultaneously or any one of them separately.

Under these Procedures, a Report provides notice to the University about an allegation of or concern about Prohibited Conduct. A Report may be made in person, by telephone, in writing, by email or other electronic submission to the Office of Civil Rights and Equal Opportunity, or by any other means that results in the AVC for CREO receiving notice of the concern. Reporting allows the University to reach out to the Complainant or Reporting Party to provide information about their rights and options and the availability of Supportive Measures or other community resources. Any individual may make a Report of alleged Prohibited Conduct under these Procedures; however, only the Complainant, or in limited circumstances the AVC for CREO may file a Complaint and request the University initiate a resolution process under these Procedures. The University's process for assessing Complaints is addressed in Section 7 below.

Making a Report under these Procedures means telling someone in authority what happened, in person, by telephone, in writing, or by email. For any individual who has been impacted by conduct that may constitute Prohibited Conduct under the Policy, deciding whether to make a Report and choosing how to proceed are personal decisions. At the time a Report is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. The University provides support to assist each individual in making these important decisions and will give considerable weight to an individual's preference in deciding how to proceed. In this process, the University will balance the individual's interest with the University's obligation to provide a safe and non-discriminatory

environment for all members of the University community.

The University will review and address all Reports by following these Procedures and will treat all individuals involved with dignity and respect. In every Report under these Procedures, the University will make an immediate assessment of any risk of harm to the University or to the broader University community and will take steps necessary to address those risks. These steps may include Supportive Measures to provide for the safety of the individual and the University community. In appropriate cases, the AVC for CREO may initiate an emergency removal or administrative leave process, as described in Section 10 below.

In addition to the emergency removal and administrative leave processes, if a Report of Prohibited Conduct discloses a serious and immediate threat to the University community, the University's Department of Campus Safety will determine whether the Jeanne Clery Campus Safety Act (the "Clery Act") requires that the University issue a timely notification to protect the health or safety of the community. The notification will not include the Complainant's name. Pursuant to the Clery Act and the Violence Against Women Act ("VAWA"), the Office of Civil Rights and Equal Opportunity will provide information regarding reported criminal incidents to the University's Clery and Compliance Coordinator for inclusion in the Daily Crime Log and in the University's Annual Security Report. The University may also share aggregate data about reports, Outcomes, and/or Disciplinary Action without including personally identifiable information.

A. Reporting Prohibited Conduct to the University

The University encourages Complainants to report incidents of Prohibited Conduct directly to the Office of Civil Rights and Equal Opportunity. Reports may be made [online](#), by email to CREO@du.edu, in person at Driscoll Center South, Suite 30, 2050 E. Evans Avenue, Denver, CO 80208, by phone (303) 871-7016, or by contacting the AVC for CREO or a Deputy Coordinator:

Michael D. Todd, JD
Associate Vice Chancellor of Civil Rights and Equal Opportunity/Title IX Coordinator/Title VI Coordinator
Office of Civil Rights and Equal Opportunity
University of Denver
Driscoll Center South, Suite 30
2050 E. Evans Avenue
Denver, CO 80208
[\(303\) 871-7016](tel:(303)871-7016)
[Civil Rights and Equal Opportunity website](#)
Michael.Todd@du.edu
CREO@du.edu

Molly Hooker
Deputy Title IX Coordinator
Office of Civil Rights and Equal Opportunity
University of Denver
Driscoll Center South, Suite 30
2050 E. Evans Avenue
Denver, CO 80208

[\(303\) 871-7016](tel:3038717016)
[Civil Rights and Equal Opportunity website](#)
Molly.Hooker@du.edu
CREO@du.edu

Jessica Howard
Deputy Equal Opportunity and Deputy Title VI Coordinator
Office of Civil Rights and Equal Opportunity
University of Denver
Driscoll Center South, Suite 30
2050 E. Evans Avenue
Denver, CO 80208
[\(303\) 871-7016](tel:3038717016)
[Civil Rights and Equal Opportunity website](#)
Jessica.Howard2@du.edu
CREO@du.edu

B. Responsible Employee Reporting

In order to facilitate the University's ability to respond to Prohibited Conduct and to meet the University's obligations under state and federal law, the University requires employees who have witnessed, have been informed of, or may otherwise have information that reasonably may constitute Prohibited Conduct to report such conduct to the University, unless such employees qualify as Confidential Employees as defined in the University's Reporting by University Employees of Disclosures Relating to the University's Discrimination and Harassment Policy. If a Responsible Employee fails to timely report incidents of alleged Prohibited Conduct to the Office of Civil Rights and Equal Opportunity, that employee may be referred to the Division of Human Resources & Inclusive Community or to the Vice Provost for Faculty Success, as applicable, for appropriate corrective action.

Individuals may report Prohibited Conduct by submitting a Report through the [Office of Civil Rights and Equal Opportunity online reporting form](#). Individuals may also report Prohibited Conduct to other units identified below, each of which must promptly inform the Office of Civil Rights and Equal Opportunity:

Department of Campus Safety
University of Denver
2130 S. High St., MSC 6200
Denver, CO 80208
General Reports: 303-871-2334
Anonymous Reports: 303-871-3130
Emergencies: 911 and 303-871-3000
[Department of Campus Safety website](#)

Office of Student Rights & Responsibilities ("SRR")
University of Denver
Community Commons
2055 E. Evans Avenue, Suite 3001

Denver, CO 80208

303-871-5724

SRR@du.edu

[Office of Student Rights & Responsibilities website](#)

Student Outreach & Support (“SOS”)

University of Denver

Community Commons

2055 E. Evans Avenue, Suite 3100

Denver, CO 80208

SOS@du.edu

SOS Referral [Online Report Form](#)

Housing and Residential Education (“HRE”)

HRE staff (including Resident Mentors (“RMs”), Graduate Resident Director (“GRDs”))

Dimond Family Residential Village

2020 S. High Street, #P112

Denver, CO 80208

Phone: 303-871-2246

HRE@du.edu

[Housing and Residential Education \(HRE\) website](#)

Human Resources & Inclusive Community (“HRIC”)

Mary Reed Building, Room 403

2199 S. University Boulevard

Denver, CO 80208

AskHRPartners@du.edu

[Human Resources & Inclusive Excellence website](#)

Upon receiving a Report of alleged Prohibited Conduct, the AVC for CREO must take action to promptly and effectively end any Prohibited Conduct, prevent its recurrence, and remedy its effects. The AVC for CREO will notify the Complainant of the University’s resolution processes under these Procedures. The AVC for CREO will also offer and coordinate Supportive Measures, as provided in Section 9 below

C. Reporting to Law Enforcement

The University encourages Complainants to contact local law enforcement to report incidents of Prohibited Conduct that may also be crimes under applicable state or federal criminal statutes. At the Complainant’s request, the University will assist a Complainant in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process. The University encourages all individuals to seek assistance from a medical provider, as needed, and/or law enforcement immediately after an incident of Sexual Harassment, whether or not the individual plans to pursue criminal action. This facilitates preservation of evidence and a timely response by law enforcement and/or the University.

The University’s definitions, burden of proof, and procedures differ from federal and state criminal law. The University is not bound by law enforcement’s determination whether or not to prosecute a Respondent nor the

outcome of any criminal prosecution. The University will independently determine under these Procedures whether Prohibited Conduct has occurred. The University may undertake any process under these Procedures prior to, simultaneously with, or following civil or criminal proceedings.

D. Anonymous Reporting

Any individual other than a Responsible Employee can make a Report without disclosing one's own name, identifying the Respondent, or requesting any action. Depending on the level of information available about the incident or the individuals involved, the University may not be able to fully respond or take further action in response to an anonymous Report. The University will review all anonymous reports, and where there is sufficient information, include applicable information in Clery Act reporting, as well as in annual reporting statistics compiled by Office of Civil Rights and Equal Opportunity.

E. Timeliness and Location of Incident

Although there is no time limit on reporting Prohibited Conduct, the University encourages Complainants and other individuals to promptly report allegations of Prohibited Conduct, as soon as reasonably possible after the event(s) occurred. Delays in reporting can prevent the University from gathering evidence sufficient to initiate an investigation or reach a determination of responsibility as to the allegations and may result in a dismissal of a Complaint. If the Respondent is no longer a Student or Employee, the University may not be able to impose Outcomes and/or Disciplinary Action against the Respondent. Nevertheless, the University will still seek to provide Supportive Measures for a Complainant and take steps to end the Prohibited Conduct, prevent its recurrence, and address its effects. The University also encourages the reporting of conduct occurring off University Premises, including online or electronic conduct that occurred in the context of employment or an Education Program or Activity of the University, or that has continuing adverse effects on University Premises or on an off-campus University employment or Education Program or Activity, so that the University may address under these Procedures or other University policies and procedures, as applicable.

F. Amnesty for Personal Use of Drugs or Alcohol

The University recognizes that Students may be reluctant to seek assistance from a University official or emergency services after experiencing Prohibited Conduct or may be reluctant to seek assistance for themselves or others who may have experienced Prohibited Conduct because they fear being held responsible under the University Honor Code for alcohol or drug violations related to the incident.

The Office of Student Rights & Responsibilities ("SRR") will not initiate a formal conduct process under the Honor Code if a Student makes a good faith Report to a University official, contacts emergency services or participates as a Party or Witness in any resolution process related to Prohibited Conduct, for personal consumption of alcohol or other drugs that would otherwise be a violation of the Honor Code, provided the misconduct did not endanger the health or safety of others. However, the University does not extend this amnesty to (1) the distribution or sale of alcohol or other drugs; or (2) the provision of alcohol or other drugs to another individual for the purposes of inducing incapacitation as defined in the Policy.

When granting amnesty for the personal use of drugs or alcohol, SRR may, however, refer the Student for an evaluation related to their health status or substance use; engage with the Student in an assessment or educational discussion; or pursue other non-disciplinary options regarding alcohol or other drug use.

The University also provides the Medical Amnesty Process as set forth in the [Honor Code](#).

5. Requests for Accommodations and/or Language Assistance

All Students must comply with University Policies, including but not limited to, the Honor Code and the University's Discrimination and Harassment Policy. Student Disability Services ("SDS") provides reasonable accommodations to allow students with disabilities meaningful and equitable access to University processes; however, such accommodations do not waive or exempt Students from the substantive requirements of the applicable policy. At any point during the grievance process, Parties or Witnesses may request disability-related accommodations by contacting SDS or the ADA Coordinator, as appropriate. Employees or Third Parties should contact the [ADA Coordinator](#) at ADA.Coordinator@du.edu. Students with disabilities who seek accommodations to access these Procedures should promptly contact SDS at sds@du.edu to submit a request for such accommodations. Also, at any point during the grievance process, Parties or Witnesses may request language assistance by contacting the AVC for CREO.

6. Privacy & Confidentiality

The Office of Civil Rights and Equal Opportunity is not a confidential resource. For any Report of Prohibited Conduct, the University will endeavor to respect and safeguard the privacy interests of all individuals involved balanced with the need for a careful assessment of the allegation and any necessary steps to eliminate the conduct, prevent its recurrence, and address its effects.

Information related to a Report under these Procedures may be shared with those University Employees who have a "need to know" in order to offer Supportive Measures or assist in the active response, review, investigation, or resolution of the Report. Information regarding a Report by a Student or Employee will not be shared with the Complainant's or Respondent's parents, guardians, or a Third Party unless permissible for a Student under the Family Educational Rights and Privacy Act of 1974 ("FERPA"). The University will not release information, including the identity of the Parties, from proceedings under the Procedures except as required or permitted by law or University policy.

Confidentiality means that a client or patient (including Students, staff, and faculty) sharing information with a designated confidential campus or community professional can expect that the professional will only disclose such information with the individual's express written permission, unless there is a continuing threat of serious harm to the patient/client or to others, or there is a legal obligation to reveal such information (e.g., where there is suspected abuse or neglect of a minor). An individual can seek confidential assistance and support by speaking with specially designated confidential resources. The University has identified on the CREO website where Students may access the services of Confidential Employees, including the University's Health & Counseling Center ("HCC") and Center for Advocacy, Prevention, and Empowerment ("CAPE").

7. Initial Assessment, Intake, and Consolidation

A. Initial Assessment

When the Office of Civil Rights and Equal Opportunity receives a Report of Prohibited Conduct or a Complaint, the AVC for CREO will conduct an initial assessment of the reported information to facilitate an integrated and

coordinated response to Reports of Prohibited Conduct under these Procedures. The initial assessment may include, as applicable:

1. An evaluation of any immediate health or safety concerns regarding the alleged conduct, in consultation with the Department of Campus Safety, to determine if the Clery Act requires the Department of Campus Safety to include non-identifying information in the University's Daily Crime Log and/or to make a timely notification to the University community;
2. A determination whether the University has jurisdiction over the alleged conduct, as defined in the Policy and these Procedures;
3. A determination whether the alleged conduct, if true, would constitute Prohibited Conduct;
4. Consideration whether the Complainant has expressed a preferred method of resolution;
5. A determination whether any Supportive Measures are appropriate to address the Complainant's safety, well-being, and continued access to educational and employment opportunities; and
6. An evaluation of which resolution process may be appropriate for the Report or Complaint.

In addition, CREO will assess whether the alleged Prohibited Conduct, alone or in combination with other Reports and Complaints, constitutes a hostile environment and will evaluate what measures the University may take to redress the effects of the hostile environment on the University community. CREO will undertake this assessment regardless of whether the Reporting Party or Complainant responds to outreach from CREO.

If the AVC for CREO concludes that the allegations contained in the Report or Complaint, as initially reported, do not fall within the scope of Prohibited Conduct under the Policy, the AVC for CREO, may, as appropriate, take one or more of the following actions:

1. Refer the matter to the applicable administrator or University unit;
2. Provide the Complainant and/or Reporting Party with resources;
3. Offer the Early Intervention process;
4. Dismiss the Report or Complaint.

Prior to dismissing a Report or Complaint based on an initial assessment, the University will make reasonable efforts to clarify the allegations in the Report or Complaint with the Complainant.

B. Intake

If, after the initial assessment, the AVC for CREO determines that the allegations in the Report or Complaint may reasonably constitute Prohibited Conduct, the AVC for CREO may request an intake meeting with the Complainant to discuss the Complainant's options for resolution under the Policy and Procedures. The AVC for CREO may also request an intake meeting with the Complainant if more information or clarification is needed to make an initial assessment whether the allegations may reasonably constitute Prohibited Conduct. The University may use information gathered during the intake process in any future resolution process.

As part of intake meeting, the AVC for CREO may:

1. Review the Policy and these Procedures, discuss the options, expectations, and responsibilities of a Complainant, and answer any questions that the Complainant may have;

2. Notify the Complainant of the right to make a Report (or decline to make a Report) with law enforcement if the alleged conduct may also constitute a crime(s) under applicable state or federal criminal statutes and, if requested, assist the Complainant with notifying law enforcement;
3. Notify the Complainant of the availability of medical treatment to address any physical and mental health concerns and to preserve evidence;
4. Provide the Complainant with information about:
 - a. On-and off-campus resources;
 - b. The available range of Supportive Measures;
5. Provide an explanation of the procedural options, including Informal Resolution, Formal Resolution, and the possibility of Disciplinary Action (for Employees) and/or Outcomes (for Students);
6. Discuss the Complainant's expressed preference for the manner of resolution and any barriers to proceeding in that manner;
7. Explain the University's prohibition on Retaliation; and
8. Explain the Complainant's right to be assisted by an advisor of their choice and a support person and the role of the advisor/support person in the resolution process.

C. Evaluation

The AVC for CREO will consider the Complainant's expressed preference for the manner of resolution while balancing the University's obligation to promote a safe and non-discriminatory environment for all members of the University community.

Although the University will consider a Complainant's request for anonymity, the University may not be able to fully investigate and respond to a Report if the Complainant requests that their name not be disclosed to the Respondent or if the Complainant declines to participate in an investigation. The University will consider Complainant's request for anonymity as one of many factors in determining the appropriate means for resolution of the reported conduct. The University may be unable to honor such a request in certain circumstances in order to adequately fulfill the University's obligations to promote a safe and non-discriminatory environment.

When a Complainant does not wish to file a Complaint on their own behalf, or when CREO has received multiple Reports or identifies a pattern of concerning conduct, the AVC for CREO may, in their discretion, proceed with a resolution process in which the University is the Complainant or offer the Parties an opportunity to participate in the Early Intervention process. When making this decision, the AVC for CREO will balance the autonomy of the Complainant with the University's responsibility to investigate and consider the factors set forth in the paragraph above. When the University is the Complainant, the individual who is alleged to have experienced the conduct is treated as a complaining witness and will only see their statement and be informed of the outcome of the investigation. The University will not coerce or retaliate against an individual to persuade them to participate in the investigation.

In the absence of a Complaint filed by a Complainant, or when the Complainant withdraws any or all of the allegations in a Complaint, the AVC for CREO will consider whether to initiate a Complaint alleging Prohibited Conduct after considering, at a minimum:

1. The Complainant's request not to proceed with initiation of a Complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
3. The risk that additional Prohibited Conduct would occur if a Complaint is not initiated;
4. The severity of the alleged Prohibited Conduct, including whether the alleged Prohibited Conduct, if true, would require the removal of a Respondent from University Premises or imposition of another Outcome/Disciplinary Action to end the Discrimination and prevent its recurrence;
5. The age and relationship of the Parties, including whether the Respondent is an Employee;
6. The scope of the alleged Prohibited Conduct, including information suggesting a pattern of Prohibited Conduct, ongoing Prohibited Conduct or Prohibited Conduct alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether Prohibited Conduct occurred; and
8. Whether the University could end the alleged Prohibited Conduct and prevent its recurrence without initiating a formal resolution process.

If, after considering these and other relevant factors, the AVC for CREO determines that the alleged Prohibited Conduct presents an imminent and serious threat to the health or safety of the Complainant or another person, or that the alleged Prohibited Conduct prevents the University from providing equal access to its education program or activity, the AVC for CREO may initiate a Complaint.

When the AVC for CREO determines that the University's obligation to promote a safe and non-discriminatory environment requires initiating a Complaint, the AVC for CREO will notify the Complainant prior to doing so and appropriately address any reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures consistent with these Procedures.

Regardless of whether the University or a Complainant initiates a Complaint, or if the Complainant participates in resolution process under these Procedures, the AVC for CREO will take other appropriate prompt and effective steps to end the Prohibited Conduct and prevent its recurrence within the University's Education Program or Activity.

If the AVC for CREO determines that the allegations, if true, would not constitute Prohibited Conduct by any individual Respondent but would contribute to a hostile environment, the AVC for CREO will address the concerns raised by the Complainant to determine whether the Early Intervention process, Supportive Measures and/or Remedies are appropriate.

In the event that a Complaint alleges that a University policy or practice discriminates on the basis of Protected Status, the University is not considered a Respondent. In such cases, the University will follow this Policy, including the Formal Resolution process, although the University will, necessarily, not be entitled to certain procedural rights and steps afforded to individual Respondents. In the event a Complaint against an individual Respondent is based on actions the Respondent took in accordance with a University policy or practice, the Complaint may, in the University's sole discretion, be amended to substitute the University as Respondent. This determination will be made after a consideration of factors including, but not limited to, whether the individual was, in fact, following the University policy or practice; what actions the individual took; and whether the individual could be subject to Disciplinary Action or Outcomes.

D. Dismissal of a Report or Complaint

At any time during the Resolution process, the AVC for CREO may, in their discretion, dismiss a Report or Complaint, for any of the following reasons:

1. The University is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is no longer enrolled or employed by the University;
3. The Complainant notifies the AVC for CREO in writing of the Complainant's wish to voluntarily withdraw any or all of the allegations in the Complaint, and the AVC for CREO declines to initiate a Complaint under this section;
4. The University determines that the conduct alleged, on its face or after reasonable efforts by CREO to clarify the alleged conduct, if true, would not constitute Prohibited Conduct;
5. The University determines that the alleged conduct, on its face or after reasonable efforts to clarify, is so speculative that the University cannot determine that Prohibited Conduct may have occurred or may be occurring;
6. The University obtains credible information indicating that the alleged conduct has been resolved and therefore is no longer appropriate for further action by CREO pursuant to these Procedures;
7. The University determines that its ability to complete review and processing of a Report or Complaint is substantially impaired by:
 - a. The Complainant's refusal to provide information that is reasonably available to the Complainant and CREO determines that the information is necessary for processing of the Report or Complaint; or,
 - b. CREO's inability to contact the Complainant, after reasonable efforts, in order to obtain information that CREO determines is necessary for processing of the Report or Complaint.
 - c. The University determines that, based on developments that have occurred since the Report or Complaint was filed, the alleged conduct is no longer appropriate for further action by CREO pursuant to these Procedures.

Upon dismissal of the Complaint or any allegations therein, the AVC for CREO will promptly provide Written Notice of and the basis for the dismissal to the Complainant, including documentation of efforts to contact the Complainant, if applicable. If the dismissal is based on Section 7.D.7 above, CREO will inform the Complainant that, if they respond and provide the necessary information, CREO will reevaluate the allegations consistent with these Procedures. If the dismissal of the Complaint occurs after CREO has notified the Respondent of the allegations, the AVC for CREO will also provide Written Notice to the Respondent of and the basis for the dismissal.

E. Consolidation

When the allegations of Prohibited Conduct are temporally or logically connected, the AVC for CREO may consolidate into one investigation Reports or Complaints by one or more Complainants against one or more Respondents, by one Complainant against multiple Respondents, or by one Party against another Party.

1. The AVC for CREO may, in consultation with other University administrators, elect to consolidate the investigation of Complaints of Prohibited Conduct under these Procedures with complaints of violations of other University policies where the allegations arise out of the same facts or circumstances.
 - a. For purposes of such consolidation, the Investigator may conduct a single investigation.
 - b. Following the completion of the investigation, the University may decide, in its sole discretion, whether to proceed with all allegations under these Procedures or whether to proceed with the allegations related to violations of other University policies under the applicable procedures (e.g., Honor Code).
2. If Complaints involving multiple Complainants and/or multiple Respondents are consolidated, each Party will have access to all of the information being considered, including information provided by all involved Complainants, all involved Respondents, and all involved Witnesses.
3. The AVC for CREO will communicate the chosen course of action to the Parties.
4. The AVC for CREO exercising their discretion to consolidate is not subject to appeal.

8. Advisors and Support Persons

Throughout the entire process, the Complainant and Respondent have the right to be assisted by one advisor of their choosing and one support person of their choosing. Although the University does not limit a Party's choice of advisor or support person, the University will only communicate with a Party directly and not through an advisor or support person.

Advisors or support persons may not:

1. Be Witnesses;
2. Present information on behalf of any Party;
3. Submit documents on behalf of any Party;
4. Discuss any matter directly with University administrators or the Investigator in the absence of the Party they are assisting;
5. Advocate, argue or otherwise represent any Party or position; or
6. Otherwise actively participate in any proceeding.

CREO will not consider or accept submissions and information from an advisor or support person. If an advisor or support person attempts to present information or submit documents to CREO on behalf of any Party, CREO will notify the Party and provide the Party a reasonable amount of time to submit the information or documents directly to CREO; however CREO will not extend procedural deadlines for this reason. If the Party elects not to submit the information or documents directly, CREO will not consider such information in the investigation or any resolution process under these Procedures.

Where a Party is a Student, prior to an advisor or support person participating in any meeting or receiving any documents as part of any resolution process under these Procedures, the Party must execute a release pursuant to the Family Education Rights Privacy Act of 1974 ("FERPA") permitting the University to allow the advisor or support person to have access to the Party's education records related to the process. Advisors and support persons may accompany and be present at any meeting or interview and may consult directly with the Party whom they are assisting, provided that this occurs in a manner that does not disrupt or delay the meeting or interview.

The University will not allow advisors or support persons the opportunity to review any document or to attend any meeting in the absence of the Party they are assisting. The University may exclude advisors or support persons who act in a manner contrary to these limitations or otherwise disrupt any proceeding from that proceeding and/or future proceedings. Although a licensed attorney is permitted to serve as an advisor and/or support person at any stage in the process under these Procedures, their participation in the process is subject to the limitations described above.

9. Supportive Measures

- A. Supportive Measures are available to a Complainant regardless of whether the matter is reported to the University for purposes of initiating a resolution process (i.e., regardless of whether a Complaint is filed). A Complainant who submits a Report solely to request Supportive Measures retains the right to file a Complaint either at the time the Supportive Measure is requested or at a later date. A Complainant may request Supportive Measures at any time during the CREO process even if the Complainant has declined Supportive Measures at an earlier stage.
- B. Supportive Measures may vary depending on what the University determines to be reasonably available.
- C. Supportive Measures may include, but are not limited to:
 - 1. Assistance in seeking academic adjustments, including modified class schedules (including transfer to another section), permission to withdraw from and/or retake a class or attend a class via alternative means, and extension of assignment deadlines or other course-related adjustments
 - 2. Assistance in modifying University employment arrangements, including changes in work schedules, job assignments, work locations, and/or assigned parking
 - 3. Campus escort services and safety planning through Campus Safety
 - 4. Mutual restrictions on contact between the Parties
 - 5. Assistance in requesting leaves of absence
 - 6. Modifications to University housing arrangements, including immediate temporary relocation to alternative living quarters and/or permanent reassignment of University housing
 - 7. Assistance in arranging a meeting with law enforcement to discuss reporting or safety planning
 - 8. Assistance in modifying assigned parking
 - 9. Increased security and monitoring of certain areas of the campus
 - 10. Trainings and educational programs
 - 11. Other changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative
 - 12. Any other mechanism which can be tailored to the involved individuals to achieve the goals of these Procedures.
- D. The AVC for CREO will offer and coordinate Supportive Measures and may consult with other relevant University administrators to determine whether a particular Supportive Measure is appropriate, not unreasonably burdensome, and reasonably available in a particular matter. The AVC for CREO is responsible for coordinating the effective implementation of Supportive Measures and will serve as the

point of contact for any individual requesting Supportive Measures pursuant to these Procedures.

- E. The AVC for CREO may determine the necessity of Supportive Measures concerning an Employee's job conditions, academic adjustments for a Student, or student housing assignments. Where the Supportive Measures may affect the other Party's participation in the University's educational program or activity, the AVC for CREO will consult with the Vice Chancellor for Human Resources, the Vice Chancellor for Student Affairs or their designee, or appropriate faculty and/or administrators, as applicable. The AVC for CREO will notify the leadership of the relevant unit to implement the Supportive Measures. The AVC for CREO is responsible for coordinating the effective implementation of Supportive Measures.
- F. The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.
- G. The University will consider Supportive Measures on a case-by-case basis at the time of reporting and throughout the resolution process. Supportive Measures should not unduly interfere with a Complainant's or Respondent's academic progress or employment duties beyond that deemed necessary to protect the University, any member of the University community, or the University's mission. The University will balance these interests by carefully considering the facts and circumstances of each case.
- H. Supportive Measures do not include Disciplinary Action or Outcomes. The University shall not impose Disciplinary Action or Outcomes on a Respondent unless and until a determination regarding responsibility for Prohibited Conduct is made at the conclusion of a resolution process under these Procedures or if the Respondent signs an Admission of Responsibility as set forth in Section 14 below.

10. Emergency Removal, Administrative Leave, and Trespass

A. Emergency Removal

The University may remove a Student Respondent from all or part of the University's Education Program or Activity on an emergency basis if the University:

- 1. Undertakes an individualized safety and risk analysis;
- 2. Determines that an immediate threat to the health or safety of the Parties or any other Student or other individual arising from the allegations of Prohibited Conduct justifies removal; and
- 3. Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

In making the individual safety and risk analysis, the University will consider the following risk factors:

- 1. Whether the Respondent has prior arrests, is the subject of prior Reports and/or Complaints related to any form of Prohibited Conduct, or has any history of violent behavior;
- 2. Whether the Respondent has a history of failing to comply with any University No Contact Order, other University protective measures, and/or any judicial protective order;

3. Whether Respondent has threatened to commit violence or any form of Prohibited Conduct;
4. Whether the Prohibited Conduct involved multiple Complainants and/or Respondents;
5. Whether the Prohibited Conduct involved physical violence. Physical violence means exerting control over another person through the use of physical force. Examples of physical violence including hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon;
6. Whether the Report reveals a pattern of Prohibited Conduct (e.g., by the Respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
7. Whether the Prohibited Conduct was facilitated through the use of “date-rape” or similar drugs or intoxicants;
8. Whether the Complainant is (or was at the time of the Prohibited Conduct) a minor (under 18); and
9. Whether any other aggravating circumstances or signs of predatory behavior are present.

B. Administrative Leave

The University may place an Employee Respondent on administrative leave from their employment responsibilities during the pendency of a resolution process under these Procedures. The University, in its discretion and based on the totality of the circumstances, will determine whether any administrative leave imposed is to be imposed with or without pay or benefits.

C. Trespass Notices

The University may trespass Third Parties who have been alleged to have engaged in Prohibited Conduct without any rights to the resolution processes described in these Procedures. Members of the University community who host Third Parties may be held accountable for the misconduct of their Third Parties pursuant to applicable University policies.

11. Resolution Processes

The University provides multiple resolution processes for CREO to resolve Reports or Complaints. With consideration of the Parties’ preferences and in consultation with other University administrators as appropriate, the AVC for CREO will determine, based on the circumstances of each Report or Complaint and the factors set forth above, which processes are available and appropriate. The University may resolve Reports or Complaints in one of the following manners:

1. Early Intervention Process
2. Informal Resolution
3. Agreed Admission of Responsibility
4. Formal Resolution

For any resolution process, at any time during that process, any Party may request an informational meeting to review these Procedures, discuss their rights and responsibilities, review the resources available throughout the resolution process, and answer any questions that the Party may have.

12. Early Intervention Process

The AVC for CREO may determine that the most prompt and effective way to address a Report or Complaint is through an Early Intervention process that seeks to resolve the needs of Parties in peer-to-peer situations (e.g., student to student, faculty to faculty, staff to staff), and the needs of the University community. One of the purposes of this process is to provide a collaborative approach to address concerns that do not appear to be, as initially reported, Prohibited Conduct as defined in Section III.B of the Policy, but if the behavior persisted, could potentially meet the definition of Prohibited Conduct. If the Report or Complaint may meet the definition of Prohibited Conduct, the AVC for CREO, may also request that a Complainant engage in the Early Intervention Process as a prerequisite to CREO initiating other resolution processes under these Procedures. The Early Intervention process is not available to resolve allegations that may be subject to the Title IX Procedures. The AVC for CREO has the discretion to determine whether it is appropriate to permit an Early Intervention process, in a particular matter, to promote a safe and non-discriminatory environment for the involved Parties. For situations that the AVC determines are appropriate, CREO may do one or more of the following:

1. Request that the involved Parties engage in a University resolution process, as appropriate, based on the specific facts or circumstances of the Report or Complaint.
2. Provide short or long-term Supportive Measures to the Parties.
3. Provide education to Parties about Prohibited Conduct under the Policy, identify and discuss appropriate future conduct and how to avoid behavior that could be interpreted as retaliatory.
4. Offer the Parties to engage in additional education or prevention programs as set forth under Section 22 below.

Refer the matter to an appropriate University administrator for handling, consistent with relevant University policies and procedures.

When offering an Early Intervention process under these Procedures, the AVC for CREO may also take other appropriate prompt and effective steps to prevent Prohibited Conduct from occurring within the University's Education Program or Activity. The AVC for CREO has the discretion to terminate an Early Intervention process any time.

A. Conclusion of Early Intervention Process

After the Parties have engaged in an Early Intervention process, both Parties have agreed to terms in writing, and the AVC for CREO has accepted the result of that process, a Party's failure to comply with the agreed terms as set forth in an Early Intervention process may result in CREO commencing a different process and/or referring the Party, who is a Student, to the Office of Student Rights & Responsibilities for consideration of action under the Honor Code, or referring the Party, who is an Employee, to the Division of Human Resources & Inclusive Community or to the Vice Provost for Faculty Success, as applicable, for consideration of appropriate corrective action.

B. Timeframe for Early Intervention Process

The University will make a good faith effort to complete the Early Intervention process within thirty (30) calendar days of initiation of the Early Intervention process. If the Parties remain cooperative throughout the process and a resolution is not reached, the AVC for CREO has the discretion to extend or terminate the Early

Intervention process and continue the evaluation of the Report or Complaint consistent with the Procedures.

13. Informal Resolution

Informal resolution is an alternative resolution process that does not include an investigation. Informal resolution seeks to identify and meet the needs of the Parties, to address and repair the harm (to the extent possible) experienced by the Complainant and/or other University community members.

A. Availability of Informal Resolution Process:

1. The University will not require the Parties to participate in an Informal Resolution process nor require the Parties to waive their rights to a Formal Resolution process or the determination of a Complaint as a condition of enrollment, continuing enrollment, employment, or continuing employment, or exercise of any other right. All Parties must voluntarily consent, in writing, to the Informal Resolution process.
2. If, during the course of a Formal Resolution process, either Party requests Informal Resolution, the Formal Resolution may be paused or terminated to initiate Informal Resolution instead.
3. At any time after receiving a Report of alleged Prohibited Conduct or a Complaint, and prior to a determination of responsibility for Prohibited Conduct, the Parties may agree to pursue an Informal Resolution process to the Parties, so long as such a process does not conflict with federal, state, or local law, and the University agrees that it is appropriate.
4. The AVC for CREO has the discretion to determine whether it is appropriate to permit an Informal Resolution process is appropriate in any particular matter and may decline to permit Informal Resolution despite one or more of the Parties' wishes. Circumstances when the AVC for CREO may decline to allow Informal Resolution include but are not limited to when the AVC for CREO determines that the alleged Prohibited Conduct would present a future risk of harm to the Complainant or others in the University community. When offering an Informal Resolution Process under these Procedures, the AVC for CREO will also take other appropriate prompt and effective steps to confirm that Prohibited Conduct does not continue to recur within the University's Education Program or Activity.
5. The University may offer Informal Resolution to take action through the imposition of individual and community remedies designed to preserve the Parties' access to educational, extracurricular and employment activities at the University and/or to eliminate a hostile environment.

B. Notice Prior to Commencing Informal Resolution

Before initiating an Informal Resolution process, the AVC for CREO will issue Written Notice to the Parties disclosing:

1. The nature of the allegations in the Report.
2. The requirements of the Informal Resolution process, including the circumstances under which the process precludes the Parties from initiating or resuming a Formal Resolution process arising from the same allegations.
3. The Informal Resolution process is only available if the Parties voluntarily consent in writing. If the Parties voluntarily consent, the University may initiate an Informal Resolution process any

time prior to reaching a determination regarding responsibility.

4. That either Party may withdraw from the Informal Resolution process prior to agreeing to an Informal Resolution agreement and may initiate or resume the Formal Resolution process.
5. The potential terms that may be requested or offered in an Informal Resolution agreement, including but not limited to:
 - a. Restrictions on contact;
 - b. Restrictions on the Respondent's participation in one or more of the University's programs or activities or attendance at specific events; and/or
 - c. Restrictions that the University could have imposed as Remedies. Outcomes, or Disciplinary Action had Respondent been found to be responsible for Prohibited Conduct pursuant to these Procedures.
 - d. That an Informal Resolution agreement is binding only on the Parties.
 - e. What information the University will maintain and whether and how the University could disclose or use such information in an alternate Resolution Process, if initiated or resumed pursuant to these Procedures.

C. Requirements for the Facilitator of Informal Resolution

The facilitator for the Informal Resolution will:

1. not be the same person as the Investigator or Decisionmaker in the Formal Resolution process;
2. be free from conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent; or
3. be trained by the University as set forth in Section 22 below.

D. Conclusion and Finality of Informal Resolution Process

At any time prior to executing an Informal Resolution agreement, the Parties have the right to withdraw from the Informal Resolution process and CREO will resume processing the Report or Complaint consistent with these Procedures. The AVC for CREO has the discretion to terminate an Informal Resolution process if, at any time, the AVC for CREO determines that Informal Resolution is not appropriate to resolve a Complaint or to stop Prohibited Conduct, remedy its impact, or prevent its recurrence.

After the Parties have engaged in an Informal Resolution process, reached a resolution, and both Parties have signed (electronic or handwritten) an Informal Resolution agreement, and the AVC for CREO has accepted the result of that process, the resolution is binding, and the Parties generally are precluded from resuming or restarting an alternate Resolution Process related to the Complaint. No Party can appeal a binding resolution reached through the Informal Resolution process. However, a Party's failure to complete the agreed terms as set forth in of an Informal Resolution may result in CREO commencing or resuming a formal investigation and/or referral of that Party to the Office of Student Rights & Responsibilities for consideration of action under the Honor Code, if the Party is a Student, or the Division of Human Resources & Inclusive Community to determine appropriate corrective action, if the Party is an Employee.

E. For Student Respondents

Informal Resolution will not result in Outcomes through the Outcome Council, but rather terms in an Informal

Resolution agreement may include education, coaching, mentoring, voluntary withdrawal, or other action steps that the AVC for CREO deems appropriate, in consultation with other University administrators as needed. For Informal Resolutions involving Students, the University division, department, unit, or office responsible for taking action pursuant to the Informal Resolution agreement must inform CREO that such action has been taken.

F. For Employee Respondents

Informal Resolutions may result in mandatory requirements in the form of education, coaching, mentoring, or other action steps that the AVC for CREO deems appropriate, in consultation with the Employee's supervisor, the Division of Human Resources & Inclusive Community, and other University administrators as needed. For Informal Resolutions involving mandatory requirements for University Employees, the Employee or the Employee's supervisor, as applicable, must inform CREO the Employee has completed the required action.

G. Timeframe for Informal Resolution

The University will make a good faith effort to complete the Informal Resolution process within sixty (60) calendar days of the Parties' mutual agreement to enter into Informal Resolution, without jeopardizing the rights of a Party.

14. Agreed Admission of Responsibility

The University may resolve certain Reports or Complaints through an Agreed Admission of Responsibility ("Agreed Admission") process. The Agreed Admission process is intended to provide a prompt and effective resolution to a Report or Complaint in which the Respondent voluntarily admits responsibility for violating University policy and the University may offer Remedies, impose Disciplinary Action, and/or impose Outcomes, as applicable, without CREO completing any other resolution process under these Procedures.

A. Availability of Agreed Admission Process

1. At any stage prior to the determination of responsibility under these Procedures, the AVC for CREO may, in their sole discretion, offer the Agreed Admission process for a Report or Complaint.
 - a. The AVC for CREO is not required to offer an Agreed Admission process for any Report or Complaint.
 - b. The AVC for CREO may determine that the nature, severity, or circumstances of the alleged conduct warrants initiation and/or continuation of an alternate resolution process under these Procedures.
2. The University determines that sufficient information exists to establish a Policy violation without a Formal Resolution process.

B. Process

The following process applies to the resolution of a Report or Complaint through the Agreed Admission process:

1. The Respondent must request a meeting with the AVC for CREO to discuss the availability of

the Agreed Admission process.

2. The AVC for CREO will inform the Respondent whether the Agreed Admission process is available for the Report or Complaint, and if so will schedule a meeting with the Respondent.
 3. After the AVC for CREO and the Respondent meet, the Respondent may submit a formal request to engage in the Admission of Responsibility process.
 4. The AVC for CREO will provide the Respondent with a draft resolution agreement for review, which will include:
 - a. The proposed finding of responsibility, including the applicable violations of the Policy or other University policies.
 - b. The proposed Disciplinary Action or Outcomes, as applicable, based on consultation with the appropriate University officials as set forth below.
 - i. In determining appropriate Disciplinary Action or Outcomes, the AVC for CREO and appropriate University officials may consider the impact of the Prohibited Conduct on the Complainant and the University community, the written admission provided by the Respondent, and any additional written or verbal statements provided by the Respondent.
 - ii. For Employee Respondents who are staff, the AVC for CREO will consult with the Respondent's supervisor or other responsible administrator, in consultation with HRIC, as needed.
 - iii. For Employee Respondents who are faculty, the AVC for CREO will consult with the Vice Provost for Faculty Success, in consultation with the dean of the applicable college or school.
 - c. For Student Respondents, the AVC for CREO will consult with the Director for Student Rights and Responsibilities consistent with the University's Honor Code.
 - a. An acknowledgment by the Respondent that:
 - i. The admission of responsibility is knowing and voluntary;
 - ii. There is a factual basis for the finding of Prohibited Conduct or violation of other University policy; and
 - iii. The conduct violates University policy.
1. The Respondent has five (5) Business Days from issuance of the draft resolution agreement to review the terms and notify the AVC for CREO via email whether the Respondent will agree to execute the Agreed Admission resolution agreement.
 2. If the Respondent agrees to execute the Agreed Admission resolution agreement, the AVC for CREO will send the Respondent the final version of the Agreed Admission resolution agreement for execution. The Respondent must sign the final version within two (2) Business Day from issuance of the final version.
 3. If the Respondent does not sign the final Agreed Admission resolution agreement within the above timeframe, or if the Respondent notifies the AVC for CREO that the Respondent will not agree to execute the agreement, CREO will resume processing the Report or Complaint consistent with these Procedures.

C. Notice to the Complainant

1. After the Respondent has executed the final Agreed Admission resolution agreement, CREO will provide the Complainant with a Written Notice of Agreed Resolution that includes:

- a. A summary of the steps taken in the Agreed Admission process;
 - b. The finding of responsibility, including the applicable violations of the Policy or other University policies; and
 - c. A summary of the Disciplinary Action or Outcomes, as applicable, set forth in the resolution agreement.
 - d. A summary of any Remedies for the Complainant..
- 2. The AVC for CREO has discretion to provide the Complainant access to final Agreed Admission resolution agreement.

D. Conclusion and Finality

- 1. If, prior to the Respondent's execution of the Agreed Admission resolution agreement, the AVC for CREO determines in their sole discretion that the Agreed Admission process is no longer appropriate, CREO may resume or restart an alternate resolution process set forth in these Procedures, including a Formal Investigation, and may include the written admission as evidence in that process.
- 2. After the Respondent has executed the Agreed Admission resolution agreement, the resolution is binding and constitutes a final institutional resolution of the Report or Complaint, and the Parties generally are precluded from resuming or restarting an alternate Resolution Process related to the Complaint.
- 3. However, if the Respondent fails to comply with the terms of the Agreed Admission resolution document, including but not limited to the Disciplinary Action or Outcomes, CREO will refer:
 - a. A Respondent who is a Student to the Office of Student Rights and Responsibilities for consideration of action under the Honor Code;
 - b. A Respondent who is an Employee to the Division of Human Resources and Inclusive Community or to the Vice Provost for Faculty Success, as applicable, for appropriate corrective action.
- 4. The University division, department, unit, or office responsible for taking action pursuant to the Agreed Admission agreement must inform CREO that such action has been taken.
- 5. A Respondent cannot appeal a binding resolution reached through the Agreed Admission process.
- 6. The Complainant may appeal the resolution reached through the Agreed Admission process pursuant to Section 18.

15. Formal Resolution Processes

A. Time Frames for Formal Resolution

To help facilitate completion of the investigation in a timely manner, the University has established time frames for certain components of the investigation. The time frame for resolution will depend on the availability of Parties, Witnesses, University breaks or vacations, complexities of a case, including the number of Witnesses and volume of information provided by the Parties, as well as other considerations. The University will make a good faith effort to address and resolve Complaints, exclusive of any appeals, within one hundred and twenty (120) calendar days, without jeopardizing the rights of a Party. The University will strive to complete the Formal Resolution process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. The University will provide regular updates to the Parties of the status of the Formal Resolution.

The Parties have the right to determine whether, and to what extent, they will participate in the Formal

Resolution process. However, the Formal Resolution process will move forward to the next stage regardless of whether a Party or Witness completes the identified component within the applicable time frame.

Based on extenuating circumstances, a Party may seek an extension of time by submitting a written request to the AVC for CREO or Investigator showing good cause. The AVC for CREO will notify the Parties of any extension granted and the reason for the extension. Where a time frame applies to both Parties, the extension will be given to both Parties.

The University's failure to meet any of the time frames set forth within these Procedures, or to provide Written Notice of the extension of these time frames, shall not be grounds for dismissing any allegations of Prohibited Conduct or for an appeal of any matter, nor shall such failure limit the University's ability to complete an investigation, issue a determination, impose Outcomes or Disciplinary Action, as applicable, or otherwise limit the University's ability to take any other required administrative action under these Procedures.

At the request of law enforcement, the University may agree to temporarily defer all or part of its fact-gathering until law enforcement has completed its initial evidence-gathering phase. The University will nevertheless communicate with the Parties about resources and support, procedural options, anticipated timing, and the implementation of any necessary Supportive Measures to protect the safety, well-being, and continued equal access to a University Education Program or Activity.

B. Types of Formal Resolution

The University provides the following mechanisms for the formal resolution of Complaints under these Procedures:

1. Administrative Inquiry
2. Inquiry for the POWR Act
3. Formal Investigation

Where a Complaint alleges only harassment under the POWR Act, the University will resolve the Complaint through the Administrative Inquiry process.

For all other Complaints, the AVC for CREO will determine in their sole discretion the appropriate Formal Resolution Process. The AVC for CREO's determination of the appropriate manner of resolution is not subject to appeal.

If, through a Formal Resolution process, CREO finds that alleged Prohibited Conduct has otherwise contributed to a climate of systemic discrimination or finds a hostile environment that impacts the educational or employment environment of an individual or group based on a Protected Status, the AVC for CREO may consult with other University administrators to determine appropriate actions needed to address the situation.

C. Administrative Inquiry

1. Purpose

The AVC for CREO may initiate an Administrative Inquiry to gather information and attempt to resolve a Report

or Complaint at the earliest stage. An Administrative Inquiry may be used to:

- a. conduct a compliance review of applicable University policies or procedures, division, academic unit, or departmental policies and procedures to determine whether such policies or procedures are consistent with the Policy;
- b. address allegations of Hostile Environment Harassment based on a Protected Status that may be impacting the educational or employment environment of an individual or group within the University community; and,
- c. determine whether sufficient evidence exists to open a Formal Investigation or initiate an alternative resolution process under these Procedures.

2. Initiation and Notice

Upon the initiation of an Administrative Inquiry, the AVC for CREO will provide Written Notice of the initiation and the scope of the Administrative Inquiry (Scope):

- a. Where a Complainant(s) and a Respondent have been identified, to the Parties;
- b. Where a Complainant(s) are identified, but no individual Respondent is identified, to the Complainant(s) and to the leader of the involved/impacted unit, as applicable.
- c. Where there are allegations of Hostile Environment Harassment, to the leader(s) of the involved/impacted unit, who will be named as the representative of the Respondent for purposes of notification;
- d. Where a Respondent has been identified and the University community may be impacted by the alleged conduct, to the Respondent and to the leader of the involved/impacted unit, as applicable.

The Scope will set forth the threshold issues that the AVC for CREO intends to investigate during the Administrative Inquiry. The Investigator may make recommendations addressing conduct within or beyond the Scope when sufficient evidence is identified during the course of the inquiry.

3. Process and Determination

As part of an Administrative Inquiry, to determine whether evidence indicating that Prohibited Conduct may have occurred and whether identifiable individuals or groups are responsible for Prohibited Conduct, the AVC for CREO or an Investigator may interview any Parties and/or Witnesses, gather relevant evidence from the Parties, Witnesses, or other University administrators, and/or review University records. Through the Administrative Inquiry, CREO may establish one or more of the following elements:

- a. CREO has evidence that supports opening Formal Investigation(s) where Prohibited Conduct may have occurred and an individual Respondent has been identified;
- b. Prohibited Conduct has or has not occurred and an individual Respondent has not been identified;
- c. Identified individual(s) or group(s) is/are responsible for Prohibited Conduct;
- d. The allegations in the Complaint do not meet the definition of Prohibited Conduct but may have impacted the University's educational program or activity of an individual or group that share a Protected Status;
- e. No identified individual(s) or group(s) is/are responsible for Prohibited Conduct.

4. Conclusion, Referral, and Remedies

- a. At the conclusion of an Administrative Inquiry, the AVC for CREO may:
 - i. Refer the matter to an appropriate University administrator/unit for appropriate handling, consistent with applicable relevant University policies and procedures;
 - a. to implement Remedies, including connecting impacted community members to available resources; and/or
 - ii. Offer awareness and education programs and trainings to the campus community, including programs addressing the presence and effects of bias on campus.
- b. CREO will provide any identified Complainant(s) and Respondent(s) with a Written Notice of conclusion that includes a summary of the steps taken in the Administrative Inquiry, the applicable findings, and any recommendations, referrals, and/or Remedies.

Unlike in a Formal Investigation, the Complainant and Respondent do not have the right to review all information gathered through the course of an Administrative Inquiry. The AVC for CREO has the discretion to redact, remove, or summarize, including, but not limited to, personally identifiable information, personnel records, Witness statements, and other evidence that the AVC for CREO determines necessary or appropriate.

- c. If the AVC for CREO determines that an Administrative Inquiry is insufficient to address and resolve the Complaint or that the information gathered indicates that a Formal Investigation is warranted, the AVC for CREO may initiate an alternate Resolution Process set forth in these Procedures, including a Formal Investigation. Information gathered as part of an Administrative Inquiry may be included as evidence in a Formal Investigation.

The determinations of the Administrative Inquiry are final and not subject to appeal.

D. Inquiry for the POWR Act

1. If the alleged Prohibited Conduct in the Complaint involves solely allegation(s) of Harassment under the POWR Act but does not meet the definition of Title IX Sexual Harassment, the AVC for CREO will initiate an Administrative Inquiry to address the Complaint.
2. When conducting an Administrative Inquiry into allegation of Harassment under the POWR Act, the AVC for CREO will consider the following factors to determine the totality of the circumstances, including:
 - i. The frequency of the conduct or communication, recognizing that a single incident may rise to the level of harassment under the POWR Act;
 - ii. The number of individuals engaged in the conduct or communication;
 - iii. The type or nature of the conduct or communication, recognizing that conduct or communication that, at one time, was or is welcome between two or more individuals may become unwelcome to one or more of those individuals;
 - iv. The duration of the conduct or communication;
 - v. The location where the conduct or communication occurred;
 - vi. Whether the conduct or communication is threatening;
 - vii. Whether any power differential exists between the individual alleged to have

- engaged in harassment and the individual alleging the harassment;
 - viii. Any use of epithets, slurs, or other conduct or communication that is humiliating or degrading; and
 - ix. Whether the conduct or communication reflects stereotypes about an individual or group or individuals in a protected class.
- 3. If the Administrative Inquiry determines that a Respondent is responsible for Harassment under the POWR Act, the AVC for CREO may consult with other University administrators to determine appropriate Disciplinary Action and Remedies and will refer the matter to the appropriate University official to implement Disciplinary Actions and Remedies. For identified Respondents who are Employees to the Division of Human Resources and Inclusive Community or to the Vice Provost for Faculty Success, as applicable, for Disciplinary Action.
- 4. CREO will provide the Complainant and Respondent with a Written Notice of conclusion that includes a summary of the steps taken in the Administrative Inquiry, the applicable findings, and any recommendations, referrals, and/or Remedies.

The determinations of the Inquiry for the POWR Act are final and not subject to appeal.

E. Formal Investigation

If the AVC for CREO determines to resolve a Complaint through a Formal Investigation, the AVC for CREO will designate one or more Investigators from CREO and/or an external investigator(s) to conduct a prompt and equitable investigation. Any Investigator chosen to conduct the investigation must be free of any conflict of interest or bias for or against Complainants or Respondents generally, or for or against a specific Complainant or Respondent.

The Parties will have two (2) Business Days from receipt of the name(s) of the Investigator(s) to raise any objection to the Investigator(s) based upon conflict of interest or bias. The Party must object in writing, specifically describe the purported conflict of interest or bias, and provide evidence to support this concern. The AVC for CREO will assess the circumstances and determine whether to assign a different Investigator to the matter.

1. Notice of Investigation

After the AVC for CREO decides to move forward with a Formal Investigation, CREO will notify all Parties (Complainant(s) and Respondent(s)) in writing that CREO has initiated an investigation.

The notice letter will:

- a. Identify the Complainant(s) and Respondent(s);
- b. Provide a concise summary of the of the alleged Prohibited Conduct (including when and where it occurred, if known) and specify the date, time (if known), location and nature of the alleged Prohibited Conduct and any other relevant conduct;
- c. Notify the Parties that an investigation has been initiated against the Respondent(s);
- d. Identify the applicable Procedures;
- e. Identify the assigned Investigator(s);

- f. Inform the Parties how to challenge participation by the Investigator(s) on the basis of conflict of interest or bias;
- g. Identify the potential Prohibited Conduct violations and other potential University policy violations consolidated into the investigation (if any);
- h. Invite the Parties to attend an informational meeting;
- i. State that Retaliation is prohibited;
- j. Inform the Parties of the right to inspect and review evidence;
- k. Instruct the Parties to preserve any potentially relevant evidence in any format;
- l. Include a statement that the Respondent is presumed not responsible for alleged Prohibited Conduct unless and until a determination regarding responsibility for Prohibited Conduct is made at the conclusion of the investigation; and
- m. Describe the Parties' right to an advisor and support person of their choice.

The University encourages Parties to raise all issues or allegations that may arise out of the same facts or circumstances at the outset of the investigation. If during the course of an investigation, the University decides to investigate additional allegations which are consolidated with the ongoing investigation, but that were not included in the earlier Written Notice, the University will provide notice of the additional allegations to the Parties whose identities are known.

2. Informational Meeting

In the Written Notice, the AVC for CREO will invite each Party to an informational meeting to review these Procedures, discuss the rights and responsibilities of a Party, review the resources available to Parties throughout the investigation process, and answer any questions that the Party may have. Each Party may request an Informational Meeting at any time throughout the course of investigation. To allow the Parties an opportunity to request and complete the informational meeting, the Investigator will wait five (5) Business Days after issuance of the Written Notice before contacting the Parties or Witnesses for interviews.

After completing the informational meeting, or upon the expiration of the deadline to have an initial informational meeting, Complainant and Respondent will be invited to complete an initial interview with an Investigator. The initial interview typically will be completed within ten (10) Business Days of the Investigator's request for an interview, or the investigation will move forward without the initial interview.

At any time during the investigation, a Party may request an additional informational meeting to review these Procedures and answer any questions that the Party may have about the Procedures.

3. Participation and Interviews of Parties and Witnesses

CREO will provide each Party with written notice of the date, time, location, participants, and purpose of all meetings or proceedings in the Formal Investigation with sufficient time for the Party to prepare to participate. No Party or Witness is required to participate in the Formal Investigation; a Party's decision not to participate in the investigation, in whole or in part, will be documented in the investigative report. However, if either Party declines to participate or limits the extent of their participation, such decision may limit the ability of the University to thoroughly investigate and resolve the Complaint.

4. Investigation Procedure

The University, and not the Complainant or the Respondent, has the burden of gathering evidence sufficient to reach a determination regarding responsibility. The University will take reasonable steps to protect the privacy of the Parties and Witnesses during the investigation. However, in doing so, the University will not restrict the ability of either Party to obtain and present evidence; identify and speak to Witnesses; consult with family members, confidential resources, their advisor; or otherwise prepare for or participate in the investigation or hearing, if any. The University will take reasonable steps to prevent and address the Parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the investigation.

During the investigation, each Party has an equal opportunity to present fact Witnesses and submit other inculpatory and exculpatory evidence (such as documents, communications, photographs, or other information) that are Relevant. The Investigator may ask a Party or Witness to describe the relevance of the information submitted or to provide a description of what Relevant evidence a proposed Witness is expected to provide. The Investigator has the discretion to determine the appropriate scope of the investigation.

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 Investigator will review and has discretion to determine the necessity of interviewing potential Witnesses.

The Investigator will record and transcribe (or arrange for transcription of) all interviews.

5. Evidence

The Investigator will review all information the Parties identify or provide as well as any other evidence the Investigator obtains. The Investigator will determine the relevance, credibility, and probative value of the information developed or received during the investigation. The Investigator may exclude evidence that is not Relevant.

- a. A Complainant's sexual interests or prior sexual history is generally not Relevant, unless:
 - i. such evidence is offered to prove that someone other than the Respondent committed the alleged Prohibited Conduct; and
 - ii. evidence concerning specific incidents of the Complainant's prior sexual behavior with Respondent, when offered to prove Consent.
- b. A Party's or Witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or Witness are excluded as Relevant evidence unless the University obtains that Party's or Witness's voluntary, written consent to use those records in the Formal Resolution process.
- c. Personnel records are generally confidential; however, the Investigator may review Relevant personnel records.
- d. If Relevant, the Investigator will summarize the information from the confidential records in the preliminary investigative report for the Parties to review, and the Investigator will make available the Relevant portions of such records, with appropriate redactions for the non-sharing Party's review.
- e. The Investigator may seek Relevant information from other University offices, such as course evaluations, course syllabi and schedules, course materials, housing records, swipe

card data, parking data, campus video records, as appropriate for the investigation. The Investigator may visit Relevant sites or locations and record observations through written, photographic, or other means.

- f. Evidence that is protected under a privilege as recognized by federal or state law or evidence provided to a confidential employee is inadmissible, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- g. The Investigator may interview experts who have no connection to the reported incident when expertise on a specific issue or submitted evidence is needed, for example, to gain a fuller understanding of the issue or of the relevance or value of the evidence. In instances where the Investigator plans to interview an expert, prior to such interview, the Investigator will share the expert's identity with all Parties. The Parties have two (2) Business Days from receipt of the name of the expert to raise any objection to the expert based upon conflict of interest or bias. The AVC for CREO will assess the circumstances and determine whether to consult a different expert to the matter. The Party must object in writing, specifically describe the purported conflict of interest or bias, and provide any evidence to support this concern.
- h. The Investigator will not accept or consider external investigations or reports from privately hired consultants (including, but not limited to, those conducted by private investigators, polygraph examiners, or any person retained to offer opinions on how available evidence should be interpreted). This prohibition does not apply to external investigators or experts hired or consulted by the University pursuant to these Procedures.
- i. In gathering the facts, the Investigator may consider prior allegations, findings of responsibility for, or similar conduct by the Respondent to the extent that such information is relevant. The Investigator will determine relevance based on an assessment of whether:
 - i. The previous allegation or incident was substantially similar to the present allegation;
 - ii. The information indicates a pattern of behavior and substantial conformity with that pattern by the Respondent; or
 - iii. The Respondent was subject to a previous credible allegation, participated in an alternative resolution to a Complaint, and/or was previously found responsible for Prohibited Conduct.

6. Preliminary Investigative Report

After each Party has been provided the opportunity to be interviewed and to identify potential Witnesses and other information, and the Investigator has completed Witness interviews and the gathering of evidence, the Investigator will prepare a preliminary investigative report. The preliminary investigative report will include, as applicable, the transcript or interview statement for Complainant, Respondent, and any Witnesses, and either a copy or written summary of any other information the Investigator in their discretion deems relevant.

The AVC for CREO will concurrently provide the Complainant and Respondent with access to review the preliminary investigative report via the University's chosen cloud storage platform. The University prohibits the Parties and their advisors/support persons from downloading, photographing, copying or otherwise duplicating, sharing, or transmitting the material provided; any use contrary to this prohibition constitutes unauthorized disclosure. If a Party and/or their advisor makes an unauthorized disclosure, the AVC for CREO

will refer such conduct to the Office of Student Rights & Responsibilities (if the Party is a Student) or the Division of Human Resources & Inclusive Community or the Vice Provost for Faculty Success (as applicable, if the Party is an Employee), and/or CREO will assess whether the unauthorized disclosure constitutes potential Prohibited Conduct under the Policy.

The Complainant and Respondent have ten (10) Business Days from the time they are given access to the preliminary investigative report to submit any comments, feedback, additional documents, evidence, requests for additional investigation, names of additional potential Witnesses, or any other information they deem relevant to the Investigator. Each Party may meet with the Investigator to provide this additional information in lieu of or in addition to written comments.

The AVC for CREO may grant the Parties on a case-by-case basis an extension of the time to review and respond to the investigative report, upon written request by either Party and a showing of good cause for the extension, with Written Notice to the Parties that includes the reason for the extension, and recognizing that such an extension may cause resolution process to exceed the timeframes specified in these Procedures.

If the Investigator receives information from a Party in response to the preliminary investigative report that warrants further substantive investigation or review, the Investigator, in consultation with the AVC for CREO, has the discretion to extend the investigation. If the Investigator extends the investigation, the Investigator will notify the Parties in writing, issue an amended preliminary investigative report, and provide the Complainant and Respondent access to such report for review and comment for at least five (5) Business Days.

7. Final Investigative Report

After receiving any comments submitted by the Complainant and/or Respondent, or after the comment period has lapsed without receiving comments, the Investigator will address any relevant issues, pursue any additional investigative steps as needed, and issue a final investigative report.

The final investigative report will contain all information from the preliminary investigative report, any response to the preliminary investigative report submitted by the Complainant and/or Respondent, and any additional information gathered. If the Respondent admits responsibility, the Investigator's final investigative report may contain a short summary of the allegations and the Respondent's admission of responsibility.

The Investigator will make a determination based on a Preponderance of the Evidence whether there is sufficient evidence to support a finding of responsibility for a violation of the Policy (and, where applicable, any other relevant policies). The Investigator will provide the full rationale for the findings, including an analysis of the available information, in the final investigative report. The Investigator's determination will be based solely on the evidence contained within the final investigative report.

The AVC for CREO will review and approve the final investigative report before the final investigative report is issued to the Parties. The AVC for CREO will concurrently provide the Complainant and Respondent with access, via the University's chosen cloud storage platform, to review the final investigative report and all attached materials, including information submitted by the Parties in response to the preliminary investigative report and all information and materials gathered as additional investigative steps, for a minimum of five (5) Business Days or for the duration of the appeal process, when applicable. At the same time, the AVC for CREO will communicate to all Parties and necessary administrators and supervisors whether or not a Respondent was found responsible for Prohibited Conduct and the assigned Outcomes or Disciplinary Action, as applicable.

After issuing the final investigative report and if the Respondent has been found responsible, the AVC for CREO will provide the Parties with the identities of the Outcome Council members (for Student Respondents) or the Decision-Maker for Disciplinary Action (for Employee Respondents) who will make determinations about Outcomes or Disciplinary Action, as applicable. The Parties have two (2) Business Days from receipt of this information to raise any objection based upon conflict of interest or bias. The Party must object in writing, specifically describe the purported conflict of interest or bias, and provide evidence to support this concern. The AVC for CREO will assess the circumstances and determine whether to assign a different Outcome Council member or Decision-Maker for Disciplinary Action, as applicable, to the matter.

After issuing the final investigative report and if the Respondent has been found responsible, the AVC for CREO will provide the Outcome Council (for Student Respondents) or the Decision-Maker for Disciplinary Action (for Employee Respondents) with the determination of responsibility for purposes of determining Outcomes or Disciplinary Action, respectively, as described in Sections 17.A and 17.B below. The Outcome Council or Decision-Maker for Disciplinary Action will determine and communicate Outcomes or Disciplinary Action to the AVC for CREO in writing for inclusion in a determination correspondence prepared by the AVC for CREO and provided to the Parties.

The AVC for CREO may, as necessary, also send a copy of the final investigative report and/or the determination correspondence to necessary administrators and supervisors.

CREO may refer the final investigative report and/or the determination correspondence to University administrators for action pursuant to other applicable University policies and procedures, if appropriate.

16. Remedies

Remedies are the measures provided, as appropriate, to a Complainant or any other person that CREO identifies as having had their equal access to a University education program or activity limited or denied, after CREO has determined, pursuant to these Procedures, that Prohibited Conduct has occurred or that there exists or existed a hostile environment. The AVC for CREO may determine appropriate Remedies as set forth below.

1. Remedies are designed to restore or preserve equal access to employment and/or the University's Education Program or Activity.
2. Remedies may eliminate a hostile environment for the Complainant and/or provide safety protections for the Complainant or the University Community.
3. Remedies may be disciplinary or punitive.
4. Remedies may include arrangements that were provided as Supportive Measures during the investigation.

5. The AVC for CREO, in consultation with other University officials, as appropriate, has the discretion to determine the applicable Remedies.
6. The AVC for CREO will communicate any applicable Remedies to the Parties when providing a determination correspondence.

17. Disciplinary Action/Outcomes

If a Respondent is found responsible for Prohibited Conduct or for violation of any other University policy(ies) pursuant to these Procedures, the University will determine appropriate Outcomes (for Student Respondents) or Disciplinary Action (for Employee Respondents) as set forth below.

A. Disciplinary Action

1. The Decision-Maker for Disciplinary Action for Employees is as follows:
 - a. For Employees who are staff, promptly after the AVC for CREO provides the determination of responsibility, the Respondent's supervisor or other administrator in the applicable unit will determine the appropriate Disciplinary Action, in consultation with the Division of Human Resources & Inclusive Community and the AVC for CREO.
 - b. For Employees who are faculty, promptly after the AVC for CREO provides the determination of responsibility, the Vice Provost for Faculty Success will determine the appropriate Disciplinary Action, in consultation with the dean of the applicable college or school and the AVC for CREO. Disciplinary Action involving faculty is further subject to the [Policies and Procedures Relating to Faculty Appointment, Promotion and Tenure](#).
2. In determining Disciplinary Action, the Decision-Maker for Disciplinary Action has the following objectives:
 - a. Promoting safety and protecting the University community;
 - b. Assigning sanctions to Respondents for engaging in Prohibited Conduct and deterring them from similar future behavior;
 - c. Ending Prohibited Conduct;
 - d. Taking steps reasonably calculated to prevent the future reoccurrence of the Prohibited Conduct;
 - e. Restoring the Complainant to their pre-deprivation status, to the extent practical and possible.
3. The Decision-Maker for Disciplinary Action will also consider other factors including, but not limited to:
 - a. The nature of the Prohibited Conduct at issue;
 - b. The degree of physical violence (if any) associated with the Prohibited Conduct;
 - c. The impact of the Prohibited Conduct on the Complainant or University community;
 - d. The Respondent's prior disciplinary history and/or relevant or related criminal convictions (if known);
 - e. Whether the Respondent has accepted responsibility for the Prohibited Conduct;
 - f. Previous University response to similar conduct;
 - g. The maintenance of a safe, nondiscriminatory, and respectful living, learning, and working environment; and

- h. Any other mitigating, aggravating, or compelling factors.
- 4. In determining Disciplinary Action, the Decision-Maker for Disciplinary Action will consider whether the nature of the conduct at issue warrants removal from the University, either permanent (termination) or temporary (suspension).
- 5. Disciplinary Action for Employees may vary, up to and including termination of employment, based on the circumstances of the matter, and includes but is not limited to:
 - a. Prohibition from various academic or managerial responsibilities involving the Complainant or others;
 - b. Informal or formal coaching;
 - c. Training or education;
 - d. A letter of reprimand placed in a Respondent's personnel file;
 - e. Restrictions on a Respondent's access to University programs or facilities;
 - f. Limitations on merit pay or other salary increases for a specific period; or Demotion, suspension, or expulsion /termination from the University, or a recommendation that a separate process required to impose such action be commenced. Such a process shall rely on the written determination pursuant to these Procedures and may only address appropriate Disciplinary Action.
- 6. The Decision-Maker for Disciplinary Action will promptly notify the AVC for CREO in writing of the Disciplinary Action imposed for inclusion in a determination correspondence.

B. Outcomes

- 1. The AVC for CREO will notify the Chair of the Outcome Council in writing when a finding of responsibility requires convening of the Outcome Council. The AVC for CREO will provide the Outcome Council with access to the Relevant evidence related to the matter, including final investigation report and all related materials.
- 2. The Outcome Council will convene promptly after the AVC for CREO provides the determination of responsibility and will determine the appropriate Outcomes for the Respondent. The criteria for selection of the Outcome Council are set forth in the [Honor Code](#).
- 3. In determining Outcomes, the Outcome Council has the following primary objectives:
 - a. Promoting safety or deterring individuals from similar future behavior;
 - b. Protecting the University community;
 - c. Ending the Prohibited Conduct;
 - d. Taking steps reasonably calculated to prevent the future reoccurrence of the Prohibited Conduct;
 - e. Restoring the Complainant to their pre-deprivation status, to the extent practical and possible.
- 4. The Outcome Council considers the following criteria in determining Outcomes to meet those objectives:
 - a. Nature and severity of the Prohibited Conduct;
 - b. The degree of physical violence (if any) associated with the Prohibited Conduct;
 - c. Number of Complainants;
 - d. Number of impacted individuals;

- e. Prior Student Rights & Responsibilities history or relevant or related criminal convictions (if known) of the Respondent;
 - f. Whether the Respondent has accepted responsibility;
 - g. The impact the Prohibited Conduct has had on the Complainant(s), University community, community members, University and community safety, and University environment;
 - h. The maintenance of a safe, nondiscriminatory, and respectful living, learning, and working environment; and
 - i. Any other mitigating, aggravating, or compelling factors.
- 5. The range of Outcomes includes:
 - a. Status Outcomes, including but not limited to Educational Letter; Written Warning; Student Conduct Probation; Elevated Probation; Suspension; and Expulsion;
 - b. Educational Outcomes, including but not limited to Reflective Activities; Programs & Activities; Interventions; Restrictions; Referrals; and Restitution.
 - 6. The Outcome Council will notify the AVC for CREO in writing of the Outcomes determined to be appropriate by the Outcome Council.

18. Appeal

The AVC for CREO will provide the Parties with information on their right to appeal pursuant to these Procedures. In any appeal, the burden of proof lies with the Party requesting the appeal. The appellate process shall not re-hear a matter in part or in its entirety.

A. Ineligible Actions/Decisions/Determinations

The following are not eligible for appeal pursuant to these Procedures:

- 1. The University's exercise of its discretion to consolidate pursuant to Section 7.E.
- 2. The University's failure to meet any of the time frames set forth within these Procedures or to provide Written Notice of the extension of these time frames.
- 3. The AVC for CREO's determination of the appropriate manner of resolution.
- 4. A binding resolution reached through the Early Intervention process or Informal Resolution process.
- 5. A Respondent cannot appeal a binding agreement reached through the Agreed Admission process.
- 6. The determinations regarding Prohibited Conduct, Remedies, Disciplinary Action or Outcomes, as applicable, resulting from an Administrative Inquiry.
- 7. The findings, Remedies, Disciplinary Action or Outcomes, as applicable, resulting from an Inquiry for the POWR Act.

B. Eligible Actions/Decisions/Determinations

The following are eligible for appeal pursuant to these Procedures:

- 1. Dismissal of a Complaint: A Party who has been notified of the dismissal of a Complaint can appeal that decision.

2. Agreed Admission: A Complainant can appeal a binding agreement reached through the Agreed Admission process.
3. Formal Investigation: Any party can appeal a determination regarding responsibility and Outcomes following a Formal Investigation.

C. Bases for Appeal

1. Except as expressly stated below, a Party may only appeal on one or more of the following bases:
 - a. Procedural irregularity that affected the outcome of the matter;
 - b. New evidence that affected the outcome and that was not reasonably available at the time the determination regarding responsibility was made;
 - c. This basis for appeal is not satisfied simply because evidence was not presented during the proceedings if the evidence was reasonably available at the time the determination was made.
 - d. The AVC for CREO, Investigator, Decision-Maker for Disciplinary Action, or Outcome Council member(s), as applicable, 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.
 - e. Where the Respondent is a Student, the Outcomes imposed are substantially disproportionate to the severity of the violation.
2. Dismissal of Complaint: A Party who has been notified of the dismissal of a Complaint can appeal that decision on the bases identified in Section 18.C.1.a or c above.
3. Agreed Upon Resolution: A Complainant may only appeal a binding agreement reached through the Agreed Admission process on the bases identified above in Section 18.C.1.c. or d.
4. Formal Investigation: Any Party may appeal a determination regarding responsibility and Outcomes resulting from a Formal Investigation on all bases identified above in Section 18.C.1.a-e.
5. Ineligible basis for appeal: Mere disagreement with the decision is not a basis for appeal under these Procedures.

D. Requirements for Filing an Appeal

1. If a Party wishes to file an appeal, the Party must submit the appeal directly to the AVC for CREO in writing no later than five (5) Business Days after
 - a. The notification of dismissal of the Complaint is issued to the Parties
 - b. The Written Notice of resolution by Agreed Admission is issued to the Complainant
 - c. The final investigative report and determination correspondence are issued to the Parties.
2. The AVC for CREO may grant the Parties on a case-by-case basis an extension of the time to file an appeal, upon written request by either Party and a showing of good cause for the extension, with Written Notice to the Parties that includes the reason for the extension.
3. The written appeal must state with specificity:
 - a. The issues being appealed;
 - b. The bases for the appeal; and
 - c. If Section 18.C.1.b is identified and is an eligible bases for appeal, the Party submitting the appeal must describe with specificity the new evidence and how it could affect the

outcome of the matter.

E. Time Frame for Completion of Appeal

1. The University will make a good faith effort to complete the appeal within fifteen (15) Business Days from the date the appeal and any response is provided to the Appellate Officer.
2. The AVC for CREO may extend the timeframe for completion of appeal for good cause on a case-by-case basis following a written request. If the timeframe for completion of the appeal is extended, the AVC for CREO will notify both Parties in writing of the delay or extension and the reasons for the delay or extension.

F. Appeal Procedure

1. After receiving a timely written appeal, the AVC for CREO will notify the Parties in writing:
 - a. That the appeal was submitted;
 - b. The opportunity for the Party who did not submit an appeal to:
 - i. Review the appeal statement of the other Party; and
 - ii. Submit a written statement in support of or challenging the issues being appealed within five (5) Business Days of the date of the written notice of appeal.
2. The Appellate Officer shall not be the same person as the decision-makers that reached the determination regarding responsibility, the Investigator(s), or the AVC for CREO, any member of the Outcome Council or the Decision-Maker for Disciplinary Action, as applicable.
 - a. The Appellate Officers are as follows:
 - i. If the Respondent is a Student, the Vice Chancellor for Student Affairs or designee;
 - ii. If the Respondent is an Employee who is staff, the Vice Chancellor for Human Resources or designee; and
 - iii. If the Respondent is an Employee who is a faculty member, the Provost and Executive Vice Chancellor or designee.
 - b. The University will notify all Parties of the identity of the Appellate Officer, and the Parties will have two (2) Business Days from receipt of the name to raise any objection to the participation of the Appellate Officer based on conflict of interest or bias. The Party must object in writing, specifically describe the purported conflict of interest or bias and provide evidence to support this concern. The AVC for CREO will assess the circumstances and determine whether to assign a different Appellate Officer to the matter.
3. The Appellate Officer will consider the appeal, including any written statements submitted by the Parties. The Appellate Officer may also consider the materials provided to the Parties in connection with the applicable resolution process, but the Appellate Officer may not engage in independent fact finding such as interviewing the Parties or other Witnesses.
 - a. The Appellate Officer may take the following actions:
 - i. Deny the appeal in whole or in part based on not satisfying the Appeal Criteria and uphold the applicable written determination,
 - ii. Accept the appeal in whole or in part based on satisfying the Appeal Criteria and:
 1. Send the matter back for supplemental investigation or to take other appropriate remedial actions;

2. If the defect cannot be cured through supplemental investigation or other appropriate remedial actions, then the Appellate Officer may order a new investigation; or
3. If the Respondent is a Student, and the Appellate Officer determines that the Outcomes imposed are disproportionate to the violation, the Appellate Officer may return the matter to the Outcome Council with or without recommendations.
4. The Appellate Officer will prepare a written determination of appeal, which will describe the result of the appeal and the rationale for the result and will provide the written determination to the AVC for CREO. The AVC for CREO will provide the written determination of appeal concurrently to the Parties.
5. The result of the appeal is final.

G. Grievance of Disciplinary Action for Employees

In addition to the appellate rights set forth in Section 18, Employees may file a grievance with respect to the Disciplinary Action imposed pursuant to Section 17.A in accordance with the following procedures:

1. Faculty members may pursue their applicable rights pursuant to the Policies and Procedures Relating to Faculty Appointment, Promotion, & Tenure, where applicable, or pursue a grievance pursuant to the Faculty Grievance Policy and Procedures;
2. Staff may pursue a grievance pursuant to the Staff Employee Grievance Policy and Procedures; and
3. Employees who are subject to a collective bargaining agreement must pursue their grievance rights pursuant to that agreement.

19. Recordkeeping and Recordings

As set forth in Section IV of the [Policy](#), the University maintains records related to the reporting, review, investigation and resolution of alleged Prohibited Conduct by the Office of Civil Rights and Equal Opportunity consistent with applicable federal, state, and local laws and regulations and applicable University policies.

The University has the right to record any meeting, interview, or other proceeding under these Procedures. Parties, Witnesses, advisors, and support persons are prohibited from recording of any meeting, interview, or other proceeding under these Procedures.

20. Additional Considerations

A. Responsibilities of Parties

Throughout their involvement in any process under these Procedures, the Complainant, Respondent, Witnesses, as well as Third Parties, have the following responsibilities:

1. Provide the University with truthful information and operate in good faith with University officials.
2. Not engage in Retaliation or Obstruction against any person who is perceived to have

- participated in any process pursuant to these Procedures.
- 3. Notify one's advisor or support person of the time, date, and location of any meeting associated with any process pursuant to these Procedures. The Investigator is not required to reschedule meetings to accommodate the schedule of an advisor or support person.
- 4. Provide the University with accurate address and other contact information so that notifications are not unduly delayed.
- 5. Promptly open and read any communication from the Office of Civil Rights and Equal Opportunity, the Office of Student Rights & Responsibilities, or any other University administrator involved in any process pursuant to these Procedures.

B. External Agreements

The University will not recognize or enforce agreements between the Parties outside those contemplated by these Procedures. However, the University will recognize any lawful order of a local, state, or federal law enforcement or similar agency or any lawfully-issued protective or other order of a court or similar authority with appropriate jurisdiction.

21. Bias, Training, and Presumptions

- A. Any individual designated as a Title IX Coordinator, Title VI Coordinator, Deputy Title VI Coordinator, Deputy Equal Opportunity Coordinator, Deputy Title IX Coordinator, Director of Investigations, Investigator, Decision-Maker for Disciplinary Action, Outcome Council Member, Appellate Officer, or person designated to facilitate an Informal Resolution Process must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- B. The University will provide training to the Title VI Coordinator, Deputy Title VI Coordinator, Deputy Equal Opportunity Coordinator, Director of Investigations, Investigators, Decision-Makers for Disciplinary Action, Outcome Council Members, Appellate Officers, and any person who facilitates the Informal Resolution Process.
- C. The University will provide training to all Investigators and the staff of the Office of Civil Rights and Equal Opportunity on the following:
 - a. The definitions in the Policy;
 - b. These Procedures, including but not limited to the presumption that a Respondent is not responsible and issues of relevance;
 - c. How to conduct an investigation;
 - d. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
 - e. Options for involving law enforcement.
- D. The University will provide training to Decision-Makers for Disciplinary Action and Outcome Council Members on the following:
 - a. The Policy;
 - b. These Procedures, including but not limited to the presumption that a Respondent is not

- responsible and issues of relevance;
 - c. How to conduct an investigation;
 - d. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
 - e. Options for involving law enforcement.
- E. The University will provide training to Appellate Officers on the following:
- a. The definitions in the Policy;
 - b. These Procedures, including but not limited to the presumption that a Respondent is not responsible and issues of relevance;
 - c. How to conduct an investigation;
 - d. Issues of relevance; and
 - e. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- F. All Complaints are presumed to be made in good faith and all Complainants have the right to be taken seriously.
- G. A Respondent is presumed not responsible for alleged conduct unless and until a determination regarding responsibility for Prohibited Conduct is made through a resolution process under these Procedures or if the Respondent signs an Admission of Responsibility as set forth in Section 14 above.

22. Education and Prevention Programs

The University is committed to offering educational programs to promote awareness of the University's obligations to comply with all applicable federal, state, and local non-discrimination laws. Educational programs include:

- 1. an overview of the University's policies and procedures;
- 2. relevant definitions, including Prohibited Conduct;
- 3. how to report allegations of Prohibited Conduct;
- 4. discussion of the impact of alcohol and illegal drug use; Consent; safe and positive options for bystander intervention;
- 5. review of resources and reporting options available for Students, faculty and staff; and
- 6. information about risk reduction.

All incoming Students receive training on the University's policies and procedures, as well as prevention and awareness programming.

Employees are required to undertake training on the University's policies and procedures, as well as prevention and awareness programming.

23. Revisions

Pursuant to the [Policy](#), the University may, in its sole discretion, update these Procedures at any time for any reason, including as necessary to comply with applicable local, state, and federal laws and regulations and/or

directives from relevant government agencies. Where these Procedures are silent on a procedural issue, and no other applicable policy governs the issue, the AVC for CREO has discretion to adopt sound practices.

The University will make such updates subject to review and approval by the Provost and Executive Vice Chancellor and Senior Vice Chancellor for Business & Financial Affairs (or designee). The updated Procedures will be effective upon publication to the University community.