



Non-Discrimination, Anti-Harassment and Retaliation Policy

2024 - 2025

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I. INTRODUCTION AND THE UNIVERSITY'S COMMITMENT

The University of the South stands firmly for the principle that its employees, students, and participants of university-sponsored programs and activities have a right to be free from discrimination based on race, color, sex, religion, national origin, age, disability, sexual orientation, gender identity, veteran status, pregnancy and childbirth, and genetic information. As required by Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, the University does not discriminate on the basis of sex or other protected categories in the educational programs or activities in which it operates. This requirement of non-discrimination extends to admission to and employment in those programs or activities. The University is committed to sustaining a community in which the dignity of every individual is respected. Key to this value are efforts to nurture an environment of civility and mutual respect and to foster a culture of reporting concerns so that the University can respond promptly and equitably whenever an incident occurs. All employees, students, and participants of university-sponsored programs and activities have the right to be free from discrimination, harassment and retaliation.

A. **INQUIRIES OR COMPLAINTS:** Inquiries or complaints regarding Title VI (prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance) may be addressed to:

1. The University's Senior Director of Equity & Equal Opportunity at:
EQB Annex, Office of EEO, Room 104-A
(931) 598-1420
Email: eeo@sewanee.edu
2. Office of Civil Rights of the United States Department of Education, Tennessee Regional Office, at:
Atlanta Office
U.S. Department of Education
61 Forsyth Street S.W., Suite 19T10
Atlanta, GA 30303-8927
Telephone: (404) 974-9406
Facsimile: (404) 974-9471
Email: OCR.Atlanta@ed.gov

B. Inquiries or Complaints regarding Title VII (prohibits employment discrimination based on race, color, religion, sex and national origin) may be addressed to:

1. The University's Senior Director of Equity & Equal Opportunity at:
EQB Annex, Office of EEO, Room 104-A
(931) 598-1420
Email: eeo@sewanee.edu
2. The University's Chief Human Resources Officer at:
The Office of Human Resources
(931) 598-1860
Email: hr@sewanee.edu
3. U.S. Equal Employment Opportunity Commission
220 Athens Way Suite 350

Nashville, TN 37228-9940
Telephone: 1-800-669-4000
Fax 615-736-2107
Email: info@eeoc.gov

C. Inquiries regarding the application of Title IX (prohibits discrimination based on sex in education programs or activities) may be addressed to:

1. The University's Title IX Coordinator at:
EQB Annex, Office 104-A
(931) 598-1420
Email: Dr. Sylvia Gray at smgray@sewanee.edu or titleix@sewanee.edu
2. Office for Civil Rights of the United States Department of Education, Tennessee Regional Office, at:
Atlanta Office
U.S. Department of Education
61 Forsyth Street S.W., Suite 19t10
Atlanta, GA 30303-8927
Telephone: (404) 974-9406
Facsimile: (404) 974-9471
Email: OCR.Atlanta@ed.gov
3. The Assistant Secretary for Civil Rights of the U.S. Department of Education at:
U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Telephone: 1-800-421-3481
Email: OCR@ed.gov

D. Inquiries or complaints regarding discrimination based on race, color, gender, disability, national origin, religion, creed, familial status (housing only) or age (40 and over, employment only) under the Tennessee Human Rights Act and the Tennessee Disability Act may be addressed to:

1. Tennessee Human Rights Commission
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue | 23rd Floor
Nashville, Tennessee 37243
Toll Free: (800) 251-3589
Phone: 615-741-5825
Fax Numbers: 615-253-1886 | 615-532-2197
Email: ASK.THRC@tn.gov
Website: <https://www.tn.gov/humanrights/file-a-discrimination-complaint.html>

Note: Inquiries may also be addressed to the Office of Human Resources listed above.

II. RELATED COMMITMENTS

The University is also committed to free expression. Speech not specifically directed against individuals in a harassing way may be protected by traditional safeguards of free speech, even though the comments may cause considerable discomfort or concern to others in the community.

III. SCOPE

- A. **Applicability:** This Policy applies to conduct that occurs on the University campus. This Policy may apply to conduct that occurs off campus, including online or electronic conduct, if the University finds that the conduct:
1. occurred in the context of an employment or education program or activity of the University;
 2. had continuing adverse effects on the University campus, including posing a reasonable risk of harm to the community; or
 3. had continuing adverse effects in an employment or education program or activity off of the University campus.

Examples of covered employment or education program or activity include but are not limited to University-approved study away or abroad programs, athletic competitions, research or internship programs.

- B. **Visitors and Guests:** Visitors to and guests of the University are both protected from and subject to the restrictions on prohibited conduct outlined in this Policy. Visitors and guests may initiate a report of prohibited conduct committed against them by members of the University community, but visitors and guests may be limited in their rights and recourse under this Policy. The University may trespass visitors and guests who have been alleged to have engaged in prohibited conduct without any rights to resolution under this Policy. Members of the University community who host guests may be held accountable for a guest's misconduct pursuant to applicable University policies.

IV. PROHIBITED CONDUCT

The following conduct is prohibited under this Policy:

- A. **Discrimination:** Discrimination is the unequal treatment of a person based on race, color, sex, religion, national origin, age, disability, sexual orientation, gender identity, veteran status, pregnancy and childbirth, and genetic information rather than on individual merit.
- B. **Harassment:** Harassment covers a wide range of behavior and is generally defined as repetitive conduct that threatens, intimidates, alarms, or puts a person in fear for their safety. Harassment has two criteria: 1) the behavior is unwanted, unwelcomed, and uninvited behavior that demeans, threatens, or offends, **and** 2) the behavior has the effect of substantially interfering with an individual's work or educational performance by creating an intimidating, hostile, or demeaning educational or work environment.

Harassment may take on many different forms including, but not limited to, offensive jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, impeding or blocking movement, and offensive touching.

This Policy does not intend to discourage the normal exchange of ideas within the academic environment, nor the introduction of controversial but relevant ideas within the classroom. Petty slights, annoyances, and isolated incidents (unless deemed extremely serious) will not rise to the level of conduct that violates this Policy.

- C. **Retaliation:** Retaliation is prohibited against any person who brings a good faith report under this Policy or has information about or is involved in a resolution process under this Policy. Retaliation includes, but is not limited to, intimidation, threats, harassment, and other adverse action threatened or taken against any reporter or other persons involved in a resolution process under this Policy.

V. FILING A REPORT AND CONFIDENTIALITY

It is University policy to respond promptly, practicably and sensitively to all reports of discrimination, harassment, and retaliation. Once the University is made aware of a possible situation of discrimination, harassment, or retaliation, the University responds. The University will strive to maintain the confidentiality of all parties to the fullest extent possible while meeting the legal mandate to act.

- A. **When to File a Report.** Prompt reporting of an incident is strongly urged, since it is often difficult to determine the facts of an incident long after the incident has occurred. In order to facilitate an adequate fact-finding process, preferably reports should be made within 180 calendar days (i.e. 6 months) of the incident. Delays in reporting may prevent the University from gathering evidence sufficient to initiate fact-finding or reach a determination of responsibility. It is important for all persons to preserve any relevant evidence related to a report.

The University encourages all individuals to report any incident to the University and, if the incident involves potential criminal conduct, to also report to law enforcement. Individuals have several reporting options within and outside the University as noted above. Individuals may pursue these options simultaneously or any one of them separately. The University provides support to assist each individual in making these important decisions and, to the extent legally possible, will respect an individual's autonomy in deciding how to proceed. In this process, the University will balance the individual's interest with the University's obligation to provide a non-discriminatory environment for all members of the University community.

B. How to File a University Report

1. **General:** Reports may be oral or written and should be filed in person, by phone, email or electronically using the word link "[ReportDiscrimination.sewanee.edu](https://sewanee.edu/reportdiscrimination)." The report should include as much information as possible regarding the alleged conduct, including the location, date, and description of the alleged event or incident.
2. **Sex Discrimination, Harassment or Retaliation: All reports of sex discrimination will fall under the Title IX/Sex Discrimination Policy [[found here](#)]:** Reports of sex discrimination including sexual harassment, assault, stalking, dating violence, and domestic violence and retaliation for the purpose of interfering with any right or privilege secured by Title IX, including participation in an investigation, proceeding or hearing under the Title IX/Sex Discrimination Policy should be submitted to the Title IX Coordinator (see contact information on page listed above).

3. **Other Reports of Discrimination, Harassment or Retaliation:** Reports of other forms of discrimination or harassment (i.e. race, color, religion, national origin, age, disability, sexual orientation, gender identity, veteran status, pregnancy and childbirth, and genetic information), or retaliation interfering with any right or privilege under this Non-discrimination, Anti-harassment and Retaliation Policy, including participation in a fact-finding process, resolution process or decision maker panel should be submitted to the Senior Director of Equity & Equal Opportunity (SDEEO). The SDEEO is Dr. Sylvia Gray. The Equity and Equal Opportunity Office (EEO) is located in the EQB Annex, Office 104-A. Dr. Gray may be contacted at eeo@sewanee.edu or by phone at extension #1420 / (931-598-1420).
4. **Anonymous Reports:** Any individual other than a [Mandatory Reporter](#) may make a report without disclosing their name or requesting any action. Depending on the level of information available about the incident or the individuals involved, the University may not be able to fully respond or take further action in response to an anonymous report. The University will review all anonymous reports, and where there is sufficient information, include applicable information in Clery Act reporting.¹

VI. RESOLUTION PROCESS

The University has established this resolution process to administer and enforce the University's Nondiscrimination, Anti-harassment and Retaliation Policy, and to facilitate the University's compliance with applicable laws. **Note:** Sex discrimination that meets the criteria set forth in the University's Title IX and Sex Discrimination Policy will be subject to the processes and procedures outlined in the Title IX and Sex Discrimination Policy.²

A. **Definitions.** The singular of a definition shall include the plural and the plural of a definition the singular as the context shall require.

1. **Advisor:** An Advisor is any one person chosen by an involved party in the resolution process (Respondent or Complainant) to provide advice, support and guidance throughout the resolution process. Examples of advisors include, but are not limited to, a fellow student, University faculty or staff, and an attorney. Individuals are highly encouraged to select an advisor with reasonable availability. An Advisor may not be an individual who serves other roles in the resolution process as outlined in this Policy (i.e. Complainant, Respondent, Witness, Fact Finder, Decision Maker)³, or if service in an advisory capacity and the Advisor's personal interests conflict and compromise the Advisor's ability to advise, support and guide the participant.
2. **Complainant:** Complainant refers to the subject of alleged conduct that could constitute discrimination, harassment or retaliation under this Policy. A Complainant also refers to the University when it exercises the right to initiate a complaint and proceed with a formal fact-finding, as necessary. Where groups of individuals initiate complaints pursuant to these

¹ The Sewanee Clery Act web page can be found [\[HERE\]](#).

² See the Title IX Policy [\[HERE\]](#) and the Title IX web page [\[HERE\]](#)

³ The Advisor can not serve in the resolution process and be an Advisor at the same time. They may serve in one role or the other.

procedures, the SDEEO or designee has the discretion to determine the proper course of action, whether to file a complaint on behalf of the University or the individual complainants.⁴

3. **Decision Maker:** Decision Maker(s) may be appointed by the SDEEO or designee and is responsible for receiving, reviewing, and resolving a final fact-finding report, which includes convening a three-person review panel from a trained pool of faculty and staff.

If an involved party objects to the Decision Maker(s) based on conflict of interest or perceived bias, the involved party must convey their concern in writing to the SDEEO or designee within 24 hours of receipt of a notification that designates the Decision Maker(s). The SDEEO will determine whether the decision maker(s) has a demonstrable personal bias for or against either involved party and, if so, a new decision maker will be designated. The SDEEO's determination is final.

4. **Designee:** An employee who is trained to coordinate the University's compliance with this Policy. The SDEEO may designate one or more employees as a designee as circumstances warrant (i.e. SDEEO unavailability, conflict of interest or bias). If allegations are made about the SDEEO, or the SDEEO is unable to fulfill their duties or is otherwise unavailable, the Vice Provost for Diversity, Equity, and Inclusion or the Provost depending on their availability and with no conflicts or bias will designate a designee to oversee the resolution process. Anywhere in this Policy that indicates "SDEEO," a trained designee may be substituted.

5. **Fact-finder:** A Fact-finder is the SDEEO or designee who gathers relevant information about an alleged incident that may be a violation of this Policy and prepares a comprehensive report of information received during the fact-finding process for submission to a Decision Maker(s).

If an involved party objects to the SDEEO as the Fact-Finder based on conflict of interest or perceived bias, the involved party must convey their concern in writing to the Vice Provost of Diversity, Equity (VP of DEI), and Inclusion within 24 hours of receipt of a notification that designates the SDEEO as Fact-Finder. The VP of DEI will determine whether the SDEEO has a demonstrable personal bias for or against either involved party and, if so, a new fact-finder will be designated. Where the SDEEO is not the fact-finder, but appoints a fact-finder, the same process will apply in place of the VP of DEI. Once a replacement fact-finder is selected by either the SDEEO or the VP of DEI, that determination is final.

6. **Formal Complaint:** A Formal Complaint is a written document filed and signed by a Complainant, or signed by the SDEEO, alleging discrimination, harassment or retaliation in violation of this Policy and requesting a Formal Resolution Process.
7. **Formal Resolution Process:** A resolution process that comprises formal fact-finding by a Fact-Finder, and resolution by the Decision Maker(s).

⁴ Examples of groups include but are not limited to University student organizations or employee resource groups and organizations.

8. **Informal Resolution Process:** An informal discussion or informal grievance process selected by participants to resolve an allegation of discrimination, harassment or retaliation in violation of this Policy without a Formal Resolution Process.
 9. **Involved Party:** Complainant(s) and Respondent(s) in a resolution process under this Policy.
 10. **Report:** A Report is an allegation of discrimination, harassment or retaliation. A report prompting a response by the University does not initiate a resolution process.
 11. **Reporting Party:** Any individual who has reported allegations of discrimination, harassment or retaliation. The Reporting Party could be but does not need to be the Complainant.
 12. **Respondent:** Respondent refers to the subject alleged to have engaged in conduct that could constitute discrimination, harassment or retaliation under this Policy.
 13. **Supportive Measures:** Supportive Measures are non-disciplinary, non-punitive individualized or mutual measures offered to Complainant, Respondent, Reporting Party and/or Witnesses, as appropriate and reasonably available.
 14. **Witness(es):** Witness(es) is a person asked to provide information or a statement under this Policy.
 15. **Withdrawal:** The complainant may request to end a formal or informal process completely and close their report and/or formal complaint at any time prior to the completion of a final fact-finding report or informal resolution process.
- B. **Protection and Expectation of Participants.** Throughout the resolution process, efforts will be made to protect all participants from Retaliation. Any person who intentionally makes a false accusation is subject to appropriate disciplinary action. Cooperation and truthfulness from all participants is expected in all aspects of the resolution process. Complainants and Respondents can expect to receive information about their options, be informed of and have access to campus services, and have the opportunity to ask questions pertaining to the resolution process at any time. Complainants and Respondents can expect to, where applicable and for good cause, challenge who will serve in any role of the resolution process.
- C. **Evidence Standard.** The University uses a preponderance of the evidence standard to determine responsibility. Preponderance of the evidence exists when there is sufficient evidence to establish that it is more likely than not that the respondent violated a policy. This standard is lower than the “beyond a reasonable doubt” burden of proof for a finding of guilt under criminal law. Relevant Evidence includes information where reasonable inferences can be drawn from the evidence that sheds light on a contested or inconsistent matter.
- D. **Communication.** The University will use the University electronic mail (email) for purposes of communication and notification under this Policy. All communications are in central standard time unless otherwise specified.

- E. **Students and Employees with Disabilities.** At any point during these procedures, students seeking accommodations for disabilities should contact Student Accessibility Services by phone at (931) 598-1229 or email at sas@sewanee.edu. Faculty or Staff employees seeking accommodations for disabilities under this Policy should contact the ADA Office by phone at (931) 598-1896, in person at the EQB Annex, Office 102-B, or by email at ada@sewanee.edu to be put in contact with the Director of ADA. See the ADA web page [[HERE](#)]. Faculty or Staff may also contact the Human Resources Office at 931-598-1382 or hr@sewanee.edu, as appropriate. See the HR webpage [[HERE](#)].
- F. **Advisors.** All involved parties (Complainants and Respondents) participating in the resolution process are permitted to have an Advisor in all stages of the resolution process. Should a participant choose to bring an Advisor, the participant should inform the SDEEO or designee of the name of the advisor in writing at least forty-eight (48) hours in advance. If the participant is a student, prior to the release of information to an Advisor, the student must sign a release of information form identifying their chosen Advisor and consenting to release of information to the Advisor. An Advisor may advise and provide support to the participant but may not speak on the participant's behalf or directly address or communicate with any other participants or University officials in the resolution process unless requested by the fact-finder or other official within the resolution process (i.e. identifying oneself for the audio record). All communication must be made by the participant. Consultation with an Advisor must take place in a manner that is not disruptive to the resolution process and the availability of an Advisor may not unreasonably interfere with or delay the resolution process. Rescheduling within the resolution process due to the unavailability of an Advisor will be a rare occurrence and due to circumstances beyond the reasonable control of the Advisor and/or participant. Advisors who do not comply with the structure of their role may be asked to leave and/or may be restricted from further participation in the resolution process, and the resolution process will continue without the Advisor's presence.

G. **Initial Response to a Report**

1. **Report Receipt.** All Reports are processed by the Senior Director of Equity & Equal Opportunity (SDEEO) or their designee. Upon receipt of a Report of discrimination and/or harassment, the SDEEO or designee will review and assess all Reports in a fair and impartial manner and treat all participants involved with dignity and respect.
2. **Supportive Measures:** With every Report received under this Policy, the University will make an immediate assessment of any risk of harm and will take steps necessary to address those risks. These steps may include Supportive Measures to provide for the safety or support of an individual and/or the University community. Failure to abide by restrictions imposed by a supportive measure may result in disciplinary action independent of the outcome of a grievance process under this Policy.
3. **Report Review.** The SDEEO or designee will (i) review the Report to ensure that the alleged conduct is within the scope of this Policy and (ii) make an initial evaluation to determine whether the alleged conduct, if true, would constitute a violation of this Policy. If additional facts are needed before making the determination regarding the applicability of the Policy and/or whether the conduct, if true, would constitute a violation of this policy, then the SDEEO or designee may

conduct a preliminary interview of the Reporting Party/Complainant prior to a determination regarding the applicability of the Policy. If it is determined that the alleged conduct is not within the scope of this Policy or if true, is not a violation of the Policy, the SDEEO or designee will notify the Reporting Party/Complainant who either submitted the Report or is the subject of the Report. Such notice will explain the SDEEO's or designee's determination and, if appropriate, refer the Reporting Party to an alternative University office. This determination by the SDEEO or designee is final and not subject to further review.

4. **Report Determination and Notification:** If the SDEEO or designee determines that the alleged conduct is within the scope of this Policy and that the alleged conduct, if true, would constitute a violation of this Policy, the SDEEO or designee will notify the Complainant and, where an informal resolution is requested, the Respondent of the report of the alleged conduct. The SDEEO or designee will individually contact the Complainant and Respondent to provide the options for resolution - Informal Resolution Process or a Formal Resolution Process; provided, however, that an Informal Resolution Process must be agreed to by the involved parties and that at any time prior to agreeing to a resolution, any involved party has the right to withdraw from the Informal Resolution Process and request a Formal Resolution Process. If the University is the Complainant, all options under this Policy to resolve a report or complaint shall apply. An involved party may also request to return to the Informal Resolution or Formal Resolution process at any time prior to the completion of a final fact-finding report.

H. Informal Resolution Process

1. **Informal Resolution Process Request:** The objective of the Informal Resolution Process is to provide a means to equitably and reasonably resolve alleged violations of this Policy without a Formal Resolution Process. The involved parties (Complainant and Respondent) may agree in writing to an informal discussion or an informal grievance at any time prior to the completion of a final fact-finding report. All involved parties will be cautioned to maintain confidentiality, and against making false statements and engaging in Retaliation.
2. **Informal Discussion:** The SDEEO will offer the involved parties the opportunity of an informal discussion. An involved party may also in writing request the SDEEO or designee to offer an informal discussion to the other involved party. The SDEEO or a designee may facilitate an informal discussion at any time prior to a Formal Complaint. The SDEEO or designee will obtain the involved parties' voluntary agreement in writing to an informal discussion by the SDEEO or designee with the Respondent. In the informal discussion, the SDEEO or designee will fully inform the Respondent of the alleged conduct and the Respondent is asked to consider the matter seriously. The informal discussion is informational only and is not a reprimand or warning and will not be documented in the Respondent's education or employment records, and will be confidentiality maintained only for internal record-keeping by the Office of Equity and Equal Opportunity. Any party has the right to withdraw from the informal discussion at any time prior to consenting to the informal discussion. Once both involved parties agree in writing to the informal discussion the matter is resolved and the Complainant may not file a Formal Complaint that arises out of the same set of circumstances. There are no appeals of an informal discussion.

3. **Informal Grievance:** The SDEEO offers the involved parties the opportunity for an informal grievance. An involved party may also make a written request to the SDEEO or designee to offer an informal grievance to the other involved party. The SDEEO or a designee may facilitate an informal grievance at any time prior to a Formal Complaint. The SDEEO or designee will obtain the involved parties' voluntary, written consent to the informal grievance. Complainant and Respondent have the obligation to act in good faith. An informal resolution includes but is not limited to mediation that does not involve a full fact-finding and resolution by a Decision Maker, provided that the SDEEO or designee notifies the Complainant and Respondent in writing of:
 - i. the allegations;
 - ii. the requirements of the informal grievance, including no requirement of direct confrontation or presence in same room, the involved parties may consult their Advisor and their Advisor may be present for all meetings with the SDEEO or designee, any involved party has the right to withdraw from the informal grievance at any time prior to agreeing in writing to a resolution agreement; and
 - iii. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or that could be shared.

Once all involved parties have voluntarily agreed in writing to the informal grievance, the SDEEO or designee will facilitate the informal grievance. All communication will go through the SDEEO or designee. If the SDEEO believes that one or both parties are not operating in good faith, the SDEEO or designee may terminate the informal grievance. The involved parties and the SDEEO or designee will have an opportunity to offer proposals to become a part of the final resolution agreement. A resolution agreement may include, but is not limited to, an admission of responsibility, an admission of false allegations, outcomes, counseling, and involvement in an educational program. The SDEEO or designee will write a resolution agreement based upon the parties' verbal agreement with the negotiated outcome(s). Separately, the involved parties will then be offered the opportunity to sign the resolution agreement. If any party refuses to sign the resolution agreement, the informal grievance will be considered failed. A written resolution agreement is binding on all involved parties. If the informal grievance is terminated or fails, an involved party may seek resolution through one of the other available resolution processes in this Policy. The records of the informal grievance will be documented and confidentiality maintained by the Office of Equity and Equal Opportunity and only included in the Respondent's education or employment records as part of an agreed outcome.

I. Formal Resolution Process

1. **Formal Complaint:** The Complainant may file a Formal Complaint, or the SDEEO or designee may file a Formal Complaint on behalf of the University. In all cases, if there are multiple Formal Complaints based on the same set of facts and involving the same parties, the SDEEO or designee, in consultation with other University officials, may elect to consolidate the cases for purposes of fact-finding.
2. **Notification of Formal Complaint:** Once the Formal Complaint is established, the SDEEO will inform the Complainant and Respondent (if known) in writing of the initiation of fact-finding. The SDEEO or their designee will conduct a thorough, prompt, fair and impartial fact-finding. The Complainant and Respondent will be allowed a full opportunity to be heard. All involved

parties will be cautioned to maintain confidentiality, and against making false statements and engaging in Retaliation.

3. **Fact-finding Process:** The Fact-finder, typically the SDEEO or designee, will:
 - i. Meet with the involved parties, and Advisor if requested by either involved party, to review the Formal Complaint, explain procedures, answer any questions, and caution against Retaliation. This process is typically referred to as an Intake Process. The fact-finding process officially begins after the completion of the intake process of the involved parties.
 - ii. Interview any persons with direct knowledge of the alleged incident(s).
 - iii. Gather and review relevant evidence, including but not limited to policies, procedures, files, documents, and records.
 - iv. Produce a Preliminary Fact-Finding Report (i.e. draft report) for review and response by the involved parties
 - v. Produce a final report for the decision maker(s).
4. **Preliminary Fact Finding Report:** The Fact-Finder will consider all of the information gathered and prepare a preliminary fact-finding report. Once a preliminary fact-finding report is produced, the Fact-Finder simultaneously makes electronic copies of the report available to the Complainant and Respondent (if identified) and the Advisor of each involved party, for review and response. Due to the draft nature of a preliminary fact-finding report and in an effort to maintain confidentiality of the fact-finding process, these electronic copies may not be downloaded, copied, duplicated, or shared. Each of the involved parties may submit a written Review and Response statement to the Fact-Finder within ten calendar (10) days of the date on which the fact-finding preliminary report was provided to them. The purpose of such statements is to allow the involved parties an opportunity to address any perceived factual errors or omissions in the fact-finding preliminary report and to disclose any information that was not previously known or available to the SDEEO or designee. The SDEEO or designee will review statements and any additional information provided to evaluate relevance and if relevant make the appropriate updates to the preliminary fact-finding report. If new information is provided from either involved party, that information will be shared with the other involved party who will be provided an opportunity to review and respond to the new information. Review and response statements will be added to the final fact-finding report. All involved parties will be notified of when the review and response period begins and ends as well as the approval of any reasonable requests for extension of time to respond.

All involved parties will be notified of the individuals appointed to serve as decision maker(s). If either involved party objects to the decision maker chair or the decision makers serving on the panelist based on conflict of interest or perceived bias, the involved party must convey their concern in writing to the SDEEO within 24 hours of the notification of the identity of the decision maker chair and panelists. The SDEEO will determine whether the decision maker(s) has a demonstrable personal bias for or against either involved party and, if so, a new decision maker will be designated. The SDEEO's determination is final.

5. **Final Fact-Finding Report:** After the Complainant and Respondent have reviewed the fact-finding preliminary report and submitted responses, if any, the Fact-Finder produces the final fact-finding report. The final fact-finding report will set out the facts provided to the Fact-Finder, will summarize information obtained through the fact-finding, and will include documentation submitted in the course of the fact-finding. Once complete, the final fact-finding report is submitted to the appropriate Decision Maker(s) for resolution. No additional evidence will be accepted after the final report is submitted to the Decision Maker(s). The Fact-Finder simultaneously makes copies of the final fact-finding report available to the Complainant, Respondent and Advisors.
6. **Respondent Acceptance of Responsibility:** The Respondent, upon learning of the Formal Complaint and at any time prior to the completion of fact-finding and the delivery of the fact-finding final report to the Decision Maker, may elect to terminate the fact-finding by accepting responsibility, via written statement, for the conduct alleged. If the Respondent accepts such responsibility, the fact-finding will conclude and a final fact-finding report including Respondent's written statement accepting responsibility will be made available to the Complainant and Respondent, and the appropriate Decision Maker for disciplinary action determination.
7. **Decision Making:** The review and the deliberations of the Decision Maker(s) are private and will have no available written records beyond the notification of determination. The decision maker chair and any other decision maker who serves as a panel member is also expected to recuse themselves if there is a conflict of interest or difficulty in rendering an impartial decision. The Decision Maker(s) appointed to review the fact-finding report and resolve the complaint may:
 1. dismiss a complaint if it is found to lack sufficient evidence based on a preponderance of the evidence standard or to otherwise be without merit;
 2. ask the Fact-Finder to consider the matter further and submit a supplementary fact-finding report; or
 3. determine whether there is a violation of this Policy based on a preponderance of the evidence standard, and if the Respondent is found responsible or if the Respondent accepts responsibility the disciplinary action to be imposed.
8. **Notification of Determination:** The Decision Maker appointed as the chair of the panel has the responsibility of providing written notification to the SDEEO who will then provide such notification to the Complainant and Respondent. Written notification shall include the determination regarding responsibility, the rationale, as well as any outcomes that may apply. Fact-finding reports, determinations and outcomes will not be disclosed to persons outside of the Formal Resolution Process except on a need to know basis, or if students are involved, where a release of information has been signed. Notification to involved parties will include, but is not limited to:
 - i. Identification of the allegations;
 - ii. Findings of fact supporting the determination;
 - iii. Conclusion(s) regarding the application of the Policy to the facts;

- iv. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
 - v. Disciplinary outcomes imposed on the Respondent; and
 - vi. The procedures and permissible bases for the Complainant and Respondent to appeal.
9. **Outcomes and Sanctions:** There is a range of outcomes under this Policy for a determination of responsibility. Sanctions for those outcomes include but are not limited to educational sanctions, probation, suspension, expulsion, termination, or a combination of outcomes proportionate to the violation consistent with University policies for disciplinary actions applicable to the Respondent (i.e. Student Code of Conduct, Staff Handbook, Personnel Procedures for Tenured and Tenure-Track Faculty, Personnel Procedures for Non-Tenure-Track Faculty, etc.).
10. **Appeals:** A process that allows involved parties an opportunity to present to an appeal body any new information or evidence not previously included in the Formal Resolution Process that if substantiated, would modify the outcome or that the grounds for appeal warrants a re-examination of the procedures and/or outcome.
- i. An involved party wishing to appeal must submit a written request for appeal to the SDEEO or their designee, including the reason for the appeal request, within three (3) days of notification of the original written determination. The SDEEO or designee will forward the appeal request to an appellate officer. The appellate officer will be selected from the trained pool of Decision Makers. When faculty and staff from the trained pool of Decision Makers are not available to serve as an appellate officer, the appellate officer for an appeal is determined based on the status of the Respondent (undergraduate students by the Dean of Students or designee; School of theology students by the Dean of the School of Theology or their designee; a faculty member by the Dean or their designee from the applicable college or school; a staff member by Human Resources).
 - A. The grounds for appeal are:
 - 1. A serious procedural error occurred that significantly impacted the outcome (e.g. substantiated bias, material deviation from established procedures, etc.)
 - 2. There is new evidence, unavailable during the decision-making process or fact-finding, that could substantially impact the finding of responsibility or outcome. A summary of this new evidence and its potential impact must be included in the request for appeal; or
 - 3. The outcome imposed is inappropriate for the violation.
 - B. The appellate officer may take one of four possible actions:
 - 1. Deny the appeal request as untimely or ineligible;
 - 2. Affirm the finding of responsibility and the outcome imposed;
 - 3. Modify an outcome, or.
 - 4. Remand for further fact-finding and reconsideration by Decision Maker; In cases where the appellate officer remands the finding of responsibility for further fact-finding and reconsideration of Decision Maker, any involved party may appeal the determination made by the Decision Maker resulting from the reconsideration on the grounds outlined above.
 - ii. Appeal decisions are communicated to all involved parties and appeal decisions are final.

11. **Record Keeping:** A permanent record of the Formal Resolution Process and any appeal is ordinarily retained by the University. All records are maintained with the Office of Equity and Equal Opportunity for a period of seven (7) years. Determinations of responsibility are maintained in the student conduct record for students and with the personnel record for employees. Student records of the Formal Resolution Process are disciplinary records under the Family Education Rights and Privacy Act (FERPA). Employee records of the Formal Resolution Process will be included in the employee's official employment record within the Human Resources Office and with the Dean of the applicable program, school, or college. The documentation of all records are private and confidential to the extent possible under law.

J. **Modification of Resolution Process.** The University may modify the Resolution Process set forth in this Policy in light of the nature of the alleged conduct, the involved parties or witnesses involved, or other reasonable cause. If the Resolution Process is modified, all participants will be informed.

VII. POLICY REVISIONS

The University reserves the right to revise this Policy at any time and post to the [University EEO web page](#) and the Provost's policies and procedures [web page](#).