RETALIATION PREVENTION PLANNING

The Equal Opportunity & Title IX Office uses a proactive, case-specific approach to preventing retaliation against individuals who report discrimination or sexual misconduct concerns, or who participate in related response processes.

Equal Opportunity & Title IX may take any or all of the following approaches to prevent retaliation, depending on the nature of the report, the complainant's concerns about retaliation, and Equal Opportunity & Title IX's evaluation of retaliation prevention needs.

1. Equal Opportunity & Title IX may provide anti-retaliation support and guidance to the parties' supervisor(s) and/or unit leaders. In such cases, Equal Opportunity & Title IX may:

- Highlight the value of the University's policy and complaint resolution processes as a mechanism to identify and resolve problems.
- Describe the University's prohibition on retaliation.
- Advise the supervisor to avoid talking about the complaint with individuals who do not have a need to know. The fewer people who know about the complaint and complainant's identity, the fewer opportunities there are for retaliation.
- Emphasize that the supervisor should not make judgments about the substance of the complaint while the response process is ongoing and that the supervisor should provide support and resources, as needed, to the complainant and/or respondent.
- Encourage the supervisor to check in with the complainant and/or respondent as needed to remind them of the prohibition on retaliation and to monitor whether concerns of retaliation have arisen. Advise the supervisor to promptly contact Equal Opportunity & Title IX if they learn that retaliation may be occurring.
- Advise the supervisor to ensure that the complainant, respondent, and others participating in the investigation are treated consistently to similarly situated individuals.
- Advise the supervisor to contact HR, their supervisor, or OGC before taking any actions toward the complainant, respondent, or witnesses that could be perceived as retaliation.

2. Equal Opportunity & Title IX may provide anti-retaliation support and guidance to the complainant. In such cases, Equal Opportunity & Title IX may:

- Describe to the complainant the University's prohibition on retaliation.
- Integrate the complainant within a support network. For example, Equal Opportunity & Title IX may recommend that the unit provide the complainant with mentors or identify a person who can provide in-unit support to the complainant.

- Ask the complainant whether they have any particular concerns about retaliation and/or ideas for how to prevent potential retaliation.

3. Equal Opportunity & Title IX may provide anti-retaliation support and guidance to the respondent. In such cases, Equal Opportunity & Title IX may:

- Communicate directly with the respondent about the University's prohibition on retaliation in person and in writing.
- Recommend that the unit identify a supervisor and/or HR professional who the respondent can direct questions to and then encourage the respondent to talk to this designated individual about the complaint or complainant and not to talk with University colleagues about the complaint or complainant.
- Recommend that a supervisor meet with the respondent about the response process and counsel them about the prohibition on retaliation in person, before the respondent receives written notice of the investigation. This can help avoid a situation in which a respondent impulsively shares information about the complaint with others or takes retaliatory actions after receiving written notice of the complaint.

4. Equal Opportunity & Title IX may advise unit leaders to provide anti-retaliation support and guidance related to the ongoing interactions between the parties. In such cases, Equal Opportunity & Title IX may recommend that supervisor or leader:

- Gather information about the ways in which the complainant interacts with the respondent, and in which ways the respondent may have authority or power over the complainant that could be used in retaliatory ways.
- In cases where the respondent supervises or advises the complainant, change the complainant's supervisor or advisor or identify individuals to review or oversee any significant supervising or advising decisions made by the respondent (e.g., performance evaluations, grades, modifications to work assignments).
- In cases where the respondent may be asked to provide references for the complainant, identify alternative individuals to provide references or coordinate a review of the respondent's draft responses.
- In cases where the respondent must communicate or interact with the complainant for their job or academic program, designate a third party to be included in all such interactions.
- In cases where the respondent could formally influence the complainant's career progression, (1) remove the respondent from that process (e.g. P&T processes, contract

renewal decisions, or service on an oral exam or dissertation committee) and/ or (2) have the respondent's participation in the complainant's career progression be reviewed/overseen by a third party who is aware of the existence of a complaint.

- In cases where the complainant and respondent work in close proximity, relocate the parties' work spaces or set work schedules that allow the parties to avoid interacting with one another.
- In cases where the complainant needs access to research, data, lab materials or space, or other resources controlled by the respondent, have a third party facilitate a written agreement that provides the complainant with fair access to these resources.
- Memorialize expectations for both parties in writing and share them with the parties.

5. Equal Opportunity & Title IX may advise unit leaders to provide anti-retaliation support and guidance to other individuals who may be in a position to retaliate. In such cases, Equal Opportunity & Title IX may recommend that supervisor or unit leader:

- Identify an administrator who individuals can talk with about issues that may arise in their work with either of the parties.
- Advise other individuals not to make judgments about the substance of the complaint while the response process is ongoing.
- Advise other individuals to avoid talking about the complaint or response process.
- Advise other individuals to contact HR, their supervisor, or OGC before taking adverse actions toward the complainant, respondent, or witnesses that could be perceived as retaliation.
- Develop strategies aimed at diminishing gossip and prejudgment of the complaint by department members.

When implementing any supportive measures that result in a change to the complainant's work or educational access, the University will ensure that the complainant wants the change to be made and will not perceive the change as retaliatory.