

TITLE IX GRIEVANCE PROCEDURES

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1. Overview and Applicability

Effective August 1, 2024, these Grievance Procedures (“Procedures”) will be followed by CSU Pueblo (“the University”) in responding to reports of alleged Sex Discrimination violations of the CSU Pueblo Policy on Discrimination (including Title IX Sex-Based Discrimination), Protected Class Harassment and Retaliation (“the Policy”). As defined in the Policy, “Sex Discrimination” is a broad category that includes Sex-Based Harassment.

2. Definitions

Capitalized terms in these Procedures are defined in the Policy; additional terms may be defined within these Procedures.

3. Fairness and Impartiality

All participants in the grievance process must practice fairness and impartiality in all respects. Serving impartially includes avoiding prejudgment of the facts at issue, conflicts of interest, and bias towards one Party or another, or towards Complainants or Respondents, members of one sex or another, or members of a Protected Class, generally.

4. Confidentiality in Grievance Proceedings

- 4.1. Anonymous Reporting: Any person or Party may report conduct violating the Policy anonymously; however, the University may not be able to respond to the report effectively if the identity of the reporter is unknown. Anonymous reports may be made to the Office of Institutional Equity (OIE), the Campus Safety Office, or the Pueblo County Sheriff's Office (PCSO). PCSO will share the anonymous report with the OIE and it will be included in CSU Pueblo’s annual crime statistics if appropriate, as required by federal law.
- 4.2. The University is subject to confidentiality requirements as stated in the Policy. In addition, the University will protect the privacy of a Party’s medical, psychological, and similar treatment records, and university employees and representatives cannot access or use such records without first obtaining the party’s voluntary, written consent to do so (except for disclosures of evidence as required by the Grievance Procedures, and disclosures required by law).
- 4.3. All University employees are required to maintain confidentiality of, and not disclose to anyone, all information gained solely through the grievance process, except to the extent necessary to comply with the Policy and these Grievance Procedures. Only disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Sex Discrimination are authorized. This obligation continues indefinitely after the proceeding is complete. A Party is permitted to disclose such information to the extent that a restriction would impair the Party’s ability to obtain evidence, consult with certain individuals, prepare for or participate in the Grievance

Procedures, or consult with their family members, confidential resources, or Advisors.

5. Jurisdiction

- 5.1. These Procedures are followed when the University has jurisdiction over the alleged misconduct and those involved. Upon receiving a report of alleged conduct that potentially violates the Policy, the Responsible Administrator must first determine whether the University has jurisdiction over the Parties and the alleged conduct by considering:
 - 5.1.1. Whether the Parties are subject to the University's authority to impose disciplinary sanctions for the conduct alleged, or, if disciplinary sanctions cannot be imposed, take other action such as providing Supportive Measures, or modifying or terminating a contract with a third party.
 - 5.1.2. Whether the alleged conduct would, if proven, constitute a violation of the Policy.
- 5.2. If the alleged conduct is not within the University's jurisdiction under Title IX, the matter is typically dismissed consistent with the dismissal provisions in these Procedures. If applicable, the conduct will be referred to the appropriate University office for resolution, which may include the office of Student Conduct and Community Standards.

6. The Responsible Administrator's Duties

- 6.1. Upon being notified of conduct that reasonably may constitute Sex Discrimination under Title IX and as to which there appears to be jurisdiction, the Responsible Administrator must:
 - 6.1.1. Treat the Complainant and Respondent equitably.
 - 6.1.2. Offer and coordinate Supportive Measures, as appropriate, for the Complainant. If the University has initiated Grievance Procedures or offered an informal resolution process to the Respondent, the Responsible Administrator must also offer and coordinate Supportive Measures, as appropriate, for the Respondent.
 - 6.1.3. Notify the Complainant, or if the Complainant is unknown, the individual who reported the conduct, of the Title IX Grievance Procedures and the informal resolution process, if available and appropriate.
 - 6.1.4. If a Complaint is made, notify the Respondent of the Title IX Grievance Procedures and the informal resolution process, if available and appropriate.
 - 6.1.5. Regardless of whether a Complaint is initiated, take appropriate, prompt and effective steps to ensure that Sex Discrimination does not continue or

recur within the University's Education Program or Activity, in addition to providing remedies to an individual Complainant.

6.1.6. Diligently follow the Title IX Grievance Procedures to their conclusion.

7. Initial Assessment/Intake

- 7.1. Upon receipt of a report of Sex Discrimination, the OIE Intake Specialist, who reports to the Title IX Coordinator/Director of OIE, will promptly contact the Complainant to discuss the allegations, the availability of and the Complainant's wishes with respect to Supportive Measures, and the process for filing a Complaint.
- 7.2. As part of the intake assessment, the Intake Specialist will:
 - 7.2.1. Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the Complainant, the Respondent, any witnesses and/or any other individuals with knowledge of the reported incident;
 - 7.2.2. Assess the report to determine whether it raises a potential Policy violation;
 - 7.2.3. Address immediate physical safety and emotional well-being of the Parties and others;
 - 7.2.4. Notify the Complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
 - 7.2.5. Notify the Complainant of the right to seek medical treatment;
 - 7.2.6. Notify the Complainant of the importance of preservation of evidence;
 - 7.2.7. Consult with the other university administrators as appropriate;
 - 7.2.8. Refer the report to the CSU Pueblo Director of Campus Safety to enter the report into the university's daily crime log if required, assess the reported conduct and discern the need for a timely warning under the Clery Act;
 - 7.2.9. Provide the Complainant with written information about campus and community resources;
 - 7.2.10. Notify the Complainant of the right to reasonable Supportive Measures regardless of whether they choose to file a formal Complaint;
 - 7.2.11. Provide the Complainant with an explanation of the procedural options, including informal resolution and formal Grievance Procedures;
 - 7.2.12. Notify the Complainant of the right to be accompanied at any meeting, hearing or proceeding by an Advisor of their choice and of the option to have the University appoint an Advisor;

- 7.2.13. Assess the available information for any pattern of alleged conduct by Respondent;
- 7.2.14. Discuss the Complainant's expressed preference for the manner of resolution and any barriers to proceeding (e.g., confidentiality concerns);
- 7.2.15. Explain the University's policy prohibiting Retaliation and how to report acts of Retaliation;
- 7.2.16. If the Complainant is a minor, make the appropriate report of suspected abuse consistent with the University's [Protection of Minors Policy](#); and
- 7.2.17. Determine whether there is jurisdiction over the Parties and the conduct.
- 7.3. If the Responsible Administrator determines that there is jurisdiction over the Parties and the alleged conduct, the Responsible Administrator will:
 - 7.3.1. Offer and coordinate Supportive Measures for the Complainant, as appropriate.
 - 7.3.2. Determine whether the Complainant wishes to make a Complaint.
 - 7.3.3. If a Complaint is made, notify the Respondent of the allegations made and resolution processes, including the informal resolution option, and the formal Grievance Procedures described below.
 - 7.3.4. Offer and coordinate Supportive Measures for the Respondent, as appropriate.
 - 7.3.5. Notify the Respondent of the right to be accompanied at any meeting, hearing or proceeding by an Advisor of their choice, and of the option to have the University appoint an Advisor;
- 7.4. Following the initial evaluation, the Responsible Administrator may either dismiss the Complaint if warranted, offer the Complainant an informal resolution process if appropriate, or proceed with the investigation. If the matter is assigned to an Investigator, the Responsible Administrator retains overall responsibility for the Grievance Procedure.

8. [Initiating a Complaint](#)

- 8.1. If the Complainant (or their authorized parent or guardian or other authorized legal representative) indicates they wish to initiate a Complaint in a manner that can reasonably be construed as reflecting intent to make a Complaint and to have the University initiate an investigation, the matter will be referred to an Investigator. If the Complainant chooses not to make a Complaint, no formal or informal resolution process will commence unless the Responsible Administrator decides to initiate a Complaint as described below. The Complainant may decide to make a Complaint at a later date.

- 8.2. With respect to complaints of Sex Discrimination other than Sex-Based Harassment, a complaint may also be made by:
 - 8.2.1. Any Student or employee; or
 - 8.2.2. Any person other than a Student or employee who was participating or attempting to participate in the University's Education Program or Activity at the time of the alleged Sex Discrimination.

9. University-Initiated Complaints

- 9.1. If the Complainant chooses not to make a Complaint, or withdraws all or some of the allegations in the Complaint, the Responsible Administrator must determine whether to initiate a Complaint on behalf of the University. The Responsible Administrator will consider relevant factors including, but not limited to:
 - 9.1.1. The Complainant's request not to proceed with initiation of a Complaint.
 - 9.1.2. The Complainant's reasonable safety concerns regarding initiation of a Complaint.
 - 9.1.3. The risk that additional acts violating the Policy would occur if a Complaint is not initiated.
 - 9.1.4. The severity of the alleged Policy violation, including whether the allegations, if established, would require the removal of a Respondent from campus or imposition of another Disciplinary Sanction to end the misconduct and prevent its recurrence.
 - 9.1.5. The age and relationship of the Parties, including whether the Respondent is an employee of the University.
 - 9.1.6. The scope of the alleged policy violation, including information suggesting a pattern or ongoing policy violation, or conduct alleged to have impacted multiple individuals.
 - 9.1.7. The availability of evidence to assist a Decisionmaker in determining whether a policy violation occurred.
 - 9.1.8. Whether the University could end the alleged conduct and prevent its recurrence without initiating Grievance Procedures.
- 9.2. If, after considering these and other relevant factors, the Responsible Administrator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or any other person, or that the conduct as alleged prevents the University from ensuring equal access for all in the University Community on the basis of sex to an Education Program or Activity, the Responsible Administrator may initiate a Complaint.

- 9.3. If the Responsible Administrator decides to initiate a Complaint, they must first notify the Complainant of the decision to do so and appropriately address the Complainant's reasonable concerns about the Complainant's safety.
- 9.4. If the Responsible Administrator chooses to initiate a Complaint, they do not become the Complainant. The Complainant remains the person who experienced the alleged conduct that could constitute a violation of the Policy.
- 9.5. Neither the Complainant nor the Respondent is ever compelled to testify or otherwise participate in a Grievance Procedure.

10. Consolidation of Complaints; Collateral Misconduct

- 10.1. The University may consolidate Complaints of Sex Discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references in these Procedures to Party, Complainant, or Respondent include the plural, as applicable.
- 10.2. Collateral misconduct includes potential violations of the Policy other than Sex Discrimination (such as Protected Class Discrimination and Harassment), or of other university policies, that occur in conjunction with the allegations in the Complaint, or that arise during the investigation and adjudication process (e.g., an allegation of Retaliation). Collateral misconduct may be adjudicated along with the Sex Discrimination Complaint when it makes sense to combine all allegations and provide one resolution.
 - 10.2.1. In such circumstances, the Responsible Administrator may consult with university officials who typically oversee such conduct (e.g., Human Resources, Student Conduct, Provost) to solicit their input as needed on what charges should be filed; but bringing collateral charges under these procedures is within the discretion of Responsible Administrator.
 - 10.2.2. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the student, faculty, and staff handbooks.

11. Supportive Measures

- 11.1. In all cases under these Procedures, the Responsible Administrator will offer the Complainant and Respondent Supportive Measures to restore or preserve that Party's access to the University's Education Program or Activity, including measures that are designed to protect the safety of the Parties and/or the University's educational environment; and provide support during the Grievance Procedures.
- 11.2. The range of Supportive Measures includes, but is not limited to:

- 11.2.1. Facilitating access to counseling and medical services.
- 11.2.2. Guidance in obtaining a sexual assault forensic examination.
- 11.2.3. Assistance in arranging rescheduling of exams and assignments and extensions of deadlines.
- 11.2.4. Academic support.
- 11.2.5. Assistance in requesting long-term academic accommodations through Disability Resources and/or OIE if the individual qualifies as an individual with a disability.
- 11.2.6. Change in class schedule, including the ability to transfer course sections or withdraw from a course.
- 11.2.7. Allowing either a Complainant or a Respondent to drop a class in which both Parties are enrolled in the same section without penalty.
- 11.2.8. Changes in the Complainant's or Respondent's university work schedule or job and/or leadership assignments.
- 11.2.9. Change in campus housing.
- 11.2.10. Safety escort and other safety planning steps, such as increased security and monitoring of certain areas of the campus.
- 11.2.11. Mutual "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals.
- 11.2.12. Voluntary leave of absence.
- 11.2.13. Referral to resources to assist in obtaining a protective order.
- 11.2.14. Referral to resources to assist with any financial aid, visa or immigration concerns.
- 11.2.15. Limiting an individual's access to certain university facilities or activities.
- 11.2.16. Training and education programs related to Sex-Based harassment.
- 11.2.17. Any other remedial measure, as appropriate, that is non-disciplinary, non-punitive, and does not unreasonably burden any Party's access to the University's Education Programs and Activities.
- 11.3. Student Pregnancy: When the OIE receives a report from a Student or the Student's parent, guardian or other legal representative that the Student is pregnant, the Title IX Coordinator or designee will inform the Student that:
 - 11.3.1. The Student may voluntarily participate in a separate and comparable portion of an Education Program or Activity (for example, another class section).

- 11.3.2. The Student may request reasonable modifications to the University's policies, practices or procedures as necessary to prevent Sex Discrimination on the basis of pregnancy and ensure equal access to the Education Program or Activity, based on the Student's individualized needs, after consulting with the Student. The Student may accept or decline each reasonable modification offered, and the University will implement those the Student accepts. Reasonable modifications may include, but are not limited to:
- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;
 - Intermittent absences to attend medical appointments;
 - Access to online or distance education;
 - Changes in schedule or course sequence;
 - Extensions of time for coursework and rescheduling of tests and examinations;
 - Allowing a student to sit or stand, or carry or keep water nearby;
 - Counseling;
 - Changes in physical space or supplies (for example, access to a larger desk or a footrest);
 - Elevator access; or
 - Other changes as reasonably necessary to prevent discrimination.
- 11.3.3. The Student is allowed to voluntarily take a leave of absence from the University or any portion of its Education Program or Activity to cover the time deemed medically necessary by the Student's licensed healthcare provider (or a longer period of time if another university policy provides for it). When the Student returns from leave, they must be reinstated to their same academic status and, to the extent practicable, to the extracurricular status that they held when the voluntary leave began.
- 11.3.4. The Student will have access a lactation space, other than a bathroom, that is clean, shielded from view, free from intrusion of others, and may be used for expressing breast milk or breastfeeding as needed.
- 11.3.5. The University will not require supporting documentation from the Student, except for what's necessary to determine the reasonable modifications to make or whether to take additional specific actions.

- 11.4. The Responsible Administrator will provide a Party with a timely opportunity to seek modification or reversal of the decision to provide, deny, modify, or terminate Supportive Measures applicable to them. The individual to whom the request is made will be the Director of OIE/Title IX Coordinator, unless the Director implemented the Supportive Measure, in which case it will be the Dean of Students or the Senior Director of Human Resources, who will have the authority to modify or reverse the decision if they determine that the decision was inconsistent with the definition of Supportive Measures in the Policy. A Party will also have the opportunity to seek additional modification or termination of a Supportive Measure applicable to them if circumstances change.
- 11.5. The University will not disclose information about any Supportive Measures to anyone other than the person to whom they apply, nor inform one Party of Supportive Measures provided to another Party, unless necessary to provide the Supportive Measure or restore or preserve a Party's access to the Education Program or Activity.

12. Notice of Investigation

- 12.1. If the Responsible Administrator has determined that the Complaint will not be dismissed prior to the initiation of resolution procedures (formal or informal), they will provide the Complainant and Respondent with a Notice of Investigation that sets forth the allegations known at the time. The Parties will have five university business days in which to respond to the allegations before any interviews take place.
- 12.2. The Notice of Investigation will include:
 - 12.2.1. Links to or copies of these Title IX Grievance Procedures and the Policy.
 - 12.2.2. 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 Sex Discrimination under Title IX, if applicable, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the Responsible Administrator.
 - 12.2.3. A statement that Retaliation is prohibited.
 - 12.2.4. A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon request.
- 12.3. Additional allegations of Policy violations may be added after the initial Notice of Investigation is provided. If that occurs, the Responsible Administrator will provide a new notice to the Parties pertaining to the new allegations.

13. Dismissal of the Complaint

- 13.1. Pursuant to the Policy, the Responsible Administrator may decide to dismiss the Complaint at any time prior to the final decision concerning responsibility for violating the Policy, upon any of the following grounds:
 - 13.1.1. The University is unable to identify the Respondent after taking reasonable steps to do so;
 - 13.1.2. The Respondent is no longer participating in the University's Education Program or Activity and is not employed by the University;
 - 13.1.3. A Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Responsible Administrator 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 Sex Discrimination under Title IX even if proven; or
 - 13.1.4. The University determines, after clarifying the allegations with the Complainant, that the conduct alleged in the Complaint would not constitute a Policy violation, if proven.
- 13.2. A Decisionmaker can recommend dismissal to the Responsible Administrator, if they believe the above grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate it or file a new Complaint.
- 13.3. Upon any dismissal, the University will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the University will also notify the Respondent of the dismissal.

14. Appeal of Dismissal

- 14.1. The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within three university business days of the notification of the dismissal. The request must contain a statement of the grounds for the appeal and must be submitted to the [OIE via email](#) or hand delivered in writing.
- 14.2. The Responsible Administrator will notify the Parties of any appeal of the dismissal. If the Complainant appeals, but the Respondent was not notified of the Complaint, the Responsible Administrator must then provide the Respondent with a Notice of Investigation and will notify the Respondent of the Complainant's appeal with an opportunity to respond.
- 14.3. Throughout the dismissal appeal process, the University will:
 - 14.3.1. Implement dismissal appeal procedures equally for the Parties;

- 14.3.2. Assign a trained Appeal Decisionmaker who did not take part in an investigation of the allegations or dismissal of the Complaint;
 - 14.3.3. Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal; and
 - 14.3.4. Notify the Parties of the result of the appeal and the rationale for the result.
- 14.4. In all other respects, dismissal appeals will be conducted in accordance with section 25 below.

15. Emergency Removal/Interim Suspension of a Student

- 15.1. The University may remove from all or any part of campus, a class or activity, or university housing, or may impose an interim suspension on any Student accused of Sex Discrimination. Prior to an emergency removal or interim suspension, the University will conduct an individualized risk assessment and may only remove or suspend the Student if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any Students, employees, or other persons arising from the allegations of Sex Discrimination justifies such action.
- 15.2. When an emergency removal or interim suspension is imposed, the affected Student will be notified of the action, which will include a written rationale and the option to challenge the emergency removal or interim suspension within three university business days of the notification. Upon receipt of a challenge, the Responsible Administrator will meet with the Student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal or suspension should not be implemented or should be modified. The challenge must be submitted to the [OIE via email](#) or hand delivery.
- 15.3. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate or should be modified or lifted. If this meeting is not requested within three university business days, objections to the emergency removal or interim suspension will be deemed waived. A Student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have materially changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Responsible Administrator determines it is equitable to do so.
- 15.4. The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. The Complainant may also provide information to the Responsible Administrator for review.

- 15.5. An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Responsible Administrator will communicate the final decision in writing, typically within three university business days of the review meeting.

16. Placing an Employee on Leave

- 16.1. When the Respondent is a university employee accused of violating the Policy, the employee may be placed on administrative leave in accordance with the applicable policies and procedures for employees of the same type (e.g., faculty, administrative professional, state classified employee or student employee). Such action will be taken only upon a determination that an imminent and serious threat exists to the health or safety of a Complainant or any other person and that placing the employee on administrative leave will help alleviate that threat or prevent recurrences of misconduct.
- 16.2. The employee's rights to challenge the action are set forth in the applicable employee handbook and/or rules.

17. Advisors in the Grievance Process

- 17.1. Throughout these Grievance Procedures, each Party has the right to consult with an Advisor of their choosing, including, but not limited to, an attorney. Each Party may be accompanied by no more than one Advisor to a meeting or proceeding related to the resolution of a report or Complaint under the Policy. The Advisor may provide support and advice to the Party at any meeting and/or proceeding.
- 17.2. Other than at a live hearing for the sole purpose of conducting any cross-examination, an Advisor may not speak on behalf of a Party or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings. The University will not unduly delay the scheduling of meetings or proceedings based on an Advisor's unavailability.
- 17.3. An Advisor may be asked to meet with a university administrator in advance of any proceedings to understand the expectations of the role, privacy considerations, and appropriate decorum.
- 17.4. The Party may select whomever they wish to serve as their Advisor. A university employee may choose not to serve in that role. Choosing an Advisor who is also a witness in the process creates potential for bias that must necessarily be taken into account by the Decisionmaker(s).
- 17.5. The Administrator will offer to assign a trained Advisor to any Party if the Party so chooses. If the Party chooses an Advisor to be assigned by the University, the University will have trained the Advisor and familiarized them with the Grievance Procedures. Advisors assigned by the University cannot be Confidential Employees, witnesses, or Responsible Administrators in the same matter.

- 17.6. If one Party selects an Advisor who is an attorney, the University is not obligated to provide an attorney as that Party's Advisor.
- 17.7. A Party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Administrator with timely notification if they change Advisors. If a Party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.
- 17.8. If a Party requests that all communication be made through their attorney Advisor instead of to the Party, the University will comply with that request. If the Advisor is not an attorney, all communications from the University will be sent to the Party, except as otherwise stated in these Grievance Procedures.
- 17.9. Advisors should help the Parties to prepare for each meeting. Advisors may not speak on behalf of their Party except as provided in Hearings, below.
- 17.10. Advisors are entitled to the same opportunity as their Party to access relevant evidence and to receive the Final Investigative Report.
- 17.11. In addition to the Advisor, a Party may be accompanied by a person to provide support (e.g., a case manager, disability support provider) during any portion of the process.

18. The Investigation

- 18.1. All investigations will be conducted in a manner that is adequate, reliable, and impartial.
- 18.2. When an investigation is initiated, the Responsible Administrator appoints an Investigator(s) to conduct it. These Investigators may be members of the OIE or any other properly trained, unbiased person, whether internal or external to the University Community.
- 18.3. Employees (not including Complainant and Respondent) are required to cooperate with and participate in the investigation and resolution process. Student witnesses and witnesses from outside the University Community who cannot be required to cooperate and participate are encouraged to do so voluntarily. An employee is not compelled to serve as an Advisor.
- 18.4. The Investigator must, at a minimum, interview all Parties and may interview other witnesses identified by the Parties or by the Investigator or Responsible Administrator. The Investigator has the discretion to determine which witnesses to interview and may not necessarily interview all witnesses that are identified by a Party. Interviews may be conducted in person, via online audio/video platforms, by telephone or by submitting questions in writing. The Investigator will take appropriate steps to ensure the security and privacy of remote interviews.

- 18.5. The burden of gathering evidence and the burden of proof by a preponderance of the evidence are on the University to prove a violation of the Policy. In all cases, there is presumption that the Respondent is not responsible for the alleged Sex Discrimination until a determination is made at the conclusion of the Grievance Procedures.
- 18.6. The University will provide equal opportunity for the Parties to present relevant fact and expert witnesses and other inculpatory or exculpatory evidence to the Investigator.
- 18.7. As used herein, in an investigation or hearing “relevant” means related to the allegations of Sex Discrimination under investigation in the matter. Questions are relevant when they seek evidence that may aid in showing whether the alleged Sex Discrimination occurred, and evidence is relevant when it may aid the Decisionmaker in determining whether the alleged Sex Discrimination occurred. Though relevant, some evidence and testimony may be impermissible, as further explained in section 22 below.
- 18.8. The Investigator will send the Parties or witnesses whose participation is invited or expected written notice of the time and place of investigative interviews, meetings and hearings.
- 18.9. Parties may submit questions to the Investigator to ask of the other Parties and witnesses.
- 18.10. The Investigator will send the Parties and their Advisors all evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the Parties to inspect, review, and respond to the evidence. The Investigator will consider the response and will determine if it is relevant. The Investigator may seek additional information based on the response, at their discretion.
- 18.11. Then the Investigator will send the Parties, and their Advisors, an Investigative Report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the Parties to respond. After receiving any responses, the Investigator will provide the Final Investigative Report to the Parties and the Decisionmaker.

19. Informal Resolution

- 19.1. If the Responsible Administrator determines that the matter is suitable for informal resolution at any time prior to determining whether Sex Discrimination occurred, the Responsible Administrator may, in their discretion, offer the Parties the opportunity to proceed with the informal resolution process. This option does not apply if the Complaint includes allegations of Sex-Based Harassment by an employee against a Student. If such an offer is made, both Parties must agree to informal resolution, or the matter will proceed as a formal Grievance Procedure. A

Party's election to participate in informal resolution is entirely voluntary and may be rescinded at any time prior to the final decision.

- 19.2. If informal resolution is elected by the Parties, the Responsible Administrator must nevertheless 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.
- 19.3. The informal resolution process may be referred to a trained facilitator within or outside of the Office of Institutional Equity and/or the University, who is not the same person as the Investigator, Decisionmaker, or Appeal Decisionmaker. The facilitator must not have a conflict of interest or bias for or against any Party or against complainants or respondents generally.
- 19.4. At the outset of the informal resolution process, the Responsible Administrator will provide the Parties with a notice that explains:
 - 19.4.1. The allegations;
 - 19.4.2. The requirements of the informal resolution process;
 - 19.4.3. That prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume the formal Grievance Procedures;
 - 19.4.4. 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;
 - 19.4.5. 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. Potential terms that may be included in an informal resolution agreement include, but are not limited to:
 - Restrictions on contact between a Party and another Party or person; and
 - Restrictions on the Respondent's participation in one or more of the University's programs or activities or attendance at specific events, including restrictions that could have been imposed as remedies or disciplinary sanctions had the Decisionmaker determined at the conclusion of the Grievance Procedures that Sex discrimination occurred.
 - What information the University will maintain and whether and how the University could disclose such information for use in grievance procedures if initiated or resumed.

- 19.4.6. The University maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the Agreement and resumption of the Grievance Procedures, referral to the conduct process for failure to comply, application of the enforcement terms of the Agreement, etc.).
- 19.4.7. If an Informal Resolution option is not available or chosen, or terminates without a resolution, the University will initiate or continue an investigation and subsequent Grievance Procedure to determine whether the Policy has been violated. All timeframes for the Grievance Procedure will be extended as necessary.
- 19.4.8. An informal resolution agreement is not considered a disciplinary action and does not become part of the Student's disciplinary record.

20. Formal Grievance Procedures for Adjudication of Complaints without a Hearing

- 20.1. In cases where allegations are made of (1) Sex Discrimination without any allegations of Sex-Based Harassment; or (2) Sex-Based Harassment, but where neither Party is a Student, the matter will be decided without a live hearing. If the Complaint includes any allegations of Sex-Based Harassment involving a Student that are not dismissed, it will be adjudicated in its entirety using the Hearings procedures.
- 20.2. Student Employees: When a Complainant or Respondent is a student employee of the University, the Responsible Administrator must make a fact-specific inquiry to determine whether a live hearing will be held. In making this determination, the Responsible Administrator must, at a minimum, consider whether the Party's primary relationship with the University is to receive an education, and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work when the conduct in question allegedly occurred. When the determination is that the alleged conduct occurred primarily in relation to the employment, not the Party's status as a Student, a live hearing will not be held.
- 20.3. In all Grievance Procedures under the Policy, the Responsible Administrator(s), Investigator(s), and Decisionmaker(s) will make an objective evaluation of all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations must not be based on a person's status as a Complainant or Respondent.
- 20.4. Upon receipt of the Final Investigative Report, the Decisionmaker will have at least 30 days in which to issue a Notice of Decision (NOD) to the Parties. The NOD will include a finding by the preponderance of the evidence as to whether the Respondent(s) violated the Policy as to each allegation in the Complaint. In

reaching a determination, the Decisionmaker may rely on relevant evidence that is otherwise permissible for consideration under this Policy and Procedures. The Decisionmaker has the discretion to determine the appropriate weight to assign to all relevant evidence.

20.5. The Decisionmaker must:

20.5.1. Provide the NOD, in writing, to the Parties and their supervisor, and, where applicable, to Human Resources, the OIE or to the Office of Student Conduct and Community Standards.

20.5.2. Inform the Parties of their rights to appeal the decision.

20.5.3. If the Decision-Maker finds the Respondent has violated the Policy or any other policy of the University, refer the matter for consideration of sanctions to the appropriate authority, depending on the Respondent's status at the University.

21. Formal Grievance Procedures for Adjudication of Complaints Including a Hearing (Sex-Based Harassment Involving Student Complainants or Respondents)

21.1. Except as otherwise provided for student employees above, in cases in which the Complaint alleges Sex-Based Harassment and either Party is a Student, the University will hold a live hearing before a Hearing Officer to elicit evidence and testimony from the Parties and their witnesses. The Hearing Officer may be a neutral employee of the University or a neutral outside person who is trained in Title IX and conducting Title IX hearings. The Hearing Officer or either Party may call the Investigator to testify concerning the Final Investigative Report.

21.2. The Hearing Officer will be impartial and free from actual bias or conflict of interest. The Responsible Administrator will provide the Parties the name of the Hearing Officer no later than five business days in advance of the hearing. Objections to the Hearing Officer must be raised in writing, detailing the rationale for the objection, and must be submitted to the Responsible Administrator no later than two business days prior to the hearing. The Responsible Administrator will determine whether an actual bias or conflict exists.

21.3. The Responsible Administrator will give the Hearing Officer a list of the names of all Parties, witnesses, and Advisors in advance of the hearing. The Hearing Officer will notify the Responsible Administrator of any potential bias or conflict of interest issues that may be present before commencing the hearing and must do so at any time such issues arise.

21.4. The Hearing Officer will receive training regarding the University's policies and procedures; the handling of sexual misconduct cases; how to conduct a hearing; issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant;

how to serve impartially; and other relevant issues. The Hearing Officer will also be trained in the use of any technology that might be used during a hearing.

- 21.5. The purpose of the hearing is to allow relevant, permissible evidence and exclude irrelevant and impermissible evidence, make findings of fact, weigh the credibility of testimony and evidence, and decide whether the Respondent is responsible for violating the Policy. The Hearing Officer may recommend, but cannot impose, disciplinary sanctions and remedies.
- 21.6. The Hearing Officer has the authority and discretion to control all aspects of the hearing including, but not limited to, maintain decorum, sequester witnesses other than the Parties, grant or deny requests from a Party to delay or continue the hearing, admit or not admit evidence and testimony, and allow the Parties to make statements. The Hearing Officer may rule on all procedural matters that arise during the Hearing.
- 21.7. Formal rules of evidence, such as those applicable in court proceedings, do not apply during the hearing. However, presentation and use of evidence is subject to the Evidence and Testimony provisions in section 22.

21.8. Notice of Hearing

21.8.1. The Complainant and Respondent will be notified in writing of the date, time, and location of the hearing; the charges to be reviewed by the Hearing Officer, including the date, time, location and essential factual allegations concerning the violation; and the provisions of the Policy alleged to have been violated. Respondent and Complainant will be provided the Notice of Hearing at least ten university business days prior to the date of the hearing.

21.9. Hearing Advisors

21.9.1. Irrespective of whether a Party plans to change Advisors for the hearing or retain the same Advisor, all Parties must inform the Responsible Administrator at least five business days before the hearing who the Party's Advisor at the hearing will be, and whether that person is an attorney.

21.9.2. If a Party does not have an Advisor for the hearing, or has not informed the Responsible Administrator of who the Party's Advisor for the hearing will be, then the University will appoint an Advisor for the hearing, at no cost to the Party, to ask cross-examination questions on behalf of the Party. The Advisor appointed by the University need not be an attorney.

21.10. Pre-Hearing Procedures

21.10.1. The Hearing Officer and/or OIE may establish additional pre-hearing procedures relating to issues such as scheduling, hearing procedures, structure, advance determination of the relevance of certain

topics, and other procedural matters. The Hearing Officer will communicate with the Parties prior to the hearing with respect to these issues and establish reasonable, equitable deadlines for Party participation/input.

21.10.2. The Hearing Officer may invite the Parties to submit the questions or topics the Parties wish to ask or discuss at the hearing, so that the Hearing Officer can rule on their relevance ahead of time. This advance review opportunity does not preclude a Party's Advisor from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing.

21.10.3. In advance of the hearing, the Hearing Officer will consider any argument by a Party regarding relevancy. The Hearing Officer may rule on these arguments pre-hearing and will share those rulings with the Parties prior to the hearing to assist in preparation for the hearing. The Hearing Officer may consult with the Responsible Administrator in making these determinations prior to the hearing.

21.10.4. Request to Postpone Hearing: Permission to postpone a hearing may be granted provided that the request to do so is based on a compelling emergency and, where possible, such request is provided to the Hearing Officer and Responsible Administrator at least 48 hours prior to the time of the hearing. Requests to delay or continue the hearing after it has commenced will likewise be considered only when the reasons given for the delay are compelling and, if denied, actual prejudice to a Party would likely result.

21.11. Timing of the Hearing

21.11.1. The hearing will be scheduled for a date at least 10 university business days, and no later than 30 days, after the Final Investigative Report is provided to the Parties. This timeframe may be extended for a reasonable time for good cause. The reason for the extension will be shared with the Parties in writing.

21.11.2. Hearings are not scheduled during university breaks (e.g., spring, winter and summer breaks and university holidays) unless otherwise agreed by the Parties and the Responsible Administrator.

21.12. Presence and Participation at Hearing

21.12.1. A Complainant or Respondent is not required to participate in person at the hearing in order for the hearing to proceed; however, a Party who refuses to submit to questioning by the Hearing Officer or opposing Party's Advisor risks having the Hearing Officer place less or no weight on that Party's statements.

21.12.2. At the Hearing Officer's discretion, the University may, or upon the request of either Party it will, conduct the live hearing with the Parties physically present in separate locations. In such cases, technology must be used to enable the Hearing Officer and parties to simultaneously see and hear the Party or the witness while that person is speaking.

21.12.3. If, despite being notified of the date, time, and location of the hearing, and there is not clear evidence that emergency circumstances beyond the control of the Complainant or Respondent prevented such person from being present, the Respondent or Complainant is not in attendance, the hearing will proceed. In that case, the Hearing Officer will consider the available testimony and evidence.

21.13. Decorum

21.13.1. The Hearing Officer has wide discretion over matters of decorum at the hearing, including the authority to excuse from the hearing process participants who are unwilling to observe rules of decorum. If a Party's Advisor does not abide by the rules of decorum, the Advisor may be subject to removal and the University will appoint a new Advisor for the Party for the remainder of the hearing.

21.13.2. The Parties and their Advisors will stand or remain seated as directed by the Hearing Officer.

21.13.3. Other than while conducting cross-examination, the Advisor may not address the Hearing Officer and must comport themselves in a manner that is not disruptive to the hearing.

21.13.4. The following behaviors will not be tolerated during the hearing: yelling, verbal abuse, disruptive behavior, interrupting or talking over one another, name calling, or using profane or vulgar language (except where such language is relevant).

21.13.5. Any participant in the hearing who is not currently involved in questioning should refrain from disrupting the hearing, making gestures, facial expressions, audible comments or expressions, or the like, as manifestations of approval or disapproval during any testimony.

21.14. Questioning Witnesses

21.14.1. The Hearing Officer may either:

- Allow each Party to propose such questions that the Party wants asked of any Party or witness and have those questions asked by the Hearing Officer; or
- Allow each Party's Advisor to ask any Party or witness such questions. Such questioning must never be conducted by a Party personally.

21.15. When cross-examining a Party or witness, the individual doing the questioning shall not characterize, express an opinion about, editorialize, or otherwise state any response to the answer given by the Party or witness except to ask a follow up question to elicit relevant evidence. Questioners shall not argue with or badger the witness.

21.16. Witnesses:

21.16.1. The Hearing Officer will identify any witnesses that they wish to hear from at the hearing based on a review of the materials submitted by the Parties and the Final Investigative Report. The Complainant and Respondent may each request the presence of any additional witnesses at the hearing, which will be determined based on relevance by the Hearing Officer. The University cannot compel the attendance of any witness who is not a university employee.

21.16.2. In general, only witnesses who were identified and interviewed as part of the investigation may be called at the hearing. Under very limited circumstances, the Complainant, Respondent or Hearing Officer may identify a witness with relevant information who has not previously been interviewed. In such cases, the Hearing Officer will determine whether the new witness's participation at the hearing is relevant and appropriate under the circumstances, and if so, may allow the witness to participate in the hearing or refer the matter to the Investigator for additional investigation.

21.17. Conduct of the Hearing

21.17.1. The Hearing Officer has wide discretion to designate the hearing format and order. Subject to the discretion of the Hearing Officer, hearings will ordinarily begin with introductory remarks by the Hearing Officer, followed by the Hearing Officer asking relevant initial questions of the Parties. During this portion of the hearing, an Advisor may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the Hearing Officer or anyone else present at the hearing.

21.17.2. The Hearing Officer may then proceed to question the Parties. After the Hearing Officer has asked their initial questions of the Parties, the Hearing Officer will permit each Party's Advisor to ask the other Party relevant questions and follow-up questions. The Hearing Officer may ask follow-up questions. Subject to the discretion of the Hearing Officer, questioning of witnesses will follow a similar process.

21.17.3. Cross-examination of the parties and witnesses by Advisors will be conducted directly, orally, and in real time by the Party's Advisor of choice and never by the Party personally. A Party's Advisor may cross examine a

witness (including an opposing Party) when directed to do so by the Hearing Officer.

21.17.4. Only relevant cross-examination and other questions may be asked of a Party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a question is relevant, it must be asked.

21.17.5. Advisors are not permitted to object to the Hearing Officer's decisions regarding relevance during a hearing. In general, the Hearing Officer will not consider statements of personal opinion or statements as to any party's general reputation for any character trait as relevant.

21.18. The hearing will be recorded by audio or audio/visual means and the recording will be made available to the Parties and their Advisors for inspection and review.

21.19. The hearing will be closed to the public. Appropriate University personnel may be present at the hearing. The Complainant and the Respondent are each allowed to have one Advisor of their choice present throughout the hearing process. The University shall keep a transcript or audio or audiovisual recording of the hearing. Any other recording is prohibited. No camera, TV, or other equipment, including cellphones, will be permitted in the hearing room except as arranged by the University. The Parties may inspect and review the transcript or audio/audiovisual recording after it is completed but will not be provided with copies.

22. Evidence and Testimony

22.1. In both the investigation and a hearing, as applicable, evidence and testimony will be limited as follows:

22.1.1. Questions will not be permitted that are irrelevant, unclear or harassing of the person being questioned.

22.1.2. Only relevant evidence will be allowed, and, if irrelevant evidence and testimony has come into the record, the Decisionmaker will not consider it.

22.2. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., must not be considered, except to determine whether an exception applies; must not be disclosed; and must not otherwise be used), regardless of whether they are relevant:

22.2.1. Evidence that is protected under a privilege as 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;

- 22.2.2. Records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to a Party or witness, unless the University obtains that Party's or witness's voluntary, written consent for use in the Grievance Procedures; and
- 22.2.3. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless 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.

23. Written Decision of the Decisionmaker

- 23.1. At the conclusion of a live hearing or completion of the Final Investigative Report if there is no hearing, the Decisionmaker will issue a Notice of Decision that will include the following:
 - 23.1.1. Identification of the allegations potentially constituting Sex-Based Harassment.
 - 23.1.2. Information about the policies and procedures that were used to evaluate the allegations;
 - 23.1.3. Findings of fact supporting the determination;
 - 23.1.4. Conclusions regarding the application of the Policy to the facts;
 - 23.1.5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
 - 23.1.6. When the Decisionmaker finds Sex-Based Harassment occurred, any disciplinary sanctions the University will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided to the Complainant, and, to the extent appropriate, other Students identified by the OIE to be experiencing the effects of the Sex-Based harassment; and
 - 23.1.7. Information about the appeal process.
- 23.2. Regardless of their participation in the Formal Resolution process, the Decisionmaker will provide both the Complainant and Respondent the written Notice of Decision simultaneously and, as applicable, to the appropriate disciplinary authority.

24. Disciplinary Sanctions

24.1. Disciplinary sanctions are consequences imposed on a Respondent following a determination under Title IX that the Respondent violated the Policy's prohibition on Sex Discrimination. Disciplinary sanctions will not be imposed until any appeal process is final. This does not require the University to refrain from imposing or continuing any emergency removal or Supportive Measures.

24.1.1. Sanctions for Students are determined by the Associate Director of Student Conduct & Community Standards in accordance with the Student Code of Conduct.

24.1.2. Sanctions for state classified employees are determined by their appointing authority in accordance with the State Personnel Board Rules.

24.1.3. Sanctions for administrative professional employees are determined by the University President, considering the recommendations of the employee's supervisors.

24.1.4. For a Respondent who was a student employee at the time the conduct occurred for which the Respondent has been found responsible, sanctions will be determined according to the analysis described in section 20.2 above. Such a Respondent may be subject to any of the sanctions applicable to students or employees.

24.1.5. The range of disciplinary sanctions that may be imposed is set forth in Appendix A to these Grievance Procedures.

24.1.6. In determining the appropriate sanction(s) and/or remedies, the Disciplinary Authority may consider a number of factors, including:

- The nature of the conduct at issue;
- The impact of the conduct on the Complainant;
- The impact on, or implications of the conduct for, the university community;
- Prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the University and elsewhere, and any criminal convictions, if such information is available and known;
- Any expression of remorse or acceptance of responsibility by the Respondent;
- Maintenance of a safe and respectful environment conducive to learning;
- Protection of the University Community;

- The necessity of any specific action in order to eliminate the Sex Discrimination, prevent its recurrence and remedy its effects on the Complainant or other University Community Members; and,
- Any mitigating, aggravating, or compelling circumstances pertinent to reaching a just and appropriate resolution.

24.1.7. The disciplinary authority may also consider restorative outcomes that, taking into account the safety of the University Community as a whole, allow a Respondent to develop insight about their responsibility for the behavior, learn about the impact of the behavior on the Complainant and the community, and identify how to prevent or change the behavior. A combination of sanctions may be issued.

24.1.8. The appropriate disciplinary authority will provide the Decisionmaker with a description of the disciplinary sanctions to be imposed and any remedies designed to restore or preserve equal access to the University's Education Program or Activity for the Complainant or any other person, as applicable.

25. Appeals

25.1. Either Party may appeal the final decision as to whether any policy violation occurred and any sanctions imposed. Appeals must be requested in writing to the Responsible Administrator within five university business days after the date on which the final decision is provided to the Parties.

25.2. The grounds for an appeal of a dismissal or final decision are limited to:

25.2.1. Procedural irregularity that would change the outcome;

25.2.2. New evidence that would change the outcome and that was not reasonably available when the decision was made; and

25.2.3. 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.

25.3. Appeals are submitted in writing; there are no appeal hearings. An appeal may be requested via [email to OIE](#).

25.4. Upon receipt of a request for appeal in writing from one or more Parties, the Responsible Administrator will share the request with the other Party and provide three university business days in which to respond. The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why each ground is met. At the conclusion of the response period, the Responsible Administrator will forward the appeal, as well as any response provided by the other Parties to the Appeal Decisionmaker for consideration.

25.5. The Appeal Decisionmaker is:

- 25.5.1. For decisions in which the Respondent is a Student, the Dean of Students.
- 25.5.2. For decisions in which the Respondent is a faculty member, the Provost; if the appeal pertains to sanctions imposed by the Provost, then the Appeal Decisionmaker is the President or designee.
- 25.5.3. For decisions in which the Respondent is an employee other than a faculty member, the Senior Director of Human Resources.
- 25.5.4. In any case in which the above Appeal Decisionmaker is unable or unwilling to serve in that capacity, the Responsible Administrator will identify an Appeal Decisionmaker who has been appropriately trained and has no conflict of interest or actual bias in the matter.
- 25.6. If the Request for Appeal does not provide information that meets the grounds for an appeal, the request will be denied by the Appeal Decisionmaker, and the Parties, their Advisors, and the Responsible Administrator will be notified in writing of the denial and the rationale.
- 25.7. If any of the asserted grounds in the appeal satisfy the grounds described in the Policy, then the Appeal Decisionmaker will notify all Parties and their Advisors, and the Responsible Administrator, of their decision and rationale in writing, typically within 30 days after the Parties have responded to the request for appeal. The decision will contain the rationale, and any further steps to be taken in the matter, which may include:
 - 25.7.1. Referring the matter back to the Decisionmaker for reconsideration of the rationale for the appeal;
 - 25.7.2. Referring the matter to a different Decisionmaker for a decision based on the record and any additional evidence that the Decisionmaker may receive;
 - 25.7.3. Dismissing all or some of the allegations in the Complaint;
 - 25.7.4. Directing that the Title IX Coordinator take other action to address the deficiencies identified in the appeal decision.

26. Recordkeeping

- 26.1. The University will maintain records of all reports of Sex Discrimination received, Complaints and all proceedings conducted under these Grievance Procedures, and all training materials used under section 27 below for a period of seven years from the date that the matter is final, including the determination of sanctions and any appeals. All other records will be retained in accordance with the University's policy on [Records Retention](#).

27. Training

27.1. The OIE will provide training to those involved in the Title IX process and University Community Members, as follows.

27.1.1. All CSU Pueblo employees must be trained upon hiring and annually thereafter on:

- The University's obligation to address Sex Discrimination in its Education Program or Activity;
- The scope of conduct that constitutes Sex Discrimination under Title IX, including the definition of Sex-Based Harassment; and
- All applicable notification and information requirements under Title IX, the Policy and these Procedures.

27.1.2. Investigators, Decisionmakers, and other persons who are responsible for implementing these Grievance Procedures or have the authority to modify or terminate supportive measures must additionally be trained on the following topics to the extent related to their responsibilities:

- The University's obligations to respond to reports of Sex Discrimination under the Policy and Title IX;
- These Grievance Procedures;
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- 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 under these Procedures.

27.1.3. Facilitators in the informal resolution process must also be trained in the rules and practices pertaining to informal resolution, and how to serve impartially.

27.1.4. The Title IX Coordinator, Deputy Title IX Coordinators, Responsible Administrators and their designees must also be trained on their specific responsibilities with respect to:

- Coordinating the University's Title IX compliance program.
- Recordkeeping requirements and procedures.

APPENDIX A

Range of Disciplinary Sanctions

A. Students

If found responsible for violating the Policy, a Student may be asked to complete certain actions to remedy their behavior or prevent its recurrence. Sanctions may include, but are not limited to the following:

- Assessment/ Consultation- Student may be required to complete a psychiatric assessment, mental health assessment, or consultation to ensure their ability to participate in the campus community.
- Coach/University Employer Referral- A student's coach or university employer may be notified of the incident, if applicable.
- Community Service/Activity- Requirement that services be offered for a specified period to an appropriate non-profit community agency and/or to a University office.
- Educational Assignment- A Student is required to complete a specified educational assignment related to the violation committed. Such educational assignments may include completion of a workshop or seminar, class, report, paper, project, writing a letter of apology, seeking academic counseling or substance abuse screening, alcohol or drug program and/or consultation, counseling consultation, psychological or psychiatric evaluation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the Student or organization was found responsible.
- Educational Fund Payment- Reasonable fees may be imposed.
- Loss of Privileges- A limitation is placed upon selected privileges for a specific period of time. Loss of privileges may include, but may not be limited to, denial of the right to represent the University, a denial of the use of campus facilities or access to areas of campus, or denial from participation in co-curricular activities. Should a Student hold a leadership position on campus, that status may be revoked.
- Restitution Reimbursement for damage or loss of property or expenses of others as a result of the misconduct.
- Residence Hall Transfer or Removal: A student is required to transfer residence halls or leave the residence halls for a specified or indefinite period of time.
- Medical Amnesty: CSU Pueblo encourages all students to call for help when any sign of alcohol poisoning or drug overdose is observed. Students who call for help to assist themselves or another when the Student in need of assistance may be eligible for medical amnesty. Students who are provided medical amnesty will not be subject to disciplinary sanctions for drug and alcohol policy violations; however, educational sanctions may be

applied. Receipt of medical amnesty is at the discretion of the Responsible Administrator, or designee.

B. Employees

When a Title IX violation is substantiated, higher education institutions must impose sanctions to address and prevent further misconduct. The range of potential sanctions for employees may include:

- **Warnings and Reprimands:** Written or verbal warnings regarding the behavior, noting that further infractions will result in more severe consequences.
- **Mandatory Training and Counseling:** Requiring the employee to undergo training or counseling related to sexual harassment and discrimination.
- **Suspension:** Temporary removal from their position without pay.
- **Probation:** Placing the employee on a probationary period during which their behavior is closely monitored.
- **Demotion:** Reassignment to a position of lower responsibility and pay.
- **Termination of Employment:** Dismissal from the institution.
- **Ban from Campus:** Prohibiting the employee from entering the campus or engaging with the institution's community.
- **Loss of Tenure:** For faculty members, this may involve the revocation of tenure status, resulting in loss of job security and academic freedom protections.

APPENDIX B

Reasonably Prompt Timeframes for Major Stages of Grievance Procedures

MAJOR STEP IN GRIEVANCE PROCEDURE	ESTIMATED TIMEFRAME ¹
OIE responds to receiving report	3 university business days from receipt of report by OIE
Intake assessment	7 university business days
Dismissal of the Complaint if Responsible Administrator finds grounds	Within 10 university business days from intake assessment
Appeal of the Dismissal	3 university business days after notification of dismissal
Respondent challenge to emergency removal or suspension, if imposed	3 university business days after notice of emergency removal or suspension
Conduct investigation	Within 40 days from the date of the Notice of Investigation
Informal Resolution	Within 20 days from parties' agreement to engage in informal resolution
Final Investigative Report	15 days after Parties have responded to Investigative Report
Hearing begins	At least 10 university business days, and not more than 30 days, after Final Investigative Report
Written decision after Hearing	30 days after hearing
Disciplinary Sanctions	20 days after disciplinary authority receives final decision
Request for appeal due	5 university business days from the date of the final decision provided to parties
Appeal decision	30 days after responses to request for appeal

¹ All timeframes are approximate, as each case proceeds differently. Time periods may be adjusted depending upon the circumstances. The University endeavors to progress through the Grievance Procedures in a reasonably prompt manner.