



Policy Timeline

Initial Effective Date: 8/14/2020

Frequency of Review:

Semiannually (twice per year)

Annually

Biennially (every two years)

Other: _____

Date(s) Revised: 8/14/2020

Policy Overview

University of Health Sciences & Pharmacy in St. Louis values the benefits of a diverse student body and workforce and is committed to compliance with applicable laws and regulations prohibiting discrimination and harassment on the basis of race, color, religion, national or ethnic origin, disability, age, gender, gender expression/identity, sexual orientation, veteran status or other protected class in its employment and educational policies and programs (including admissions, financial aid, athletics, or any of its educational policies and programs).

The policy covers reports, complaints, investigation and adjudication relating to matters involving discrimination and harassment including allegations of sexual harassment, sexual assault, dating violence, domestic violence, and stalking against employees that are not covered under the University's Title IX policy. This policy will be administered consistent with the University's obligations under Title VI and Title VII of the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, the Violence Against Women Act, and other state and local non-discrimination laws. Persons are protected from retaliation for making good faith complaints and opposing discrimination and harassment or participating in internal or external proceedings. Sexual harassment as defined by Title IX is covered under the University's policy against [Sexual Harassment in an Educational Program or Activity \(Title IX\)](#).

Applies to: (examples—Faculty, Staff, Students, etc.)

This policy applies to all faculty, staff, students, and others (guests, contractors and visitors) (herein collectively referred to as “Covered Persons”).

Table of Contents: (optional; suggested for policies > 8-10 pages)

N/A

Definitions: (optional; suggested for terms that have specialized meaning in the policy)

Term	Definition
Affirmative Action	The implementation of special recruitment and development efforts intended to support a diverse workforce.
Bias Incident	Any activity that intimidates, demeans, mocks, degrades, marginalizes or threatens individuals or groups. Examples include, but are not limited to, incidents based on individual or group actual or perceived age, ancestry, ethnicity, national origin, ability (physical, psychological, cognitive), sex, gender identity or expression, citizenship or immigration status, marital status, race, religion, religious practice, veteran status, or other protected classification.
Complainant	An individual who is alleged to be the victim of conduct that could constitute discrimination or harassment.
Dating Violence	Dating violence is defined as violence by a person who has been in a social relationship of a romantic or intimate nature with the victim. Whether a relationship exists will be determined based on the consideration of the length, type, and frequency of interaction.
Discrimination	Discrimination is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education because of their actual or perceived status (race, color, religion, national or ethnic origin, disability, age, gender, sexual orientation, gender identification, veteran status or other protected class).
Domestic Violence	The term “domestic violence” includes abusive behavior committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Missouri.

Harassment	Harassment as a form of discrimination is defined as behavior and or actions that are directed at an individual or group based on actual or perceived status (race, color, religion, national or ethnic origin, disability, age, gender, sexual orientation, gender identification, veteran status or other protected class) when such conduct is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or of creating a hostile academic or work environment.
Relationship Violence	The term relationship violence applies to domestic violence, dating violence and stalking.
Respondent	An individual who is named in a report to have engaged in conduct that could constitute discrimination or harassment against a Complainant.
Retaliation	To intimidate, threaten, coerce, or discriminate against any person for the purpose of interfering with any right or privilege established under this policy or because the person has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
Sexual Assault	The term "sexual assault" means any nonconsensual sexual act causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress.
Sexual Harassment (non-Title IX)	Sexual Harassment is unwelcome, gender-based verbal, written, or physical conduct where submission to or rejection of such is made either explicitly or implicitly a term or condition of one's educational or employment program or activities (quid pro quo) or has the purpose/effect of unreasonably interfering with one's work/academic performance or creating an intimidating, hostile or offensive environment (hostile environment). Sexual Harassment includes sexual assault.
Stalking	The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) Fear for his or her safety or the safety of others; or (B) Suffer substantial emotional distress.

Policy Details

1. Policy Statement

University of Health Sciences & Pharmacy does not discriminate on the basis of race, color, religion, national or ethnic origin, disability, age, gender, gender expression/identity, sexual

orientation, veteran status or other protected class in admission, financial aid, athletics, or any of its educational policies and programs.

In addition, the University provides and promotes equal employment and equal employment opportunities without regard to race, color, religion, national or ethnic origin, disability, age, gender, gender expression/identity, sexual orientation, veteran status or other protected class. Harassment, including sexual harassment, directed at an individual or group based on actual or perceived status is prohibited. Sexual assault, dating violence, domestic violence, and stalking (collectively referred to as “relationship violence”) involving alleged violations by employees that are not covered under Title IX is also prohibited under this policy. Individuals making good faith complaints and opposing discrimination and harassment or participating in internal or external proceedings are protected from retaliation.

2. EEO/Section 504 Coordinator

Pursuant to University obligations under Title VI and Title VII of the Civil Rights Act, and Section 504 of the Rehabilitation Act of 1973, the University has designated an Equal Employment Opportunity (EEO), and Section 504 Coordinator to implement and coordinate this policy. Additionally, the University has designated deputy EEO and Section 504 Coordinators for students and employees (“Deputy Coordinator for Students” or “Deputy Coordinator for Employees”) who report to and assists the EEO and Section 504 Coordinator to effectively administer this policy for students and employees.

If you have questions about the policy, if you believe that you are being discriminated against, harassed or retaliated against in violation of the this policy, or if you observe someone else being subjected to such conduct prohibited under this policy, you can report the conduct to the EEO and Section 504 Coordinator. Complaints against students can also be reported to the Deputy Coordinator for students. Complaints against employees (faculty, staff, or outside contractors) can also be reported to the Deputy Coordinator for employees.

The EEO and Section 504 Coordinator or the Deputy Coordinator will oversee the complaint process to enable the University to best assess, respond and investigate complaints to eliminate events, prevent their recurrence and address the effects on the complainant and others. Additionally, the EEO and Section 504 Coordinator is responsible for coordination and oversight of the administration of this policy including processing and investigation of complaints, disciplinary proceedings and sanctions, reporting, education, and awareness of prohibited conduct and this policy, training of personnel, and conducting an annual review of the effectiveness of the University’s prohibited conduct programs.

Contact information for the EEO and 504 Coordinator and deputy coordinators is listed below:

EEO and Section 504 Coordinator

Daniel Bauer, PHR
Director, Human Resources
314-446-8308
Jones Hall, Room 1309
Daniel.Bauer@uhsp.edu

Deputy EEO and Section 504 Coordinator for Students

Rebecca Jones
Assistant Vice President, Student Affairs
RAS, Room 410
314-446-8352
Rebecca.Jones@uhsp.edu

Deputy EEO and Section 504 Coordinator for Employees

Ivory Woodhouse
Associate Director, Human Resources
Jones Hall, Room 1310
314-446-8315
Ivory.Woodhouse@uhsp.edu

3. Affirmative Action

The University's employment policy shall be supported through a continuing affirmative action commitment, that embodies the standards of equal employment opportunities for all persons in regard to human resources polices including but not limited to, employment, promotion, demotion or transfer, recruitment or advertisement, layoff or termination, rates of pay or other forms of compensation, and selection for training.

As an institution that seeks federal contracts, we voluntarily comply with the affirmative action requirements under Executive Order 11246. The implementation of special recruitment and development efforts intended to support a diverse workforce. These efforts focus on persons of color, women, persons with disabilities, disabled veterans, and Vietnam era veterans. All persons are afforded equal opportunity. It is our policy to recruit, hire, train, promote and in all ways provide fair treatment on the basis of merit.

The Affirmative Action Plan is available for viewing upon request in the Office of Human Resources. In order to help ensure the effective implementation of this policy, the director,

human resources has been designated as the Equal Employment Opportunity Coordinator. The coordinator shall make regular reviews of the University's human resources policies, including employment practices to ensure consistency with the principles stated in this policy.

4. Reports of Bias Incidents

The University has established separate [Bias Incident Response Policy](#) to help foster a respectful and inclusive learning environment and identify, respond to and prevent bias related incidents. The bias incident policy supports the University's non-discrimination efforts by reviewing reports of bias incidents, providing guidance to administrators, and developing informed strategies including restorative justice practices to promote inclusion, support and repair of harm caused to affected individuals and the College community.

A bias incident is defined in that policy as any activity that intimidates, demeans, mocks, degrades, marginalizes or threatens individuals or groups. Examples include, but are not limited to, incidents based on individual or group actual or perceived age, ancestry, ethnicity, national origin, ability (physical, psychological, cognitive), sex, gender identity or expression, citizenship or immigration status, marital status, race, religion, religious practice, veteran status, or other protected classification.

Reports of incidents of bias can be reported here: https://uhsp-advocate.symlicity.com/public_report/index.php/pid330144?#Bias%20Incident%20Report%20form

It is important to note that some incidents that occur may be bias incidents, but may not meet the definition of harassment or discrimination covered under this policy. Reports of behavior that fails to meet the definition of harassment or discrimination under this policy will be referred to the bias incident response committee for review. Should behavior in a bias incident report rise meet the definition of harassment or discrimination covered under this policy it will be referred to the EEO and Section 504 Coordinator/ Deputy Coordinators for processing under this policy.

5. Prohibited Conduct and Examples

The term "Prohibited Conduct" for the purposes of this policy shall include discrimination, harassment, sexual harassment, sexual assault, relationship violence (domestic violence, dating violence and stalking), and retaliation as defined above.

To assist in understanding the types of behavior that may constitute discrimination, harassment, or sexual harassment the following examples are included. These are examples and are not meant to cover all circumstances. Individual complaints require a careful analysis to determine if the definition is met.

Examples of discriminatory conduct toward a specific individual or group of individuals could include failing to offer the same training opportunities to men and women in the same position, failing to hire a person based on their protected class, or having different performance standards for employees based on protected class.

Examples of behavior that may amount to harassment depending on the severity and persistence include, but are not limited to, the following:

- Using slurs, derogatory, or demeaning terms directed at a protected group;
- Sharing jokes or stories that are derogatory toward members of a particular protected group;
- Displaying writings, cartoons, photographs or other derogatory, explicit, suggestive or insulting items directed at a protected group;
- Sabotaging, damaging, or interfering with the work of anyone because of her or his membership in a particular protected group; or
- Threatening or intimidating anyone because of her or his membership in a particular protected group.

Examples of behavior that may amount to sexual harassment depending on the severity and persistence include, but are not limited to, the following:

- Persistent requests for dates and/or sexual activity
- Non-consensual physical conduct a reasonable person may consider intimate or sexual
- Comments regarding a person's appearance in a sexual manner
- Sharing sexually inappropriate images or videos or making sexual comments at work
- Indecent exposure
- Sexual exploitation (recording without permission, solicitation or prostitution)

Retaliation is prohibited conduct. The University will not retaliate against, nor permit retaliation against, any individual who opposes discrimination or harassment, makes a complaint of discrimination or harassment, and/or participates or cooperates in a discrimination or harassment investigation, proceeding, or hearing.

The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this Policy will be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, or scholarship of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or State antidiscrimination laws.

6. Reports of Prohibited Conduct Under this Policy

The University has initiated a reporting procedure designed to encourage any covered person under this policy to report any instance of discrimination and harassment covered in this policy to University officials.

The University encourages parties who believe they have experienced discrimination or harassment to report about what happened – so they can get the support they need, and so the University can respond appropriately.

a. To whom should you report prohibited conduct?

i. Reports to Coordinators

Reports to the EEO and Section 504 Coordinator/ Deputy Coordinators provides the College with actual notice of a report. Contact information is in Section 2 of this policy.

ii. Reports to Supervisors

Employees may make reports of discrimination and harassment to their supervisor. Supervisors are required to share this information with EEO and Section 504 Coordinators as soon as possible, such as next business day. A supervisor must report all relevant details about the alleged prohibited conduct shared by the party including the names of the party's alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident.

iii. Anonymous Reports

Parties wishing to file a complaint anonymously over the phone or online can use the University's confidential Ethics and Compliance Hotline. Reports through the hotline will be forwarded to the EEO and Section 504 Coordinator/ Deputy Coordinators.

- Report online: <https://www.lighthouse-services.com/ushp>
- Submit a Report by Phone: To submit a report by phone, use the contact numbers below.
 - 866.770.0009 for English speaking callers in the USA and Canada (not available from Mexico)
 - 800.216.1288 Spanish speaking callers North America
 - 01.800.681.5340 for Spanish speaking callers from Mexico
- Submit a Report by Email: Email reports should be submitted to reports@lighthouse-services.com. You must include the company name "UHSP" with report.

b. Timing of reports

Complainants are encouraged to make a report of discrimination or harassment as soon as possible so the institution may quickly respond and prevent further issues. Generally, we cannot effectively look into allegations that are more than six months old from the date of last occurrence. Understand that the greater the time between the date the incident occurred and date a report is made impacts an investigation. Time may limit the availability of parties involved, witnesses, and evidence and ability to adjudicate the report under this policy.

c. False Reports and False Statements

All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information in a report, investigation, or any related process is a violation of University policy and can subject a student or employee to disciplinary action, up to and including termination or expulsion.

7. Resources

a. College and Campus Counseling Resources

Students have access to the following confidential resources. Counselors in the Student Counseling Center in the Recreation and Student Center (RAS) are examples of professional counselors. During business hours, students may contact the Counseling Center staff on the fourth floor of the Recreational and Student Center (RAS) or at 314.446.8338 or email at any time at counselingcenter@UHSP.edu.

Spiritual advisors in the Spirituality Center are examples of confidential pastoral counselors. Students, faculty and staff may contact advisors through the Spirituality Center in the Recreation and Student Center, Room 459, 314-446-8578.

Faculty and staff can confidentially contact the Employee Assistance Program H&H Health Services at 314.845.8302 or 800.832.8302, <https://www.hhhealthassociates.com/>.

b. Advisors

Both the Complainant and Respondent may be assisted by an advisor of their choice, present at any meeting related to an investigation or disciplinary proceeding. Advisors may participate in University processes in an advisory capacity, but they may not take part directly in the investigation, or disciplinary meeting. If a party wishes to speak privately with their advisor during the investigation, or meeting, they may request a brief recess from the meeting or proceeding. The University has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. The advisor may not be a fact witness or otherwise have any conflicting role in the process.

8. General Information

a. Sanctions/discipline for policy violations

The administrator responsible for disciplinary proceedings will determine the appropriate sanction or disciplinary action based on the violations. Note that while investigation records are private, sanctions become part of student records or personnel files. Any investigation, hearing, review, or appeal procedure will use a preponderance of the evidence standard of proof (i.e. more likely than not).

- For faculty, disciplinary process and sanctions will be determined based on established guidelines in the Faculty Handbooks, Faculty Bylaws, and University's employment policies. Disciplinary action for offenses could include

mandated counseling, written warning, suspension and/or termination. The appropriate dean is responsible for the disciplinary proceedings involving faculty. Human Resources staff are available to assist.

- For staff, discipline will be determined based on established guidelines in the Staff Handbook and University's employment policies. Disciplinary action for offenses could include mandated counseling, written warning, suspension, and/or termination. Human Resources is responsible for overseeing disciplinary proceedings involving staff members, with the appropriate vice president/dean of the unit being responsible for discipline decisions.
- Student Affairs handles non-academic disciplinary proceedings involving students. Student sanctions will be determined based on established guidelines in the Code of Non-Academic Student Conduct. Disciplinary action for offenses may include, but are not limited to, formal warning, non-academic disciplinary probation, mandated counseling assessment, denial of the right to hold an office in a student organization or to participate in College-sponsored extracurricular activities, campus restrictions, and/or other educational sanctions and non-academic suspension or dismissal from the College.
- If the offender is neither a student nor faculty or a staff member and thus not subject to the College's direct control, the College will take such measures, as it deems appropriate, to remedy the matter. This may include barring the offender from College property, and/or filing a complaint with an employer, professional association, or law enforcement authorities.

b. Conflict of Interest/Bias

The University will take appropriate steps to poll investigators and decision makers for conflicts of interest and bias before initiating the grievance procedure outlined in this policy. Should a Complainant or Respondent feel there is a conflict of interest or bias in any step of the complaint, investigation or adjudication process with officials involved in the process written notice describing the potential conflict or bias and its impact must be submitted as soon as a conflict is recognized. The conflict report shall be submitted to the EEO/Section 504 Coordinator. If the Deputy EEO/Section 504 Coordinator for students is named as a party in the conflict or bias report then the Vice President, Student Affairs will review the conflict report. If the EEO/Section 504 Coordinator is named as a party in the conflict or bias report then the Vice President, Chief Financial Officer will review the conflict report.

If substantial conflict or bias is determined, an alternative official will be assigned by the Title IX coordinator/deputy coordinator. If it is determined there is insufficient evidence for significant conflict or bias, the parties will be notified. The determination will be shared with the Complainant and Respondent in writing within ten (10) days of receipt.

c. Opportunity for Informal Resolution

In some cases, it may be possible to utilize informal administrative resolution strategies to facilitate resolution and disposition of a formal complaint by mutual consent of the parties at any step of the process without a formal investigation. Informal resolution will not be allowed in instances of harassment (including sexual harassment) where there is an inherent power level mismatch (i.e. professor to student or supervisor to employee).

The appropriate EEO and Section 504 coordinator/deputy coordinator will appoint a facilitator who will meet with the parties and present the information gathered to this point, describe sanctions if the respondent is found responsible, and allow each party to respond.

The Section 504 & Title IX coordinator/deputy coordinator will serve as a resource to the facilitator to ensure that any sanctions or discipline and remedies will adequately address the harm to the complainant, educate the respondent, and prevent the recurrence of future violations. Additionally, the Section 504 & Title IX coordinator/deputy coordinator will coordinate additional actions to address the impact of a policy violation on others such as, but not limited to, counseling and awareness training or programs.

The facilitator and parties will agree on a determination of responsibility for the policy violations covered in the complaint and simultaneously notify both parties in writing within five (5) business days of the outcome.

9. Procedures for Receiving, Investigating and Adjudicating Complaints

Procedures for receiving, investigating, and adjudicating complaints related to discrimination and harassment vary slightly depending on whether the complainant is a student, faculty, staff member, or other (guests, contractors, and visitors).

1. Report receipt: Upon receiving a report of alleged prohibited conduct the EEO and Section 504 Coordinator or appropriate Deputy Coordinator will review the complaint and communicate with the complainant to inform them that a report has been received.
2. Conference with complainant: EEO and Section 504 Coordinator or appropriate Deputy Coordinator will interview the complainant to get additional information and a preliminary statement. Should a complainant not wish to participate in the process, the EEO and Section 504 Coordinator or appropriate Deputy Coordinator will proceed with a review of the report.
3. Interim Support: Interim remedial steps may be taken and include academic or work adjustments, no contact orders, temporary suspension of the responding party, or any other reasonable measure to facilitate the end and prevention of harassment or discrimination.

4. Preliminary review: The report, and available statement or information from an interview with the complainant will be reviewed to determine if the complaint alleges any facts that, if true, would indicate prohibited conduct covered under this policy occurred. This review will include:
- i. An examination of the complaint as received (either in writing, in-person, over the phone, or other communications)
 - ii. Evidence provided and other information related to the parties involved such as review of related prior complaints, disciplinary action, or sanctions. Additionally, a review of conduct records will be included to see if complainant, respondent, or witnesses have been involved in other incidents.
 - iii. Assess immediate safety needs of the complainant and the need for timely warning/emergency notification under the Clery Act. Update Public Safety if timely warning/emergency notification is necessary.
 - iv. Evaluation of possible or requested interim measures, and/or conduct or disciplinary hearings.

The EEO and Section 504 Coordinator/Deputy Coordinator makes a preliminary evaluation as to whether the reported conduct is covered under this policy.

- i. If, after preliminary evaluation of the complaint, it is determined that the facts and evidence presented in the report, if assumed true, fail to meet the definition of prohibited conduct under this policy the EEO and Section 504 Coordinator/Deputy Coordinator will notify the complainant that the report fails to state a violation under this policy. The report may be referred for evaluation to the appropriate official responsible under another policy, such as: Bias Incident Response Policy, Policy against Sexual Harassment in an Educational Program or Activity Title IX, Code of Student Conduct, Faculty or Staff Handbook, Faculty Bylaws, or other policy. The complainant will be notified within five (5) business days of the preliminary evaluation outcome and any referrals.
- ii. If the complaint presents sufficient evidence to support a possible policy violation the EEO and 504 Coordinator/deputy coordinator designee will notify the complainant in writing within five (5) business days of the following:
 1. The preliminary review of the complaint alleges sufficient evidence to support a possible violation under the policy.
 2. Right to file a formal complaint to proceed with an investigation and adjudication to determine responsibility on the part of the Respondent
 3. Notice of support measures in place, if any, and the option to request support measures.
 4. Right to have an advisor of choice in the process.

5. Right of both parties to a fair and impartial investigation and adjudication proceeding.

5. Formal complaint: A formal complaint is a physical or electronic document signed by a Complainant or the EEO and 504 Coordinator/deputy coordinator requesting an investigation of the allegations of discrimination or harassment. For consistency, the University maintains a complaint form, but use of other written communication requesting an investigation will suffice. This can include an email from a University email account, for example.

A Formal Complaint is typically filed by a complainant, but may be filed by a third party in certain circumstances, the EEO and Section 504 Coordinator/Deputy Coordinator may file a formal complaint on behalf of a Complainant without their participation, if it is reasonable under the facts and circumstances. Before doing so, the EEO and Section 504 Coordinator/Deputy Coordinator will consult with the Complainant.

In addition to the Complainant's wishes, the EEO and Section 504 Coordinator/Deputy Coordinator will consider a range of factors including, but not limited to, the following:

- If there have been multiple complaints about the same alleged perpetrator the College will initiate an investigation.
- The legal obligations of the College.
- The increased risk that the Respondent will commit additional acts of prohibited conduct, such as:
 - Whether the Respondent has a history of arrests or records from a prior institution or employer
 - Whether the Respondent threatened further prohibited conduct against the reporting party or others
 - Whether the University possesses other means to obtain relevant evidence of the incident (e.g., security cameras or personnel, electronic records)
 - Whether the party receiving the alleged prohibited behavior's report reveals a pattern at a given location or by a particular group

The presence of one or more of these factors could lead the EEO or Section 504 Coordinator to file a formal complaint, even if the complainant does not want to do so. If none of these factors is present, the EEO or Section 504 Coordinator will likely not file a formal complaint.

Both parties will receive notice of the formal complaint within five (5) business days.

Other factors:

- Even if a formal complaint is not filed, the University may still take steps to limit the effects of the alleged misconduct and prevent its recurrence without initiating a formal action against the alleged perpetrator or revealing the identity of the

complainant. This may include increased monitoring, security, or additional training or communication efforts for students or employees, including the respondent.

- The EEO and Section 504 Coordinator may consolidate two or more formal complaints when there are common Complainants or Respondents involved or when the sexual harassment arises out of the same facts or circumstances.
- At any point in the process, the College may dismiss a formal complaint at any time if:
 - The Complainant would like to withdraw the complaint;
 - The Respondent is no longer enrolled or employed by the institution; or
 - Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination.

6. Conference with respondent: In response to a formal complaint, the respondent will be provided an opportunity to meet with the EEO and Section 504 coordinator/deputy coordinator and provide information and evidence. This meeting will occur within ten (10) business days of notice of formal complaint to the respondent. The date, time, location, and purpose of the meeting as well as specific policy(s) violation(s) being charged, including the identities of the parties involved, specific policy provisions, precise conduct alleged, date and location of the conduct will be shared and sufficient time granted to prepare for the meeting.

The respondent has the option to:

- Accept responsibility for the charge(s). If the respondent accepts responsibility, EEO and Section 504 coordinator/deputy coordinator or designee will coordinate with the appropriate administrator to deliver disciplinary outcomes to the respondent.
- If the respondent does not accept responsibility for the charge(s),
 - a formal investigation will ensue, unless
 - an informal administrative resolution is appropriate and both parties agree to it.

The complainant and respondent will be simultaneously notified in writing within five (5) business days of the outcome: accepting responsibility, informal administrative resolution, or formal investigation.

7. Investigation: Once a formal complaint has been filed the EEO and Section 504 coordinator/deputy coordinator will initiate an investigation themselves or delegate that responsibility to an investigator. The parties directly involved in the investigation will be informed in a timely manner regarding the process and progress of the investigation. The complainant and respondent will be notified in advance of their requested participation in an investigator interview to allow adequate time to prepare.

During the investigation period, the investigator will gather information, evidence, and interview witnesses. This process may take a month or longer, depending on the specifics of the complaint. The investigator will create a draft report that will include information on the specific formal complaint, relevant policies, timeline, involved parties, summaries of interview and evidence gathered, and findings of fact including an

assessment of credibility, and relevancy of evidence. The draft report will also recommend a disciplinary outcome.

All University employees, who are not named as responding parties, must cooperate fully with any investigations. Employees providing counseling or pastoral services as described in Section 7. A. are exempt from participating if parties involved are patients/clients. Employees who have a professional license, which normally provides privilege, but are not acting under that license, do not have privilege (i.e., a healthcare provider serving in a professor role). Academic information protected under FERPA is available to investigations as legitimate educational interest.

A confidential file of the investigation including personal notes, all evidence gathered, and other information will be kept on file with the EEO and Section 504 Coordinator.

The EEO and Section 504 Coordinator will share the draft report simultaneously with the complainant and respondent within five business days (5) of the close of the investigation. The complainant and respondent may respond within five (5) business days in writing to the EEO and Section 504 Coordinator with comments on the report. The investigator will review comments and determine if the report should be edited, additional investigating is needed, or comments should be presented as a footnote to the report, and issue a final report to the parties and appropriate administrator.

8. Adjudication: After receipt of the final report, the appropriate administrator (dean for faculty, student conduct administrator for students, or president's staff person for staff) will follow the appropriate conduct process for the respondent named in the complaint.

For faculty, the process will be determined based on established guidelines in the Faculty Handbooks, Faculty Bylaws, and University's employment policies.

For staff, the process will be determined based on established guidelines in the Staff Handbook and University's employment policies.

For students, the process will be determined by established guidelines in the Student Code of Non-Academic Conduct with a conduct officer or hearing panel serving as administrator.

In any process, the complainant and respondent will be notified in advance to any meeting to allow time to prepare. Prior to this meeting, the administrator will notify the party of guidelines and timeframes for the meeting and allowance for parties submitting evidence and calling witnesses.

The appropriate administrator will then render a decision based on the report and the meetings with parties and issue discipline/sanctions. The decision will use a preponderance of the evidence standard of proof (i.e. more likely than not). Both parties

will be simultaneously notified within three (3) business days of the result. This notice will identify the policies and sections violated, a detailed procedural history of the process from the receipt of the complaint through the hearing, the methods used to gather evidence, findings of fact that support the determination, conclusion (application of policy to the facts) including the determination of responsibility, and sanctions/remedies, and identify any terms for appeal.

If the proceeding determines that a violation of policy has occurred, prompt and appropriate sanctions/corrective action will be taken as deemed appropriate by the University.

9. Appeal:

Both parties have right to an administrative appeal of the outcome of a case.

Both parties have the right to an administrative appeal of the outcome of a case. In instances where the respondent is a faculty member and the outcome of the adjudication results in separation or termination, the appeals process contained in the Faculty Bylaws as outlined above will apply. All other appeals involving staff sanctions or faculty sanctions other than separation or termination will be resolved in accordance with this procedure. Student appeal processes for cases covered under this policy can be found in the student code.

All appeal must be submitted in writing within ten (10) business days to the EEO and Section 504 Coordinator and must specifically state grounds for appeal and the rationale and evidence in support of the reason for appeal.

The permissible grounds for appeal are limited to the following reasons:

- A procedural error occurred that materially affected the outcome of the hearing (e.g. substantial and material deviation from established procedures, erroneous relevance determinations or failure to objectively evaluate all relevant evidence if they affected the outcome etc.). The procedural error and its impact must be explained.
- To consider new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter. A summary of this new evidence and its potential impact must be included along with an explanation showing why the evidence was not presented at the original hearing
- The EEO and Section 504 Coordinator, investigator, or decision maker had a conflict of interest or bias for or against Complainants or Respondents generally or against one of the parties that affected the outcome of the matter. The conflict of interest or bias and its impact must be explained.
- The sanctions imposed are substantially disproportionate to the severity of the violation and substantially outside the parameters or guidelines set by the College for this type of offense or the cumulative conduct record of the Respondent. The

reasoning and evidence that the sanction was disproportionate or inappropriate must be explained.

The University must notify the other party when an appeal is filed including a copy of the written submission received from the appealing party. The other party will be given five (5) business days to submit a written statement opposing the appeal and supporting the outcome. The University will give a copy of the opposing party's response or opposition to the party filing the appeal.

An Appeal Review Board will be established to review the case. The three-person appeals panel will be selected from various constituencies of the College (students, staff and/or faculty). Selection will be made in such a way as to ensure that the members of the appeals panel are trained appropriately and screened for potential conflicts of interest and bias.

The appeals panel may examine all documentation and evidence relating to the case. The responsibility of the appeals panel is to conduct a closed and confidential review of the case and report and make recommendations to the appeal administrator. The appeal administrator in complaints where the Respondent is a student will be the Vice President, Student Affairs. The appeal administrator in complaints where the Respondent is a faculty or staff member will be the Chief Diversity Officer.

The appeal administrator will make a determination based on the report of the appeal review board and has ultimate authority in all decisions and recommendations. The determination of the appeal administrator is considered final and not appealable. Both parties will receive a written decision describing the result of the appeal and the rationale for the decision within ten (10) business days). Simultaneous notice of the written decision will be sent to both parties.

Responsibilities

Position/Office/Department	Responsibility
Supervisors	Reporting violations to EEO and Section 504 Coordinator/Deputy Coordinator
EEO and Section 504 Coordinator	Receiving reports, managing reports, investigations and outcomes. Training covered participants.

Resources (required for any resource referred to in the policy)

[UHSP Policy Against Sexual Harassment in an Educational Program or Activity \(Title IX\).](#)

[UHSP Bias Incident Response Policy](#)

[UHSP Student Code of Conduct](#)

Policy Contacts

Name	Contact Information
Daniel Bauer	Director, Human Resources/Title IX Coordinator

POLICY APPROVALS

POC: Approved as to Form Not Approved

POC Chair Signature:

Date:

Policy Sponsor: x Approved Not Approved

Signature: *Daniel Bauer*

Date: 12/31/2020

President: Approved Not Approved

Signature:

Date:

Board of Trustees: Approved Not Approved Not

Applicable

Chair Signature:

Date: