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## Policy HR002: Non-Discrimination Policy

Recommended for Approval by:

A handwritten signature in blue ink, appearing to read "Fawn L. Petrosky".

Fawn L. Petrosky, Vice President Finance and Administration

Approved by:

A handwritten signature in blue ink, appearing to read "Jon Anderson".

Dr. Jon Anderson, President

**Effective Date:** 01/09/2025

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## **PURPOSE**

To define what actions and conduct are prohibited under this Policy and the process Pennsylvania Western University (the "University") will undertake to respond to reports of discrimination, harassment and sexual misconduct allegations against applicants for admission or employment, students, employees, volunteers, officials and contractors of the University.

The Pennsylvania State System of Higher Education and the University are committed to providing equal access to all individuals and prohibiting any form of discrimination and harassment on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, pregnancy, genetic information, disability, status as a veteran, or any other characteristic prohibited under applicable federal or state law (all a "protected category") in any decision-making regarding admissions, employment, or participation in a University Education Program or Activity.

## **SCOPE OF POLICY**

This Policy applies to all on-campus and off-campus conduct that is likely to have a substantial adverse effect on any member of the University community. There is no time limit for reporting allegations of discrimination, harassment, or sexual misconduct; however, the University strongly encourages prompt reporting to allow the University to respond effectively and in a timely manner. If the reported Respondent is not a member of the University community or is no longer associated with the University at the time of the report or at the time a resolution process is initiated, the University may be unable to investigate or take disciplinary action and may be required to dismiss the complaint for a lack of jurisdiction.

## **LEGAL AUTHORITY**

Discrimination, harassment, and sexual misconduct are currently prohibited under federal, state, and local laws including under Titles IV, VI and VII of the Civil Rights Act of 1964, as amended; the Americans with Disabilities Act; the Age Discrimination in Employment Act; Title IX of the Education Amendments of 1972 and its implementing regulations; and the Pennsylvania Human Relations Act.

This Policy is not intended to interfere with or replace any rights an individual may have under principles of due process, merit principles, an applicable collective bargaining agreement or applicable University or Board of Governors policies.

## **REPORTING**

### **1. Reporting to the University**

Any individual, including a third party, who becomes aware of behavior prohibited under this Policy may make a report to the appropriate individuals or offices, as set forth below. Reporting Individuals are encouraged to report as soon as possible, which will permit the University to respond promptly and effectively, and to use reporting forms provided by the University. Written reports are preferred to verbal reports.

While anonymous reports are accepted, the University's ability to address alleged misconduct reported anonymously is significantly limited.

University administrators and supervisors who receive any verbal or written report of

discrimination, harassment or sexual misconduct should contact the Office of Compliance and Title IX.

Reports should be directed to the Reviewing Office below, depending on the status of the individual alleged to have engaged in the behavior. Reports received by any office may be referred to the appropriate Reviewing Office.

<b>For Conduct Allegedly Committed by</b>	<b>Report To the Following Reviewing Office</b>	<b>Contact Information</b>	<b>Policy Governing Procedures</b>
Students or Student Organizations	Office of the Dean of Students	Name: Matt Shaffer Title: Dean of Students Office Address: 271 Gemmell Hall Clarion, PA 16214 Email Address: <a href="mailto:mshaffer@pennwest.edu">mshaffer@pennwest.edu</a> Telephone Number: 814-393-1982	<i>HR001 Sexual Misconduct Policy and Procedure</i> or the Student Code of Conduct
Employees or Third Parties (including Officials, Volunteers and Contractors)	Office of Compliance and Title IX	Name: Amy Salsgiver Title: Executive Director of Compliance and Title IX Office Address: 423 Becht Hall Clarion, PA 16214 Email Address: <a href="mailto:asalsgiver@pennwest.edu">asalsgiver@pennwest.edu</a> Telephone Number: 814-393-2109	This Policy <i>HR001 Sexual Misconduct Policy and Procedure</i> for Regulatory and Non-Regulatory Prohibited Misconduct
Any party concerning sexual misconduct	Title IX Coordinator	Name: Amy Salsgiver Title: Executive Director of Compliance and Title IX Office Address: 423 Becht Hall Clarion, PA 16214 Email Address: <a href="mailto:asalsgiver@pennwest.edu">asalsgiver@pennwest.edu</a> Telephone Number: 814-393-2109	Will be referred to the appropriate office under this Policy or <i>HR001 Sexual Misconduct Policy and Procedure</i> for Regulatory and Non-Regulatory Prohibited Misconduct
President	The Office of Compliance and Title IX	Name: Amy Salsgiver Title: Executive Director of Compliance and Title IX Office Address: 423 Becht Hall Clarion, PA 16214 Email Address: <a href="mailto:asalsgiver@pennwest.edu">asalsgiver@pennwest.edu</a> Telephone Number: 814-393-2109	This Policy or <i>HR001 Sexual Misconduct Policy and Procedure</i> for Regulatory and Non-Regulatory Prohibited Misconduct

Office of the Dean of Students, Human Resources Director, or Title IX Coordinator	The Office of the President	Office Address: 103 Old Main, 204 Senior Dr., California, PA 15419 Email Address: <a href="mailto:president@pennwest.edu">president@pennwest.edu</a> Telephone Number: 724-938-4400	This Policy or <i>HR001 Sexual Misconduct Policy and Procedure</i> for Regulatory and Non-Regulatory Prohibited Misconduct
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If the Reviewing Office determines the allegations, if true, may represent a violation of this Policy or a related policy, an investigator will be assigned, the Complainant or Reporting Individual will be notified that an investigation will occur, and the Respondent will be notified in writing of the allegations consistent with the requirements of this the applicable policy and any applicable collective bargaining agreement. Allegations of Regulatory Prohibited Misconduct will follow the procedures set forth in *HR001 Sexual Misconduct Policy and Procedures*. Allegations against student respondents will follow the procedures set forth in the applicable governing policy set forth in the table above.

If the Reviewing Office determines the allegations, if true, would not constitute discrimination, harassment, or sexual misconduct prohibited under this Policy, the Reporting Individual will be advised in writing of that determination and of any other recourse that may be available.

The Reviewing Office will respond to all inquiries, reports, and requests or refer the Reporting Individual to the appropriate office as promptly as possible, and in a manner appropriate to the particular circumstances. This response may include interim measures to protect the parties during the investigation process. Interim measures involving employees in collective bargaining units should be determined in consultation with human resources and labor relations representatives. The University has the discretion to consolidate multiple allegations into a single investigation if the allegations arise out of similar facts or circumstances.

In the case of allegations against a student, the Office of Compliance and Title IX will refer the matter to the Office of Student Conduct and the matter will fall under the Student Code of Conduct, Policy *HROO1 Sexual Misconduct Policy and Procedure*, or other appropriate University policy.

In the case of allegations against the President, the Office of Compliance and Title IX will communicate with and cooperate with the State System's Office of Chief Counsel to identify an appropriate investigator. The selected investigator will forward a report to the Chancellor or Designee for review and final determination.

In the case of allegations against an employee of the Office of Dean of Students, the Human Resources Director, or the Executive Director of Compliance and Title IX, the Office of the President will identify an appropriate investigator. The selected investigator will forward a report to the President or Designee for review and final determination.

In the case of allegations against an employee or agent of a Contractor, the matter may be referred to the Contractor for handling.

## 2. Anonymous Reporting

Anonymous complaints of discrimination, harassment and sexual misconduct may be filed with the University through the following links:

California Campus - <https://cm.maxient.com/v2/IRLayouts.php?layoutToEdit=50>

Clarion Campus - [https://cm.maxient.com/reportingform.php?PennWestUniv&layout\\_id=0](https://cm.maxient.com/reportingform.php?PennWestUniv&layout_id=0)

Edinboro Campus - [https://cm.maxient.com/reportingform.php?PennWestUniv&layout\\_id=51](https://cm.maxient.com/reportingform.php?PennWestUniv&layout_id=51)

Reports can also be made by calling California – 724-938-5758, Clarion – 814-393-2109, Edinboro – 814-732-1564; or by sending an email to [socialequity@pennwest.edu](mailto:socialequity@pennwest.edu).

Individuals may file an anonymous complaint with the State System's Incident Reporting System by calling **855-298-5316** or filling out a form [online](#). The [Incident Reporting System](#) is not intended to take the place of the reporting and investigation procedures established at each university. Matters reported through the Incident Reporting System may be referred to the University to be handled under applicable University policy.

### 3. External Reporting

In addition to reporting to the University via the reporting procedures in this Policy, individuals may file a discrimination complaint directly with the outside agencies listed below.

A complaint may be filed with the U.S. Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by calling 1-800-[421-3481](tel:421-3481) : [1-877-521-2172](tel:1-877-521-2172) TTY or emailing [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov) or visiting <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

A complaint may be filed with the Pennsylvania Human Relations Commission by calling 717-787-9780 for the Harrisburg Regional Office; 412-565- 5395 for the Pittsburgh Regional Office; or 215-560-2496 for the Philadelphia Regional Office; or by visiting <https://www.phrc.pa.gov/Pages/default.aspx>.

Employees may file a charge with the Equal Employment Opportunity Commission regarding an alleged violation of Title VII by calling 1-800-669-4000 or visiting <https://www.eeoc.gov/employees/howtofile.cfm>.

The filing of a complaint under this Policy does not excuse the Complaint from meeting the time limits of outside agencies, which generally require reports to be made within 180 days of the alleged incident or knowledge of the incident. The University may not be informed of reports made to external agencies.

### 4. Criminal Reporting Options

An individual may report criminal conduct to law enforcement, independent of or parallel with any report made to the University. The University may not be informed of reports made to law enforcement agencies.

<b>Edinboro Campus</b>	<b>Clarion Campus</b>	<b>California Campus</b>
Edinboro Campus Police 911 Scotland Road Edinboro, PA 16444 814-732-2921	Clarion Campus Police 945 Wood Street Clarion, PA 16214 814-393-2111	California Campus Police 250 University Avenue Pollock Maintenance and Police Building California, PA 15419 724-392-5704
Borough of Edinboro Police Department 124 Meadville Street Edinboro, PA 16412 814-734-1712	Clarion Borough Police 1400 East Main Street Clarion, PA 16214 814-226-7707	California Borough Police 225 Third Street California, PA 15419 724-938-3233
Pennsylvania State Police Troop E 4320 Iroquois Avenue Erie, PA 16511 814-898-1641	Pennsylvania State Police 2090 Commerce Road Clarion, PA 16214 814-226-1710	Pennsylvania state Police Troop B-Belle Vernon 560 Circle Drive Belle Vernon, PA 15012 724-929-6262

**PLEASE NOTE:** The University's policy, definitions, and burden of proof may differ from criminal law. Neither law enforcement's decision whether to prosecute, nor the outcome of any criminal prosecution, is determinative of whether a violation of this Policy has occurred. In cases where there is a simultaneous law enforcement investigation, there may be circumstances when the University may need to temporarily delay its investigation while law enforcement gathers evidence; however, the University will generally proceed with investigations even during the time of a pending law enforcement investigation.

## RESOURCES

The University is committed to ensuring that individuals who experience discrimination, harassment, or sexual misconduct have access to a variety of services and resources. To talk with someone to receive support and assistance in a confidential setting contact the following supportive resources, as applicable. Employees are eligible for crisis counseling by contacting the State Employee Assistance Program ("SEAP") at 800-692-7459. Students may see a counselor at the following locations:

<b>Edinboro Campus</b>	<b>Clarion Campus</b>	<b>California Campus</b>
Ghering Counseling 814-732-2252 Student Health Services 814-732-2743	Becht Hall Counseling 814-393-2255 UPMC Health Services 814-393-2121	Carter Hall Counseling 724-938-4056 Student Health Center 724-938-4232

<a href="https://www.pennwest.edu/campususes/edinboro/health-wellness/#counseling">https://www.pennwest.edu/campususes/edinboro/health-wellness/#counseling</a>	<a href="https://www.pennwest.edu/campususes/california/health-wellness/#counseling">https://www.pennwest.edu/campususes/california/health-wellness/#counseling</a>	<a href="https://www.pennwest.edu/campususes/clarion/health-wellness/#counselinglife/health-wellness.aspx#counseling">https://www.pennwest.edu/campususes/clarion/health-wellness/#counselinglife/health-wellness.aspx#counseling</a>
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## TRAINING

The University will conduct annual training on discrimination, harassment and sexual misconduct for employees and students and as part of new student and employee orientations. All faculty, staff, and administrators are required to participate in this training within 60 days of commencing employment and at least every year thereafter. Failure to do so may subject the individual to discipline.

## FREE EXPRESSION AND ACADEMIC FREEDOM

The University is committed to the principles of free expression and academic freedom, as noted in this statement, applicable collective bargaining agreements and related University policies, and to creating and maintaining a safe, healthy, and harassment-free environment for all members of its community. Unlawful or otherwise prohibited discrimination, harassment or sexual misconduct against members of the University community is not protected expression nor the proper exercise of academic freedom. The free expression of ideas is protected, even if the expressions are unpopular, because this is vital in promoting learning in an educational setting. Freedom of speech can sometimes protect offensive and hurtful language and controversial ideas; however, it does not protect personal threats, harassment, discriminatory conduct or other acts of misconduct that violate this Policy, the Student Code of Conduct, other University policies or relevant federal, state and local laws.

For more information on free speech, please refer to the *Policy SA001 Time, Place, and Manner Policy*.

Questions or concerns regarding this Policy statement should be directed to the Dean of Students, Matt Shaffer at [mshaffer@pennwest.edu](mailto:mshaffer@pennwest.edu) or 814-393-1982.

## STATEMENT ON PRIVACY AND CONFIDENTIALITY

The University has a duty to respond to allegations of discrimination, harassment and sexual misconduct and cannot guarantee confidentiality once allegations are disclosed to designated University personnel. The University will respect the sensitivity of information disclosed during the course of investigations or informal resolution efforts. This means that information about the complaint is shared only with those individuals within the University community who “need to know” in order to effectively investigate and/or resolve the complaint. Parties with a need to know include the Respondent, witnesses and designated University personnel who need to be informed of the complaint while investigating or implementing a resolution. The University may be limited in restricting other individuals involved in the matter from sharing information with others. For more information on resources available to individuals who experience discrimination, harassment or sexual misconduct, please refer to the Resources section of this document.

All University proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (“FERPA”), the Clery Act, Title IX of the Education

Amendments of 1972 (“Title IX”), Violence Against Women Act (“VAWA”), state and local law, applicable collective bargaining agreements/memoranda of understanding and University policy. No information will be released from such proceedings except as required or permitted by law and University policy.

The University may share non-identifying information about reports received in aggregate form, including data about outcomes and disciplinary sanctions.

## **DISABILITY ACCOMMODATIONS**

This Policy does not alter any obligations of the University under federal disability laws including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities from the Reviewing Office at any point before or during the resolution process that do not fundamentally alter the process. The Reviewing Office will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other University Education Programs and Activities.

## **RELATED POLICIES**

This Policy is a companion policy to [Board of Governors Policy 2020-01: Sexual Misconduct](#) and [Board of Governors Policy 2009-03-A: Non Discrimination Policy](#) and *HR001 Sexual Misconduct Policy and Procedures*. All University employees, officials and volunteers must also comply with the requirements set forth in [Board of Governors Policy 2020-02: Amorous Relationships](#).

Nothing in this Policy modifies the obligations of University mandated reporters to report suspected child abuse and child neglect consistent with the requirements of [Board of Governors Policy 2014-01-A: Protection of Minors](#) and University Policy DE004 Protection of Minors.

The University’s *Sexual Misconduct Policy and Procedures* or Code of Conduct shall govern the investigation of complaints of sexual misconduct and related allegations against Respondents who are Students.

Reports of alleged sexual misconduct against an Employee that are defined as “Regulatory Prohibited Misconduct” in the University’s *Sexual Misconduct Policy and Procedures* will be handled pursuant to the Sexual Misconduct Resolution Process set forth in the University’s Policy.

Allegations not falling under this Policy, the *Sexual Misconduct Policy and Procedures* or Code of Conduct shall be referred to the appropriate University Office for further handling under applicable University policies.

## **DEFINITIONS**

1. Complainant – An individual who has reported being or is alleged to be subjected to conduct that could constitute a violation of this Policy.
2. Contractor: An individual, program, company or school that provides a program, activity, or service to the University. This includes experiential learning services such as internships, practicum experiences, pre-service teaching experiences, or other community service experiences in which the University places students. For purposes of this Policy, ROTC instructors and employees and officials of recognized affiliated entities will be considered



Contractors.

3. Employee - An individual who is employed by the State System (either at a State System University or in the Office of the Chancellor) including, but not limited to, faculty members, coaches, staff, managers and student employees.
4. Education Program or Activity – For purposes of this Policy, the term includes any activity that occurs in, on or within:
  - (a) Any on-campus premises;
  - (b) Any off-campus premises the University has substantial control over. This includes buildings or property owned or controlled by a recognized student organization or a recognized affiliated entity; or
  - (c) Computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, the University's programs and activities over which the University has substantial control.
5. Official - A member of a Council of Trustees or of the Board of Governors or their respective designees.
6. Respondent: Any individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy.
7. Reporting Individual: The individual making a report of discrimination, harassment or sexual misconduct, who may or may not be the Complainant.
8. Student: Any person:
  - (a) seeking admission to the University through the formal University application process;
  - (b) admitted to the University;
  - (c) eligible to register or schedule for classes; or
  - (d) living in University or University-affiliated residence halls even though they are not enrolled at the University.

The term "Student" shall include Employees, Volunteers and Officials where the Employee, Volunteer or Official otherwise meets the enrollment criteria set forth in this definition.
9. Volunteer - A recognized volunteer or any individual who represents or acts on behalf of the University or whose actions may bind the University, regardless of whether the individual receives monetary or other compensation.

## **PROHIBITED CONDUCT**

1. Discrimination: Conduct of any nature that denies a qualified individual the opportunity to participate in or benefit from a University Education Program or Activity, or otherwise adversely affects a term or condition of an individual's employment, education, or access to a University Education Program or Activity based on the individual's membership in a protected category.

There are generally two types of discrimination recognized: disparate treatment and disparate impact. Disparate treatment discrimination involves a person being treated differently because of membership in a protected category. Disparate impact discrimination involves a practice that has a greater negative effect on members of a particular protected category than those not in the protected category.

Retaliation is a form of discrimination.

2. Harassment: Unwelcome conduct directed against a person that is based on a protected category, that a reasonable person would determine is sufficiently severe or pervasive that it has the effect of unreasonably interfering with access to a University Education Program or Activity or creates an intimidating, hostile or offensive work or academic environment.

Whether the alleged conduct constitutes prohibited harassment depends on the totality of the particular circumstances, including the nature, frequency and duration of the conduct in question, the location and context in which it occurs, whether the conduct constitutes constitutionally protected expression, and the status of the individuals involved. A single incident that is extremely serious may meet the standard of being considered severe or pervasive.

3. Sexual Misconduct: *HR001 Sexual Misconduct Policy and Procedures* defines both regulatory and non-regulatory forms of Quid Pro Quo and Hostile Environment Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, Stalking and Sexual Exploitation. Those allegations defined as “Regulatory Prohibited Misconduct” in *HR001 Sexual Misconduct Policy and Procedures* will be handled pursuant to the Sexual Misconduct Resolution Process set forth in *HR001 Sexual Misconduct Policy and Procedures*. All other allegations of sexual misconduct against an Employee, Official, Volunteer or Contractor will be handled under the General Procedures.
4. Retaliation: Any action, directly or through others, which is aimed to deter a reasonable person from reporting discrimination, harassment or sexual misconduct or participating in an investigation, hearing or action that is done in response to such activities.

This includes, but is not limited to, intimidation, threats, coercion, or discrimination against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy.

A finding of retaliation under this Policy is not dependent on a finding that the underlying misconduct occurred.

5. False Report: Any person who willfully files a bad faith report or makes misrepresentations as part of a resolution of a complaint under this Policy is subject to disciplinary action up to and including dismissal or termination from the University.

## **GENERAL PROCEDURES**

### **1. Timeline for Resolution**

Absent unusual or extenuating circumstances, the resolution process typically takes about 180 days to resolve once a complaint has been filed.

### **2. Written Notification of Allegations**

Upon the Reviewing Office's determination a complaint should be investigated, the Respondent(s) will be notified in writing of the allegations and the identity of the Reporting Individual. The University will assign an investigator who is free of conflict of interest or bias. The investigation may be delayed, and the identity of the Complainant may be withheld consistent with collective bargaining agreement requirements if the Complainant is a student in the Respondent faculty member's class.

### **3. Participation of Complainant or Respondent**

The participation of the Complainant and the Respondent is encouraged. As necessary, the University reserves the right to initiate resolution proceedings without participation by either the Complainant or the Respondent and continue with the information available. The University will generally not defer disciplinary proceedings until after the conclusion of any parallel criminal or civil proceedings.

### **4. Role of Advisors/Union Representative**

During the resolution process, whether formal or informal, the Complainant and Respondent may designate and be accompanied by an advisor of that individual's choosing from the University community at meetings and interviews; however, no advisor may speak for or on behalf of the party or otherwise actively participate in a meeting or interview. An individual may only have one advisor present at a time. A Respondent who is a member of a collective bargaining unit may designate a union representative as their advisor. Legal counsel for either party may not act in the capacity of an advisor as part of the resolution process under this Policy, unless the legal counsel is acting in the role of a union representative.

### **5. Informal Resolution**

Informal means of resolution, such as mediation, may be used as an alternative to the formal investigation and hearing procedures. Upon written agreement of the Complainant and the Respondent, informal resolution may be initiated at any time prior to a finding of responsibility by the applicable decision maker and may be terminated by either party at any time prior to final resolution. If the informal process is terminated, the General Procedures process, which includes an investigation, will continue.

If a resolution has been reached and a written agreement signed by all parties, the resolution may not be appealed.

Informal resolution may not be utilized when a Student files an allegation of Regulatory Prohibited Misconduct against a University Employee, Volunteer or Official.

## 6. Effect on Pending Disciplinary Actions

Allegations of a violation of this Policy will not stop or delay any evaluation or disciplinary action related to a Complainant.

## 7. Investigation Process

The investigator(s) will review and investigate the complaint, interview the parties and relevant witnesses, and seek out any relevant documents and communications deemed pertinent to the investigation.

During the investigation process, the Complainant and Respondent should provide the investigator with all documents relevant to the issues raised in the complaint, as well as the identity of witnesses and a summary of the information the witness can provide regarding the allegations.

Investigations will be completed in a prompt manner, recognizing the length of investigations may vary depending on the nature, extent and complexity of the allegations, availability of the involved parties, witnesses, and police involvement, if any.

The investigation is not intended to interfere with any rights of an individual either under state or federal law or under the appropriate collective bargaining agreement/memoranda of understanding, if applicable. The role of the investigator is not to impose or recommend discipline.

## 8. Final Investigative Report

The investigator will provide an investigative report that includes a summary of possible policy violation(s), a proposed statement of findings and copies of any relevant evidence, in hard copy or through an electronic format, considered as part of the investigation to the designated decision maker within sixty (60) days of receipt of the complaint, unless unusual circumstances require more time.

The Complainant and the Respondent will be notified of the conclusion of the investigation and provided with a copy of the investigation report, including all relevant evidence. Information that is confidential by law or policy or not relevant to the underlying allegations will be redacted. Within ten (10) calendar days from the date of notification, the Complainant and Respondent may each submit, for consideration by the designated decision maker, such comments and corrections to the investigation report as they may have.

Following review of any comments and corrections to the investigation report provided by the Parties, the designated decision maker may request further investigation into the complaint.

## 9. Pre-Disciplinary Conference

The designated decision maker will arrange a pre-disciplinary conference, as required by applicable collective bargaining agreement requirements, prior to issuing a final determination.

## 10. Final Determination

The burden of proof for demonstrating violation of this Policy has occurred is on the University. The standard of proof is the preponderance of the evidence, meaning the designated decision

maker must find it is more likely than not that a violation of the Policy occurred.

The designated decision maker may issue any combination of the following results concerning the investigation report:

- a. **Unfounded Report** - If there is insufficient information to warrant a finding of a violation of this Policy, the matter will be closed.
- b. **Founded Report** - If there is sufficient evidence to support a finding that this Policy has more likely than not been violated, the finding(s) of responsibility will be forwarded to Human Resources for disciplinary action, consistent with applicable University and Board of Governors policy and collective bargaining agreements.

#### 11. Notification of Conclusion of Process

Following the issuance of a final determination by the Dean of Students or their designee, for students, or the President or their designee, for employees; the parties shall receive notification that the resolution process has been concluded. The decision of the Dean of Students or their designee, for students, or the President or their designee, for employees, is final.

### **DISCIPLINARY SANCTIONS**

1. **Students** - The University may impose disciplinary sanctions upon Students, consistent with *HR001 Sexual Misconduct Policy and Procedures* or the Student Code of Conduct.
2. **Employees** - Disciplinary sanctions imposed on an Employee for violating this Policy, subject to an applicable collective bargaining agreement/memorandum of understanding or University/System policies, may include a penalty up to and including separation from employment.
3. **Officials and Volunteers** - Disciplinary sanctions imposed on an Official or Volunteer may include a penalty up to and including removal or the request for removal of the Official or Volunteer from their respective position.
4. **Contractors** – Violations of this Policy by a Contractor or any employee or agent of the Contractor may result in the exercise of any contractual remedies including, but not limited to, termination of the contract for fault or for convenience and referral for disbarment.

### **EFFECTIVE DATE**

This Policy is effective immediately following approval and replaces all other policies whether in print or electronic format.