

## **Administrative Policy**

**Title:** Nondiscrimination Policy

**Source:** Office of the Provost

**Prepared by:** Office of Equity

**Approved by:** Roderick Nairn  
Provost and Executive Vice Chancellor for Academic and Student Affairs

**Effective Date:** July 1, 2016

**Replaces:** New

**Applies:** All Campuses

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### **A. Introduction**

Unlawful discrimination and harassment has no place at the University of Colorado Denver | Anschutz Medical Campus and offends the University's core values, including a commitment to equal opportunity and inclusion. All University employees, faculty members, students and community members are expected to join with and uphold this commitment. Robust discussion and debate are fundamental to the life of the University. Consequently, this Policy shall be interpreted in a manner that is consistent with academic freedom as defined in Regent Law, Article 5D.

### **B. Policy Statement**

The University of Colorado Denver | Anschutz Medical Campus is committed to maintaining a positive learning, working, and living environment. As such, the University does not discriminate on the basis of race, color, national origin, pregnancy, sex, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation, or political philosophy in admission and access to, and treatment and employment in, its educational programs and activities. (Regent Law, Article 10).

This policy: (1) provides a definition of discrimination and harassment based upon Protected Class status and related retaliation; (2) prohibits such discrimination; and (3) identifies the procedures (the "Procedures") the University follows when it receives a report alleging a violation of the university core values. Individuals who violate this policy shall be disciplined or subjected to corrective action as outlined herein. This policy is meant to be read in conjunction with the accompanying University Nondiscrimination Procedures.

### C. Prohibited Conduct

The conduct listed below is prohibited, as are attempts to commit and aiding, abetting, or inciting others to commit them. Prohibited conduct also includes conduct engaged in by electronic means including, but not limited to, computers, any type of phone, or any other means of electronic communication.

***Discrimination*** occurs when an individual suffers an adverse consequence on the basis of a protected class. Examples include failure to be hired or promoted or denial of admission to an academic program based on protected class status. Harassment means verbal or physical conduct related to one's protected class that unreasonably interferes with an individual's work or academic performance or creates an intimidating or hostile work or educational environment.

***Harassment*** means verbal or physical conduct related to one's protected class that unreasonably interferes with an individual's work or academic performance or creates an intimidating or hostile work or educational environment.

***Hostile Environment.*** Whether a hostile environment exists is determined from both a subjective and an objective perspective. The subjective perspective evaluates whether or not the reporting party experienced unwelcome conduct [based on a protected characteristic]. The objective perspective evaluates whether or not the unwelcome conduct was, from the perspective of a reasonable person in the alleged reporting party's position, sufficiently severe, persistent or pervasive that it unreasonably interferes with, limits or deprives an individual from participating in or benefiting from the University's education or employment programs and/or activities. [Harassment becomes prohibited by this policy where enduring the offensive conduct becomes a condition of continued participation or receipt of benefits from the University's education or employment programs and/or activities.] Mere offensive conduct, such as petty slights and annoyances, such as stray negative comments in an otherwise neutral evaluation, "snubbing a colleague," or negative comments that are justified by an individual's poor performance or history are not enough to create a Hostile Environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a single or isolated incident of discrimination or harassment may be sufficient.

***Retaliation.*** Means any adverse action threatened or taken against a person because an individual has filed, supported or provided information in connection with a complaint of *discrimination*, including but not limited to direct and indirect *intimidation*, *threats* and harassment. An "adverse action" is any conduct or action that would dissuade a reasonable person from reporting an allegation of *discrimination* or participating in an investigation of *discrimination*.

### D. Protected Activity and Good Faith Reports

Protected activity includes complaints involving violations of the Non-discrimination Policy and the Sexual Misconduct Policy. It does not include complaints involving violations of other policies. Nor does it include complaints raising ethical, financial or

other concerns unrelated to discrimination. Protected activity does include requesting reasonable accommodation based on, for example, disability or religion.

Protected activity is covered under this policy even if the claims involved were ultimately found invalid so long as those claims were made in good faith.

It is a violation of this policy when a person knowingly or recklessly alleges a false complaint of protected class discrimination or harassment or provides false information during the course of an investigation, and violations may be subject to disciplinary action, up to and including, expulsion or termination of employment, as applicable. This provision does not apply to reports made or information provided in good faith, even if the facts alleged are not later substantiated.

#### **E. Reporting Obligations**

Any faculty or staff member who is considered a Responsible Employee, as defined herein, who witnesses or receives information regarding possible prohibited protected class discrimination or harassment is required to promptly report the information to the Office of Equity or his or her designee. Such information about the alleged conduct, where possible, should include:

- name of the alleged complainant(s);
- name of alleged respondent(s);
- name of any alleged witnesses; and
- any other relevant facts, including the date, time and specific location of the alleged incident.

All other individuals who become aware of an incident of Prohibited Conduct are highly encouraged to report all known details about the Prohibited Conduct to the University Office of Equity by telephone, email, in person, or through the University's online Incident Report Form.

The University may have an obligation to report to the police, keeping the name of the victim confidential, in circumstances where the incident includes an allegation that a crime has been committed.

#### **F. Procedures**

Reports or complaints made pursuant to this policy will be addressed promptly and as practicably as possible after the report is made in accordance with the University of Colorado Denver | Anschutz Medical Campus Nondiscrimination Procedures.

#### **G. Related Policies**

University of Colorado Denver | Anschutz Medical Campus [Administrative Policy on Anti-Violence, October 21, 2011](#)

University of Colorado Denver | Anschutz Medical Campus Nondiscrimination Procedures

University of Colorado [Administrative Policy Statement APS 5014 Sexual Misconduct](#)

For related complaint, grievance or disciplinary processes, refer to Regent Policies under [5. Faculty](#), [5. H. Faculty Senate Grievance Process](#) and [5. I. Faculty Dismissal for Cause Process](#) (for faculty), [State Personnel Board Rules](#) (for classified employees), and campus student disciplinary policies and procedures (for students).

University of Colorado Denver Student Code of Conduct, including Student Conduct Codes promulgated by the University of Colorado Denver Graduate School, Schools of Medicine, Pharmacy and Dentistry.

## Definitions

**Appointing authority/disciplinary authority.** An appointing authority is the individual with the authority or delegated authority to make ultimate personnel decisions concerning a particular employee. A disciplinary authority is the individual who or office that has the authority or delegated authority to impose discipline upon a particular employee or student.

**Complainant and/or Respondent.** Within the context of this process and related procedures, the individual alleged to have been subjected to harassment or discrimination may be referred to as the “complainant or reporting party” and the person(s) against whom the complaint is filed is the “respondent” or “responding party.” For related complaint, grievance or disciplinary processes, refer to Regent Policies under 5. Faculty, 5. H. Faculty Senate Grievance Process and 5. I. Faculty Dismissal for Cause Process (for faculty), State Personnel Board Rules (for classified employees), and campus student disciplinary policies and procedures (for students).

**Equity, Office of.** The Office of Equity at the University of Colorado Denver | Anschutz Medical Campus investigates allegations of discrimination, harassment and sexual misconduct and related retaliation based upon an individual’s Protected Class status. This Office has the authority to impose discipline in conjunction with the appointing authority/disciplinary authority.

**Protected Characteristics/Class.** Are those personal traits, characteristics and/or beliefs that are defined by applicable law as protected from discrimination and/or harassment. They include race, creed, color, sex, gender identity or expression, age, national origin, ancestry, religion, physical or mental disability, veteran status, marital or domestic partnership status, affectional or sexual orientation and/or other characteristics protected by applicable law. For further information on the definitions of protected classes, link to the U.S. Equal Employment Opportunity Commission at <http://www.eeoc.gov/laws/types/>.

**Responsible Employee.** Means any employee who has the authority to hire, promote, discipline, evaluate, grade, formally advise or direct faculty, staff or students and/or has the authority to redress sexual misconduct. This definition does not include any medical, mental health, counseling or other office personnel, in addition to any other offices covered by a statutory privilege or designated in campus procedures as not subject to mandatory reporting to the university.

**University Property.** University property is defined as land, buildings, and facilities in possession or owned, used or controlled by the university or funded by university budgets.

## NONDISCRIMINATION PROCEDURES

Effective July 1, 2016

### I. Purpose and Scope

The Office of Equity at the University of Colorado Denver | Anschutz Medical Campus was created February 2016 to integrate resolutions of all concerns related to protected class discrimination and/or harassment and sexual misconduct. As such, the Office of Equity implements and enforces: (a) the University of Colorado Sexual Misconduct Policy (APS 5014), (b) [the University Title IX Sexual Misconduct Investigation Procedures](#), (c) the University of Colorado Policy on Conflict of Interest in Cases of Amorous Relationships (APS 5015), and (d) and the procedures outlined within this document.

These procedures describe, in general terms, the process involved in considering and investigating typical reports brought forward to the Office of Equity concerning issues of discrimination and harassment as prohibited by the Nondiscrimination Policy. Issues involving or invoking Sexual Misconduct will be examined under the [Title IX Sexual Misconduct Investigation Procedures](#).

The University of Colorado Denver | Anschutz Medical Campus Nondiscrimination Procedures are intended to comply with the related requirements of the applicable federal and state laws, their implementing regulations, and related federal/state agency guidance. Circumstances in individual cases vary and may require different handling, within the discretion of the University.

### II. Jurisdiction

These Nondiscrimination Procedures govern behavior that occurs on campus, at university-sponsored programs or activities and to behavior that adversely affects the university community, poses a threat to the safety or persons or property, or damages the institution's reputation or relationship with the greater community.

### III. Reporting

**Responsible Employees.** Responsible Employees who witness or receive information regarding any Prohibited Conduct (including on on-line or electronic conduct occurring in the context of an employment or education program or activity of the University or has continuing adverse effect on campus) are required promptly to report all known details about the Prohibited Conduct to the University Office of Equity by telephone, email, in person, or through the University's online Incident Report Form. Reports are required to include, to the extent known: i) Name of the alleged victim, ii) Name of the alleged perpetrator, iii) Name of any alleged witnesses, and iv) Any other relevant facts, including the date, time, and specific location of the alleged incident.

All other individuals who become aware of an incident of Prohibited Conduct are highly encouraged to report all known details about the Prohibited Conduct to the University Office of Equity by telephone, email, in person, or through the University's online [Incident Report Form](#).

In circumstances where the incident includes an allegation that a crime has been committed, the University may have an obligation to report to the police.



## University of Colorado Denver | Anschutz Medical Campus

If members of the University community believe they have been subjected to discrimination, harassment or retaliation in violation of the Nondiscrimination Policy, they are encouraged to contact the Office of Equity. Complainants will be asked to complete an in-depth interview regarding their concerns. Interviews can be conducted in person or by telephone. Alternatively, complainants may also file a complaint with the Office of Equity in writing.

### **Nelia Viveiros, Director of Equity & Title IX Coordinator**

*Lawrence Street Center,  
1380 Lawrence Street, Suite 1441  
Denver, CO 80204  
Phone: 1-303-315-0126  
Phone: 1-844-CU-TITLE (288-4853)  
Email: [Titleix.ucdenver.edu](mailto:Titleix.ucdenver.edu)  
Online report:*

**Reporting Party.** A Reporting party may choose to make a report to the University to pursue resolution under these procedures and/or may also choose to make a report to law enforcement. A Reporting party may pursue either or both options at the same time. A Reporting party who wishes to pursue criminal action in addition to, or instead of, making a report under these Procedures should contact law enforcement directly.

The University offers access to confidential resources for Complainants who are unsure about whether to report Prohibited Conduct or are seeking counseling or other emotional support in addition to (or without) making a report to the University (Responsible Employees must report). Please see section VI of these procedures. If a Complainant chooses not to report formally and/or chooses not to participate in an investigation process conducted by the Office of Equity, counseling or emotional support services remain available to the Complainant.

## **IV. Resolution Procedures**

**1. Timeframe for Resolution.** Reports pursuant to these procedures will be addressed and resolved promptly after the report is made. The length of time it will take to complete resolution of a reported complaint will vary based on the complexity of the complaint and other factors such as witness availability. Ordinarily, and absent extenuating circumstances, investigations will be concluded within 90 days, not including appeals, following the delivery of the notice of investigation regarding a reported concern. Extenuating circumstances may exist causing the extension of the 90 day timeframe based on a variety of factors, including the complexity of the circumstances of each allegations, the integrity and completeness of the investigation, to comply with a request by law enforcement, to accommodate the availability of witnesses, to provide translation services, to account for University breaks or vacations, to access relevant and probative documentation that is not immediately available, or to address other legitimate reasons.

All reports shall be made as promptly as possible after the occurrence. A delay in reporting may be reasonable under some circumstances; however, an unreasonable delay in reporting is an appropriate consideration in evaluating the merits of a report.

### **2. Initial Review of Complaint**

The Office of Equity will determine the most appropriate means for addressing the report or concern. Options include but are not limited to: (i) investigating the report or concern; (ii) with

the agreement of the parties, attempting to resolve the report or concern through a form of alternative dispute resolution (e.g., mediation); or (iii) determining that the facts of the report or concern, even if true, would not constitute a violation of the University Nondiscrimination Policies. The Office of Equity Director may designate another individual to conduct or assist with the investigation or to manage an alternative dispute resolution process. Outside investigators shall have relevant training, qualifications and experience.

The failure of an individual to appear and/or respond to the Office of Equity does not prevent the Office of Equity from proceeding or completing the applicable process. The University has an obligation and jurisdiction to conduct at least a preliminary inquiry to determine whether the alleged conduct occurred in the context of, or has continuing effects on, a University program, activity or employment.

### **3. Interim Steps**

When appropriate, prior to or up to the investigation, the University may take reasonable and appropriate interim steps to protect the safety and well-being of members of the University community, maintain the integrity of the investigative and/or resolution process, and deter retaliation.

Participants in this resolution process may request remedial and/or protective measures from the appointing authority/disciplinary authority and/or from the Director of Equity at any point during the reporting and/or investigative process.

### **4. Informal Resolution**

The Office of Equity may determine that the most prompt and effective way to address a concern is through an informal resolution process. The primary focus during an informal resolution remains the welfare of the Complainant and the safety of the campus community, but it does not involve a written report or a determination as to whether a policy has been violated. This type of approach provides the University with a “remedies-based” resolution option that allows the University to tailor responses to the unique facts and circumstances of an incident, particularly in cases where there is not a broader threat to individual or campus safety. In these cases, the Office of Equity may do one or more of the following:

- (1) Provide interim or long-term remedial measures to Complainant that do not require notification to the Respondent;
- (2) Provide targeted or broad-based educational programming or training; and/or
- (3) Meet with the Respondent to (a) discuss the behavior as alleged and provide an opportunity to respond; (b) review prohibited conduct policies; (c) identify and discuss appropriate conduct and behaviors moving forward and how to avoid behavior that could be interpreted as retaliatory; (d) follow-up with the complainant regarding the Respondent’s responses, if appropriate; and, (e) notify the hiring or disciplinary authority of the allegations and responses if necessary, who will determine whether any other disciplinary action is appropriate.

### **5. Initiation of Formal Complaint**

If the Office of Equity determines that an investigation is warranted, the Respondent will be advised, in a written Notice of Investigation as set forth below, of the allegations against him or



her. The Respondent will also be advised to meet with the investigator so as to present relevant information in response to the allegations. The Respondent's appointing authority/disciplinary authority and the Respondent's supervisor shall be notified that an investigation is taking place. The Office of Equity shall advise the Respondent's supervisor whether the Respondent should be relieved of any supervisory or evaluative authority during the investigation. Although the investigator endeavors to limit the number of individuals who may learn about the complaint, confidentiality cannot be guaranteed.

All University faculty, staff and students are required to cooperate in the investigative process and are prohibited from retaliating against anyone who has brought forth a complaint as outlined in this Policy, or against anyone who has participated as a witness in an investigation conducted by the Office of Equity. Retaliation will not be tolerated.

a. ***A Notice of Investigation*** (NOI) will initiate a formal investigation. An NOI will be sent via official university means, such as email, that shall identify:

- where to access a copy of the these Procedures;
- the Reporting party (Complainant) and Responding party (Respondent) party ;
- the standard of review/burden of proof used in the case which shall be preponderance of the evidence;
- the investigator(s) assigned to the case;
- the factual description premising a charge of prohibited conduct;
- the prohibited conduct provisions;
- any interim protective measures, which typically include but are not limited to, a no-contact order; and
- Require that the Respondent contact the Office of Equity within five (5) days to set up a meeting.

b. **Investigative Process.** The Office of Equity follows an investigative model whereby investigators interview the Complainant and Respondent reporting and responding party, and witnesses, separately and provide each party the opportunity to be heard and to respond. The investigator(s) will try to meet face to face with all participants in an investigation to encourage interactive dialogue. There are no formal hearings.

During the course of the investigation, the investigator will review relevant documents, interview relevant witnesses, and view other evidence as may be available. Again, anonymity cannot be guaranteed. To conduct a full and thorough investigation, as a general rule, witness testimony must be shared with the Complainant and Respondent.

The investigator will have the discretion to determine how many witnesses will be interviewed, as well as the order of such interviews. 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. Both parties will be presumed to have good character for the purposes of the investigation. The investigator will also determine the relevance and veracity of any proffered information by any party to the investigation.

The investigator may also contact the Complainant, Respondent and/or witnesses as needed, for instance, when evidence is disputed or when further information is required. The Complainant, Respondent and witnesses may continue to provide additional evidence to be considered, even after the investigation is initiated.

Additionally, both the reporting and responding party shall each have the opportunity to:

- Receive timely notice of an interview or meeting where a party's presence is requested;
- Present relevant information to the investigator, including evidence and identifying witnesses;
- Have an advisor of their choice present during any interview, which can include, but is not limited to an attorney or advocate. Advisors are not authorized to participate instead of the reporting party or responding party. If a reporting party or responding party chooses to have an advisor present for interviews, it is the reporting party or respondent's obligation to select an advisor whose schedule allows attendance within the timeframes designated;
- Review and respond to a summary of the relevant and material facts gathered during the investigation prior to a final determination being made. The parties are not required to provide a response to the summary provided, however, should he or she wish to do so, the response together with any corresponding evidence or additional documentation must be received within five (5) business days from the date the investigator provided the summary. Any such responses will be included as part of the investigation by the investigator;
- Receive a copy of the summary of investigative findings at the conclusion of the investigation; and
- Receive notice of any sanction, if applicable, through official University means.

- 6. Findings/Determinations/Sanctions.** At the conclusion of an investigation, the investigator shall prepare a written report that shall include a statement of factual findings and a determination of whether the University Nondiscrimination Policy has been violated. A "preponderance of the evidence" standard will be used to determine whether the alleged conduct violates University policies against discrimination and harassment. A preponderance of the evidence standard means it is more likely than not that the alleged misconduct occurred..

Once a decision as to the outcome of the complaint is made, the Complainant and Respondent

will both receive a summary of the facts and findings, reason for the decision, and the legal standard applied. If it is determined that there is an insufficient basis to conclude that discrimination or harassment, threats or actual retaliation has occurred (“insufficient basis”), that will conclude the University’s investigation.

As directed by the Office of Equity, the appointing authority/disciplinary authority should initiate formal action if the Respondent was found to have violated this Policy or acted inappropriately or unprofessionally. The appointing authority/disciplinary authority, and other administrators with a need to know, may have access to the investigative records and may consult with the investigator in order to take appropriate action. The appointing authority/disciplinary authority shall inform, in writing and within one month of issue, the Director of Equity of any action taken against an individual(s) who have violated this Policy or who have behaved inappropriately or unprofessionally. If no disciplinary action is taken, the appointing authority/disciplinary authority must inform the Director of Equity.

## **V. Appeals**

Upon the conclusion of the investigation and issuance of the findings, either the Complainant or Respondent may file a written appeal.

### **a. How to File an Appeal and Basis for an Appeal**

Appeals must be submitted in writing, to the Director of Equity, within ten (10) business days after written notification of the results of the investigation.

The appeal should indicate the specific grounds for the appeal, supporting arguments and documentation, and any other relevant information the appealing party wishes to include. The appealing party should be aware that all appeals are documentary reviews in which no oral testimony is taken and no oral argument takes place. Generally, appeals are determined solely on the merits of the documents submitted. Appeals documents therefore should be as complete and succinct as possible.

A review of the appeal will be efficient and narrowly tailored. Appeals must state one or more of the following criteria as the reason for the appeal:

- i. New evidence or information is now available which was unavailable during the initial investigation, and which, if considered, may materially affect the outcome of the investigation;
- ii. A procedural error occurred that unfairly and materially affected the outcome of the investigation; or
- iii. The investigator exhibited unfair bias, failed to conduct a thorough investigation, or issued arbitrary findings and conclusions.

### **b. Extension of Appeal Filing**

Should a Complainant or Respondent, intending to appeal, believe they do not have adequate time to prepare their written documents, a written request for extension of time may be submitted to the Office of Equity. The request must be

submitted in writing within the 10 business day appeal period, and should include the rationale for requesting the extension along with the proposed date by which all appeal documents will be submitted. Requests for extension of time will be considered on their merits and will not be granted automatically. When an extension is granted, opposing parties to the appeal review may be notified.

**c. Appeal Review**

Upon receipt of the written appeal, the other principal party to the original complaint (Complainant or Respondent) will be notified in writing by email to their official University email address within two business days, and provided 10 business days to respond in writing to the appeal. The response should be sent to the Office of Equity. Neither party is required to respond to an appeal. Not responding to an appeal does not imply agreement with the appeal.

After reviewing all documentation submitted, the reviewing officials (who will be appointed by the Director of Equity or his or her designee) shall make the decision on the appeal, and will notify both parties. Upon review of the appeal, the reviewing official(s) may:

- (1) Uphold the initial decision in its entirety;
- (2) Send the case back to the investigator for further investigation; or
- (3) Reverse specific findings of fact not supported by the evidence in light of the whole record, or conclusions of policy violations not supported by the findings. If new evidence is submitted and the reviewing official(s) determines that the new evidence should be considered, the reviewing official(s) may return the complaint to the investigator to reconsider in light of the new evidence. If the reviewing official(s) determines that procedural errors had a material impact on the fairness of the investigation, he or she may return the complaint to the investigator with instructions that the investigator remedy the errors, or may instead return the case to a different investigator.

The reviewing official(s) will not substitute his/her/their opinion on credibility in place of the judgment of the investigator who observed and heard the witnesses, and will not make new findings of fact.

The reviewing official(s) will reply to the appeal within 15 working days of receipt, notifying both parties of the decision to uphold the initial decision, send the case back to the investigator for further investigation, or reverse specific findings of fact not supported by the evidence in light of the whole record or conclusions of policy violations not supported by the findings. The decision of the reviewing official is final.

**VI. Reports Involving Two or More University of Colorado Campuses**

When an alleged violation(s) involves more than one University of Colorado campus, the report shall be handled by the campus with disciplinary authority over the Respondent. The campus responsible for the investigation may request the involvement or cooperation of any other

affected campus and should advise appropriate officials at the affected campus of the progress and results of the investigation.

## **VII. Reports By and Against University Employees and Students Arising in an Affiliated Entity**

University employees and students sometimes work or study at the worksite or program of another organization affiliated with the university. When a Policy violation is alleged by or against university employees or students in those circumstances, the report shall be handled as provided in the affiliation agreement between the university and the other entity. In the absence of an affiliation agreement or a provision addressing this issue, the university may, in its discretion, choose to: (a) conduct its own investigation; (b) conduct a joint investigation with the affiliated entity; (c) defer to the finding of an investigation by the affiliated entity where the university has reviewed the investigative process and is satisfied that it was fairly conducted; or (d) use the investigation and findings of the affiliated entity as a basis for further investigation.

## **VIII. Corrective Measures and Sanctioning**

Where there is a finding of a policy violation, the appointing authority/disciplinary authority should impose one or more sanctions. Sanctions may include any of the sanctions that are available for violations of University policy or Standards of Conduct and/or Professionalism. The appropriateness of any particular sanction is reviewed on an individual basis based on the unique facts and circumstances. In keeping with the University's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the Policy provides the Appointing Unit/Disciplinary Authority with latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the conduct on the Complainant and surrounding community, and accountability of the Respondent. The imposition of sanctions is designed to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal obligations. Sanctions may include termination, expulsion, educational, restorative, restitution, rehabilitative, and punitive components. Some conduct is so egregious in nature, harmful to the individuals involved or so deleterious to the educational process that it requires severe sanctions, including suspension with or without pay and/or expulsion or permanent exclusion from the University. In determining the appropriate sanction(s), the appointing authority/disciplinary authority may consider a number of factors, including but not limited to:

- The severity, persistence or pervasiveness of the Prohibited Conduct;
- The nature or violence of the Prohibited Conduct;
- The impact of the Prohibited Conduct on the Reporting Party;
- The impact or implications of the Prohibited Conduct within the University community;
- Prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, at the University or elsewhere, and any criminal convictions;
- Whether the Respondent has accepted responsibility for the Prohibited Conduct;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling factors.

As noted above, sanctions may be issued immediately and must be reported to the Office of Equity within one (1) month of issue. The Director of Equity may make recommendations about sanctioning to the appropriate sanctioning/disciplinary authority.

In addition to other sanctions, the appointing/disciplinary authority may take one of the following actions, including but not limited to:

- impose or extend a No Contact Directive and impose or extend academic, and/or University employment modifications, as may be appropriate;
- impose or extend increased monitoring, supervision, and/or security at locations or in connection with activities where the Prohibited Conduct occurred or is likely to reoccur;
- arrange for conducting targeted or broad-based educational programming or training for relevant persons or groups; impose one or more restorative remedies to encourage a Respondent to develop insight about the Prohibited Conduct, learn about the impact of that Prohibited Conduct on the Reporting party and the University community, and identify how to prevent that Prohibited Conduct in the future (including community service and mandatory participation in training, education and/or prevention programs related to the Prohibited Conduct); and/or impose any other remedial or protective measures that are tailored to achieve the goals of the Policy.

#### **IX. Records/Retention**

In all cases, the Office of Equity shall retain the investigator's report in accord with the University's records retention policy or for as long as any administrative or legal action arising out of the report is pending. All records of discrimination, harassment and related retaliation reports and investigations shall be considered confidential and shall not be disclosed publicly except to the extent required by law.

#### **X. Annual Report**

The Office of Equity shall maintain an annual report documenting: (a) the number of reports received pursuant to this Policy; (b) the categories of those involved in the allegations; (c) the number of Policy violations found; and (d) examples of corrective measures applied and/or sanctions imposed for Policy violations.

#### **XI. Education and Prevention**

The University is committed to providing comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to reduce and ultimately end all forms of discrimination and harassment. Such programming shall be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to campus community needs, and informed by research or assessed for value, effectiveness or outcome. Programs shall also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels. These programs shall be delivered in conjunction with such units as the Office of Diversity & Inclusion.

#### **XIII. Counseling**



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Any person found to have been subjected to harassment or discrimination may access counseling services. Such services are also available to others who have been affected by harassment or discrimination, as well as to the person who engaged in the harassment or discrimination. These resources are available on the [Office of Equity & Title IX](#) website.