

Process B: Policy 13.02

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF POLICY 13.02 DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT (KNOWN AS “PROCESS B”)

See Policy 13.02 for Definitions

1. Overview

The University of Northern Iowa (referred to as “University” or “UNI”) will act on any report or Formal Complaint alleging violation of UNI Policy 13.02 Discrimination, Harassment, and Sexual Misconduct (“the Policy”) that is received by the Title IX Coordinator¹ or any other Official with Authority (OWA) by applying these procedures, known as “Process B.”

These procedures apply to all allegations of discrimination, harassment, sexual misconduct, or retaliation on the basis of protected class status involving students, staff, faculty members, or third parties that are not addressed under Process A, as determined by the Title IX Coordinator or applicable regulations. Process B may also apply to allegations of Title IX Sexual Harassment as defined in the policy that are dismissed under Process A prior to a determination of responsibility being made.

2. Initial Assessment

Following receipt of a report or Formal Complaint of an alleged violation of the Policy, the Title IX Coordinator² engages in an initial assessment, typically within one to five business days. The Title IX Coordinator will contact the Complainant to discuss resources and options, to ensure they are aware of the right to have an Advisor, and to offer Supportive Measures.

Based on the initial assessment, the University will initiate one of three responses:

- Supportive Measures only – if the Complainant does not wish to proceed with Informal Resolution or the Formal Complaint Process, the Title IX Coordinator will offer Supportive Measures and not initiate further resolution methods.
- Informal Resolution – typically used for less serious offenses and may include Supportive Measures, facilitated conversations between parties, individualized coaching, referrals to other resources and policies, and other options to resolve the matter.
- Formal Complaint Process – investigation of alleged policy violation(s) that results in a Written Determination made by a Decision Maker, and the opportunity to appeal to an Appeal Officer. May also include Supportive Measures.

¹ All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.

² If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

Process B considers the preference of the parties in determining the appropriate response but the method used is ultimately at the discretion of the Title IX Coordinator. At any point during the initial assessment or the Formal Complaint Process, if the Title IX Coordinator determines that the allegations, if true, would not constitute a violation of the Policy, the process will end, and the parties will be notified.

3. Process Team

The Formal Complaint Process relies on a team of trained professionals, including the Title IX Coordinator, Deputy Coordinators, Investigators, Decision Makers, Appeal Officers, and Advisors, to carry out the process. The list of current team members can be found at civilrights.uni.edu/about/title-ix-team.

a. Process Team Member Roles

Members of the Process Team are trained on a regular basis and are selected to serve in the following roles corresponding with their training and at the discretion of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints;
- To act as an Advisor to the parties;
- To serve in a facilitation role in Informal Resolution;
- To perform or assist with initial assessment;
- To investigate complaints;
- To serve as a Decision Maker regarding the complaint; and/or
- To serve as an Appeal Officer

b. Process Team Member Appointment

The Title IX Coordinator, in consultation with the President, appoints the Process Team³, which acts with appropriate independence and impartiality. Although members of the Process Team may be trained in a variety of skill sets and rotate amongst the different roles listed above in different cases, the University can also designate permanent roles for individuals in the Team, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Team that make them best suited to particular roles. The University may also choose to outsource any of the above roles to external consultants as long as such consultants are appropriately trained.

4. Advisors

a. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor.

³ This does not preclude the University from having all members of the Process Team go through an application and/or interview/selection process.

The Advisor may be a friend, mentor, family member, attorney, advocate, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose an Advisor from inside or outside of the University community.

The University may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the University, the Advisor will be trained by the University and be familiar with the University's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the University, the Advisor may not have been trained by the University and may not be familiar with University policies and procedures.

A party may elect to change their Advisor during the process and is not obligated to use the same Advisor throughout.

As a public entity, the University honors the Weingarten rights of employees. For parties who are entitled to union representation, the University will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all meetings. To uphold the principles of equity, the other party will also be permitted to have two Advisors.

b. Sharing Information with the Advisor

The University expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals as they wish.

The University also provides a release form that authorizes the University to share such information directly with a party's Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the University is able to share records with an Advisor.

If a party requests that all communication be made through their attorney and/or Advisor, the University will not comply with that request. The University will communicate directly with the party.

c. Expectations of an Advisor

The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient, reasonable, and available.

Advisors are expected to consult with their advisees without disrupting University meetings or interviews. Advisors do not represent parties in the process; their role is only to advise. Parties whose Advisors are disruptive or who do not abide by University procedures may face the loss of that Advisor.

5. Resolution Options

a. Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter informally and outside of the Formal Complaint Process. The Title IX Coordinator determines if Informal Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the likelihood of successful Informal Resolution.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Complaint Process under Process B, and any party participating in Informal Resolution can stop the process at any time and request the Formal Complaint Process. Further, if an Informal Resolution fails after the fact, the Formal Complaint Process may be pursued.

b. Formal Complaint Process

If the Formal Complaint Process is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties. Typically, notice is given in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Written notification will include a summary of the allegations and information on the assigned Investigator(s) and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records, or emailed to the parties' University-issued or designated email account. Once mailed, emailed, and/or received in person, notice will be presumptively delivered.

6. Resolution Timeline

The University will make a good faith effort to complete the resolution process in a timely manner. The Title IX Coordinator will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

The University may undertake a short delay in its investigation (several days to a few weeks) if law enforcement requests to temporarily delay the investigation.

7. Ensuring Impartiality

The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable. If so, another person (e.g., Investigator) will be assigned to that role. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the University President who will review the concern. If the President finds the assigned Title IX Coordinator to have a bias or conflict of interest, another person will be assigned to the role of the Title IX Coordinator.

8. Investigation

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record. However, the University, not the parties, has the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility.

The Investigator(s) will:

- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide regular status updates to the parties throughout the investigation.
- Provide the parties an electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the alleged conduct for a ten (10) business day review and comment period. The parties may elect to waive the full ten days.
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report.
- Share the report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- Incorporate any relevant feedback, and the final report is then shared with all parties through electronic transmission or hard copy.

9. Determination and Standard of Evidence

Once the investigation report is final, the Title IX Coordinator designates a Decision Maker who reviews the report and all responses. The Decision Maker will determine whether the Respondent is responsible or not responsible for the policy violation(s) in question using the preponderance of the evidence standard of proof.

If the record is considered to be incomplete, as determined by the Decision Maker, the Decision Maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

If the Decision Maker determines the Respondent is in violation of Policy 13.02, the Decision Maker may invite and consider impact statements from the parties when determining appropriate sanction(s), if any.

The Decision Maker provides the Title IX Coordinator with a Written Determination that includes an overview of the allegations, the findings, any sanctions, and a detailed rationale for such decisions. The Title IX Coordinator provides the parties with a written Notification of Outcome that includes the

Written Determination details, delivered simultaneously to the parties. See details of the Notification of Outcome below in Section 11.

10. Additional Details of the Investigation Process

a. Witness Responsibilities

Witnesses (as distinguished from the parties) who are part of the University community are expected to cooperate with and participate in the University's investigation and resolution process. See Policy 13.02 Section 18 for details.

b. Remote Interviews

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Zoom or similar technology may be used for interviews if the Investigator(s) determines that timeliness or efficiency dictates a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

c. Recording of Interviews

It is standard practice for Investigators to record all interviews conducted as part of the Formal Complaint Process. The transcript of each interview will be provided to the respective Parties and witnesses for their review after each interview. Transcripts will be considered as evidence.

All involved parties must be made aware of the audio and/or video recording. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

d. Evidence

Any evidence that is relevant and credible may be considered. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

In cases of sexual misconduct, the Investigator will not consider evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Investigator(s) will not use a party's confidential medical records unless the party has provided a release for such information to be utilized in the investigation and resolution process.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s), if applicable.

11. Notification of Outcome

The Decision Maker will determine whether the Respondent is responsible or not responsible for the policy violation(s) in question using the preponderance of the evidence standard of proof.

If the Respondent admits to the violation(s), or is found in violation, the Decision Maker reviews any impact statements and, in consultation with the Title IX Coordinator⁴, determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively stop the discrimination, harassment, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator informs the parties of the determination within two or three business days of receipt of the written resolution from the Decision Maker, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the parties' University-issued or designated email account. Once mailed, emailed, and/or received in person, notice is presumptively delivered.

The Notification of Outcome includes the Written Determination that specifies the finding for each alleged policy violation, any sanction(s), rationale supporting the findings, and information on the appeal process.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. More information about the appeal procedures can be found in Section 14.

12. Sanctions

In the event a Decision Maker finds a Respondent responsible for violating the Policy, the Decision Maker should consider the following factors when determining a sanction:

- The nature, severity of, and circumstances surrounding the violation;
- An individual's disciplinary history;
- Previous findings involving similar conduct;
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation;
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community;
- The impact on the parties; and
- Any other information deemed relevant by the Title IX Coordinator.

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The Title IX Coordinator is responsible for effective implementation of any sanctions determined by a Decision Maker.

⁴ The Title IX Coordinator will, in turn, consult with other University administrators as appropriate.

a. Student Sanctions⁵

One or more of the following sanctions may be imposed upon a Respondent for being found responsible for a violation of Policy 13.02. Sanctions determined will be proportionate to the severity of the violation and to the cumulative conduct history of the Respondent. Sanctions may be noted on a Respondent's official academic transcript when the outcome requires the student's separation from the University for any period of time.

- 1.) **University**
 - a.) **Warning:** Official written notice of a violation of the Student Conduct Code, intended to draw attention to the fact that an individual's behavior violated University policy. Further violations may result in further disciplinary action and more severe sanctioning.
 - b.) **Disciplinary Probation:** Official notice of a violation of the Student Conduct Code indicating that the student is no longer within good social or behavioral standing with the university.
 - c.) **Suspension Held in Abeyance:** Separation from the University is paused for the period of the suspension. During this time other assigned sanctions must be completed as outlined. Failure to complete the other assigned sanctions as outlined or allegations of similar misconduct may result in immediate implementation of the suspension.
 - d.) **Disciplinary Suspension:** Separation from the University for a specified period of time. Eligibility to return as a student is contingent upon completion of specific conditions noted at the time of suspension.
 - e.) **Disciplinary Expulsion:** Permanent separation from the University.
- 2.) **Academic**
 - a.) **Registration Adjustment:** A review of a student's registration for current or upcoming semester(s) that may result in changes to their course schedule to address the impact the misconduct had on the health and wellbeing of another university community member.
 - b.) **Rescinding of Admission:** Admission to the University is rescinded for fraud, misrepresentation, or other serious violations committed by a student prior the start of attendance.
 - c.) **Withholding Degree:** Withholding a degree otherwise earned until the completion of the student conduct process, including the completion of sanctions imposed, if any.
 - d.) **Revocation of Degree:** With the agreement of the Provost and Executive Vice President for Academic Affairs, a degree awarded from the University may be revoked for fraud, misrepresentation, or other violations of university standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- 3.) **Educational**
 - a.) **Work Service:** Required completion of a specific number of unpaid service hours to the University or an approved external agency.

⁵ The Student Sanction section is from UNI Policy 3.02 *Student Conduct Code*. Certain decisions will require consultation with the Title IX Coordinator in addition to the respective administrative positions noted in specific sanctions.

- b.) **Alcohol Education:** Required educational activity designed to address the behavior the student was found responsible for with relation to alcohol policies while providing further education, a fee may be associated.
 - c.) **Drug Education:** Required educational activity designed to address the behavior the student was found responsible for with relation to drug policies while providing further education, a fee may be associated.
 - d.) **Other Educational Requirement(s):** Completion of a specific opportunity or activity deemed appropriate to the offense, focused on enhancing personal and/or community development.
 - e.) **Parental Notification:** Notice that a student's parent(s) or guardian(s) will receive communication of their students' involvement in the student conduct process.
- 4.) **Behavioral**
- a.) **Trespass:** Loss of access to a physical space or location.
 - b.) **Loss of Privileges:** Denial of specific privileges related to the violation(s) for a specific period of time. Limitation or exceptions may include but are not limited to (1) ineligibility to hold any office in any student organization by the University, (2) ineligibility to hold an elected or appointed office at the University, or (3) ineligibility to represent the University at an official function, event or intercollegiate competition as a player, manager, or student coach.
 - c.) **No Contact:** Directions to have no contact, by any means, with another university community member.
 - d.) **Deactivation:** Deactivation of a student organization or group associated with the university including a loss of all/any associated privileges for a specified period of time.
 - e.) **Restriction:** Loss of the ability to utilize a service or entity.
 - f.) **Restitution:** Requirement to provide compensation for damage caused to the University or another person's property. This is not a fine, but rather a repayment for labor costs and/or the value of the property destroyed, damaged, or stolen.
 - g.) **Fine:** A cost assessed to the student for reasonable expenses related to the misconduct.
- 5.) **Housing**
- a.) **Housing Reassignment:** Reassignment to another university housing facility.
 - b.) **Housing Suspension:** Separation from the University Housing & Dining for a specified period of time. Eligibility to return as a resident is contingent upon completion of specific conditions noted at the time of suspension.
 - c.) **Housing Expulsion:** Permanent separation from University Housing & Dining, including the privilege of living in or visiting any housing structure.

b. Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in discrimination, harassment, and/or retaliation include one or more of the following:

- Warning – verbal or written;
- Performance Improvement Plan;
- Enhanced supervision, observation, or review;
- Required counseling;
- Required training or education;
- Reduction in pay/salary decrease;
- Denial of pay increase;
- Loss of oversight or supervisory responsibility;
- Demotion;
- Transfer;
- Reassignment;
- Delay of tenure track progress;
- Assignment to new supervisor;
- Restriction of stipends, research, and/or professional development resources;
- Suspension with pay;
- Suspension without pay;
- Termination; and
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the University may assign any other responsive actions as deemed appropriate.

13. Withdrawal or Resignation While Charges are Pending

a. Students

Should a student Respondent decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the University, the resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student.

However, the University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely.

b. Employees

Should an employee Respondent resign while the investigation of a Formal Complaint is pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee.

However, the University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

Should the employee be rehired by the University, the employee may be placed on administrative leave until the completion of the resolution process.

14. Appeals

Any party may file an appeal. Any appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the Written Determination.

A single Appeal Officer will decide the appeal. No Appeal Officer will have been involved in the process of the complaint previously, including any prior appeal relating to a decision to dismiss the Formal Complaint.

a. Grounds for Appeal

Appeals can only be made on one or more of the following grounds:

- 1) Procedural irregularity that affected the outcome of the matter;
- 2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- 3) The Title IX Coordinator, Investigator(s), or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

Any appeal must summarize the grounds for the appeal. If the appeal does not assert one or more of the permissible grounds for appeal, the appeal will be denied by the Appeal Officer and the parties and their Advisors will be notified in writing of the denial and the rationale.

If the appeal asserts one or more of the permissible grounds for appeal under these procedures, then the Appeal Officer will notify the other party(ies) and their Advisors, and the Title IX Coordinator.

The other party(ies) and their Advisors will be mailed, emailed, and/or provided a hard copy of the appeal and be given five (5) business days to submit a written response to the Appeal Officer. All responses will be forwarded by the Appeal Officer to all parties for review and comment. Any reply to the response to the Appeal must be filed with the Appeal Officer within five (5) business days.

The Appeal Officer will review the appeal, any responses to the appeal, any reply statements filed, the Written Determination, and any information or evidence considered by the Decision Maker or Investigator in the course of the Formal Complaint process, and the Appeal Officer will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground for appeal and rationale for each decision.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed and/or received in person, notice will be presumptively delivered.

b. Sanctions Status During the Appeal

Any sanctions determined by the Decision Maker are stayed pending completion of the appeal process. Supportive Measures may be continued or reinstated.

If any of the sanctions are to be implemented immediately, but prior to the completion of the appeal, then emergency removal procedures (detailed in Policy 13.02) will be followed.

c. Appeal Considerations

Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.

Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original decision and pertinent documentation regarding the specific grounds for appeal.

An appeal is not an opportunity for Appeal Officer to substitute their judgment for that of the original Decision Maker(s) merely because they disagree with the finding and/or sanction(s).

The Appeal Officer may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision Maker(s) for further investigation and/or reconsideration.

Once an appeal is decided, the outcome is final: further appeals to the University are not permitted except in the case of a remand for a new investigation and/or new determination by a Decision Maker. A party may choose to file an appeal to the Board of Regents, State of Iowa, as provided for by the Board's policy and procedures.

In rare cases where a procedural error cannot be cured by the original Decision Maker (as in cases of bias), the Appeal Officer may order a new determination with a new Decision Maker.

In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

15. Failure to Complete Sanctions/Remedies and/or Responsive Actions

All Respondents are expected to comply with any assigned sanctions issued through this resolution process within the timeframe specified by the final Decision Maker (including the Appeal Officer).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University and may be noted on a student's official transcript or employee's personnel file.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

16. Recordkeeping

In implementing this policy, records of all allegations, investigations, and resolutions will be kept indefinitely, or as required by state or federal law or institutional policy, by the Title IX Coordinator in the case database.

17. Statement of the Rights of the Parties

- The right to an equitable investigation and resolution of all credible allegations of prohibited discrimination, harassment, or retaliation made in good faith to University officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by University officials.
- The right to have University policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by University officials from reporting discrimination, harassment, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by University law enforcement and/or other University officials.
- The right to be informed of available interim actions and Supportive Measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to a University-implemented no-contact order (or a University no-trespass order against a non-affiliated third party) when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available Supportive Measures to assist with changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such Supportive Measures may include, but are not limited to:
 - Relocating an on-campus student's housing to a different on-campus location;
 - Assistance from University staff in completing the relocation;
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation);
 - Visa/immigration assistance;

- Exam, paper, and/or assignment rescheduling or adjustment;
- Receiving an incomplete in, or a withdrawal from, a class (may be retroactive);
- Transferring class sections;
- Temporary withdrawal/leave of absence (may be retroactive);
- Campus safety escorts; and
- Alternative course completion options.
- The right to have the University maintain such actions for as long as necessary and for Supportive Measures to remain private, provided privacy does not impair the University's ability to provide the Supportive Measures.
- The right to ask the Investigator to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator with a list of questions that, if deemed relevant by the Investigator, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character information admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the decision.
- The right to respond to the draft investigation report, including comments providing any additional relevant evidence after the opportunity to review the draft investigation report, and to have that response on the record with the final investigation report.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged policy violations addressed by Investigators, Title IX Coordinators, and Decision Makers who have received relevant training.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings and interviews that are closed to the public.
- The right to petition that any University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to have the University compel the participation of faculty and staff witnesses.
- The right to the use of the appropriate standard of evidence, (preponderance of the evidence) to make a finding after an objective evaluation of all relevant evidence.
- The right to have an impact statement considered by the Decision Maker following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by the University is considered final and any changes to the sanction(s) that occur before the decision is finalized.

- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University.
- The right to a fundamentally fair resolution as defined in these procedures.

18. Disabilities Accommodation in the Resolution Process

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's resolution process.

Anyone needing such accommodations or support should contact the Title IX Coordinator, who will review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full participation in the process.

19. Revision

These procedures supersede any previous procedures addressing discrimination, harassment, sexual misconduct, and/or retaliation under Title IX or similar law or policy, and will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate academic schedules. The Title IX Coordinator may also vary procedures materially with notice (on the civilrights.uni.edu website, with the appropriate effective date identified) upon determining that changes to law, regulation, or best practices support policy or procedural alterations not reflected in these procedures.

If laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent law, regulations, or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.