

THE UNIVERSITY OF MICHIGAN-FLINT INTERIM POLICY AND PROCEDURES ON DISCRIMINATION, HARASSMENT, AND RETALIATION BY STUDENTS

The University of Michigan-Flint (“University”) is committed to creating and maintaining a safe campus community that is free from unlawful discrimination and harassment. Discrimination and harassment diminish individual dignity and impede equal opportunity and access for students, faculty, and staff in their educational and working environments. The University prohibits unlawful discrimination and harassment, and related retaliation, on the basis of race, color, national origin (including actual or perceived shared ancestry or ethnic characteristics),¹ age, marital status, disability, religion, height, weight, or veteran’s status, as set forth in [SPG 201.35, Nondiscrimination Policy Notice and SPG 201.89-1, Discrimination, Harassment, and Retaliation](#).²

The University has a compelling interest in assuring an environment in which learning and productive work thrive. Expression that is not protected by the First Amendment may be the basis for corrective action when a student violates this Policy. The University will not impose sanctions against any student based on speech or other expression in violation of the law, including the First Amendment, even under circumstances where the protected expression may have given rise to a Hostile Environment.

All processes and enforcement under this Policy shall afford people due process as required by law.

This Policy applies to situations in which a student is reported to have engaged in Discrimination, Harassment, or Retaliation, as defined below. Complaints alleging that an employee or third-party may have engaged in Discrimination, Harassment, or Retaliation may be brought pursuant to SPG 201.89-1.

This Policy applies to student conduct that occurs on University owned or controlled property or as part of a University program or activity, including academic, extracurricular, and other University-sponsored activities. Student conduct that occurs off campus (including online over

¹ Discrimination or harassment based on actual or perceived shared ancestry or ethnic characteristics can take a wide variety of forms. For examples of conduct prohibited under the law, community members may consider the examples provided by the United States Department of Education’s Office for Civil Rights beginning at page 6 of this [guidance document](#): (See, e.g., “Speech expressing views regarding a particular country’s policies or practices is protected by the First Amendment and does not necessarily implicate federal civil rights laws. However, if harassing conduct that otherwise appears to be based on views about a country’s policies or practices is targeted at or infused with discriminatory comments about persons from or associated with a particular country, then it may implicate Title VI and should be analyzed on a fact-dependent basis.”).

² This Policy is intended to co-exist, and not conflict, with other specific University policies. The University prohibits discrimination on the basis of sex (including sexual orientation, gender identity, gender expression, and pregnancy). Those forms of sex-based discrimination and harassment are not covered by this Policy and are instead addressed in [SPG 601.89, Policy on Sexual and Gender-Based Misconduct](#). This Policy governs harassment and discrimination on the basis of a protected class set forth in Section I of this Policy, and related retaliation. The Statement of Student Rights and Responsibilities governs other forms of harassment as set forth in the Statement.

social media or other digital platforms) may be addressed through this Policy if the conduct could create, based on the totality of the circumstances, a Hostile Environment within a University program or activity. For the purposes of this Policy, a “student” includes those who are currently enrolled or otherwise have a continuing student-related relationship at the University of Michigan-Ann Arbor.

A complaint under this Policy may be brought against a student by the University or by a student, faculty, staff member, or a third party. If the Respondent is both a student and an employee, the Equity, Civil Rights, and Title IX Office (“ECRT”) will determine whether this Policy or SPG 201.89-1 applies based upon the facts and circumstances, and whether those circumstances relate more closely to the Respondent’s status as a student or an employee.

I. DEFINITIONS

A. Discrimination and Harassment

Conduct that is based upon an individual’s race, color, national origin (including shared ancestry or ethnic characteristics), age, marital status, disability, religion, height, weight or veteran’s status that:

1. Is used as the basis for or a factor in a decision affecting that individual’s participation in a University program or activity; or
2. Is unwelcome and, based on the totality of circumstances, is subjectively and objectively offensive and is so severe, persistent, or pervasive that it limits or denies the individual’s ability to participate in or benefit from the University’s program or activity (“Hostile Environment”). Conduct need not always be targeted at a particular person in order to create a Hostile Environment for a student or group of students, employee or group of employees, or for other protected individuals.

Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities and to accommodate religious practices.

B. Retaliation

Retaliation means conduct that intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with any right or privilege secured by Title VI or this Policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

Retaliation may occur in a single incident or a series of incidents and may be subtle or direct. A pattern of conduct or a particular act may constitute Retaliation in one context, but not necessarily in another. An act of intimidation, threat, coercion, or discrimination constitutes adverse action if it is likely to dissuade a reasonable person in the Complainant’s position from making or supporting a report or complaint of Discrimination, Harassment, or Retaliation, or from otherwise exercising a right protected by law. Petty slights, minor annoyances, and lack of good manners will not normally constitute adverse actions.

Only the definitions and procedures contained in this Policy may be used to respond to reports or complaints of Discrimination, Harassment, and Retaliation involving students based on race, color, national origin (including actual or perceived shared ancestry or ethnic characteristics), age, marital status,³ disability, religion, height, weight, or veteran's status.

II. RESPONSE AND RESOURCES

A. Prevention and Education

The University is committed to addressing and ameliorating unlawful Discrimination, Harassment, and Retaliation by or against students, faculty, staff, and third parties who may participate in or attend University programs or activities. To that end, this Policy will be published on the University's ECRT website and ECRT will search University websites and publications at least annually to ensure, to the best of its ability, that information on policies and procedures regarding Discrimination, Harassment, or Retaliation, or links to such policies, procedures and forms, is correct. Information regarding discrimination and this Policy will be included in orientation materials for new students and made available in ECRT.

B. Resources

Regardless of whether the University determines that Discrimination, Harassment, or Retaliation occurred, the University will offer resources or assistance to Complainants, Respondents, witnesses, and other affected University community members. If criminal conduct is suspected, the University will report the matter to the University's Department of Public Safety ("DPS") for on campus matters and, for other matters, will assist individuals in identifying and contacting external law enforcement agencies. Confidential and Non-Confidential Resources are generally available to offer assistance.

1. Confidential Resources

Confidential Resources are available to provide individuals with assistance, support, and additional information. Confidential Resources may not disclose confidential information unless: (1) given permission by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order. Confidential Resources may be required to report non-identifying information to DPS for crime reporting purposes.

- [Center](#) for Gender and Sexuality ("CGS"): For students, faculty, and staff, CGS provides direct support to Complainants, including crisis intervention; advocacy; assistance in navigating academic, personal, medical, and community impact; and referrals to campus and community resources. (810) 237-6648 [Counseling and Psychological Services](#) ("CAPS"): For students, CAPS provides a range of clinical services supporting students experiencing concerns such as anxiety, depression, stress, etc. Email: caps-uofm@umich.edu. Phone: 810-762-3456.

³ Under some circumstances, reports or complaints of discrimination or harassment based on marital status may be addressed under the University's Policy on Sexual and Gender-Based Discrimination and Pregnancy, effective August 1, 2025.

- [Faculty and Staff Counseling and Consultation Office](#): For central campus faculty and staff, FASCCO provides support and assistance in resolving personal or work-related concerns. Email: fascoco@umich.edu. Phone: (734) 936-8660.
- [Faculty Ombuds](#): For faculty, provides a confidential space to talk about campus issues, concerns, problems or disputes. Email: twrobel@umich.edu. Phone: (810) 762-3424 or (810) 766-6732.
- [Staff Ombuds](#): For staff, provides a confidential space to talk about campus issues, concerns, problems or disputes. Email: staffombuds@umich.edu. Phone: (734) 936-0600.

2. Non-Confidential Resources

Non-Confidential Resources are available to provide individuals with assistance, support, and additional information, but are not designated as confidential. Non-Confidential Resources will generally have an obligation to report information that is shared with them with ECRT. Non-Confidential Resources will make reasonable efforts to respect and safeguard the privacy of the individuals involved. Privacy means that concerns will only be shared with University representatives, such as ECRT, responsible for assessment, investigation, or resolution of the report or otherwise properly responding to issues raised; to DPS for crime statistics reporting; and to the extent required by law or court order.

- **Dean of Students:** The Office of the Dean of Students regularly assists students who are experiencing situations that may be interrupting their academic and campus life. Regular business hours are Monday-Friday, 8am-5pm. Email: flint.DeanofStudents@umich.edu. Phone: 810-762-5728.
- **Campus Climate Support:** As a community support resource under the supervision of the Dean of Students, Campus Climate Support provides a wide range of support for community members affected by campus climate concerns. Report concerns online through the [Online Reporting Form](#) or call ODEI at 810-237-6530.
- **Center for Global Engagement (“CGE”):** CGE provides information and resources for international students regarding their immigration and visa-related needs and challenges, and any travel-related concerns. Email: globalflint@umich.edu. Phone: 810-762-0867.
- **Student Veterans Resource Center:** The mission of the Student Veterans Resource Center (“SVRC”) at UM-Flint is to provide academic support to the veteran community.. Email: dept.svrc@umich.edu Phone 810-424-5589

III. REPORTING

ECRT is responsible for ensuring and monitoring the University’s compliance with federal and state nondiscrimination laws. However, an environment free of unlawful Discrimination, Harassment, and Retaliation is the responsibility of every member of the community.

The University can take action only when it becomes aware of problems. Individuals also have the right to pursue a legal remedy for unlawful Discrimination, Harassment, and Retaliation in

addition to or instead of proceeding under this Policy.

Below is information about reporting, including reporting obligations, how to make a report under this Policy, and how to report to DPS.

A. Reporting Obligations

All employees, except for Confidential Resources, and those with an exemption outlined in this Section, are required to share with ECRT details they receive or learn in the scope of their University employment about Discrimination, Harassment, or Retaliation within 48 hours of receiving those details. This obligation does not apply to individuals who believe they may have experienced Discrimination, Harassment or Retaliation, with respect to reporting their own experience, and they may choose whether or not to report Discrimination, Harassment or Retaliation firsthand to the University and/or law enforcement and have the right to choose whether to engage with the University if the University receives a report. Employees making a report that does not involve their own experience (i.e., an employee fulfilling their reporting obligation rather than reporting that they believe they have personally experienced Discrimination, Harassment or Retaliation) must provide their name, title, and contact information when making their report, and can do so by contacting ECRT. Additionally, although not necessarily Employees of the University, the Board of Regents and all individuals regardless of employment status who serve as a coach of a club sports team through Student Life, have reporting obligations.⁴

With respect to student employees, whether the reporting obligation applies depends on the context in which the person learns of the alleged Discrimination, Harassment, or Retaliation. Reporting obligations are triggered for the student employee if the person learned of the alleged conduct in the context of an employee role. Reporting obligations are not triggered if the student employee learned of the alleged conduct in the context of their receipt of an education as a student at the University, i.e., outside of the scope of their University employment.

Failure by an Employee to promptly report to ECRT information they receive about alleged Discrimination, Harassment, or Retaliation may result in corrective action. ECRT will review and make a determination whether an Employee has failed to fulfill their reporting obligation. In the event that ECRT refers to a supervisor a determination that an Employee has failed to fulfill the Employee's reporting obligations for Corrective Action, the supervisor will, in consultation with Staff Human Resources or Academic Human Resources as appropriate, take Corrective Action and provide ECRT with documentation of the Corrective Action and its implementation.

Exempt Disclosures:

Employees may, but are not required to, report to ECRT when incidents of Discrimination, Harassment, or Retaliation are disclosed in the following circumstances:

⁴ An Employee in the Office of the Vice President and General Counsel is not required to report if they become aware of Discrimination, Harassment, and/or Retaliation through privileged and confidential communications.

- Unless otherwise provided in the Institutional Review Board (“IRB”)-approved consent, during a non-minor participant's involvement as a subject in an IRB-approved human subjects research protocol (“IRB Research”); or
- During a classroom discussion, in an assignment for class, in discussion outside of class, or as part of a research project directly related to the class.

B. Reporting to the University – Contact ECRT

Any individual who is not required to report as set forth above – including persons who believe that they have experienced Discrimination, Harassment, or Retaliation as defined by this Policy is encouraged to report to ECRT.

ECRT can be contacted by telephone, by appointment, or in person during regular office hours (Monday - Friday: 8:00am - 5:00pm), or by email 24 hours a day, 7 days a week. Online reporting is also available on a 24/7 basis. Contact information is as follows:

Equity, Civil Rights, and Title IX Office
303 E Kearsley Street
1000 Northbank Center
Flint, MI 48502-1950
(810) 237-6517
UMFlintECRT@umich.edu

C. Reports to Law Enforcement

Immediate safety concerns should be reported to DPS at 810-762-3333 or by calling 9-1-1.

IV. SUPPORTIVE MEASURES

Supportive Measures are individualized services, accommodation, and other assistance that the University offers and may be put in place, without fee or charge. Supportive Measures are designed to restore or preserve equal access to the University’s programs and activities, protect the safety of all parties and the University’s educational and employment environment, and/or deter Discrimination, Harassment, and Retaliation, without being punitive or disciplinary in nature or unreasonably burdening the other party. Additional information about Supportive Measures is available at <https://ecrt.umich.edu/get-help-support/supportive-measures/>.

Supportive Measures are available regardless of whether the matter is reported to the University for the purpose of initiating a proceeding under this Policy and before, after, and regardless of whether a Formal Complaint is filed. Supportive Measures may also be requested by and made available to Respondents, witnesses, and other affected members of the University community. The Director of ECRT, in consultation with relevant administrative offices, is responsible for determining whether the requested Supportive Measures will be made and for coordinating the effective implementation of the Supportive Measures.

Individuals who wish to request Supportive Measures confidentially, without making a report to ECRT, may do so through the Faculty and Staff Counseling Consultation Office, Michigan Medicine Office of Counseling and Workplace Resilience, and other Confidential Resources

offering Supportive Measures. Implementation of Supportive Measures does not suggest that the University has made any decision about the merits of the report or Formal Complaint.

V. RESPONSE TO REPORT, INVESTIGATION, AND PROCEDURES

The University will handle all reports of Discrimination, Harassment, and Retaliation under this Policy consistently to ensure prompt, equitable, and lawful response to such reports and will assess whether each reported incident has created a Hostile Environment. The University presumes that reports of Discrimination, Harassment, and Retaliation are made in good faith.

ECRT will handle reports through the following process.

When the ECRT receives a report or complaint of alleged conduct which, if true, could constitute Discrimination, Harassment, or Retaliation, as defined in this Policy, then as soon as reasonably possible, generally within 72 hours of receipt, ECRT will:

- Assess the nature and circumstances of the report or complaint, including whether the names and/or any other personally identifiable information for the Complainant, the Respondent, any witnesses, and/or any other individual with knowledge of the reported incident is provided, in order to facilitate appropriate follow up;
- Assess the nature of the allegations to identify possible resolution options that may be available and/or to identify other offices that may be appropriate to respond to the report or complaint; and
- Notify DPS of the report if the conduct, as alleged, would constitute a crime.

Once ECRT has performed an initial assessment of a report or complaint, and the alleged conduct, if true, could constitute Discrimination, Harassment, or Retaliation, the matter will be referred for discussion of the appropriate resolution option, as described below. If the alleged conduct would not constitute Discrimination, Harassment, or Retaliation, ECRT will refer the report to Student Life or another appropriate unit.

When the report or complaint identifies an individual or individuals who may have experienced Discrimination Harassment, or Retaliation, ECRT will typically contact the individual(s) within 24 business hours to explain ECRT's role in addressing concerns, procedural options, and supportive measures. ECRT will invite the individual(s) to meet to further discuss their options and available support. The individual's request for a specific course of action and any information they elect to share with ECRT about their experience will be considered when determining the appropriate resolution option.

Resolution options include:

- Formal investigative resolution;
- Informal Resolution,⁵ which could include an educational response or an informational meeting on a voluntary basis, a referral to an appropriate resource for support, and/or an assessment and determination (without a formal investigation

⁵ Informal Resolutions and Adaptable Resolutions do not result in sanctions.

resolution) as to whether Discrimination, Harassment, or Retaliation took place and, if so, whether responsive measures were appropriate;

- Adaptable Resolution facilitated by the Adaptable Resolution Facilitator;
- No action, when requested by the impacted individual(s) and deemed appropriate by the University under the totality of the circumstances.

Any resolution option must be approved by ECRT. Irrespective of the resolution option that is used, ECRT must determine and record whether a Hostile Environment was created for a student or group of students, an employee or group of employees, or for other protected individuals.

VI. FORMAL INVESTIGATION PROCEDURES

An impacted individual (Complainant) who would like a formal investigative resolution must submit a formal ECRT complaint form to ECRT for review and approval by the Director of ECRT or their designee. Not every report will result in a complaint, which is, beyond notice, a specific request for investigation and adjudication. If a complaint is not approved for formal investigative resolution, the Director of ECRT or their designee will review and may determine that a different resolution option is appropriate to address the concerns. If a complaint is approved for formal investigative resolution, the investigation will be conducted by ECRT staff or a designee. Investigations may include collaboration with another office, as appropriate.

The Respondent is presumed not to have violated the Policy unless it is determined through applicable procedures that a preponderance of the evidence supports the finding of a Policy violation. The preponderance of the evidence means the evidence demonstrates it is “more likely than not” that conduct occurred in violation of the Policy.

There are some matters in which a report or complaint involves a Complainant who does not wish to file a complaint or participate in any process (the Complainant is encouraged but not required to participate). The University may pursue a complaint under this Policy without a participating Complainant if the University has sufficient information, or the means of obtaining such information, to proceed, and in doing so, provide the Respondent with sufficient information and due process to respond to the allegations.⁶ In those instances, the Director of ECRT or their designee will sign a complaint on behalf of the University and ECRT will initiate an investigative resolution. In such instances, the Director of ECRT will notify the Complainant in writing of the initiation of a formal investigative resolution, and that the Complainant may, but is not required to, participate in the formal investigative resolution or in any other actions taken by the University.

The formal investigative resolution process includes the following:

1. ECRT meets with the Complainant for an interview, the Complainant shares information about their experience, and the investigator asks questions. The

⁶ The University may choose to pursue a report without a participating Complainant based on the nature and circumstances of the reported conduct, the impact of the conduct on the community or the University, maintenance of a safe and inclusive environment, or other relevant factors at the discretion of the University.

Complainant may bring an advisor or support person of their choosing to the interview. The Complainant can provide evidence before, at, or following the interview. Following the meeting, ECRT will draft a statement summarizing the Complainant's concerns. The Complainant will have three (3) calendar days upon receipt to review and provide feedback to their statement summary.

2. ECRT meets with the Respondent for an interview, the Respondent shares information about their experience, and the investigator asks questions. Prior to such a meeting, ECRT will provide the Respondent with a notice that includes the time, place, and nature of the alleged conduct being investigated. The Respondent may bring an advisor or support person of their choice to the interview. The Respondent can provide evidence before, at, or following the interview. Following the meeting, ECRT will draft a statement summarizing the Respondent's response to the alleged conduct. The Respondent will have three (3) calendar days upon receipt to review their statement summary and can provide evidence before, at, or following the interview.
3. ECRT interviews relevant witnesses and gathers additional information. Each witness has three (3) calendar days to respond to their statement summary. This stage of the process typically takes from 1 - 6 weeks.
4. ECRT provides the Complainant and the Respondent with a preliminary investigation report, which summarizes all relevant information gathered by the investigator. Parties have ten (10) calendar days to review the report and respond. The investigator incorporates any new and relevant information from the parties into the final investigation report.
5. The investigator drafts a final investigative report including an analysis of whether the preponderance of the evidence supports a finding of Discrimination, Harassment, or Retaliation. The Director of ECRT or designee reviews the entire final investigation report and findings.
6. In order to comply with all applicable laws, the University may hold a hearing to determine whether, by a preponderance of the evidence, there has been a Policy violation in those instances when the Director of ECRT or designee determines that the allegations, if substantiated, could warrant a student's separation from the University. In all other cases, the investigator's findings are final. ECRT distributes the final investigation report, including the findings as to whether there was Discrimination, Harassment, or Retaliation, to both parties. In the event a hearing is held, both parties may access the final investigation report at least ten (10) business days in advance of the hearing and will receive the final written determination thereafter.

The University will strive to complete a formal investigative resolution, which begins with notice to the Respondent that an investigation will be opened and continue through the completion of the investigation and issuance of the final investigation report, within 90 calendar days. In those instances when the University holds a hearing to determine by a preponderance of the evidence if there has been a Policy violation, the University will strive to complete the investigation, hearing, if applicable, and outcome within 135 calendar days, or within 180 calendar days if any

appeals are filed. The process is designed to move swiftly and efficiently. At any point during the process, however, a party may request or ECRT may elect to reasonably extend a deadline.

Possible outcomes of an investigation under this Policy are:

- A finding that the allegations could not be substantiated or did not constitute Discrimination, Harassment, or Retaliation, and are therefore dismissed;
- A finding that the allegations are substantiated and constitute Discrimination, Harassment, or Retaliation, and, if so, a determination of the appropriate response based on the nature of the conduct; or
- A finding that the evidence did not constitute Discrimination, Harassment, or Retaliation, but did substantiate behavior that caused ECRT to believe that the students involved would benefit from an educational response on a voluntary basis.

If there is a determination of Discrimination, Harassment, or Retaliation, ECRT will coordinate appropriate remedial measures and assess whether the University's overall response was reasonable, considering the totality of the circumstances.

VII. ADAPTABLE RESOLUTION PROCEDURES

Adaptable Resolution is a voluntary, remedies-based, non-disciplinary structured process between or among affected parties by trained facilitators that focuses on creating an agreement to address harm and promote accountability. Adaptable Resolution is generally designed to allow a Respondent to acknowledge harm and take responsibility for repairing harm (to the extent possible) experienced by the Complainant and or the University community. Adaptable Resolution must be approved by the Director of ECRT and voluntarily consented to by all parties. The University will strive to complete Adaptable Resolution within 90 calendar days from the date that the parties agree to pursue Adaptable Resolution.

Adaptable Resolution processes such as conflict coaching, facilitated dialogue, and restorative justice practices allow individuals involved in a conflict to have significant influence over the resolution process and outcomes. If all persons personally and directly affected by the conflict agree to attempt resolution through one of these processes, and the Director of ECRT agrees that Adaptable Resolution is an appropriate form of resolution, then the matter will be referred to the Adaptable facilitator or their designee for review. The nature of some conflicts, especially those involving violence, may render Adaptable Resolution inappropriate.

The Adaptable Resolution options available under this Policy recognize:

- The goal of Adaptable Resolution is to address Discrimination, Harassment, or Retaliation, identify ways that individuals and/or the community have been harmed, identify unique expressed needs and interests, and develop a written resolution agreement to address the harm and prevent future Discrimination, Harassment, or Retaliation.

- Participation is voluntary and both the Complainant and the Respondent, as well as any other participating individuals, must consent in writing to participation in Adaptable Resolution;
- The University will not pressure or compel any party to participate in any particular form of Adaptable Resolution;
- Adaptable Resolution processes are designed to address harm and prevent additional potential harm. The Adaptable facilitator may, in their judgment, discontinue an Adaptable Resolution process when they determine that one or more of the parties have been coerced; where the Adaptable Resolution process is not progressing in a reasonably timely manner due to party delay or lack of engagement; or the Adaptable Resolution process may not have the intended effect.
- The statements made by parties in Adaptable Resolution by and between the parties may not be used in any other University process, including another resolution process under this Policy.

The Adaptable Resolution process includes the following:

1. ECRT meets with the Complainant for an intake, the Complainant expresses an interest in Adaptable Resolution.
2. ECRT consults with the Adaptable facilitator or their designee who will determine whether the matter is appropriate for Adaptable Resolution. If so, ECRT meets with the Respondent to inquire whether the Respondent chooses to participate in Adaptable Resolution.
3. If the parties are in agreement to explore resolution through the Adaptable Resolution process, parties meet with the Adaptable facilitator or their designee who will work toward resolution.
4. If the process achieves voluntary written resolution agreement between the parties, the matter is closed. Where parties do not come to a written resolution agreement and/or disengage from the Adaptable Resolution process, the matter is referred to the Director of ECRT or designee who will assess and determine appropriate next steps.

Participation in Adaptable Resolution is voluntary and may or may not result in a written resolution agreement or resolution. When a mutually satisfactory written resolution agreement is signed by both parties and approved by the Director of ECRT, the case is resolved. Resolutions reached through Adaptable Resolution may not be appealed.

A mutual voluntary resolution agreement may include any terms that the parties mutually and voluntarily agree to and which the Director of ECRT approves.

Any written resolution agreement reached in Adaptable Resolution must be documented by the Adaptable facilitator and approved by the Director of ECRT or designee to ensure consistency

with the University's Title VI obligations. An agreement will not be considered valid if the Director of ECRT or designee does not approve it.

If the Director of ECRT or designee approves a written resolution agreement after the parties have voluntarily reached consensus as to its terms, the parties will be required to comply with the written resolution agreement. Typically, a written resolution agreement also includes agreed upon consequences for instances when obligations under the agreement are not fulfilled. Should the process transition to an investigative resolution, information obtained through the Adaptable Resolution process may not be utilized in the formal investigative resolution. Once the Director of ECRT approves a written resolution agreement, the parties are bound by its terms and cannot return to formal investigative resolution.

If resolution is not achieved through an attempt at Adaptable Resolution and the matter involves a potential Policy violation, the Respondent has the choice of accepting responsibility and entering into an agreement, proceeding through the formal investigative process, or other appropriate process under this Policy, subject to the approval of the Director of ECRT or designee.

To fairly assess pattern or systemic behavior, the Director of ECRT will maintain records of all reports and complaints referred to Adaptable Resolution.

VIII. SANCTIONS

In keeping with the University's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, sanctions are designed to promote the University's educational mission, including promoting safety or deterring students from behavior that harms or threatens the University community. Whether sanctions are appropriate in response to a conclusion that Discrimination, Harassment, or Retaliation took place is within the discretion of ECRT. When ECRT determines that sanctions are appropriate, the nature of the sanctions is within the discretion of the Office of the Dean of Students. The Office of the Dean of Students will issue a written decision that assigns sanctions to a student within ten (10) calendar days of receiving the findings of fact from ECRT.

Sanction(s) may include one or more of the following:

1. **Formal Reprimand:** A formal notice that the Code has been violated and that future violations will be dealt with more severely.
2. **Disciplinary Warning:** A designated period of time which may involve restrictions of student privileges and/or set specific behavioral expectations.
3. **Disciplinary Probation:** A designated period of time during which the student is not in good standing with the University. The terms of probation may involve restrictions of student privileges and/or set specific behavioral expectations. The appropriate University units shall be notified of the student's probationary status.
4. **Restitution:** Compensation for loss, damage, or injury to the appropriate party in the form of service, money, or material replacement.

5. **Restriction from Employment at the University:** Prohibition or limitation on University employment.
6. **Class/Workshop Attendance:** Enrollment and completion of a class or workshop that could help the student understand why the behavior was inappropriate.
7. **Educational Project:** Completion of a project specifically designed to help the student understand why the behavior was inappropriate.
8. **Service:** Performance of one or more tasks designed to benefit the community and help the student understand why the behavior was inappropriate.
9. **Specific Course(s) or Activity Restriction:** Suspension, removal or transfer from a course(s) or activity (ies) at the University.
10. **No Contact:** Restriction from entering specific University areas and/or all forms of contact with certain person(s).
11. **University Housing Transfer or Removal:** Placement in another room or removal from University housing for a designated period of time or permanently.
12. **Residence Hall Restriction and/or Loss of Privileges:** Denial or restriction of certain privileges including, but not limited to, visitation privileges in one or more residence hall(s) for a period of time.
13. **Suspension in Abeyance:** During Suspension in Abeyance, the student remains enrolled. However, any violation of the conduct regulations during the period of Suspension in Abeyance may, after a determination of responsibility, result in automatic suspension.
14. **Suspension:** Separation from the University for a specified period of time or until certain conditions are met. When a student is suspended during a term, the student is not exempted from the payment of tuition for that term. Additionally, a notation will be made on the student's academic record for all suspensions.
15. **Expulsion:** Permanent separation from the University. When a student is expelled during a term, the student is not exempted from the payment of tuition for that term. Additionally, a notation will be made on the student's academic record for all expulsions.
16. **Other Disciplinary Action:** In addition to or in place of any of the above sanctions, the student may be subject to other sanctions commensurate with the offending conduct. This may include, but is not limited to: degree and/or transcript actions, such as withholding or rescission of a degree, withholding of course credit, loss of credit for an assignment/exam, assignment of additional work, loss of special privileges, behavioral interventions, or a behavioral contract.

In the absence of, or in addition to sanctions, the University may also offer other optional educational and/or remedial measures designed to address Discrimination, Harassment, or Retaliation, prevent its recurrence, and remedy its effects on the Complainant and any other affected individuals.

IX. APPEALS

Scope and Grounds for an Appeal. Either party may file a written appeal of an outcome of a formal investigative process on one or more of the following bases only:

- Procedural irregularity that materially affected the outcome of the matter;

- New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could materially affect the outcome of the matter;
- The decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that materially affected the outcome of the matter; and/or
- The sanction was clearly inappropriate and/or disproportionate to the conduct for which the Respondent was found responsible.

Appeals must be submitted to ECRT within fourteen (14) calendar days of the date of the outcome of a formal investigation resolution and issuance of sanctions. The University may deem a late submission reasonable only under extraordinary or extenuating circumstances.

The appeal shall consist of a plain, concise written statement of no more than ten (10) pages, including exhibits, outlining the basis for appeal and all relevant information to substantiate the appeal. If a party's appeal includes an assertion that new relevant evidence unavailable earlier in the proceedings exists, and that includes written or other documentary evidence, such evidence will not be subject to this page limit and must be appended at the time of the appeal.

Each party will be given the opportunity to review and respond in writing, up to ten (10) pages, including exhibits, to an appeal submitted by the other party. Any response by the opposing party must be submitted to ECRT within fourteen (14) calendar days of ECRT providing notice of the other party's appeal. All appeal documents from each party will be considered together in one submitted appeal.

External Reviewer. An external reviewer will conduct the appeal review. ECRT will notify the parties of the identity of the external reviewer, and the external reviewer of the identity of the parties. If the external reviewer has concerns that they cannot conduct a fair or unbiased review, the external reviewer must report those concerns within ten (10) calendar days to the Director of ECRT or designee and a different external reviewer will be assigned to the appeal. Similarly, a party who has concerns that the assigned external reviewer cannot conduct a fair and unbiased review may report those concerns to the Director of ECRT or designee who will usually assess the circumstances and determine whether a different external reviewer should be assigned to the appeal.

The external reviewer will review the matter based on the issues identified in the appeal(s) materials. The external reviewer may, at any time, freely consult with or request additional information from the Director of ECRT or designee and other University administrators as appropriate. The external reviewer has the authority to determine the appropriateness of evidence, including whether certain evidence should be considered, and the strength and value that evidence will be given. In deciding an appeal of the finding or the sanction, the external reviewer may consider the final investigative report, the sanctioning determination, any written appeals and/or responses by the parties outlining any basis for altering the finding of responsibility and/or sanctions. The external reviewer also may consider any other materials the University (or the external reviewer) deems relevant and that have been shared with the parties.

The external reviewer will strive to complete the appeal review within fourteen (14) calendar days of receipt of all documents.

Decision of External Reviewer. The external reviewer may conclude that there are no relevant issues of concern and therefore recommend that the formal investigative resolution and/or the sanctioning determination be affirmed. In the alternative, the external reviewer may identify issues of concern. If so, the external reviewer will provide, in writing, to the Director of ECRT or designee, one of the following recommended actions and any additional instructions or recommendations they deem appropriate under the circumstances:

- If there was a procedural irregularity that materially impacted the outcome of the case, remand the matter to the Director of ECRT or designee, as appropriate, with corrective instructions from the external reviewer;
- If new information that was not reasonably available at the time the determination regarding responsibility was made that could materially impact the outcome of the case, remand the matter to the Director of ECRT or designee or hearing officer, as appropriate, to determine what additional steps are necessary to consider the evidence and/or whether any modifications may need to be made to the outcome of the matter;
- If the investigator or hearing officer had a conflict of interest or bias for or against a party generally, or an individual party that materially affected the outcome of the matter, remand the matter to the Director of ECRT to find a replacement for whomever was biased; or
- If the external reviewer determines the sanctions to be clearly inappropriate or disproportionate, they will alter the sanctions or interventions accordingly. The external reviewer's decision regarding sanctions is final.

The external reviewer will provide the determinations to the Vice Chancellor for Student Affairs ("VCSA") or their designee who may accept or modify the determinations regarding responsibility only (not sanctions) made by the external reviewer within 72 hours of receiving the external reviewer's decision. If the VCSA or their designee does not complete the review within 72 hours, the review will be waived, and the External Reviewer's determination will be deemed final. The VCSA's final and unreviewable decision will be made available to the participating parties, in writing, simultaneously, by ECRT.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the Vice Chancellor for Student Affairs' decision, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

X. RECORDKEEPING, DATA ANALYSIS, AND TREND IDENTIFICATION

All documentation generated during the course of the University's evaluation of and response to reports under this Policy will be maintained by ECRT for a period of at least seven (7) years, including, as applicable: attempts to determine the identity(ies) of parties involved in reported incidents, if not known by the reporter; notes of interviews of parties or witnesses; documentary evidence collected; documentation of any supports offered or granted to parties or third parties; investigative reports; outcome notices; determinations of whether a Hostile Environment arose; appeal documentation; and final sanctions and remedial measures for parties or others impacted.

ECRT will look back at available data at least annually, including reviewing reports received (whether investigated or substantiated) and findings of discrimination, to see if any patterns,

recidivism, or collective incidents exist that may warrant additional inquiry or response campuswide or in specific programs or activities – including when the conduct occurred off campus (including online over social media or other digital platforms) – to ensure that the University responds appropriately to any Hostile Environment that arises in a University program or activity.