



HLC Accreditation 2016-2017

# Federal Compliance Form

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Wichita State University Policies and Procedures Manual

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## Appendix **B**

### **3.47 / Discrimination Review Procedures for Students, Employees and Visitors**

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Additional information:



# Policies and Procedures

## 3.47 / Discrimination Review Procedures for Students, Employees and Visitors

### I. Purpose

To establish review procedures to be followed when a complaint is made by a student, employee or visitor that alleges discrimination on the basis of a protected status (excluding discrimination based on sex), or retaliation in the University's employment practices, educational programs and activities.

### II. Preamble

Wichita State University is committed to maintaining a working, learning and living environment that is free from discrimination on the basis of age, color, disability, gender, gender expression, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, or status as a veteran. Retaliation against an individual filing or cooperating in a complaint process is also prohibited. Sexual misconduct, sexual harassment, relationship violence, and stalking are forms of sex discrimination and are prohibited under Title IX of the Education Amendments of 1972.

Unlawful discrimination and retaliation will not be tolerated. This policy sets forth procedures for investigation of complaints alleging discrimination or retaliation in the University's employment practices, educational programs and activities that are not included under Title IX of the Education Amendments of 1972. Discrimination based on sex including, sexual misconduct, sexual harassment, relationship violence, and stalking is addressed in Section 3.06 *Sexual Misconduct, Sexual Harassment, Relationship Violence, and Stalking Policy for Employees and Visitors* and Section 8.16 *Sexual Misconduct, Relationship Violence, and Stalking Policy for Students*.

### III. Policy Statement

- A. Wichita State University does not discriminate in its employment practices, programs and/or activities on the basis of age, color, disability, gender, gender expression, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, or status as a veteran.
- B. The University also prohibits retaliation for making a complaint of discrimination or participating in a review of a complaint. See Section 3.19 *Prohibition of Retaliation*.
- C. The University will respond to complaints of unlawful discrimination by completing a review of the complaint as set forth herein. Appropriate corrective action will be taken to prevent recurrence of any discrimination or retaliation, and to remedy the effects of any discrimination or retaliation.
- D. References to the Director of Equal Opportunity, Director of Human Resources, Associate Director of Human Resources, or the Assistant Vice President for Student Advocacy, Intervention, and Accountability shall mean the person who serves in that position or that person's designee.

#### **IV. Reporting Discrimination**

Students, employees or visitors who believe that they have been subjected to discrimination based on age, color, disability, gender, gender expression, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, status as a veteran or as retaliation for participating in a complaint process are encouraged to report such conduct immediately. Complainants are individuals or groups subjected to alleged discrimination. Respondents are individuals or groups who have allegedly engaged in discrimination. (See section VIII. For definitions)

- A. For complaints of sex based discrimination when the respondent is a student contact:

Mandy Hambleton, Assistant Vice President for Student Advocacy, Intervention, and Accountability/Deputy Title IX Coordinator, (316) 978-6681, [Mandy.Hambleton@wichita.edu](mailto:Mandy.Hambleton@wichita.edu)

- B. For complaints of sex based discrimination when the respondent is an employee or visitor contact:

Matthew A. Johnston, Associate Director of Human Resources/Deputy Title IX Coordinator, (316) 978-6123, [Matthew.Johnston@wichita.edu](mailto:Matthew.Johnston@wichita.edu)

*Also see Section 20.24 Designating University Title IX Coordinators.*

- C. For all other complaints of discrimination contact: Jane Link, Director of Equal Opportunity, (316) 978- 3186, [Jane.Link@wichita.edu](mailto:Jane.Link@wichita.edu).

A Complainant is encouraged to use the [form available online](#) on the webpage of the Office of Equal Opportunity. However, a written complaint is not required to report discrimination.

#### **V. Procedures for Review of a Discrimination Complaint**

A. Any University employee that receives a complaint or report of conduct that alleges unlawful discrimination must promptly notify the Director of Equal Opportunity of the complaint or information received. Failure to report is violation of this policy.

B. Upon receipt of a complaint of discrimination the Director of Equal Opportunity, or designee, will meet with the Complainant to gain a clear understanding of the complaint to determine whether an investigation is warranted. If the determination is made that the complaint does not allege discrimination based on a protected class and further investigation is not required, the Director of Equal Opportunity will notify the Complainant of that determination and may proceed with other appropriate actions or recommendations, if warranted.

C. If a determination is made that an investigation is warranted, the Director of Equal Opportunity will complete a thorough, and impartial investigation. The Complainant will be asked to submit a signed, written, detailed complaint of the alleged conduct. However, the Director of Equal Opportunity will undertake an investigation with or without a written complaint signed by the Complainant.

D. The University will receive complaints up to 365 days from the date of the most recent incident of alleged discrimination. Exceptions to this timeframe will be considered on a case-by-case basis.

Individuals are encouraged to report alleged incidents of discrimination as soon as possible after the incident occurs to maximize the University's ability to respond promptly and effectively. Prompt reporting allows for the University to obtain the most reliable information, be able to contact relevant witnesses (if any), and provide reasonable assistance for affected parties. In all cases, a decision will be made on existing facts to determine if an investigation is warranted for compliance with legal requirements and University policy.

## **VI. Rights of the Complainant and Respondent**

A. All Complainants and Respondents shall be entitled to the same rights in all investigations and resolution processes.

B. Complainants and Respondents will be advised of their rights, in writing, during their first meeting with the Director of Equal Opportunity.

C. Complainants and Respondents have the right to:

- i. Be notified of the alleged violations of University policy;
- ii. Be provided advanced notice of all meetings in which they are requested or entitled to participate and notified of the purpose of those meetings;
- iii. Be accompanied by an Advisor of the Complainant or Respondent's choice throughout the investigation and resolution process;
- iv. Request reasonable accommodations from the Office of Disability Services (for students) or the Office of Human Resources (for employees) in order to ensure full and equitable participation in the investigation and resolution process;
- v. Be informed of the available resolution options;
- vi. Be informed of campus and community resources available for support and assistance;
- vii. Submit information, including the names of witnesses, for consideration in the investigation;
- viii. Choose not to provide a statement or respond to questions during the investigation and resolution process;
- ix. Submit a written impact statement to be considered before a decision on consequences (if applicable) is rendered;
- x. Request that an individual responsible for investigating or resolving an alleged violation be removed from the case on the basis of actual bias; making a request does not ensure removal. The Director of Equal Opportunity will review requests for the removal of the investigator and make a determination. If the request is to remove the Director Equal Opportunity, the request will be reviewed and the outcome determined by the Director of Human Resources; and
- xi. Request one appeal within the University's process.

## **VII. Responsibilities of the Complainant, Respondent, and Witnesses**

All Complainants, Respondents, and Witnesses who are members of the University community have the following responsibilities relating to investigating and resolving alleged discrimination:

A. All participants are expected to be honest and forthright in all communication relating to the investigation and resolution of alleged discrimination. For complaints involving students, providing false or misleading information is a violation of Section 8.05/Student Code of Conduct.

B. The University uses @wichita.edu e-mail addresses as its formal means of communication with students and employees unless the individual's @wichita.edu e-mail address is unavailable or inaccessible, in which case alternative means of communication will be utilized including certified mail via the U. S. Postal Service or other expedient methods. Reasons @wichita.edu e-mail addresses may not be utilized include, but are not limited to: any party being in jail or having legal restrictions on internet use. Communication regarding an investigation and/or resolution process is deemed given when sent to an official @wichita.edu e-mail address. Students and employees are responsible for checking their University e-mail and responding to all requests for information or other responses within a timely manner. Visitors will be contacted via the U.S. Postal Service or other expedient methods. Failure to respond or appear by a given deadline may result in the process proceeding in an individual's absence. Decisions will be made on the information that is available at the time the decision is made.

C. All parties are responsible for adequately preparing themselves for investigation and resolution meetings including reviewing applicable University policies and procedures. Involved parties are also responsible for ensuring that their advisors are familiar with the appropriate policies and procedures. Failure to adequately prepare for a scheduled meeting will not be reason for delaying the meeting or other proceedings.

D. Individuals are to refrain from disrupting the orderly process of the investigation and resolution process for alleged violations of University policy. No individual involved in the process other than the investigator or appeal officer may audio or video record any investigation or resolution meetings or other portions of the process without prior authorization from the Director of Equal Opportunity. Any individual deemed to be disruptive may be removed from a meeting and/or charged with violating University policy.

## **VIII. Definitions**

A. **Complainant** – individual, group, or organization claiming alleged discrimination as described in any University policy. There may be more than one complainant for an incident.

B. **Respondent** – individual, group, or organization that has allegedly engaged in discrimination. There may be more than one respondent for an incident. In incidents involving groups or organizations, the president, director, or other member of leadership will participate in the investigation on behalf of the group or organization. Student groups and organizations may not be represented by non-students, alumni, or inactive members.

C. **Witness** – individual who is requested to participate in an investigation or a hearing because that individual may have information about the alleged misconduct. Witness names may be provided by the Complainant, Respondent, or others with knowledge of the matter.

D. **Reporter** – individual or group who reports the alleged discrimination who is not otherwise defined as a Complainant, Witness, or Respondent.

E. **Advisor** – an individual selected by a Complainant or Respondent to assist the Complainant or Respondent throughout the complaint process including, but not limited to, a parent, friend, faculty, member, advocate, or legal counsel. An advisor may advise and assist the Complainant or Respondent in preparation for any meetings, interviews, or hearings that may occur; accompany the Complainant or Respondent through all meetings, interviews, or hearings; or assist the Complainant or Respondent in preparing an appeal. An advisor may not participate in the complaint process in any other capacity in reference to the same incident, including, but not limited to, serving as a Witness, Co-Complainant, or Co-Respondent. Advisors may not directly participate or make any type of representation or argument on behalf of a Complainant or Respondent in any aspect of the complaint process including, but not limited to: meetings, interviews, or hearings. The availability of an Advisor to attend a meeting, interview, or hearing shall not unreasonably interfere with or delay the proceedings.

F. **Retaliation** – an adverse action or threat of an adverse action taken against those defined above in A. – E., or any individual, group of individuals, or organizations involved in the complaint, investigation, and/or resolution of an allegation of discrimination including any individual who attempts to intervene or prevent behavior prohibited by this policy. Retaliation can be committed by an individual or group of individuals, not just a Complainant or Respondent. Retaliation can take many forms including threats, intimidation, pressuring, continued harassment, violence, or other forms of harm to others. Any complaint regarding retaliation by a student, employee or visitor should be reported to the Director of Equal Opportunity. Retaliation is strictly prohibited and can result in disciplinary action up to an including termination of student status and/or employment.

G. **University business day** – shall be defined as any weekday (Monday- Friday) that the University is open.

## **IX. University Response Procedures**

### **A. Services and Support**

Upon receipt of notice of alleged discrimination the Director of Equal Opportunity or designee will attempt to contact the Complainant to arrange a meeting to discuss available resources and resolution processes. During the meeting, the following will be covered with the Complainant:

- i. Resources available to Complainants both on campus and in the surrounding community;
- ii. Possible interim measures (see Section B. below)
- iii. The obligation of the University to investigate every report of alleged discrimination both under federal law and out of concern for the safety of members of our campus community;
- iv. The process for investigating and resolving alleged violations of discrimination;
- v. The rights that the Complainant and the Respondent have in the process (see section VI. of this policy); and
- vi. The right for the Complainant to request confidentiality and the process by which the request will be evaluated (see Section C. below)

After meeting with the Complainant the Director of Equal Opportunity will inform the Respondent of the allegations if an investigation will commence and/or a need for contact with the Respondent by the University is deemed necessary. During the meeting, the following will be covered with the Respondent:

- i. Medical, mental health, advocacy, law enforcement, and other resources available to Respondents both on campus and in the surrounding community;
- ii. Possible interim measures that are available (see Section B. below);
- iii. The obligation of the University to investigate every report of alleged discrimination under federal law and out of concern for the safety of members of our campus community;
- iv. The process for investigating and resolving alleged discrimination;
- v. The rights that the Complainant and the Respondent have in the process (see section VI. of this policy); and
- vi. The right of the Complainant to request confidentiality and the process by which the request will be evaluated. (see Section C. below )

### B. Interim Measures

The Director of Equal Opportunity will evaluate all reports to promptly determine the necessity of interim measures. The University may implement appropriate interim measures for the individuals involved and for the larger University community based on the information provided in the report and at no cost to the Complainant. Interim measures may be put in place or modified at any point after a report is received and can be implemented even if a formal investigation is not able to proceed. Such interim measures include, but are not limited to assistance in the following categories:

- i. Administrative directives for no contact;
- ii. Academic;
- iii. Housing;
- iv. Transportation;
- v. Employment;
- vi. Facility Access;
- vii. Activities;
- viii. Campus Escort;

Interim measures may be implemented at any time, even if originally declined, and any measures put into effect will remain in place until the institution determines that they are no longer necessary.

When the actions of a person present an ongoing threat to the health, safety, or well-being of others; disrupt the University community; or endanger University, public, or private property; the Director of Equal Opportunity, or designee, may implement interim measures that restrict access for the Respondent pending the outcome of an investigation and resolution process. These interim measures may include, but are not limited to:

- i. Restricted access to campus property and/or facilities;
- ii. Administrative leave with or without pay for employees;
- iii. Job reassignment;
- iv. Restricted access to participation in University resources, programs or activities;
- v. Restricted access to Housing & Residence Life facilities, including dining halls;
- vi. Restricted ability to participate in academic activities, including classes, internships, co-ops, etc.; or
- vii. Any other restriction that can be tailored to the involved individuals to achieve the goals of this policy.

The Director of Equal Opportunity, or designee, will notify the Complainant and Respondent in writing of any interim measures. The measures will take place immediately upon notification to both parties.

### C. Decision to Investigate and Requests for Confidentiality and/or No Formal Action

If the Complainant is willing to participate in the investigation, the University will proceed as described in the Investigation section below.

A Complainant may request that the University maintain confidentiality and/or take no formal action regarding a report of alleged discrimination; however, such a request may greatly impact the institution's ability to investigate. Additionally, some interim measures—such as an administrative directive for no contact—cannot be implemented if the Complainant's identity cannot be known.

Requests for confidentiality and/or no formal action will be referred to the Director of Equal Opportunity for review. The University will make every effort to honor confidentiality and/or no formal action requests; however, there are instances when such a request will not be able to be granted. Circumstances in which a confidentiality and/or no formal action request may be denied include, but are not limited to:

- i. existence of past or concurrent complaints against the Respondent;
- ii. the institution is aware of past arrests or disciplinary action involving the Respondent;
- iii. significant physical injury resulting from alleged discrimination;
- iv. the reported use of a weapon during the commission of alleged discrimination;  
or
- v. the reported use of force during the commission of alleged discrimination.

In all cases, the decision on whether, how, and to what extent the University will conduct an investigation, and where other measures will be taken in connection with any allegation of discrimination rests with the Director of Equal Opportunity.

### D. Investigation

When a decision to investigate has been made, the Director of Equal Opportunity or designee will conduct a prompt, thorough, and impartial investigation of the alleged discrimination. The University strives to avoid any conflict of interest or bias on the part of any individual responsible for investigating and/or resolving alleged discrimination. A complainant or respondent who wishes to express concerns about a conflict of interest or bias should notify the Director of Equal Opportunity in writing. The Director of Equal Opportunity will determine whether or not there is a conflict of interest or actual bias and, if so, will review the decision to investigate. In instances where a conflict of interest or actual bias on the part of the Director of Equal Opportunity is alleged, the notification should be made to the Director of Human Resources who will determine whether or not there is a conflict of interest or actual bias and, if so, will review the decision to investigate.

In most cases, the review will involve a fact-finding investigation, which includes meeting separately with the Complainant (if participating), Respondent, Reporter (if applicable), and relevant Witnesses; and reviewing other pertinent information. At any time during the course of an investigation, the Complainant, Respondent, or any Witness may provide a written statement; other supporting materials including, but not limited to, electronic communication, photographs, or video or audio recording; or the names of other potential witnesses. Additionally, the investigator may determine through other



means that it is necessary to speak with another individual and seek out that person independently. The investigator may need to conduct multiple interviews in order to follow up or clarify information provided by others.

The University will inform the Complainant and the Respondent at regular intervals of the status of the investigation. Occasionally, a different or less formal response to the report may be warranted and will be determined by the Director of Equal Opportunity. Either the complainant or respondent may elect to end an informal process to pursue the formal process at any time during the resolution of the complaint.

#### E. Standard of Proof

The investigator will make a finding using the preponderance of the evidence standard. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, individuals are presumed not to have violated University policy unless a preponderance of the evidence supports a finding that a violation occurred.

#### F. Time Frames

The University seeks to resolve all reports within sixty (60) days of the initial report. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening academic break or vacation, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame the University will notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. Either party may inquire about the status of the investigation at any point in the process.

#### G. Investigation Finding and Outcome Notification

At the conclusion of the investigation, the investigator will compile a written investigative report which will include the alleged violations of University policy. The final investigative report will include the following:

- i. A summary of the investigation;
- ii. The investigator's findings of facts;
- iii. The investigator's rationale in support of the findings of facts;
- iv. The investigator's recommendation for interventions and/or consequences (if applicable); and
- v. The investigator's rationale in support of the recommended interventions and/or consequences (if applicable).

The investigator will submit the final investigative report to the Director of Equal Opportunity. The Director of Equal Opportunity, in consultation with the investigator, will make a determination regarding appropriate interventions and/or consequences (if applicable) and notify the Complainant and Respondent in writing of the case outcome. Interventions and/or consequences (if applicable) become effective upon the written notification of the decision. If a Complainant has chosen not to

participate in the University's review of the reported behavior but desires to be notified of the outcome, the University will notify the Complainant. If a Complainant has expressed, in writing, that the Complainant does not wish to be notified of the outcome, the University will honor that request. In such instances, the University will not send the notification itself to the Complainant, but may proceed with any necessary follow-up regarding consequences for the Respondent (if applicable) or other process matters.

#### H. Process Outcomes & Consequences

Individuals who are found to have violated University policy will receive disciplinary consequences appropriate to the current violation(s), their relationship to the University, and in consideration of any prior disciplinary, performance and/or behavioral issues while employed at the University. Consequences may be combined. For a list of consequences see Appendix I.

### **X. Appeal Process**

A. Either party may submit an appeal request of the investigator's decision to the Director of Human Resources within five (5) University business days. The first day shall be counted as the day following the date on the decision letter. The appeal request must be received no later than the close of business on the fifth day. Filing an appeal will not delay the consequences (if applicable). Once an appeal request is received, the other party will be notified and provided with an opportunity to review the submitted appeal and submit a written response within three (3) University business days, or by the original appeal submission deadline, whichever is greater. All supporting information from the Complainant and/or Respondent for the appeal request must be submitted by the specified submission deadline in order to be considered by the Director of Human Resources. Upon receipt of the appeal documents from the Complainant and/or Respondent, the Director of Human Resources will conduct an efficient and narrow review of the file limited to the grounds identified by the initiator of the appeal review. Appeals may be filed on one or more of the following grounds:

- i. A procedural or substantive error occurred that significantly affected the outcome of the case.
- ii. There is new, relevant information that was not available at the time of the investigation that, if available, could have significantly affected the outcome of the case. This does not include statements from a Complainant or Respondent who chose not to participate in the investigation.

A great degree of deference is given to the original decision. The presumption is that the investigation and decision processes were appropriately conducted and the burden is on the individual requesting the appeal to prove that the appeal has merit. Appeals are reviews of the record only. The record consists of a summary of the investigation; the investigator's findings of facts; the investigator's rationale in support of the findings of facts; the investigator's recommendation for interventions and/or consequences (if applicable); the investigator's rationale in support of the recommended interventions and/or consequences (if applicable) and any additional documents submitted by the complainant, respondent, or others involved in the initial investigation. There are no additional meetings with the Complainant and/or Respondent unless there are exceptional circumstances as determined by the Director of Human Resources. In which case the Director of Human Resources must offer both the Complainant and the Respondent the same opportunity to discuss the case. Upon review of the record, the Director of Human Resources may respond as follows:

- i. Determine the appeal lacks standing and is dismissed, in which case the original decision stands;
- ii. Determine that the appeal has standing and remand the case back to the original investigator to consider new information or reevaluate previous information; or
- iii. Determine that the appeal has standing and remand the case to a new investigator with specific corrective instructions.
- iv. When the appeal officer determines an appeal has standing under item ii. or iii. above, both parties will be granted appeal rights, as stated in section X. Appeal Process, at the conclusion of the remand of the case.

The decision issued by the Director of Human Resources is considered the final University decision and will be communicated simultaneously in writing to both the Complainant and Respondent. The Director of Human Resources will strive to review and respond to the appeal request within ten (10) University business days of receipt of all documentation.

In circumstances in which there is a conflict of interest or actual bias on behalf of the Director of Human Resources, or in cases in which the Director of Human Resources is otherwise unable to perform these duties, appeal decisions will be made by the Dean of Student Life.

## **XI. Records**

### **A. Records Retention**

Investigation records are maintained electronically for a minimum of seven (7) years from the date that the matter is closed. A record is considered closed when the following criteria have been met:

- i. It is determined that the student, employee, visitor, student group, or organization was not in violation of a University policy.
- ii. The student, employee, visitor, student group, or organization was in violation of University policy; and
- iii. All periods of disciplinary action, probation, deferred suspension, suspension and all associated consequences have been completed; or
- iv. The employee has been dismissed from University employment; or
- v. The student, student group, or student organization has been expelled from the University.

If a student remains enrolled after the seven-year retention period has lapsed, the record will be maintained until the student graduates or is no longer enrolled at the University. When a student proceeds directly from one academic program into another academic program (e.g. undergraduate study to graduate study), the records will be maintained until the completion of the final academic program. Records of incidents involving student, student group, or student organization as respondents culminating in deferred suspension, suspension, or expulsion will be permanently maintained by the University.

### **B. Records of Other Entities**

Police reports may be obtained by contacting the records department at the law enforcement agency which issued the report. In the State of Kansas, police reports are not considered public records; therefore, limited information will be accessible upon request.

## **XII. Implementation**

The Director of Equal Opportunity is responsible for informing members of the University community regarding this policy. This policy and related policies must be communicated to all new students and employees as an integral part of their orientation experience and periodically thereafter during employment or matriculation.

### **Effective Date:**

June 17, 2016

## **Appendix I. – 3.47 Discrimination Review Procedures for Students, Employees and Visitors**

### **Process Outcomes & Consequences**

Individuals or groups found to have violated University policy will receive disciplinary consequences appropriate to the current violation(s) and in consideration of any prior disciplinary, performance and/or behavioral issues while associated with the University. Consequences may be issued individually, or a combination of consequences may be issued. In the case of student groups and organizations, if a consequence issued by a national or other governing body exceeds that of the University, the University may concur with that consequence. Consequences may include, but are not limited to, the actions listed below.

#### **A. Consequences for Individual Students**

- i. ***Written Warning*** – Official notification of unacceptable behavior and violation(s) of University policy. Any further misconduct may result in more serious disciplinary consequences.
- ii. ***Disciplinary Probation*** – The student is deemed not in good conduct standing with the University. The duration of any probationary period will be determined by the resolution body on a case-by-case basis. Any further violations of University policy while on probation may result in more serious consequences being imposed. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, eligibility to receive any University award or honorary recognition, entrance into University residence halls or other areas of campus, participation in a study abroad program, or University computer and network usage.
- iii. ***Deferred Suspension*** – The student will be officially suspended from the University, but the suspension will be deferred, meaning that the student may continue to attend classes at this time. The suspension will be automatically enforced for failure to complete any assigned consequences by the deadline and/or for any subsequent violation of University policy, unless the Assistant Vice President for Student Advocacy, Intervention, and Accountability (Assistant Vice President) determines otherwise in exceptional circumstances. If the student is found responsible for any subsequent violation of Section 8.05/Student Code of Conduct, the student will be automatically suspended for the length of the original deferred suspension in addition to the other consequences imposed for the subsequent violation. Some of the restrictions that may be placed on the student during the deferred suspension period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, eligibility to receive any University award or honorary recognition, entrance into University residence halls or other areas of campus, participation in a study abroad program, or University computer and network usage. The duration of any deferred suspension period will be determined by the resolution body on a case-by-case basis.

- iv. ***Suspension*** – The student is required to leave the University for a designated period of time. During the suspension period, a student may not attend classes (either in person or online), or participate in University-related activities, whether they occur on or off campus. The student may not be present on University premises unless authorized in writing in advance under conditions approved by the Assistant Vice President. A student may be withdrawn from any classes in which the student is currently enrolled and will not be eligible for a refund. A registration and records hold will be placed on the student’s account until the conclusion of the suspension period. If the student is an on-campus resident, the student’s contract with Housing & Residence Life will also be terminated and the student will be responsible for paying any remaining fees for the duration of the original contract period. The student must successfully complete all assigned educational consequences prior to the conclusion of the suspension period, or the suspension will remain in effect until they are completed. The student must meet with a member of the Student Conduct & Community Standards staff during the last month of the suspension period in order to initiate the removal of the registration and records hold.
- v. ***Expulsion*** – The student will be separated from the University without the possibility of graduation or future enrollment. The student may not be present on University premises unless authorized in writing in advance under conditions approved by the Assistant Vice President. A student may be withdrawn from any classes in which they are currently enrolled and will not be eligible for a refund. A permanent registration hold will be placed on the student’s account. If the student is an on-campus resident, the student’s contract with Housing & Residence Life will also be terminated and the student will be responsible for paying any remaining fees for the duration of the original contract period.
- vi. ***Withholding of Transcripts or Degree*** – The University may withhold copies of student transcripts or awarding a degree otherwise earned until the completion of the process set forth University policy, including the completion of all consequences imposed, if any.
- vii. ***Revocation of Admission and/or Degree*** – Admission to the University or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University policy in obtaining the degree from or gaining admission to the University or for other serious violations committed by a student prior to graduation.
- viii. ***Restitution*** – The student is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.
- ix. ***Loss of University Privileges*** – The student is restricted from accessing specific University privileges including, but not limited to: parking on campus, participation in student activities, holding a student leadership position, participation in a study abroad program, and University computer and network access.
- x. ***Residence Hall Transfer or Removal*** – The student will be placed in another room or residence hall or restricted from living on campus for a specified or indefinite period of time. If a student is restricted from living on campus, the student’s Housing and Residence Life

contract will be terminated and the student will be responsible for paying any remaining fees for the duration of the original contract period.

- xii. ***No Contact Order*** – The student is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.
- xiii. ***No Trespass Order*** – The student is prohibited from being on any campus property and/or entering specific University facilities.
- xiii. ***Knowledge Attainment Activities*** – activities designed to increase a student’s knowledge in areas related to the violation(s) committed including, but not limited to: attending workshops, research on a specific topic, interviewing a professional in a specific field, etc.
- xiv. ***Restorative Activities*** – activities designed to repair harms caused and give back to others or the larger community including, but not limited to: community restitution service, letters of apology, educational presentations, etc.
- xv. ***Wellness Activities*** – activities designed to address student’s wellness in areas including social, emotional, financial, physical, academic, and environmental wellness including, but not limited to: substance use assessments, counseling assessments, meeting with an academic advisor, meeting with a Student Involvement staff member, etc.
- xvi. ***Reflective Activities*** – activities designed to allow the student to reflect on one’s own behavior choices and the impact of those choices on the student and others, including potential future impacts if the same choices continue.

#### **B. Consequences for Student Groups and Organizations**

- i. ***Written Warning*** – Official notification of unacceptable behavior and violation(s) of University policy. Any further misconduct may result in more serious disciplinary consequences.
- ii. ***Disciplinary Probation*** – The student group or organization is deemed not in good conduct standing with the University. The duration of any probationary period will be determined by the resolution body on a case-by-case basis. Any further violations of University policy while on probation may result in more serious consequences being imposed. Some of the restrictions that may be placed on the student group or organization during the probationary period include, but are not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding.

- iii. ***Deferred Suspension*** – The student group or organization will be officially suspended from the University, but the suspension will be deferred, meaning that the student group or organization may continue to function at this time. The suspension will be automatically enforced for failure to complete any assigned consequences by the deadline and/or for any subsequent violation of University policy, unless the Assistant Vice President determines otherwise in exceptional circumstances. If the student group or organization is found responsible for any subsequent violation of Section 8.05/Student Code of Conduct, the student will be automatically suspended for the length of the original deferred suspension in addition to the other consequences imposed for the subsequent violation. Some of the restrictions that may be placed on the student during the deferred suspension period include, but are not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding.
- iv. ***Suspension*** – The student group or organization is no longer recognized by the University for a designated period of time. During the suspension period, a student group or organization may not conduct any formal or informal business, or participate in University-related activities, whether they occur on or off campus. This includes, but is not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the University. Any evidence that members of a student group or organization have attempted to sustain an unofficial student group or organization will result in individual charges and will postpone the group or organizations ability to be re-recognized or registered in the future. Any further violations of University policy while on suspension will result in more serious consequences being imposed.
- v. ***Expulsion*** – The student group or organization will permanently lose its University recognition and/or registration and is ineligible to utilize University resources including facilities and financial support.
- vi. ***No Contact Order*** – The student group or organization is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.



- vii. ***Recommendation for Charter Revocation*** – The University will submit an official request to the national or other governing organization to revoke the charter for a student group or organization.
- viii. ***Restitution*** – The student group or organization is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property. University funds may not be used to pay restitution.
- ix. ***Loss of University Privileges*** – The student group or organization is restricted from accessing specific University privileges including, but not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding.
- x. ***Knowledge Attainment Activities*** – activities designed to increase members’ knowledge in areas related to the violation(s) committed including, but not limited to: attending workshops, researching a specific topic, interviewing a professional in a specific field, etc.
- xi. ***Restorative Activities*** – activities designed to repair harms caused and give back to others or the larger community including, but not limited to: community restitution service, letters of apology, educational presentations, etc.
- xii. ***Wellness Activities*** – activities designed to address members’ wellness in areas including social, emotional, financial, physical, academic, and environmental wellness including, but not limited to: risk management workshops, assessment and revision of risk management practices, financial management training, communication or teambuilding workshops, leadership or values congruence workshops, etc.
- xiii. ***Reflective Activities*** – activities designed to allow the student group or organization to reflect on its members’ behavior choices and the impact of those choices on the group/organization and others, including potential future impacts if the same choices continue.

### **C. Consequences for Employees**

- i. ***Written Reprimand***– Official written notification of unacceptable behavior and violation(s) of University policy. The written documentation becomes part of the employee’s personnel file.
- ii. ***Suspension*** –An employee may be suspended without pay. The length of a suspension will be dependent upon the severity of the violation and will range in length from three to thirty University business days.

- iii. **Demotion**- An employee may be demoted to a position previously held or a position in a lower grade. Demotions may be within the same division of the University or to a position in another division.
- iv. **Disciplinary Probation**- An employee may be placed on disciplinary probation. This action is taken when a supervisor deems that the misconduct or violation of policy is of such a serious nature that if another violation occurs during the probationary period the employee may be subject to additional disciplinary action, up to and including dismissal. , steps for immediate dismissal will be initiated.
- v. **Dismissal** – Final disciplinary action that permanently removes the employee from the work environment.
- vi. **Job Reassignment** – An employee may be moved temporarily or permanently to a different position or to a different work location.
- vii. **Restitution** – The individual is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.
- viii. **Loss of University Privileges** – An employee may be restricted from accessing specific University privileges including, but not limited to: University computer and network access, sabbatical or eligibility for awards, participation in groups or associations, and utilization of recreation or fitness facilities.
- ix. **No Contact Order** – The individual is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.
- x. **No Trespass Order** – The individual is prohibited from being on any campus property and/or entering specific University facilities.
- xi. **Knowledge Attainment Activities** – activities designed to increase knowledge in areas related to the violation(s) committed including, but not limited to: attending workshops, researching a specific topic, writing reflective papers or other relevant activities.
- xii. **Wellness Activities** – activities designed to address the individual’s wellness in areas including social, emotional, financial, physical, academic, and environmental wellness including, but not limited to: substance use assessments, counseling assessments, and/or a referral to an employee assistance program.
- xiii. **Reflective Activities** – activities designed to allow the individual to reflect on one’s own behavior choices and the impact of those choices on the student and others, including potential future impacts if the same choices continue.

#### **D. Consequences for Visitors**

- i. ***Restitution*** – The individual is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.
- ii. ***Loss of University Privileges*** – A visitor may be restricted from accessing specific University privileges including, but not limited to: University computer and network access, sabbatical or eligibility for awards, participation in groups or associations, and utilization of recreation or fitness facilities.
- iii. ***No Contact Order*** – The individual is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.
- iv. ***No Trespass Order*** – The individual is prohibited from being on any campus property and/or entering specific University facilities.