



STANDARD OPERATING PROCEDURE

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1.0 GRIEVANCE OVERVIEW

Western New Mexico University (WNMU) is committed to creating and maintaining a community free from all forms of discrimination, including harassment, differential treatment, failure to accommodate, and retaliation for participation in a civil rights-protected or related activity. WNMU's Discrimination and Harassment – Civil Rights and Title IX policy prohibits discrimination, harassment, and retaliation, specifically prohibiting all forms of sexual misconduct, a type of sex discrimination that is prohibited by state and federal law.

WNMU will act on any Notice, Complaint, or Knowledge of a potential violation of the Civil Rights and Title IX Policy ("the Policy") that the Director of Civil Rights and Title IX (Director of CRTIX) or designee receives by applying the Resolution Process below.

In addition, pursuant to the Violence Against Women Act (VAWA) amendments to the Clery Act, WNMU will consider complaints of domestic violence and stalking that are not based on a protected status.

CRTIX staff treat all participants and parties respectfully and approach each case impartially and equitably. CRTIX's grievance procedures do not restrict rights guaranteed under the First and Fourth Amendments to the U.S. Constitution, nor the Due Process Clause of the Fifth and Fourteenth Amendments to the U.S. Constitution. CRTIX complies with the Family Educational Rights and Privacy Act (FERPA) and other applicable state and federal privacy laws.

Some of the complaints brought under this procedure may also contain allegations that qualify as violations of criminal statutes. As stated above, CRTIX only processes alleged policy violations on an administrative level; it does not process alleged crimes. All persons who believe they have been the victim of a crime are encouraged to report such crime to law enforcement at any time, have the right to obtain assistance from University officials to report to law enforcement and have the right to decline law enforcement participation. **CRTIX does NOT independently report alleged crimes to law enforcement except in limited circumstances, such as harm to a minor or elder or in the event there is a threat of imminent harm to a person or the WNMU community.**

1.1 TIME LIMITS ON REPORTING

Individuals who believe their civil rights have been violated at WNMU or in a WNMU program should file a complaint within **180 calendar days** from the most recent alleged discriminatory incident. This time frame may be extended due to the severity and/or pervasiveness of the allegations (such as sexual violence), allegations of a continuing pattern of conduct, or as determined by CRTIX.

In cases of sex-based discrimination, including sexual misconduct, the 180-day time limit does not apply. However, CRTIX reserves the option of determining the appropriate way to address sex-based discrimination in all cases.

1.2 PRESERVATION OF EVIDENCE

Preservation of evidence is critical in instances of sex discrimination. Prompt reporting may preserve options that delayed reporting does not, including the preservation of evidence (which may be helpful to prove sex discrimination or to obtain a judicial order of protection), the support of crisis counseling, and immediate police response. Evidence consists of, but is not limited to: eyewitness documents, records, statements, photos, video, security footage, audio recordings, social media, emails, text messages, cellular records, police reports, and any other information that would be beneficial.

1.3 AMNESTY

WNMU encourages reporting of misconduct and crimes by student and employee Complainants and witnesses. Sometimes, Complainants and witnesses are hesitant to report to WNMU officials or participate in the grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the University community that Complainants choose to report misconduct to WNMU officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the grievance process.

To encourage reporting and participation, WNMU maintains a practice of offering parties and witness's amnesty from minor policy violations, such as underage consumption of alcohol or the use of other illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by WNMU, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

2.0 PROHIBITED CONDUCT

The sections below describe the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under WNMU Policy. When speech or conduct is protected by academic freedom, it will not be considered a violation of WNMU Policy, though supportive measures (Appendix A) will be offered to those impacted.

All definitions below encompass actual and/or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice-versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

Violation of any other WNMU policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or

denial of employment or educational access, benefits, or opportunities.

2.1 DISCRIMINATION

Discrimination is different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed.

Discrimination can take two primary forms:

A. Disparate Treatment Discrimination:

- a. Any intentional differential treatment of a person or persons that is based on a person's actual or perceived protected characteristic and that:
 - i. Excludes a person from participation in;
 - ii. Denies the person benefits of; or
 - iii. Otherwise adversely affects a term or condition of a person's participation in a WNMU program or activity.

B. Disparate Impact Discrimination:

- a. Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:
- b. Excludes an individual from participation in;
- c. Denies the individual benefits of; or
- d. Otherwise adversely affects a term or condition of an individual's participation in a WNMU program or activity.

2.2 DISCRIMINATORY HARASSMENT

- unwelcome conduct on the basis of actual or perceived protected characteristic(s), that
- based on the totality of the circumstances,
- is subjectively and objectively offensive, and
- is so severe or pervasive,
- that it limits or denies a person's ability to participate in or benefit from WNMU's education program or activity

2.3 SEX BASED HARASSMENT

(APPLICABLE UNDER TITLE IX, TITLE VII, AND THE FAIR HOUSING ACT)

A form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

A. Quid Pro Quo Harassment

- An employee, or other person authorized by WNMU,
- to provide an aid, benefit, or service under WNMU's education program or activity,

- explicitly or impliedly conditioning the provision of such aid, benefit, or service, on a person's participation in unwelcome sexual conduct.

B. Hostile Environment Harassment

- unwelcome sex-based conduct, that
- based on the totality of the circumstances,
- is subjectively and objectively offensive, and
- is so severe or pervasive,
- that it limits or denies a person's ability to participate in or benefit from WNMU's education program or activity

WNMU reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment. Addressing such conduct will not normally result in the imposition of discipline under WNMU Policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms.

2.4 RETALIATION

Adverse action, including intimidation, threats, coercion, or discrimination, against any person, by WNMU, a student, employee, or a person authorized by WNMU to provide aid, benefit, or service under WNMU's education program or activity, for the purpose of interfering with any right or privilege secured by law or Policy, or because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Resolution Process under the Civil Rights and Title IX Procedures, including an Informal Resolution process, or in any other appropriate steps taken by WNMU to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

The following are not deemed to be acts of retaliation:

- The exercise of rights protected under the First Amendment does not constitute retaliation.
- Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a resolution under this Policy. However, the determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

2.5 OTHER PROHIBITED CONDUCT

A. Sexual Exploitation:

- a person taking non-consensual or abusive sexual advantage of another, that does not constitute Sex-based Harassment as defined above,
- for their own benefit or for the benefit of anyone other than the person being exploited.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) a person's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another person in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)

B. Failure to Report (FTR)

When CRTIX receives information that a WNMU employee with reporting responsibilities has failed to report allegations of known or suspected policy violations in a timely fashion, CRTIX will initiate the following process.

Depending upon the nature of the FTR, CRTIX may issue a memorandum or proceed with additional fact-finding processes. If an FTR is a singular occurrence with minimal impact, an FTR memorandum will be sent to the Respondent (the person who failed to report to CRTIX) and their supervisor. This memorandum is a reminder of the employee's duties and is not disciplinary or punitive. No CRTIX investigation is conducted, no finding is made, and no hearing is held.

In cases where there are multiple instances of FTR or when an FTR could or does result in significant harm to the campus or its community, CRTIX will notify the Respondent (the person who failed to report to CRTIX) of the information that CRTIX has related to the FTR in writing and will provide Respondent **five (5) business days** to respond to the FTR allegations, by either providing a verbal or written statement. CRTIX will also provide the Respondent with their rights, responsibilities, and available resources including supportive measures and options.

CRTIX will review all relevant documents and interview witnesses, if available and necessary, to determine whether Respondent failed to report about their duties, position, and responsibility. This information will be gathered into an Investigative Report and provided to Respondent for review. Respondent will have **five (5) business days** from the date of the Investigative Report to provide additional, relevant information. CRTIX will then prepare a memorandum stating whether the information gathered demonstrates a violation of policy and will provide the memorandum to Respondent. The CRTIX investigator makes the determination of a policy violation. Respondent will have the same opportunity to appeal per the process outlined in Section 5.2H. After the appeal window closes, CRTIX will provide the FTR memorandum to Respondent's supervisor and the appropriate sanctioning authority on campus.

C. False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate WNMU policies.

D. Unauthorized Disclosure:

Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by WNMU; or publicly disclosing institutional work product that contains personally identifiable information without authorization or consent.

E. Failure to Comply/Process Interference

- Intentional failure to comply with the reasonable directives of the Director of CRTIX or designee in the performance of their official duties, including with the terms of a no contact order
- Intentional failure to comply with emergency removal or interim suspension terms
- Intentional failure to comply with sanctions
- Intentional failure to adhere to the terms of an Informal Resolution agreement
- Intentional failure to comply with Mandatory reporting duties as defined in this

Policy

- Intentional interference with the Resolution Process, including but not limited to:
 - Destruction of or concealing evidence
 - Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence
 - Intimidating or bribing a witness or party

2.6 RELATED TERMS AND DEFINITIONS

Appendix B contains a list of related terms and definitions.

2.7 PRIVACY

WNMU makes every effort to preserve the Parties' privacy. WNMU will not share the identity of any individual who has made a complaint of discrimination, harassment, or retaliation; any Complainant; any individual who has been reported to be the Respondent of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.

3.0 GRIEVANCE PROCESS – OVERVIEW OF BASIC REQUIREMENTS

WNMU's formal complaint grievance process shall:

- Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;
- Require that any individual designated by the University as the Director of CRTIX or designee, investigator, decision-maker, or any person designated by the University to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
- Include reasonably prompt time frames for conclusion of the grievance process;
- Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the University may implement following any determination of responsibility;
- State that the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard and that the University will apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;
- Include the procedures and permissible basis for the complainant and respondent to appeal;

- Describe the range of supportive measures available to complainants and respondents; and;
- Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- WNMU employees involved in the grievance process receive training for their role.

3.1 NOTICE/COMPLAINT

Upon receipt of Notice, a Complaint, or Knowledge of an alleged Policy violation, the Director of CRTIX or designee will initiate a prompt initial assessment to determine the next steps WNMU will take. The Director of CRTIX or designee will contact the Complainant of the Notice to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

3.2 INITIAL ASSESSMENT

Following receipt of notice or a complaint of an alleged violation of this Policy, the Director of CRTIX or designee begins an initial assessment, typically completed within 7 business days in duration. The initial assessment typically includes:

- Assessing whether the reported conduct may reasonably constitute a violation of the Policy.
- If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. It may then be referred to another process, if applicable.
- Determining whether CR/TIX has jurisdiction over the reported conduct, as defined in the Policy.
- If the conduct is not within CR/TIX jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate WNMU office for resolution.
- Offering and coordinating supportive measures for the Complainant. Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options, including a supportive and remedial response, an Informal Resolution option, or the Resolution Process described below.
- Determine if the Complainant wishes to make a complaint.
- Offering and coordinating supportive measures for the Respondent, as applicable
- Notifying the Respondent of the available resolution options, including a supportive and remedial response, an Informal Resolution option, or the Resolution Process described below, if a Complaint is made.
- Ensure the Complainant and Respondent are aware of their right to have an Advisor.

3.3 DISMISSAL

The University may dismiss a complaint if, at any time during the investigation or Resolution Process, one or more of the following grounds are met:

- WNMU is unable to identify the Respondent after taking reasonable steps to do so.
- WNMU no longer enrolls or employs the Respondent;

- When an employee resigns or a student withdraws and the Complaint is dismissed, the Respondent may not return to WNMU in any capacity. The Registrar, Office of Admissions, and HR will be notified, accordingly. A note will be placed in their files that they resigned or withdrew with allegations pending and are not eligible for academic admission or rehire with WNMU. The records retained by the Director of CRTIX or designee will reflect that status.
- A Complainant voluntarily withdraws any or all of the allegations in the complaint, and the Director of CRTIX or designee declines to initiate a complaint. (A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it).
- The conduct alleged in the formal complaint would not constitute a policy violation, even if proven;

Upon any dismissal, WNMU will promptly send the Complainant written notice of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, WNMU will also notify the Respondent of the dismissal.

The dismissal decision is appealable by any party. To appeal, see section 5.2H.

4.0 RESOLUTION OPTIONS

If the Complainant indicates they wish to initiate a Complaint (in a manner that can reasonably be construed as reflecting intent to make a Complaint), the Director of CRTIX or designee will help to facilitate the Complaint, which will include:

- Determine whether the Complainant prefers:
 - a supportive and remedial response - the Director of CRTIX or designee works with the Complainant to identify their needs and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - an informal resolution option, or - the Director of CRTIX or designee assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution. The complainant or Respondent may make such a request to the Director of CRTIX or designee at any time prior to a final determination.
 - a formal investigation and resolution process - the Director of CRTIX or designee will investigate the allegations and hand-off the investigation report and all relevant evidence to the Decision-maker to make a finding and determine sanctions (if applicable).

4.1 DIRECTOR OF CRTIX OR DESIGNEE AUTHORITY TO INITIATE A COMPLAINT

Based on information the Director of CRTIX or their designee, receives, they may exercise their authority to initiate an investigation or alternative resolution on behalf of WNMU, regardless of the cooperation or involvement of a Complainant or affected party. When the Director of CRTIX or designee initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

4.2 SUPPORT PERSON

The Parties may each have Support Person (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews within the Resolution Process, including intake. The Parties may select whomever they wish to serve as their Support Person as long as the Support Person is eligible and available.

- “Available” means the party cannot insist on a Support Person who simply doesn’t have inclination, time, or availability. The Support Person cannot have institutionally conflicting roles, such as being an administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions. Additionally, choosing a Support Person who is also a witness in the process creates potential for bias and conflicts of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-maker.

5.0 RESOLUTION PROCESS

Resolution proceedings are a private matter, and all persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University policy.

5.1 INFORMAL RESOLUTION

An Informal Resolution may be initiated by a Complainant or Respondent by submitting a request to the Director of CRTIX or designee any time prior to a final determination. WNMU will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. Any party participating in the process can stop the process at any time and begin or resume the Formal Grievance Process.

- Supportive Resolution: When the Director of CRTIX or designee can resolve the matter informally by providing supportive measures designed to remedy the situation.
- Educational Conversation: When the Director of CRTIX or designee can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant’s concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct.
- Accepted Responsibility: When the Respondent is willing to accept responsibility for violating policy and is willing to agree to actions that will be enforced similar to sanctions and the Complainant(s) and WNMU are agreeable to the resolution terms. Or,
- Alternative Resolution: When the parties agree to resolve the matter through an alternative resolution which includes mediation and facilitated dialogue.

Prior to implementing Alternative Resolution, WNMU will provide the parties with written notice of the reported misconduct and any terms that may be requested or offered in an Alternative Resolution agreement, including notification that an Alternative Resolution agreement is binding only on the Parties.

5.2 FORMAL RESOLUTION - INVESTIGATION

An investigation is initiated by the Complainant or the Director of CRTIX or designee. The

investigation is a neutral process during which CRTIX gathers evidence related to the allegations. This evidence is gathered from the parties, any witnesses they identify, any witnesses CRTIX identifies, and from any other source willing to provide information. The parties are encouraged to provide evidence and witnesses relevant to their case. As described in greater detail below, each party will have the following opportunities during a CRTIX investigation:

- Be provided an overview of the CRTIX process;
- Provide a verbal statement to the investigator;
- Provide evidence to the investigator;
- Suggest witnesses to be interviewed by the investigator;
- Review the evidence gathered and organized into an Investigative Report and provide new relevant information; and
- Propose questions to be asked of witnesses and parties.

If additional allegations are identified during the investigation, the investigator shall provide an amended notice to the parties. The Respondent will have the opportunity to provide additional information in response to new allegations.

Meetings for gathering statements related to an investigation will be recorded and transcribed. This ensures accuracy, offers a reference for review, and allows parties to clarify and confirm their statements to CRTIX.

A. Complainant Meeting

Upon receiving a report, CRTIX will reach out to the Complainant to schedule an intake meeting. During this meeting, CRTIX will describe process options, the rights and responsibilities of the parties, and WNMU's policies prohibiting retaliation.

Included in the initial outreach, CRTIX will provide Complainant with the intake document, which allows the Complainant to identify supportive measures and the specific process with which they would like to proceed. The Complainant has **ten (10) business days** from the initial CRTIX outreach to meet with CRTIX and identify the specific process they would like to use moving forward. If, at the end of the 10 days, Complainant has not made a decision, CRTIX will close the report. However, the Complainant may reinitiate the CRTIX process in the future.

After receiving the Complainant's decision, CRTIX will assign an investigator, if applicable. CRTIX will request to meet with the Complainant within **five (5) business days** of having received Complainant's decision. At this meeting, the CRTIX investigator will interview the Complainant to determine the specific facts underlying the Complainant's allegations. The interview will be audio-recorded and transcribed. The CRTIX investigator will send the Complainant the interview transcript and a Confirmation of Allegations (COA) outlining the specific concerns CRTIX will address. The Complainant has **two (2) business days** to review the information and confirm its contents. After the two-day time period, CRTIX will proceed with issuing a Notice of Investigation and Allegation

(NOIA), which describes the allegations it will investigate, to both the Complainant and Respondent simultaneously.

If a Complainant does not return a COA for the allegations, they have raised within the timeline specified above, CRTIX may, at its option, close the complaint without further action, or take any action it determines necessary based on the information it has.

B. Respondent Meeting

After a NOIA is issued to the parties, CRTIX will schedule a meeting with the Respondent. The NOIA will solicit questions each party would like the investigator to ask of the other party during the investigation. These answers will be included in the evidence of the Investigation Report. CRTIX will determine the format and exact content of questions asked of the parties to elicit relevant information and maximize the impartiality of the content of the question.

At the process meeting, CRTIX reviews the NOIA with Respondent, advises them of the CRTIX process, and makes them aware of their rights and responsibilities under this SOP. CRTIX will provide Respondent with the ability to make a verbal response to the allegations, which is audio-recorded and transcribed. The CRTIX investigator will submit the interview transcription and an overview of Respondent's responses to the allegations. Respondent has **two (2) business days** to review the information and confirm its contents. After the two-day time period, CRTIX will proceed with the investigation.

C. Evidence Gathering

As part of its investigation, CRTIX gathers information it deems relevant to the allegations. The parties may submit documentation they believe should be considered, as well as identify witnesses they believe should be interviewed. Witnesses are given the opportunity to review a transcript and summary of their statement before the statement is included in the Investigative Report. The parties should submit any evidentiary items, including electronic evidence such as social media posts, audio, text, and phone records. The parties should notify CRTIX as soon as possible of any electronic evidence, such as recordings and social media, for CRTIX to request and preserve the evidence.

CRTIX shall also identify evidence independent of the parties if CRTIX determines that such evidence may be relevant to its investigation. CRTIX may also receive information from other WNMU offices as appropriate or review public sources, such as social media or public records.

CRTIX has sole discretion to determine which allegations it will investigate and the way it will conduct an investigation. As such, CRTIX has sole discretion to determine the relevance of information to the investigation.

D. Dismissal Memorandum

If the evidence gathered during an investigation indicates that there is insufficient information for a decision maker to make a determination, or does not fall within the jurisdiction of CRTIX, it will issue a Dismissal Notice to the parties, summarizing its investigative findings and justification for dismissing the complaint.

CRTIX will consider a dismissal as follows:

- Where a Complainant notifies CRTIX or the Director of CRTIX or designee in writing that they want to withdraw the complaint or any allegations therein;
- Where the Respondent is no longer enrolled in or employed by WNMU; or
- Where specific circumstances prevent CRTIX from gathering evidence sufficient for a decision-maker to reach a determination (e.g., alleged misconduct is not targeted at a specific individual; there is no nexus between alleged misconduct and a protected status).

Parties may appeal a CRTIX dismissal for one or more of the following reasons:

- Procedural irregularity that affected the outcome;
- New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome; or
- The Director of CRTIX or designee, investigator, or other decision-maker had a general or specific conflict of interest or bias against the Complainant or Respondent that affected the outcome.

A dismissal appeal should follow the procedure outlined in this SOP. Even when it issues a dismissal, CRTIX may determine that the academic and/or work environment requires some informal action, such as training or education for the parties or a department. In cases where post-investigative or post-dismissal action is deemed appropriate, parties who need to know will be notified. This informal action may include:

- Referring the issue to a department to address climate issues (CRTIX will require the department to provide CRTIX with information outlining the remedial action that was taken);
- An educational or other training opportunity conducted by CRTIX or other entity; or
- Referral to another department on campus with authority to address the issues including the WNMU Campus Police, Students Affairs, Academic Affairs, or Employee and Labor Relations.

E. Investigation Report

Any allegations that are not dismissed, CRTIX will create an Investigation Report. The Investigation Report will offer no opinion as to whether a policy violation occurred.

The Investigation Report will include:

- Policies alleged to have been violated;
- A summary of the Complainant's statement;

- A summary of the Respondent's statement;
- A summary of the Witness statements;
- All relevant evidence gathered in the investigation;
- The investigative steps taken; and

The Investigative Report shall:

- Objectively state all relevant evidence, including both inculpatory and exculpatory evidence; and
- Start from the premise that the Respondent did not engage in the alleged conduct until a determination of responsibility is made at the conclusion of the grievance process by a preponderance of the evidence.

At the request of a party or witness, or at its discretion, CRTIX will exclude and redact from the report content falling into one of the following categories:

- Prior Sexual History. Generally, an individual may exclude evidence of their own prior sexual history with anyone other than a party;
- Mental Health Treatment and/or Diagnosis. Generally, an individual may exclude evidence of their own mental health diagnosis and/or treatment;
- Sensitive Personal Identifying Information and Medical Records. Sensitive personal identifying information, such as Social Security numbers and irrelevant information contained in medical records, will be excluded; or
- Irrelevant Information. Information that is not relevant to the investigation or the policy violations alleged will not be included in witness statements or in the Investigative Report.

The investigator will also exclude and redact content that is impermissible under applicable law.

In order to protect the privacy and integrity of the CRTIX investigation, no documents or records are released to the parties. The Investigative Report includes the evidence - or a description of - that CRTIX gathered during its investigation and which the Decision-maker may use to determine whether WNMU policy was violated.

A meeting will be scheduled with the parties to review. Their response may include corrections or clarifications to the party's own statement, questions for the other party or witnesses, along with any additional evidence or witnesses **not reasonably available to the parties prior to issuing the draft Investigation Report**. This new information will be included as part of the record in the Investigation Report. The parties have the right to waive the opportunity to review the draft investigation report.

The Investigator may share the investigation report with the Director of CRTIX or designee and/or legal counsel for their review and feedback.

F. Decision-maker's Determination

- The Director of CRTIX or designee will provide the Decision-maker, the Parties, and their Advisors with the Final Investigation Report (FIR) and investigation file, including the evidence and information obtained through the Investigator-led questioning meetings.
- The Decision-maker will review the FIR, all appendices, and the investigation file.
- If the record is incomplete, the Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informal meetings with the Parties or any witnesses, if needed.
- Upon reviewing the relevant evidence, the Decision-maker may also choose to pose additional questions:
 - To the extent credibility is in dispute and relevant to one or more of the allegations, the Decision-maker may meet individually with the Parties and witnesses to question them in order to assess their credibility. These meetings will be recorded, and the recording or transcript will be shared with the Parties.
 - At their discretion, the Decision-maker may also meet with any party or witness to ask additional relevant questions that will aid the Decision-maker in making their findings. These meetings will be recorded, and the recording or transcript will be shared with the Parties.
- The Decision-maker will then apply the Preponderance of the Evidence standard to make a determination on each of the allegations and, if applicable, any associated sanctions.
- **Timeline.** The Decision-maker's determination process typically takes approximately ten (10) business days, but this timeframe can vary based on a number of factors and variables. The Parties will be notified of any delays.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a Resolution Process at any time, and/or referring that information to another process for resolution.

G. Notice of Outcome

The Director of CRTIX or designee will simultaneously provide the parties a written determination regarding responsibility and any applicable disciplinary action within five (5) business days of the conclusion of the Resolution Process. The notice of outcome will specify the finding of each alleged policy violation, all applicable sanctions that WNMU is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker, supporting the findings to the extent WNMU is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

H. Appeals

Either party may submit a written request for appeal (“Request for Appeal”) for dismissal, final determination, and/or sanction to the Director of CRTIX or designee. This request must be submitted within five (5) business days of the delivery of the Notice of Dismissal or the Notice of Outcome. The appeal must clearly state which one (or more) of these grounds for appeal is alleged. No other grounds for appeal will be considered.

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination that could affect the outcome of the matter;
- The Director of CRTIX or designee, Investigator, or Decision- maker had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.

The Director of CRTIX or designee will designate an Appeal Decision-maker that has not been previously involved in the Resolution Process for the Complaint. Then the Request for Appeal will be forwarded to the Appeal Decision-maker to determine if the request meets the grounds for appeal. If the Request for Appeal does not provide information that meets the grounds for appeal, the request will be denied by the Appeal Decision-maker, and the Parties will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds for appeal, then the Appeal Decision-maker will notify the Parties, the Director of CRTIX or designee, and, when appropriate, the Investigator and/or the original Decision-maker.

The parties will simultaneously receive a written decision describing the result of the appeal and the rationale for the result. Once an appeal is decided, the outcome is final and constitutes the Final Determination.

Any sanctions imposed by the initial determination of responsibility will go into effect after the five (5) day window for appeals closes. If an appeal is filed, the determination will become final on the date that WNMU provides the parties with the written determination of the result of the appeal. However existing Supportive Measures may remain in place during the Appeal Process.

5.3 OTHER MATTERS RELEVANT TO THE GRIEVANCE PROCESS

A. General Statement of Investigation Timelines

CRTIX attempts to complete investigations in a timely manner, generally concluding within **sixty (60) calendar days** of notifying the parties that CRTIX is initiating an investigation; however, some investigations may take additional time depending upon the complexity of the claim(s) and other extenuating circumstances. When there are factors that extend the normal time frame, the parties are notified of the extension

and CRTIX documents the reasons for the extension. Similarly, when circumstances dictate that any of the timelines specifically identified herein be extended, CRTIX notifies the parties and documents the reasons for the extension.

If a party requires an extension of any time limits applying to them as stated, they should submit a request to the investigator as soon as they learn of the need for an extension and state the reason for the request. If good cause for an extension is provided, CRTIX may grant the request. If a request is granted, CRTIX will notify the parties of the length of the extension.

In investigations where there is also a criminal investigation by a law enforcement agency, the CRTIX process will run concurrently with such an investigation. CRTIX may grant temporary delays reasonably requested by law enforcement for evidence gathering and preservation.

B. Responsibilities of the Parties

All persons involved in a CRTIX investigation are encouraged, and all WNMU employees are **required**, to preserve all information and tangible material related to alleged discriminatory, harassing, or related misconduct. Examples of evidence include, but are not limited to: electronic communications, photographs, video and/or audio recordings, clothing, and medical information.

At all stages of a CRTIX investigative process, WNMU students and employees are expected to provide truthful information to the investigator. Making false representations to the University is prohibited under policy CC611 and applies to all WNMU community members.

All WNMU students, staff, and faculty who participate in a CRTIX investigation are encouraged to keep investigation information confidential during the investigation in order to maintain the integrity of the process.

C. Support Persons, and Union Representation

Complainants and Respondents are encouraged to bring a support person of their choice to guide the CRTIX process, including during the investigatory stage. A support person may be any person who is **NOT** a party, a potential witness in the case, or a supervisor of one of the parties; their role is to assist the party in navigating WNMU's and CRTIX's administrative processes.

The parties may be accompanied by their respective support person to any CRTIX meeting or interview. The support person is allowed to ask questions regarding CRTIX's process but not to answer questions posed to the parties, present arguments or evidence, or otherwise participate directly in the investigation. A support person shall make themselves reasonably available for all aspects of the CRTIX grievance process. CRTIX will review and grant good cause extensions as it deems necessary and, on a case-

by-case basis; scheduling conflicts alone generally do not constitute good cause.

If a party is a member of a union as part of their University employment, the party has a right to request that a union representative be present at any meeting with CRTIX. If the party feels it is necessary to have a union representative during the interview, the party may ask to stop the interview at any time. The party will be given **forty-eight (48) hours** to obtain a union representative and reschedule the interview.

The union representative's role is similar to a support person's, in that they are permitted to ask questions regarding CRTIX's process but are **not** allowed to answer questions posed to the parties, present arguments or evidence, or otherwise participate directly in the investigation. CRTIX will review and grant good cause extensions as it deems necessary and, on a case-by-case basis; scheduling conflicts alone generally do not constitute good cause.

CRTIX will communicate directly with the parties. If a party wishes CRTIX to include their support person or union representative in communication, the party must sign a release. If the party is a student, the student must sign a FERPA waiver provided by CRTIX.

Support persons, and/or union representatives shall not share FERPA-protected or other confidential information learned through the CRTIX process, nor engage in harassment or retaliation of any person or party. Support persons and union representatives known to CRTIX will be asked to sign a Confidentiality Agreement to protect the integrity of the CRTIX grievance process and investigation.

6.0 SANCTIONS AND REMEDIES

Sanctions can range from a verbal warning to expulsion or termination of employment. A full list of potential sanctions for students, groups, and employees can be found in Appendix C.

If the Respondent is determined to have violated Policy CC611, the Director of CRTIX may provide the Complainant with remedies that are separate from the Respondent's sanction. Remedies are designed to maintain the Complainant's equal access to the academic and/or work environment. Remedies may include extending supportive measures. Remedies are not required to be non-disciplinary or non-punitive for the Respondent and need not avoid burdening the Respondent. Remedies are confidential and are not shared with the Respondent except to ensure the remedy is carried out.

APPENDIX A - SUPPORTIVE MEASURES

WNMU will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available, and without fee or charge to the Parties upon receiving Notice/Knowledge or a Complaint. Such measures are designed to restore or preserve equal access to WNMU's education program or activity (including employment and education) without unreasonably burdening the other party, including measures designed to protect the safety of all parties or WNMU's educational environment, or deter discrimination, harassment, or retaliation.

WNMU will maintain the privacy with any supportive measures, provided to the Parties to the extent that maintaining such privacy does not impair the ability of WNMU's to provide those supportive measures. WNMU will act to ensure as minimal an academic/occupational impact on the Parties as possible. The Director of CRTIX or designee is responsible for coordinating the effective implementation of supportive measures and will implement these measures in a way that does not unreasonably burden any party.

Supportive measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Student financial aid counseling
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Implementing contact restrictions (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass Orders
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Administrator

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Complaint under this Policy.

The Parties are provided with a timely opportunity to seek modification or reversal of WNMU's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Director of CRTIX or designee. An impartial employee other than the employee who implemented the supportive measures,

who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the Title IX regulatory definition of supportive measures. WNMU will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances materially change. WNMU typically renders decisions on supportive measures within seven (7) business days of receiving a request and provides a written determination to the impacted party(ies) and the Director of CRTIX or designee.

RESOURCES FOR ONLINE STUDENTS

The Director of CRTIX or designee will work with the online student to identify available resources within their local area.

APPENDIX B - RELATED TERMS AND DEFINITIONS

CONSENT: Consent is an affirmative, informed, and conscious decision to willingly engage in mutually acceptable sexual activity. Consent requires a clear and affirmative act or statement by each participant to each sexual act in a sexual interaction and can be revoked at any time. Consent demonstrates that the conduct in question is welcome and wanted. Relying solely on non-verbal communication can lead to miscommunication about one's intent. Confusion or ambiguity may arise at any time during a sexual interaction therefore, it is essential that each participant makes clear their willingness to continue at each progression of the sexual interaction. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on WNMU to determine if its policy has been violated.

Sexual activity will be considered to have occurred "without consent" if no clear act or statement is given. Consent may not be inferred from silence, passivity, or lack of active response alone. A person who is asleep, unconscious, or otherwise unaware of what is happening is unable to give consent. Furthermore, a current or past dating or sexual relationship is not sufficient to constitute consent in every instance, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. It is the responsibility of the person initiating the sexual activity to obtain consent from their partner. Being intoxicated or under the influence of other drugs does not diminish one's responsibility to obtain consent.

INCAPACITATION: Incapacitation is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk

APPEAL DECISION-MAKER: The person who accepts or rejects a submitted appeal request, determines whether any of the appeal grounds are met, and directs responsive action(s), accordingly.

COERCION: Unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person's consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

COMPLAINANT: A student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, retaliation, or Other Prohibited Conduct under the Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination or harassment under the Policy and who was participating or attempting to participate in WNMU's education program or activity at the time of the alleged discrimination, harassment, retaliation, or Other Prohibited Conduct.

COMPLAINT: An oral or written request to WNMU that can objectively be understood as a request for WNMU to investigate and make a determination about the alleged Policy violation(s).

CONFIDENTIALITY: Exists in the context of laws or professional ethics (including Title IX) that protect certain relationships, including clinical care, mental health providers, and counselors. Confidentiality also applies to those designated by WNMU as Confidential Employees for purposes of reports under this Policy, regardless of legal or ethical protections.

DIRECTOR OF CRTIX OR DESIGNEE: The person with primary responsibility for overseeing and enforcing the nondiscrimination Policies and Procedures. As used in these policies and procedures, the "Director of CRTIX or designee" also includes their designee(s).

CR/TIX TEAM: The Director of CRTIX or designee, Investigator, and Decision-makers that take part in the resolution process.

DAY: A Business day when WNMU is in normal operation. All references in the Policy to days refer to Business days unless specifically noted as calendar days.

DECISION-MAKER: The person who reviews evidence, determines relevance, and makes the Final Determination of whether Policy has been violated and assigns sanctions.

Education Program or Activity: Locations, events, or circumstances where WNMU exercises substantial control over the context in which the discrimination, harassment, retaliation, and/or or Other Prohibited Conduct occurs and also includes any building owned or controlled by a student organization that WNMU officially recognizes.

EMPLOYEE: A person employed by WNMU either full- or part-time, including student employees when acting within the scope of their employment.

EXCULPATORY EVIDENCE: Evidence which tends to show that a Respondent is not responsible for an alleged policy violation.

FINAL DETERMINATION: A conclusion by the standard of proof that the alleged conduct did or did not violate Policy.

FINDING: A conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).

INCUPLATORY EVIDENCE: Evidence which tends to show that a Respondent is responsible for an alleged policy violation.

INFORMAL RESOLUTION: A resolution agreed to by the Parties and approved by the Director of CRTIX or designee that occurs prior to a Final Determination in the Resolution Process.

INVESTIGATION REPORT: The Investigator’s summary of all relevant evidence gathered during the investigation. Variations include the Draft Investigation Report and the Final Investigation Report.

INVESTIGATOR: The person(s) authorized by WNMU to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report.

KNOWLEDGE: When WNMU receives Notice of conduct that reasonably may constitute harassment, discrimination, retaliation, or Other Prohibited Conduct in its Education Program or Activity.

MANDATORY REPORTER: All WNMU employees are obligated to share Knowledge, Notice, and/or reports of discrimination, harassment, retaliation, and/or Other Prohibited Conduct with the Director of CRTIX or designee. (Not to be confused with those Mandatory by state law to report child abuse, elder abuse, and/or abuse of persons with disabilities to appropriate officials, though these responsibilities may overlap with those who have Mandatory reporting responsibility under this Policy)

NOTICE: When an employee, student, or third party informs the Director of CRTIX or designee of the alleged occurrence of discriminatory, harassing, retaliatory, or Other Prohibited Conduct.

PARTIES: The Complainant(s) and Respondent(s), collectively.

PRIVACY: Information related to a complaint will be shared with a limited number of WNMU employees who “need to know” in order to assist in providing supportive measures or

evaluating, investigating, or resolving the Complaint. All employees who are involved in WNMU's response to Notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with federal and state law.

PROTECTED CHARACTERISTIC: Any characteristic for which a person is afforded protection against discrimination and harassment by law or WNMU Policy.

REASONABLE PERSON: A reasonable person under similar circumstances and with similar identities to the Complainant.

RELEVANT EVIDENCE: Evidence that may aid a Decision-maker in determining whether the alleged discrimination, harassment, retaliation, or Other Prohibited Conduct occurred, or in determining the credibility of the Parties or witnesses.

REMEDIES: Typically, post-resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to WNMU's Education Program and Activity.

RESOLUTION PROCESS: The investigation and resolution of allegations of prohibited conduct under this Policy, including Informal Resolution, and/or Formal Resolution.

RESPONDENT: A person who is alleged to have engaged in conduct that could constitute discrimination based on a protected characteristic, harassment, retaliation, or Other Prohibited Conduct for engaging in a protected activity under this Policy.

SANCTION: A consequence imposed on a Respondent who is found to have violated this Policy.

SEX: Sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

SUPPORT PERSON: A support person is any person of a Complainant or Respondent's choosing who attends CRTIX interviews and helps to guide the party through the CRTIX process. A support person cannot participate in CRTIX interviews; rather, they attend CRTIX meetings and receive information provided to the Complainant and Respondent. A support person **CANNOT** be a potential witness in the CRTIX investigation that the Complainant or Respondent is involved in, nor can they be someone in the Respondent's supervisory chain.

STUDENT: Any person who has gained admission.

WITNESS: Any person who may have knowledge of or evidence relevant to an investigation or complaint.

APPENDIX C - POSSIBLE SANCTIONS

Factors the Decision-maker may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the Parties
- The Respondent's acceptance of responsibility
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

STUDENT SANCTIONS

The following are the common sanctions that may be imposed upon students singly or in combination:

- **REPRIMAND:** A formal statement that the conduct was unacceptable and a warning that further violation of any WNMU policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **REQUIRED COUNSELING:** A mandate to meet with and engage in either WNMU-sponsored or external counseling to better comprehend the misconduct and its effects.
- **RESTRICTIONS:** A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or holding leadership roles in student organizations.
- **PROBATION:** An official sanction for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from extra-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.

- **SUSPENSION:** Separation from the institution, or one or more of its facilities, for a defined period of time, typically not to exceed two (2) years, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the student is eligible to return if the institution determines it is appropriate to re-enroll/readmit the student. The student is typically required to vacate institutional property within 24 hours of notification of the action, though this deadline may be extended at the discretion of the Director of CRTIX or designee or other appropriate official. During an institution-wide suspension, the student is banned from institutional property, functions, events, and activities unless they receive prior written approval from an appropriate institutional official. This sanction may be enforced with a trespass action, as necessary.
- **EXPULSION:** Permanent separation from the institution. The student is banned from institutional property, and the student's presence at any institution-sponsored activity or event is prohibited. This action may be enforced with a trespass action, as necessary.
- **WITHHOLDING DIPLOMA:** WNMU may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating Policy.
- **REVOCATION OF DEGREE:** While very rarely exercised, WNMU reserves the right to revoke a degree previously awarded from WNMU for fraud, misrepresentation, and/or other violation of WNMU policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **OTHER ACTIONS:** In addition to, or in place of, the above sanctions, WNMU may assign any other sanctions as deemed appropriate.

STUDENT GROUP AND ORGANIZATION SANCTIONS

The following are the common sanctions that may be imposed upon student groups or organizations singly or in combination:

- **WARNING:** A formal statement that the conduct was unacceptable and a warning that further violation of any WNMU policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **PROBATION:** An official sanction for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the group or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of WNMU funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- **SUSPENSION:** Termination of student group or organization recognition and/or institutional support for a defined period of time not to exceed two (2) years and/or until specific criteria are met. During the suspension period, a student group or

organization may not conduct any formal or informal business or participate in WNMU-related activities, whether they occur on- or off-campus. 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 WNMU.

- **EXPULSION:** Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- **LOSS OF PRIVILEGES:** Restricted from accessing specific WNMU privileges for a specified period of time.
- **OTHER ACTIONS:** In addition to or in place of the above sanctions, WNMU may assign any other sanctions as deemed appropriate.

EMPLOYEE SANCTIONS/RESPONSIVE/CORRECTIVE ACTIONS

Responsive actions for an employee who has engaged in discrimination, harassment, and/or retaliation include:

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Training or Education
- Probation
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Shift or schedule adjustments
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to a New Supervisor
- Suspension/ without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, WNMU may assign any other responsive actions as deemed appropriate.

APPENDIX D – PREVENTION, RISK REDUCTION, AND AWARENESS

PREVENTION STRATEGIES

1. **Civil Rights and Title IX Training:** Provide training sessions for students, faculty, and staff on Civil Rights and Title IX rights, procedures, and the importance of preventing discrimination, harassment, and assault.
2. **Clear Reporting Mechanisms:** Develop and disseminate clear, accessible procedures for reporting Civil Rights and Title IX violations, ensuring that individuals know how to report incidents and seek support.
3. **Supportive Policies:** Regularly update policies and procedures to address Civil Rights and Title IX concerns to align with state and federal laws and regulations.

RISK REDUCTION

1. **Educational Workshops:** Office of Civil Rights and/or Student Affairs will offer workshops on consent, healthy relationships, and bystander intervention to reduce the incidence of sexual misconduct and promote a culture of respect and safety.
2. **Risk Assessment and Mitigation:** Regularly assess campus environments for risk factors related to Civil Rights and Title IX issues (e.g., unsafe areas) and take steps to address identified risks.
3. **Support Services:** Ensure that survivors of Civil Rights and Title IX violations have access to counseling, medical care, and academic accommodations to support their recovery and minimize the impact of the incident.

AWARENESS CAMPAIGNS

1. **Information Dissemination:** Use campus media (e.g., emails, social media, posters) to inform the community about Civil Rights and Title IX rights, available resources, and how to report incidents of discrimination or harassment.
2. **Engagement Initiatives:** Host events and awareness campaigns, such as Sexual Assault Awareness Month, Dating and Domestic Violence Awareness Month, Stalking Awareness Month, and Hazing Prevention Week to engage the campus community and foster discussions.
3. **Feedback and Improvement:** Opportunities to provide feedback and suggestions for Civil Rights and Title IX awareness campaigns.

These tailored strategies help ensure that WNMU adheres to Civil Rights and Title IX requirements while creating a safer and more equitable campus environment.

APPENDIX E – ADDITIONAL REPORTING OPTIONS

Concerns about WNMU's application of this Policy, procedure, or compliance with certain federal civil rights laws may be addressed to:

Office for Civil Rights (OCR)

Denver Office

Cesar E. Chavez Memorial Building,
1244 Speer Boulevard, Suite 310

Denver, CO, 80204-3582

Telephone: (303) 844-5695

Facsimile: (303) 844-4303

Email: OCR.Denver@ed.gov

Assistant Secretary for Civil Rights

Office for Civil Rights, National Headquarters

U.S. Department of Education

Lyndon Baines Johnson Dept. of Education Building

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481

Fax: 202-453-6012; TDD: 800-877-8339

Email: OCR@ed.gov