



**Office of Equal Opportunity & Title IX
(EOIX) Discrimination and Harassment
Procedures
2024-2025**

**Effective August 1, 2024
University of Denver**

A. EMERGENCY REMOVAL..... 21

XVII. MISCELLANEOUS

<https://www.du.edu/equalopportunity/index.html>
ADACoordinator@du.edu

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

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

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

Equal Employment Opportunity
Commission
Denver Field Office
950 17th St., Suite 300
Denver, CO 80202
Telephone: (800) 669-4000
FAX: 303866-1085
TTY: (800) 669-6820
ASL Video: 844-234-5144

U.S. Department of Education
Office for Civil Rights
Denver Office
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: 303844-5695
FAX: 303844-4303
TDD: 800877-8339
OCR.Denver@ed.gov

Colorado Civil Rights Division
1560 Broadway, Suite 825
Denver, CO 80202

Telephone: 303894-2997
Fax: 303-8947830
TTD: 711

III. Definitions

A. Associate Vice Chancellor

The Associate Vice Chancellor of Equal Opportunity & Title IX/Title IX Coordinator or their designee (“AVC for EOIX”).

B. Business Days

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

C. Complainant

As stated in Section V of the Policy, an individual who is alleged to have experienced conduct that could constitute Prohibited Conduct. For the purposes of these Procedures, Complainant may also be used to refer to the University when it exercises the right to initiate a Complaint under these Procedures, although in such cases, the individual affected by the alleged Prohibited Conduct that is the subject of the Complaint remains the Complainant and the AVC of EOIX does not actually become the Complainant. For purposes of the University’s Title IX obligations, a Complaint can be brought by (1) a Student or Employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or (2) Third Party who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the University’s education program or activity at the time of the alleged sex discrimination. With respect to allegations of sex discrimination other than Sex-Based Harassment, a Complaint may be brought by any Student or Employee, or any other person who was participating or attempting to participate in the University’s education program or activity at the time the alleged Prohibited Conduct took place.

D. Complaint

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

E. Disciplinary Action

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

F. Employee(s)

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

G. Investigator

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

H. Outcomes

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

I. Outcome Council

A body composed of University staff and faculty convened by the Office of Student Rights & Responsibilities to determine the Outcomes for a Student Respondent found responsible for Prohibited Conduct.

J. Parental Status

For purposes of the University's obligations under Title IX, parental status means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-

ethnic characteristics),² ancestry, age, religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy or related conditions, parental status, genetic information, military enlistment, veteran status, or any other characteristic protected by state or federal law or regulation. The University will determine what constitutes a Protected

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Interim Director of Equal Opportunity & Title IX Investigations
Office of Equal Opportunity & Title IX

B. Responsible Employee Reporting

In order to facilitate the University's ability to respond to Prohibited Conduct and to meet the University's obligations under state and federal law, the University requires employees who have witnessed, have been informed of, or may otherwise have information that reasonably may constitute Prohibited Conduct to report such conduct to the University, unless such employees qualify as Confidential Employees as defined in the University's Reporting by University Employees on Disclosures Relating to the University's Discrimination and Harassment Policy. If a Responsible Employee fails to timely report incidents of alleged Prohibited Conduct to the Office of Equal Opportunity & Title IX, that employee may be referred to the Division of Human Resources & Inclusive Community for disciplinary action. Individuals may report Prohibited Conduct by submitting a report through the [Office of Equal Opportunity & Title IX online reporting](#)

D. Anonymous Reporting

Any individual other than a Responsible Employee can make a report without disclosing one's own name, identifying the Respondent, or requesting any action. The Office of Equal Opportunity & Title IX will evaluate an anonymous report in the same manner as a report with an identified Complainant, consistent with these Procedures; however, depending on the level of information available about the incident or the individuals involved, the University may not be able to fully respond or take further action in response to an anonymous report. The University will review all anonymous reports, and where there is sufficient information, include applicable information in Clery Act reporting, as well as in annual reporting statistics compiled by Office of Equal Opportunity & Title IX.

E. Timeliness and Location of Incident

Although there is no time limit on reporting Prohibited Conduct to the University, the University encourages Complainants and other individuals to promptly report allegations of Prohibited Conduct as soon as reasonably possible after the event(s) occurred.

Delays in reporting can prevent the University from gathering evidence sufficient to initiate an investigation or reach a determination of responsibility. If the Respondent is no longer a Student or Employee, the University may not be able to impose Outcomes and/or Disciplinary Action against the Respondent. Nevertheless, the University will still seek to provide Supportive Measures for a Complainant and take steps to end the Prohibited Conduct, prevent its recurrence, and address its effects.

The University also encourages the reporting of conduct occurring off University Premises including online or electronic conduct that occurred in the context of employment or an education program or activity of the University, or that has continuing adverse effects on University Premises or on an on or off-campus University employment or education program or activity, so that the University may address such conduct under these Procedures or other University policies and procedures, as applicable.

The Investigator or AVC for EOIX will grant reasonable extensions of timeframes set forth in these Procedures on a case-by-case basis for good cause with Written Notice to the Parties that includes the reason for the delay.

F. Amnesty for Personal Use of Drugs or Alcohol

The University recognizes that Students may be reluctant to seek assistance from a University official or emergency services after experiencing Prohibited Conduct or may be reluctant to seek assistance for themselves or others who may have experienced Prohibited Conduct because

When a Complainant shares information with a Confidential Employee, the Confidential Employee is not required to disclose that information to the AVC or EOIX. The Confidential Employee must, however, provide the Complainant with the AVC for EOIXs contact information, assist the Complainant in reporting, if desired and provide the Complainant with information about how to report Prohibited Conduct to EOIX and how EOIX can assist by offering and coordinating Supportive Measures, as well as initiate an Informal Resolution process or Formal Resolution process Confidential Employees may also share non-identifiable information about reported incidents for statistical tracking purposes or to assist in the development of education and prevention programs.

The following University offices are designated as Confidential Resources under these Procedures:

Center for Advocacy, Prevention and Education (CAPE)
303-871-3853
Cape@du.edu
[CAPE website](#)

University Ombudsperson
303-871-4712
ombuds@du.edu

Health and Counseling Center (HCC)
2240 E. Buchtel Blvd. 3N
Denver, CO 80208
303-871-2205
Info@hcc.du.edu
[HCC website](#)

B. Unauthorized Disclosure of Information

The University will take reasonable steps to prevent and address a Party's unauthorized disclosure of information and evidence that a Party obtains solely through the resolution process under these Procedures. The restrictions regarding a Party's use of information and evidence are set forth in Section XI below. The Parties, including others acting on their behalf, must not disclose information and evidence except as provided in these Procedures or as required or authorized by law.

VI. Requests for Accommodations and/or Language Assistance

A Party or Witness may request reasonable assistance or support (i.e., for disabilities or language

The University may remove a Student Respondent who is alleged to have engaged in Prohibited Conduct from all or part of its education program or act

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

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

The University expects that the advisor will arrange their schedules to allow them to attend meetings with the Party they are assisting

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2. A determination whether the alleged conduct, if proved, would reasonably constitute Prohibited Conduct;
3. Consideration whether the Complainant has expressed a preferred method of resolution;
4. A determination whether the University has jurisdiction over the alleged conduct, as defined in the Policy and these Procedures; and
5. A determination whether any Supportive Measures are appropriate to address the Complainant's safety, well-being, and continued access to educational and employment opportunities.

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Complaint alleging Prohibited Conduct after considering, at a minimum:

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

If, after considering these and other relevant factors, the AVD or EOIX determines that the alleged Prohibited Conduct presents an imminent and serious threat to the health or safety of

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of violations of other University policies where the allegations arise out of the same facts or circumstances.

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

XI. Resolution Options

The University provides both informal or formal resolution procedures for EOIX to resolve reports. With consideration of the Parties' preferences and in consultation with other University administrators as appropriate, the AVC for EOIX will determine, based on the circumstances of each report and the factors set forth above, which resolution procedure(s) are available and appropriate.

A. Informal Resolution

Informal Resolution is an alternative resolution process that does not include a full investigation or, in the case of Sex-Based Harassment involving one or more Students, a hearing. Informal Resolution includes a spectrum of facilitated, or structured, and adaptable processes between the Complainant, the Respondent, and/or other community members that seek to identify and meet the needs of the Parties, and seek to address and repair the harm (to the extent possible) experienced by the Complainant and/or other community members.

1. Availability of Informal Resolution Process

At any time after receiving a report of alleged Prohibited Conduct or a Complaint and prior to a determination of responsibility for Prohibited Conduct, the Parties may agree to pursue an Informal Resolution process, so long as such a process does not conflict with federal, state or local law, and the University agrees that it is appropriate.

All Parties must voluntarily consent, in writing, to the Informal Resolution process. The University will not require or pressure the Parties to participate in an Informal Resolution process, nor

To help facilitate completion of the investigation in a timely manner, the University has established time frames for certain components of the investigation. The time frame for

include a review of applicable University policies or procedures, division, academic unit or departmental policies and procedures. An Inquiry may also be used to address allegations of Hostile Environment Harassment based on a Protected Status (excluding sex) that may be impacting the educational or employment environment of an individual or group within the University community.

a. Initiation and Notice

Upon the initiation of an Administrative Inquiry, the AVC for EOIX will provide Written Notice of the initiation and the scope of the Administrative Inquiry

- i. Where a Complainant(s) and a Respondent have 1dfp 3.49 0 TID 1 >> Tc 0 c T

appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

Investigation or hearing, if any The University will take reasonable steps to prevent and address the Parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the Investigation

During the investigation, each Party has an equal opportunity to present fact witnesses and submit other inculpatory and exculpatory evidence (such as documents, communications,

After each Party has been provided the opportunity to be interviewed and to identify potential Witnesses and other information, and the Investigator has completed interviews and the gathering of evidence, the Investigator will prepare an investigative report that accurately summarizes the Relevant Evidence. The Investigator must conduct an objective evaluation of all Relevant Evidence, including both inculpatory and exculpatory evidence. The investigative report will include, as applicable, the interview transcripts for Complainant, Respondent, and any Witnesses, and either a copy or written summary of any other information the Investigator in their discretion deems Relevant.

The Investigator will concurrently provide the Complainant and Respondent with access to review the investigative report via the University's chosen cloud storage platform. The University prohibits the Parties and their advisors/support persons from downloading, photographing, copying or otherwise duplicating, sharing, or transmitting the material provided; any use contrary to this prohibition constitutes unauthorized disclosure. If a Party and/or their advisor makes an unauthorized disclosure, the Party will be referred to the Office of Student Rights & Responsibilities (if the Party is a Student) or the Division of Human Resources & Inclusive Community (if the Party is an Employee).

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

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

If the Investigator receives information from a Party in response to the investigative report that warrants further substantive investigation or review, the Investigator, in consultation with the AVC for EOIX, has the discretion to extend the investigation. If the Investigator extends the investigation, the Investigator will notify the Parties in writing, and any additional relevant information will be incorporated as a supplement to the investigative report or as part of the Investigator's final report and determination, as applicable.

5. Determination by Investigator

For investigations that do not involve allegations of Sex-Based Harassment where either

Complainant or Respondent is a Student, the Investigator will make the determination of responsibility in the final investigative report

a. Final Investigative Report

After the Investigator receives any comments to the investigative report that are submitted by the Complainant and/or Respondent, or after the comment period has lapsed without receiving comments, the Investigator will address any additional relevant issues, pursue any additional investigative steps as needed, and then the Investigator will notify the Parties that the investigation is complete and that the Investigator is drafting the final investigative report. The Investigator will deliver the final investigative report and all attached materials to the AVC for EOIX. The AVC for EOIX will review and approve the final investigative report before releasing the final investigative report to the Parties within twenty (20) Business Days of the Investigator's notification to the Parties that the investigation is complete.

In drafting the final investigative report, the Investigator will review all relevant (not otherwise impermissible) evidence, both inculpatory and exculpatory, and will make a determination based on a Preponderance of the Evidence whether there is sufficient evidence to support a finding of responsibility for a violation of the Policy (and, where applicable, any other relevant policies). The investigator will assess the credibility of the Parties and Witnesses, to the extent credibility is both in dispute and Relevant to evaluating the allegations. Any credibility determinations will not be based on a person's status as a Complainant, Respondent, or Witness.

The final investigative report will contain all information from the investigative report, any response to the investigative report submitted by the Complainant and/or Respondent, and any additional information gathered after the investigative report. The final investigative report will include the Investigator's determination, and the rationale for such determination.

b. Determination Letter

The AVC for EOIX will issue a determination letter to the Parties simultaneously, indicating whether or not a Respondent was found responsible for Prohibited Conduct, and will provide the Parties with access, via the University's chosen cloud storage platform, to review the final investigative report and all attached materials. The AVC for EOIX will also send a copy of the determination

In making a determination of responsibility, the Hearing Officer may only consider relevant evidence. In making a determination of Outcomes or Disciplinary Action, the Outcomes Council and Decision-Maker for Disciplinary Action may only consider relevant evidence.

The Hearing Officer will not consider:

- i. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless
 - x Evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct; or
 - x Evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent is offered to prove Consent.
- ii. 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.

The Hearing Officer must not draw an inference about the determination regarding responsibility based solely on a Party's or Witness's refusal to answer questions deemed Relevant and not impermissible. However, the Hearing Officer may choose to place less or no weight upon statements by a Party or Witness who refuses to respond to such questions.

If a Party or Witness, after being provided notice, does not appear at the hearing, the hearing will take place in their absence. In such a case, or in the event that a Party or Witness appears at the hearing but refuses to answer questions, the Hearing Officer will make its determination using the evidence available. The Hearing Officer may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant (and not otherwise impermissible).

The Hearing Officer will conduct an objective evaluation of all relevant Evidence, including both inculpatory and exculpatory evidence.

f. Party Statements and Witness Examination

- i. Each Party will have an equal amount of time in which to make a statement of their case.
- ii. The Hearing Officer may ask questions of any Party or Witness. The Hearing Officer will question Parties and Witnesses to adequately assess a Party's or Witness's credibility, to the extent credibility is both in dispute and Relevant to evaluating the allegations of Sex-Based Harassment. Any credibility determinations will not be based on a

The written determination will include:

- i. Identification of the allegations potentially constituting SexBased Harassment and the Policy applied
- ii. Information about the policies and procedures used to evaluate the allegations
- iii. The Hearing Officer's evaluation of the relevant and noeions

The AVC for EOIX will provide the Parties with the names of the Outcome Council members who will hear the matter. The Parties have two (2) Business Days from receipt of the names of the Outcome Council members to raise any objection to the members of the Outcome Council based upon conflict of interest or bias. The Party must object in writing, specifically describe the purported conflict of interest, or bias, and provide any evidence to support this concern. The AVC for EOIX will assess the circumstances and determine whether to assign a different Outcome Council member to the matter. The Outcome Council will convene within seven (7) Business Days of receipt of investigation report and will determine the appropriate Outcomes for the Respondent. The Chair of the Outcome Council may submit a written request to the AVC for EOIX for a reasonable extension upon a showing of good cause, and the AVC for EOIX will provide Written Notice to the Parties of any such extension that includes the reason for the extension.

The criteria for selection of the Outcome Council are set forth in the [Honor Code](#).

1. Determining Outcomes

In determining Outcomes, the Outcome Council has the following primary objectives:

- a. Promoting safety or deterring individuals from similar future behavior;
- b. Protecting the University community;
- c. Ending the Prohibited Conduct;
- d. Taking steps reasonably calculated to prevent the future reoccurrence of the Prohibited Conduct;
- e. Restoring the Complainant to their predeprivation status, to the extent

- i. Any other mitigating, aggravating, or compelling factors.

The range of possible Outcomes includes:

- a. Status Outcomes, including but not limited to Educational Letter; Written Warning; Probation; Elevated Probation; Suspension;

- i. The Respondent's supervisor, or the Division of Human Resources & Inclusive Community, shall determine the Disciplinary Action within

applicable.

XIII. Appeals

A. Appealable Issues

Either Party may appeal:

1. Dismissal of a Complaint or any allegations therein; or
2. A Written Determination regarding responsibility and Outcomes and Disciplinary Actions as set forth below.

No other basis for appeal is permitted.

B. Bases for Appeal

A Party may only appeal on one or more of the following bases:

1. Procedural irregularity that would change the outcome of the matter;
2. New evidence that would change the outcome and that was not reasonably available when the determination regarding responsibility or dismissal of the Complaint was made.
 - a. This basis for appeal is not satisfied simply because evidence was not presented during the proceedings if the evidence was reasonably available at the time the determination was made.
3. The AVC for EOIX Investigator, Hearing Officer, Outcome Council, or Decision-Maker for Disciplinary Action 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 of the matter; or
4. Where the Respondent is a Student, the Outcomes imposed are substantially disproportionate to the severity of the violation

Mere disagreement with the decision is not grounds for appeal under these Procedures. The appellate process shall not rehear a matter in part or in its entirety.

C. Filing an Appeal

1. If a Party wishes to file an appeal, the Party must submit the appeal to the AVC for EOIX in writing no later than five (5) Business Days after, as applicable:
 - a. the notice of dismissal of the Complaint;
 - b. the date on which the written determination is sent to a Party in a determination by hearing;
 - c. the date on which the determination letter is sent to a Party in a determination by investigation where there is no finding of responsibility or

- d. the date on which the written notification is sent of Outcomes or Disciplinary Action, as applicable, when a Party is found responsible for violations of the Policy following a determination by investigation

The written appeal must state with specificity both (1) the issues being appealed and (2) the bases for the appeal.

D. Timeframe for Completion of Appeal

The University will make a good faith effort to complete the appeal within fifteen (15) Business Days of the date the appeal and any response is provided to the Appellate Officer. The AVC for EOIX may extend the timeframe for completion of the appeal on a case-by-case basis following a written request and a showing of good cause. If the timeframe for completion of appeal is extended, the AVC-1 (e)-3 (o)1 (c98j -0.001 Tc 0.003 Tw 0- (al)]TJ 0 Tc 0 Tw 2.9r;da-1 (e A)-3 (X)-3

- a. Deny the appeal based on not satisfying the Appeal Criteria and uphold the written determination issued following the hearing;
 - b. Accept the appeal in whole or in part based on satisfying the Appeal Criteria and either:
 - c. Send the matter back for supplemental investigation or hearing;
 - d. If the defect cannot be cured through supplemental investigation or hearing, then the Appellate Officer may order a new investigation and/or new hearing, as appropriate;
 - e. Dismiss the Complaint; or
 - f. If the Respondent is a Student, and the Appellate Officer determines that the Outcomes imposed are disproportionate to the violation, the Appellate Officer may return the matter to the Outcome Council with or without recommendations
7. The Appellate Officer will prepare a written determination of appeal, which will describe the result of the appeal and the rationale for the result and will provide the written determination to the AVC or EOIX. The AVC for EOIX will provide the written determination of appeal simultaneously to the Parties.
 8. The result of the appeal is final.

F. Grievance of Disciplinary Action for Employee

In addition to the appellate rights set forth above in this Section, Employees may file a grievance with respect to Disciplinary Action imposed pursuant to Section XII.B in accordance with the following procedures:

1. Faculty members may pursue their applicable rights pursuant to the Policies and P

conflicts of interest and bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If any Party has concerns that an official involved in the resolution of a matter may be biased or have a conflict of interest, the Party should share the basis for their concerns with the AVC for EOIX within the time frames described in these Procedures. Concerns about the AVC for EOIX should be directed to the Senior Vice Chancellor for Operations and Strategic Initiatives. Officials involved in the resolution of a matter will only be removed for conflict of interest or bias. The AVC for EOIX or the Senior Vice Chancellor will review the Party's concern and determine whether the challenged official should remain involved in the matter. The AVC for EOIX or Senior Vice Chancellor's decision is not appealable.

XV. Training and Qualifications of EOIX Officials

The University will provide annual training to the Title IX Coordinator, Deputy Title IX Coordinator, Deputy Equal Opportunity Officer, Director of Investigations, Investigators, Hearing Officers, Decision-Maker for Disciplinary Action, Outcome Council Members, Appellate Officers, and Informal Resolution facilitators. The University will make these training materials available for inspection upon request. Such requests should be made in writing to the AVC for EOIX. Subject to any restrictions of copyright or other contractual obligations preventing the disclosure of third-party proprietary training materials, these materials will be made available for in-person inspection at a mutually agreed time and place.

A. Investigators and EOIX Staff

The University will provide training to all Investigators and the staff of the Office of Equal Opportunity & Title IX on the following:

1. The scope of the University's Discrimination and Harassment Policy, including but not limited to the definitions of all forms of Prohibited Conduct and the scope of the University's education program or activity;
2. The University's EOIX Discrimination and Harassment Procedures;
3. How to conduct investigations and resolutions process that are fair and impartial, including information regarding hearings, appeals, and informal resolution process;
4. How to create an investigative report that fairly summarizes Relevant Evidence;
5. Issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
6. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
7. An explanation of relevant state and federal laws concerning Prohibited Conduct;
8. Options for involving law enforcement; and

9. The effects of trauma on individuals involved in allegations of Prohibited Conduct

B. Hearing Officers

The University will provide training to Hearing Officers on the following:

1. The scope of the University's Discrimination and Harassment Policy, including but not limited to the definitions of all forms of Sex-Based Harassment and the scope of the University's education program or activity;
2. How to conduct a hearing;
3. Issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
4. How to serve impartially by, among other things, avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and other relevant issues;
5. The effects of trauma on individuals involved in allegations of Sex-Based Harassment; and
6. Any technology that might be used during a hearing.

C. Other Personnel

The University will provide training to other officials involved in the resolution of reports of Prohibited Conduct under these Procedures (including Decision Maker for Disciplinary Action, Outcome Council Members, Appellate Officers, and Informal Resolution facilitators) on the following:

1. The scope of the University's Discrimination and Harassment Policy, including but not limited to the definitions of all forms of Prohibited Conduct and the scope of the University's education program or activity;
2. How to conduct investigations and hearings;
3. Issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
4. How to serve impartially by, among other things, avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and other relevant issues; and
- 5.

The University will also provide training to all University Employees upon hiring upon change of position that alters their duties under Title X, and annually thereafter. This training will include the following:

1. The University's obligation to address Discrimination in the University's education program or activity.
- 2.

proceeding under these Procedures. Parties, Witnesses, advisors/support persons are prohibited from making an electronic recording of any meeting, interview, or other proceeding under these Procedures.

XVII. Miscellaneous

A. Responsibilities of Parties

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

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

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Chancellor and the Senior Vice Chancellor for Operations and Strategy Implementation. Updates or revisions will be effective upon publication to the University community.