

**Northwest University**  
**General Discrimination Grievance Procedure**

- 1. Purpose.** Northwest University (the “University”) has adopted two sets of grievance procedures to provide for resolution of Complaints of Discrimination and Harassment in violation of the University’s Nondiscrimination, Harassment and Sex-based Harassment Policy (“Nondiscrimination Policy”). The University’s Heightened Sex-based Harassment Grievance Procedure (“Heightened Procedure”) applies to Complaints of Sex-based Harassment involving a student Complainant or student Respondent. This General Discrimination Grievance Procedure (“General Procedure”) applies to all other Complaints of Discrimination or Harassment, including Complaints of Sex-based Harassment not involving a student party. Capitalized terms that are defined in the Nondiscrimination Policy have the same meaning in this General Procedure.

Any student, employee, or other individual who is participating or attempting to participate in the University’s Education Program or Activity who believes he or she has been discriminated against, harassed, or retaliated against in violation of the Nondiscrimination Policy is encouraged to file a Complaint or a report with the Title IX Coordinator, a Title IX Deputy Coordinator, or an Equal Opportunity Investigator.

- 2. Making Complaints.** Please see Section 2 of the Nondiscrimination Policy for information about how, when, and where to file a Complaint. Generally, Complaints of Discrimination or Harassment are filed with one of the Equal Opportunity Investigators. Complaints regarding sex Discrimination, including Sex-based Harassment, should be reported to the Title IX Coordinator or a Deputy Title IX Coordinator. Contact information for the Title IX Coordinator, Deputy Title IX Coordinators, and Equal Opportunity Investigators are below:

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### 3. General Procedure – Basic Requirements.

**3.1 Equitable Treatment.** This General Procedure is intended to treat Complainants and Respondents equitably. The University will comply with the requirements of this Grievance Procedure regarding investigation and evaluation of evidence before imposition of any Disciplinary Sanctions against a Respondent. Nothing in this General Procedure prohibits the University from taking action against a student, an employee, or others for violation of any other University policy.

### 3.2 Impartiality and Training.

**A. No Conflict of Interest.** The Title IX Coordinator, Deputy Title IX Coordinators, Equal Opportunity Investigators, Decisionmakers, Appeals Officers, Informal Resolution Facilitators, and other persons with authority to modify or terminate Supportive Measures must not have a conflict of interest or bias for or against

Complainants or Respondents generally or an individual Complainant or Respondent. As long as there is no conflict of interest or bias, a Decisionmaker may be the same person as the Title IX Coordinator or an Investigator, including an Equal Opportunity Investigator.

**B. Training.** The Title IX Coordinator, Deputy Title IX Coordinators, Equal Opportunity Investigators, Decisionmakers, Appeals Officers, Informal Resolution Facilitators, and other persons with authority to modify or terminate Supportive Measures must receive appropriate training related to their responsibilities promptly upon hire or change of position that alters their duties under Title IX, and annually thereafter. The training must not rely on sex stereotypes. All materials used to provide training are available for inspection by members of the public upon request. Training includes the following:

- (1) The University's obligation to address sex Discrimination in its Education Program or Activity;
- (2) The scope of conduct that constitutes sex Discrimination under Title IX and its regulations, including the definition of Sex-based Harassment;
- (3) All applicable notification, information, and reporting requirements in the Nondiscrimination Policy;
- (4) How to conduct an investigation and grievance process (including hearings, appeals, and informal resolution process, as applicable);
- (5) How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- (6) The meaning and application of the term "Relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of Relevance;
- (7) The rules and practices associated with the University's informal resolution process;
- (8) Limitations on the ability to disclose personally identifiable information obtained in connection with complying with Title IX Regulations;
- (9) The University's obligation to offer Supportive Measures;
- (10) The terms of this General Procedure and the Heightened Procedure; and
- (11) Additionally, for Title IX Coordinators, all of the above, plus the University's recordkeeping system and requirements, how to provide equal access to an Education Program or Activity in connection with Pregnancy or Related Conditions, specific responsibilities for the Title IX Coordinator under the

Nondiscrimination Policy, and any other training necessary to coordinate the University's compliance with Title IX and the Nondiscrimination Policy.

**3.3 Presumption.** This General Procedure will operate and be conducted on the presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the General Procedure.

**3.4 Timeframes.** This General Procedure contains reasonably prompt timeframes for the major stages of the grievance process, including reasonably prompt timeframes for evaluation (i.e., the University's decision whether to dismiss or investigate a Complaint), investigation, determination, and appeal.

- A. Delay by Informal Resolution Process.** The intended timeframes under this General Procedure may be delayed if the Parties choose to pursue an informal resolution process.
- B. Extensions.** A limited extension of timeframes may be granted on a case-by-case basis for good cause. Good cause may include the absence of a Party or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of a disability.
- C. Notice.** Each Party will receive written notice of any permitted delay or extension and the reason for that action.

**3.5 Confidentiality.** The University will take reasonable steps to protect the privacy of the Parties and witnesses during the grievance process. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance process. The Parties cannot engage in Retaliation, including against witnesses.

**3.6 Objective Evaluation of Evidence and Credibility.** This General Procedure requires an objective evaluation of all evidence that is Relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are Relevant:

- A.** Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- 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, unless the University obtains that Party's or witness's voluntary, written Consent for use in this General Procedure; and
- C.** Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-based Harassment or preclude determination that Sex-based Harassment occurred.

### **3.7 Disclosure of Possible Disciplinary Sanctions and Remedies.**

- A. Imposition of Sanctions and Remedies.** Disciplinary Sanctions may be imposed on a Respondent who is determined to be responsible. Conduct history may be taken into account in imposing sanctions. Failure to fulfill the terms of sanctions may result in additional and more severe sanctions. Sanctions may be up to dismissal for students or up to termination of employment for employees. Remedies may also be recommended or required, including changes or recommendations to correct or improve a situation, training, process, policy, or procedure; initiate a new program, training, education, or study; or any other Remedy to improve access to the University's Educational Program or Activity or reduce Discrimination or Harassment at the University.
- B. Possible Sanctions and Remedies.** The range of Disciplinary Sanctions or Remedies that may be imposed include the following, among others:
  - (1) a written warning or reprimand;
  - (2) disciplinary probation;
  - (3) restriction on, or exclusion from, participating in certain programs or activities;
  - (4) participating in counseling;
  - (5) paying restitution or fines;
  - (6) performing community service;
  - (7) being excluded from areas on campus;
  - (8) restrictions on, or loss of, rights or privileges (including student, staff, or faculty positions, honorary titles, recognitions, committee membership, etc.);
  - (9) being restrained from contact with specific individuals or organizations;
  - (10) suspension (termination of student status for a specified period of time and with specific conditions);
  - (11) transfer to a different residential living facility on campus;
  - (12) temporary or permanent loss of opportunity to live on campus;

- (13) paid or unpaid leave;
- (14) dismissal (termination of student status);
- (15) reduction in pay;
- (16) demotion;
- (17) loss or deferral of opportunity for promotion or increase in pay; and
- (18) termination of employment.

**C. Faculty Members.** If the Respondent is a faculty member, and the person determining Disciplinary Sanctions is considering dismissal of the faculty member for cause, then the process by which a decision is made regarding the Complaint will include the procedure described in the faculty member's contract and Faculty Manual.

**3.8 Supportive Measures.** The University may provide Supportive Measures to Complainants and Respondents. Supportive Measures are described in the University's Nondiscrimination Policy.

**A. Examples of Supportive Measures:** Supportive Measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to Sex-based Harassment.

**4. Initial Complaint Evaluation.** Upon receipt of a Complaint, the University will conduct an initial evaluation to determine whether to dismiss or investigate the Complaint. This evaluation will be completed within 5 Business Days of receiving the Complaint of Discrimination or Harassment.

**4.1 Complaint Dismissal.** The University may dismiss a Complaint of Discrimination or Harassment if:

- A.** The University is unable to identify the Respondent after taking reasonable steps to do so;
- B.** The Respondent is not participating in the University's Education Program or Activity and is not employed by the University;
- C.** The University obtains the Complainant's voluntary withdrawal in writing of any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and the University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Discrimination or Harassment (including Sex-based Harassment under the Nondiscrimination Policy or Title IX) even if proven; or
- D.** The University determines the conduct alleged in the Complaint, even if proven, would not constitute Discrimination or Harassment (including Sex-based

Harassment under the Nondiscrimination Policy or Title IX). Before dismissing the Complaint under this paragraph, the University will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, the University will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the University will simultaneously notify the Complainant and Respondent in writing of the dismissal and the basis for the dismissal.

**4.2 Dismissal Appeal.** The University will notify the Complainant in writing that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the Respondent has been notified of the allegations, then the University will simultaneously notify the Complainant and Respondent in writing that the dismissal may be appealed on the same basis. If a dismissal is appealed, the University will follow the procedures outlined in the Appeals section.

**4.3 University's Obligations.** Dismissal of a Complaint does not prohibit action by the University under another University policy or procedure regarding the alleged conduct. When a Complaint is dismissed, the University will, at a minimum:

- A. Offer Supportive Measures to the Complainant as appropriate;
- B. If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
- C. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator or Equal Opportunity Investigator, to ensure that Discrimination or Harassment (including Sex-based Harassment) does not continue or recur within the University's Education Program or Activity.

**5. Notice of Allegations.** Upon initiation of the University's General Procedure, the Equal Opportunity Investigator or Title IX Coordinator will notify the Parties in writing of the following:

- A. The University's General Procedure and any informal resolution process;
- B. Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute Discrimination or Harassment, and the date(s) and location(s) of the alleged incident(s), to the extent the information is available to the University;
- C. Retaliation is prohibited;
- D. The Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence; and

- E. The University prohibits the Parties from knowingly making false statements or knowingly submitting false information during the grievance process and those actions constitute a material violation of the University's policy.

The University will not discipline a Party, witness, or other person participating in the General Procedure for making a false statement based solely on the University's determination whether sex Discrimination occurred.

If, in the course of an investigation, the University decides to investigate additional allegations of Discrimination or Harassment by the Respondent toward the Complainant that are not included in the notice provided or that are included in a Complaint that is consolidated, the University will notify the Parties in writing of the additional allegations.

**6. Informal Resolution.** In lieu of resolving a Complaint through the University's General Procedure, at any time prior to determining whether Discrimination or Harassment occurred, the University may offer to a Complainant and Respondent an informal resolution process, unless such a process would conflict with Federal, State, or local law. The goal of informal resolution is to conclude the matter to the satisfaction of the Parties quickly and informally and to protect the safety of all Parties and the University's educational environment. In most cases an informal resolution process should be completed within 20 days after all Parties agree to pursue an informal resolution.

- A. The University has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute Discrimination and may decline to offer informal resolution despite one or more of the Parties' wishes. Circumstances when the University may decline to allow informal resolution include but are not limited to when the University determines that the alleged conduct would present a future risk of harm to others.
- B. If the University provides the Parties an informal resolution process, the Title IX Coordinator or Equal Opportunity Investigator will take other appropriate prompt and effective steps to ensure that Discrimination or Harassment does not continue or recur within the University's Education Program or Activity.

**6.1 Parties' Consent.** The University will not require or pressure the Parties to participate in an informal resolution process. An informal resolution process will only occur if each Party provides voluntary written consent. The University will not require waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

**6.2 Notice of Rights.** Before initiation of an informal resolution process, the University will provide written notice to both Parties that explains:

- A. The allegations;



- B.** The requirements of the informal resolution process;
- C.** That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and initiate or resume the General Procedure;
- D.** That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming grievance procedures arising from the same allegations;
- E.** The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- F.** What information the University will maintain and whether and how the University could disclose such information for use in the University's grievance procedures if grievance procedures are initiated or resumed.

**6.3 Informal Resolution Facilitator.** The Title IX Coordinator or Equal Opportunity Investigator will ensure that any person who facilitates an informal resolution process ("Informal Resolution Facilitator") does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent and is trained as required by this grievance procedure. An Informal Resolution Facilitator must not be the same person as the Investigator or the Decisionmaker in the University's General Procedure.

**6.4 Range of Resolution.** The informal resolution process does not involve a full investigation but instead may encompass a range of resolution options which may include mediation, counseling, educational and training programs, or any other process or agreed upon terms acceptable to the Parties and the University. Potential terms that may be included in an informal resolution agreement include but are not limited to:

- A.** Restrictions on contact; and
- B.** Restrictions on the Respondent's participation in one or more of the University's programs or activities or attendance at specific events, including restrictions the University could have imposed as Remedies or Disciplinary Sanctions had the University determined at the conclusion of the grievance procedures that Discrimination or Harassment occurred.

Parties who reach an informal resolution must sign a written agreement documenting the terms and conditions for dismissing the Complaint (which may include releasing the Parties' claims against each other and against the University based on the allegations in the Complaint and notice of allegations). The written agreement of informal resolution must also be approved and signed by the Informal Resolution Facilitator and the Equal Opportunity Investigator or Title IX Coordinator. Failure to comply with the terms of the informal resolution agreement may result in disciplinary action.

- 7. Complaint Investigation and Determination.** The University will provide for an adequate, reliable, and impartial investigation of all Complaints of Discrimination and Harassment. Typically, the investigation process (including creation of a final investigation report and determination) should be completed within 60 days of receipt of the Complaint. If more time is necessary, the Investigator will notify both Parties in writing about when to expect completion of the investigation.

**7.1 Selection of the Investigator.** Upon initiation of a Complaint investigation under this General Procedure, the Equal Opportunity Investigator or Title IX Coordinator will either act as Investigator or promptly deliver the Complaint to an employee or independent contractor selected by the Equal Opportunity Investigator or Title IX Coordinator to investigate the allegations in the Complaint (“Investigator”). Only Investigators trained on their specific responsibilities in the previous 12 months will conduct an investigation. The Investigator will also serve as a Decisionmaker for the Complaint, as described below. As used in this General Procedure, “Decisionmaker” means the individual responsible for making a determination whether a Respondent has violated the Nondiscrimination Policy.

**7.2 Information Gathering.**

- A. Burden of Gathering Evidence.** Throughout the grievance process, including the investigation, the University (not the Parties) bears the burden of gathering evidence sufficient to reach a determination regarding responsibility.
- B. Right to Present Fact Witnesses and Relevant Evidence.** The Investigator will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that is Relevant and not otherwise impermissible. The Investigator may ask the Parties to provide this information in a written statement, through live interviews, or both.
- C. Review of Evidence.** The Investigator will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance.
- D. Equal Opportunity to Access Relevant Evidence.** The University will provide each Party with an equal opportunity to access the evidence that is Relevant to the allegations of Discrimination or Harassment and not otherwise impermissible, in the following manner:
- (1) The University will provide an equal opportunity to access the Relevant and not otherwise impermissible evidence;
  - (2) The University will provide a reasonable opportunity to respond to the evidence; and
  - (3) The University will take reasonable steps to prevent and address the Parties’ unauthorized disclosure of information and evidence obtained solely through this General Procedure. Disclosures of such information

and evidence for purposes of administrative proceedings or litigation related to the Complaint of Discrimination or Harassment are authorized.

- E. Anonymous Complaint.** An investigation based on an anonymous Complaint or report will be modified by the Investigator to the extent necessary, with the goal of conducting a fair and impartial investigation.

### **7.3 Questioning Parties and Witnesses.**

- A.** The Investigator will meet separately with both the Complainant and Respondent to better understand the allegations and adequately assess each Party's credibility to the extent credibility is both in dispute and Relevant to evaluating one or more allegation of Discrimination or Harassment. The Investigator may ask the Parties to provide a list of questions they would like the Investigator to ask the other Party or witnesses. The Investigator will evaluate each question for Relevance. If the Investigator determines that a question is impermissible, the Investigator will provide a reason for their determination to the Party that posed the question.
- B.** The Investigator will also interview witnesses to adequately assess a witness's credibility (and may request written statements from witnesses). The Investigator may structure the investigation and schedule interviews as the Investigator deems appropriate and is not bound to conduct the investigation in any particular sequence. The Investigator may also have more than one interview with each Party and witness.
- C.** The Investigator will prepare a draft investigation report (which at this stage will not include findings or recommendations). Both the Complainant and the Respondent will have an opportunity to review and respond to the draft investigation report. The Investigator may set a deadline for receiving responses from the Parties (usually at least 10 Business Days after receipt of the draft investigation report).

### **7.4 Determination Whether Discrimination or Harassment Occurred.**

- A.** Following an investigation and evaluation of all Relevant and not otherwise impermissible evidence, the Investigator will use the preponderance of the evidence standard of proof to determine whether Discrimination or Harassment occurred. The Respondent is presumed not to have violated the Nondiscrimination Policy unless a preponderance of the evidence supports a finding that a violation occurred. The term "preponderance of the evidence" means the evidence supporting a finding is more convincing than the evidence in opposition to it. This standard of proof requires the Investigator to evaluate Relevant and not otherwise impermissible evidence for its persuasiveness.
- B.** The Investigator will prepare a final investigation report determining whether the Nondiscrimination Policy was violated, the rationale for such a determination, and recommendations for Disciplinary Sanctions or Remedies (if any). The Investigator's final investigation report will be provided in writing to both Parties

simultaneously, along with information about the procedures and permissible bases for the Complainant or Respondent to appeal.

- (1) If the Respondent is an employee, a copy of the report will be given to the Director of Human Resources and the Respondent's Area VP. "Area VP" means the University's Provost, the University's Chief Financial Officer ("CFO"), and any other University vice president or equivalent position reporting directly to the President.
- (2) If the Respondent is a student, a copy of the report will be given to the VP of Student Development and the Provost.
- (3) If the Complaint involves sex Discrimination (including Sex-based Harassment or Specific Offenses), the report will also be provided to the Title IX Coordinator.

**C.** If there is a determination that sex Discrimination occurred, the Title IX Coordinator will:

- (1) Coordinate the provision and implementation of Remedies to a Complainant and other people the University identifies as having had equal access to the University's Education Program or Activity limited or denied by sex Discrimination;
- (2) Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions; and
- (3) Take other appropriate prompt and effective steps to ensure that sex Discrimination does not continue or recur within the University's Education Program or Activity.

**D.** Either Party may appeal the determination whether Discrimination or Harassment occurred within 5 Business Days after receipt of the final investigation report. A "Business Day" is any day other than a Saturday, Sunday, or state or federal holiday when the University is open for business. The appeal procedures are described in Section 8.

The determination regarding responsibility becomes final either on the date that the University provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

**7.5 Disciplinary Sanctions and Remedies.** If there is no notice of appeal filed within the permitted time period, and if there is a finding by a preponderance of the evidence that the Respondent violated any part of the Nondiscrimination Policy, then the following occurs:

**A. Student Respondent.** If the Respondent is a student, the final investigation report, findings, and recommendations will be sent to the Chair of the Judicial Council for review by the Judicial Council. The process will then follow the judicial process outlined in the Community Handbook, except that the Judicial Council will not engage in any investigation or fact-finding related to the findings. The role of the Judicial Council is to impose appropriate Disciplinary Sanctions and Remedies. The Judicial Council may accept, modify, or reject any of the recommendations of the Investigator. The Judicial Council may interview or meet with the Complainant, the Respondent, or any witnesses, and may review any evidence for purposes of deciding the appropriate sanction, but the Judicial Council is not required to do any of these things in order to impose any sanction. The Council may also ask the Respondent and the Complainant to provide a statement of impact, in person or in writing, for the purpose of deciding the appropriate sanction. If the Judicial Council interviews or meets with one Party or asks one Party for a statement, then the other Party must also be given the same opportunity. Once the Council has assigned sanctions (if any), the Chair of the Judicial Council will prepare a written decision and provide a copy to the Complainant, Respondent, Equal Opportunity Investigator, and Title IX Coordinator (for Complaints involving sex Discrimination or Sex-based Harassment). Either Party may appeal against the Council's sanctions (if any) to the Administrative Judicial Council. Findings may not be appealed to the Administrative Judicial Council. The Administrative Judicial Council may interview or meet with the Complainant, the Respondent, or any witnesses, and may review any evidence for purposes of reviewing the appropriateness of any sanction, but the Administrative Judicial Council is not required to do any of those things in order to decide the appeal of any sanction. The process for filing appeals is described in the Community Handbook. If the Investigator usually sits on the Judicial Council, the Investigator will recuse himself or herself from the Judicial Council.

**B. Faculty Member Respondent.** If the Respondent is a faculty member, the final investigation report, findings, and recommendations, if any, will be reviewed and acted on by the Provost. The Provost may accept some, all, or none of the recommendations, and may also impose other Remedies, Disciplinary Sanctions, or corrective actions, whether or not recommended. The Provost may interview the Complainant, the Respondent, or any witness, and may review any evidence, but the Provost is not required to do any of those things. However, if the Provost interviews one Party, then the other Party must also be interviewed. The Provost will prepare a written decision and provide a copy to the Complainant, Respondent, and Equal Opportunity Investigator, and, for Complaints involving sex Discrimination (including Sex-based Harassment), the Title IX Coordinator. Decisions of the Provost regarding Remedies, Disciplinary Sanctions, or corrective actions may not be appealed unless the Disciplinary Sanction includes termination of employment. The process for appealing this determination is found in Section 6 of the Faculty Manual. If the Provost is the Respondent, then the President will fulfill the duties of the Provost under this section. If the President is the Respondent, then the Chair of the Board of Trustees will fulfill the duties of the President under this section.

**C. Non-Faculty Employee Respondent.** If the Respondent is an employee other than a faculty member, the final investigation report, findings, and recommendations will be provided to the Director of Human Resources (if the Director is not the Investigator or the Respondent) and the Respondent's Area VP. After reviewing the report, findings, and recommendations and consulting with the Director of Human Resources, the Area VP will act on the recommendations, and may accept some, all, or none of the recommendations, and may also impose other Remedies, Disciplinary Sanctions, or corrective actions, whether or not recommended. The Area VP may interview the Complainant, the Respondent, or any witness, and may review any evidence, but is not required to do any of those things. However, if the Area VP interviews one Party, then the other Party must also be interviewed. The Area VP will prepare a written decision and provide a copy to the Complainant, Respondent, Equal Opportunity Investigator, and, for Complaints involving sex Discrimination (including Sex-based Harassment), the Title IX Coordinator. Decisions of the Area VP regarding Remedies, Disciplinary Sanctions, or corrective actions may not be appealed. If the Area VP is the Respondent, then the President will fulfill the duties of the Area VP under this section.

## **8. Appeals.**

**8.1 Right to Appeal.** Either Party may appeal the dismissal of a Complaint or determination whether Discrimination or Harassment occurred within 5 Business Days after receipt of the dismissal notice or final investigation report. The Title IX Coordinator may grant a reasonable extension of time for good reason, but generally, no extensions will be granted.

**8.2 Appeal Notice.** A notice of appeal must be submitted in writing to the Investigator. The written appeal is limited to five pages, exclusive of exhibits, and must identify at least one of the following grounds as the basis for the appeal.

- A.** Procedural irregularity that would change the outcome;
- B.** New evidence that would change the outcome and that was not reasonably available when the dismissal or determination was made; or
- C.** The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

**8.3 Designation of an Appeals Officer.** The person hearing the appeal is referred to as the "Appeals Officer" and must be trained consistent with the Nondiscrimination Policy and Title IX Regulations. Appeals by Complainants or Respondents who are students or faculty members will be heard by the Provost or designee. Appeals by Complainants or Respondents who are employees (other than faculty members) will be heard by the Respondent's Area VP. If the Provost or Area VP is the Respondent, then the appeal will be heard by the President.

The Investigator will ensure the Appeals Officer did not take part in the initial investigation of the allegations or dismissal of the Complaint. If either Party alleges the Appeals Officer has a conflict of interest or is biased, the Equal Opportunity Investigator or Title IX Coordinator will review the allegation and designate another Appeals Officer, if appropriate.

**8.4 Appeal Process.** When a notice of appeal is received, the Investigator will provide the Appeals Officer with a copy of the appeal notice and the dismissal notice or the final investigation report, as applicable. The Appeals Officer will review the information to determine if the request meets the grounds for an appeal.

If the ground for an appeal is met, the Appeals Officer will:

- A.** Notify the Parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- B.** Implement appeal procedures equally for the Parties; and
- C.** Communicate to the Parties in writing that the University will provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome.

**8.5 Appeal Determination.** Within 20 calendar days of receiving the appeal, the Appeals Officer will simultaneously provide the Parties and Equal Opportunity Investigator or Title IX Coordinator with a written result of the appeal and the rationale for the result. If the Appeals Officer cannot reasonably consider and resolve the appeal within 20 calendar days, the Appeals Officer will advise the Parties as to when the appeal decision will be provided. The Appeals Officer's determination is final, and no further review will be allowed.

**9. Recordkeeping.** The University will maintain for a period of at least seven years:

- A.** For each Complaint of sex Discrimination under Title IX, records documenting the informal resolution process or grievance procedure and the resulting outcome;
- B.** For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex Discrimination under Title IX or its regulations, records documenting the actions the University took to promptly and effectively respond as required by the Title IX Regulations; and
- C.** All materials used to provide training to the University's employees, Title IX Coordinator, Deputy Title IX Coordinators, Equal Opportunity Investigators, Decisionmakers, Appeals Officers, other Investigators, Informal Resolution Facilitators, and other persons with authority to modify or terminate Supportive Measures as required under the Nondiscrimination Policy and this General Procedure.

**10. External Contact Information.** If a Complainant files a Complaint or makes a report under this General Procedure, and the Complainant believes the response of the University is inadequate, or the Complainant believes the University has discriminated against the Complainant on the basis of race, color, national origin, sex, disability, age, or genetic information, or that the University has retaliated against the Complainant, the Complainant may contact or file a complaint with the U.S. Department of Education, Office for Civil Rights (“OCR”) by calling 1(800) 421-3481 or emailing [ocr@ed.gov](mailto:ocr@ed.gov). For employment related matters, the Complainant may also contact the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice.