

08.01.01.R2.02 Civil Rights Process for Students



Approved August 14, 2020
Next Scheduled Review: August 14, 2025

Procedure Summary

In accordance with System Regulation 08.01.01, this procedure is intended to create a process for receiving, investigating, sanctioning, appealing, and resolving complaints alleging discrimination, harassment and/or related retaliation based on a protected class filed against students.

No individual will, on the basis of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation or gender identity be excluded from participation in, or be denied the benefit of or be subjected to discrimination under any university program or activity.

Procedures and Responsibilities

1 RESPONSIBILITY OF THE UNIVERSITY ETHICS & COMPLIANCE OFFICE

The University Ethics & Compliance Office (UECO) is the responsible office for receiving, handling and investigating complaints of discrimination, harassment and/or related retaliation against a student based on a protected class.

2 CIVIL RIGHTS COMPLAINT PROCESSING

2.1 Complaints

2.1.1 The Civil Rights Administrator/Title IX Coordinator will promptly notify the System Ethics and Compliance Office (SECO) of receipt of a complaint of discrimination, harassment and/or related retaliation within two business days.

2.2 Investigation and Adjudications

2.2.1 The Title IX Coordinator will conduct a preliminary review of the complaint to assess if there is sufficient information to proceed with an investigation or if additional information is needed.

2.2.2 If it is determined that the information is insufficient, the administrator, in consultation with OGC, will conduct an initial assessment into the circumstance of the complaint and will notify the complainant of such action in writing:

- 2.2.2.1 Dismiss it as baseless;
 - 2.2.2.2 Close it for insufficient information to investigate or lack of jurisdiction;
 - 2.2.2.3 Refer it to another office which has responsibility for such complaints; or
 - 2.2.2.4 Refer the complaint to informal resolution with the consent of the parties and approval of SECO. Cases involving allegations based on sex require submission of a formal complaint before they may be referred to informal resolution.
- 2.3 If the information is sufficient, the Coordinator will forward the complaint to an appointed investigative authority (IA) within five (5) business days of the determination to proceed with the investigation.
- 2.4 The Coordinator will provide written notification to the complainant(s) and the respondent(s) of:
- 2.4.1 Receipt of the complaint stating the allegation of a violation of this regulation;
 - 2.4.2 The appointed investigative authority;
 - 2.4.3 The appointed designated administrator;
 - 2.4.4 Interim supportive measures, if any;
 - 2.4.5 Admonishments regarding cooperation and prohibiting retaliation, and
 - 2.4.6 Any informal resolution process that may be available.
- 2.5 At any point in the process, a student may removal from the university's education program or activity on an emergency basis, provided that an individualized safety and risk analysis (conducted by or in conjunction with a member's behavioral assessment team) has determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal. This is not a disciplinary action.
- 2.5.1 Notification must be given in writing and include the reasons for removal from the university's education program or activity.

- 2.5.2 A student may request in writing a hearing, regarding the removal from the university's education program or activity, with the Vice President for Student Success within five (5) business days of the receipt of the notification. The vice president will conduct the hearing, and may appoint a person or persons to assist in the hearing. The investigation process is not stayed by the hearing. The hearing should be completed within five (5) business days of the notification.
- 2.6 The Title IX Coordinator will promptly contact the parties to discuss the availability of supportive measures, consider the parties' wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator will coordinate the effective implementation of supportive measures.
- 2.7 The investigative authority will review each complaint, interview witnesses (if applicable), review relevant documentation, and provide an initial draft report of their investigation via the Title IX Coordinator to OGC for review within 30 business days. OGC will coordinate with SECO and provide its review to the investigative authority within ten (10) business days. The investigative authority will have five (5) business days to create a final draft report. The Title IX Coordinator will share that document electronically with both the complainant and the respondent. The complainant and respondent will have ten (10) business days to review the report and submit written commentary to the investigative authority via the Title IX Coordinator. The investigative authority will then have five (5) additional business days to prepare a final report for review by OGC and SECO, who will have five (5) business days to provide feedback. The latter review provided by OGC and SECO may be waived by mutual agreement between the Title IX Coordinator and OGC/SECO if no substantive changes were made following the initial review. The final report shall be submitted directly to the designated administrator by the Title IX Coordinator.
- 2.8 Time frames for the receipt, investigation, and adjudication of complaints may be extended for good cause with written notice to the complainant and respondent of the delay and/or extension and the reasons therefor. Good cause is to be determined by the Title IX Coordinator in consultation with OGC and SECO and reasonable extensions may be granted at the discretion of the Title IX Coordinator. The investigative authority should send an extension request, if needed, to the Title IX Coordinator. All extensions will be in ten business day increments.
- 2.9 If in the course of an investigation, a member decides to investigate allegations about the complainant or respondent that were not included in the original notice, the Title IX Coordinator will provide notice of the additional allegations to the parties.
- 2.10 Upon a dismissal required or permitted, the Title IX Coordinator will promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties. The parties may appeal a dismissal to the University Ethics & Compliance Officer.

2.10.1 The appeal will be confined to a review of the written documentation and pertinent documentations regarding the appeal.

2.10.2 The appeal must be filed within five business days of notification of the decision.

2.10.3 The Compliance Officer provide a draft decision to OGC within five business days after receiving the appeal. The final decision will be provided to the complainants(s), the respondent(s), and Title IX Coordinator.

2.11 Title IX (See 08.01.01 §4.2.10)

2.12 Sex-based Misconduct (See 08.01.01 §4.2.11)

2.13 All Other Civil Rights Complaints (Non sex-based) (See 08.01.01 §4.2.13)

3 DESIGNATED ADMINISTRATORS

3.1 The Dean of Students (or designee) will either serve as the designated administrator or appoint a designated administrator (i.e. University Hearing Board). The designated administrator will render a decision in writing on the merits of the complaint, including the imposition of any sanction(s), unless the imposition of sanctions is otherwise delegated to another administrative authority by the President.

3.2 The designated administrator will provide a pre-hearing conference to review the hearing process and well as to explore any available options for informal resolution.

3.3 The designated administrator in administrative conference may reach a resolution without a hearing, if all parties agree on both the findings and sanctions.

3.4 The designated administrator (a hearing officer or hearing panel) will conduct a formal live hearing if the formal complaint cannot be resolved in administrative conference.

3.5 Designated administrators will receive training on civil rights matters and the conduct of investigations. This training is mandatory for all designated administrators prior to their rendering a decision.

4 SANCTIONS

4.1 When a student is found to have discriminated against another member of the university community, the sanction(s) will be based on the sanction matrix.

4.2 Students found responsible for committing dating or domestic violence and/or non-consensual sexual penetration of another person will be subject to a minimum sanction of a one-year suspension, in the absence of significant mitigating factors. Students found responsible for these acts who have demonstrated predation for the purpose of carrying out these acts will be subject to permanent expulsion.

- 4.3 Students found responsible for committing acts of sexual harassment, sexual assault, and dating violence, domestic violence, stalking based on sex, and/or any other sex-based misconduct who are allowed to return to a member university after a suspension of one year or more will be ineligible to hold an office in any student organization, ineligible to represent the university in any way (including intercollegiate athletics or other competitions, both on and off campus), and ineligible to receive an institutional scholarship, in the absence of significant mitigating factors.
- 4.4 For other sex-based student conduct rule violations: The Office of Student Rights and Responsivities will establish a process to determine the student's eligibility to represent the university in extracurricular activities, both on and off campus. The initial determination of eligibility must exclude any administrator who has an inherent conflict of interest in the student's participation in a particular activity (e.g., the coach of a student-athlete, the advisor to a student club or organization).

5 APPEALS

- 5.1 Appeal of Decision and/or Sanctions – Allegations of Sex Discrimination: With respect to allegations of sex discrimination, including sexual harassment and sex-based misconduct, the designated administrator's decision and the sanction(s) imposed by the sanctioning authority can be appealed by the complainant(s) and/or the respondent(s), but only on the following bases, as applicable:
 - 5.1.1 A procedural error or omission that significantly impacted the outcome; or
 - 5.1.2 New evidence, unknown or unavailable during the investigation that could have significantly affected the outcome or,
 - 5.1.3 Conflict of interest or bias for or against the complainants or respondents generally or individually that affected the outcome.
 - 5.1.4 The appropriateness or severity of the sanctions.
- 5.2 The appeal must be received by SRR within five business days of notification of the decision. The SRR will notify the other party in writing when an appeal is filed; and implement appeal procedures equitable for both parties. Parties will be given three (3) business days to review the appeal and submit any written response in support of, or challenging, the outcome to the appellate authority.
- 5.3 The SRR will forward the appeal to the UHB. UHB will provide the SRR decision within 10 business days from the date of receipt, unless circumstances require additional time, requested from the Title IX Coordinator, who will notify the parties. The UHB will provide the decision to the Title IX Coordinator, who will provide the decision to the Complainant(s), the Respondent(s), and the IA.

5.4 The UHB may reach one of the following outcomes:

5.4.1 Affirm the original finding and sanction;

5.4.2 Affirm the finding and modify the sanction; or

5.4.3 Remand the case to a new hearing or review.

5.5 Appeals – Allegations of Discrimination Not Based on Sex. Any student receiving a sanction of separation (expulsion or suspension) may appeal the sanction:

5.5.1 The appropriateness or severity of the sanctions.

5.5.2 The appeal must be received by the SRR within five business days of notification of the decision.

5.5.3 The SRR will forward the appeal to the UHB. UHB will provide the SRR decision within 10 business days from the date of receipt, unless circumstances require additional time, requested from the Title IX Coordinator, who will notify the parties. The UHB will provide the decision to the Title IX Coordinator, who will provide the decision to the Complainant(s), the Respondent(s), and the IA.

5.5.4 The UHB may affirm the original sanction; modify the sanctions; or remand the case to a new hearing or review.

5.6 Appeals of decision and/or sanctions must be received by the SRR within the applicable timeframe specified in section 5.2. Otherwise, the findings will become final.

6 INFORMAL RESOLUTION

The Office of Student Rights and Responsibilities is responsible for the Informal Resolution process.

7 TRANSCRIPT NOTATION

Student transcripts will notate in accordance with University Procedure 11.99.01.R0.01.

Related Statutes, Policies, or Requirements

System Policy [*08.01, Civil Rights Protections and Compliance*](#)

System Regulation [*08.01.01, Civil Rights Compliance*](#)

University Rule [*08.01.01.R2 Civil Rights Compliance*](#)

University Procedure [11.99.02.R0.01 Conduct Notation for Transcripts](#)

Contact Office

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