



Office of Equal Opportunity and Access (EOA)

Sexual Misconduct and Discrimination Investigation and Resolution Process for Non-Title IX Complaints¹ against Students (Student Process)

A. Overview.

Oregon State University (“university”) is committed to creating an equitable and inclusive campus free of violence, harassment, and discrimination. All individuals who are participating in university programs and activities have the right to do so fully, free from sexual misconduct, discrimination, and retaliation. The university prohibits sexual misconduct, including sexual harassment, non-consensual sexual intercourse or other sexual contact or activity, intimate partner violence, sexual exploitation, and stalking, as set forth in University Policy 05-001 Sexual Misconduct and Discrimination (“Policy²”) and Section 4.4, Discrimination and Sexual/Gender-Based Misconduct (“Discriminatory Misconduct”), of the Code of Student Conduct (“Code”).

This Sexual Misconduct and Discrimination Investigation and Resolution Process for Complaints against Students (“Student Process”) applies in instances in which an Oregon State University student³ is alleged to have violated non-Title IX provisions of the Policy and/or Discriminatory Misconduct provisions of the Code, regardless of the status of the complainant. However, the rights of complainants articulated in this Student Process, particularly as to Interim Supportive and Protective Measures (Section I) and engagement in the Administrative Conference process (Section L.8) and Appeals (Section L.11) are available only to complainants who are Oregon State University students.⁴

This Student Process sets forth the procedures that will be used to investigate and resolve complaints that allege non-Title IX violations by students of the Policy and/or Discriminatory Misconduct provisions of the Code. Additionally,

¹ This process is for university sexual misconduct and discrimination allegations against students that do not fall within Title IX prohibited conduct. See the Title IX Investigation and Resolution Process for allegations falling within the definitions of Title IX prohibited conduct.

² References to University Policy 05-001 throughout this document are only for the non-Title IX provisions of the policy. The process for allegations suggesting possible violation of Title IX provisions of University Policy 05-001 are addressed within the Title IX Investigation and Resolution Process.

³ Throughout this Student Process, the term “student” also includes “student organization,” as defined by the Code of Student Conduct, when complaints allege violations by student organizations.

⁴ Complaints alleging a violation of University Policy 05-001 by parties who are not Oregon State University students will be addressed under the Sexual Misconduct and Discrimination Investigation and Resolution Process for Complaints against Employees.

EOA may investigate alleged violations of other university policies and rules associated with the Policy and Code when the alleged violations arise out of the same incident or pattern of behavior.

This document also includes information about resources and supports available to students (both complainants and respondents).

For the purposes of this Student Process, a student is: an admitted person demonstrating acceptance of admission through participation in orientation programs or early start programs; a person who is enrolled or dually enrolled; a person enrolled online; a person between academic terms; a graduate awaiting a degree; a person on an approved educational leave; a person currently serving a suspension, including administrative suspension; a person who is not currently enrolled but can register without re-applying; a person who withdraws while a disciplinary matter, including an investigation, is pending; and, a person who is eligible to receive any of the rights and privileges afforded a person who is enrolled.

B. Accessibility.

It is the policy of the university to comply with Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 ("ADA"), as amended by the ADA Amendments Act of 2008, and other applicable federal and state regulations that prohibit discrimination on the basis of a disability.

EOA is committed to making the Student Process as accessible as possible for all students. Students off campus or otherwise unable to participate in-person may request arrangements to participate in other ways (including by providing written statements, through telephonic or online means, etc.). Students with disabilities have the right to reasonable accommodations. EOA will offer reasonable accommodations to students whose ability to participate in the process is limited or constrained because of a qualifying disability. Students who require a disability accommodation, language support, or who may have other factors that could impact their ability to participate should contact EOA as early as possible in the process to make a request for assistance, which will then be reviewed by EOA. EOA's ability to meet requests may be limited without enough advance notice.

C. Scope of Policy.

EOA is the university office charged with investigating all reported violations of University Policy 05-001 Sexual Misconduct and Discrimination, and Section 4.4, Discriminatory Misconduct, of the Code of Student Conduct. EOA is responsible for responding to all complaints by students, employees, or third parties, or anyone prevented from participating in a university program, that are brought against students, employees, or third parties.

University staff tasked with implementing the Student Process will participate in continuing education on related topics as required by applicable law. All Equity Associates, who serve as investigators for all allegations of a Policy

and/or Discriminatory Misconduct violations, receive training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, and on how to conduct an investigation that is fair and impartial, that provides parties with notice and a meaningful opportunity to be heard, and that protects the safety of the parties and all participants while promoting accountability. EOA may consult with other university administrators as part of this Student Process.

D. Reporting.

EOA will respond to all verbal, written, and electronic complaints of conduct that may violate the Policy and/or Discriminatory Misconduct provisions under the Code. In some instances, EOA may initiate an investigation in the absence of a formal complaint. The university encourages individuals to bring forward complaints and information as soon as possible after the alleged violation occurs in order to maximize the university's ability to respond promptly and effectively. While there is no timeframe for making a complaint, prompt reporting will better enable EOA to respond to the complaint, determine the relevant issues, and provide an appropriate response and/or action. Even if a significant amount of time has passed, the university encourages individuals to still report incidents that may violate the Policy and/or Code. Delay in making a complaint may impede EOA's ability to conduct an investigation or take appropriate responsive actions. In addition, depending on the relationship of the respondent to the university, the university may no longer have the authority to impose disciplinary action due to the passage of time. Where the university may not have disciplinary authority, the university will still seek to evaluate the reported conduct, provide reasonably available Supportive Measures⁵, assist the complainant in identifying external reporting options, and take reasonably available steps to end the misconduct, prevent its recurrence and address its effects. While EOA will respond to all verbal, written or electronic complaints providing notice regarding a concern, submission of a complaint does not always result in either an investigation or a informal resolution, as addressed more fully in the section G, Initial Assessment.

Amnesty: Oregon State University encourages all campus community members to report behavior associated with sexual misconduct and discrimination. To support such reporting, the university will not pursue student conduct proceedings against a complainant, a respondent, or witness for their personal use of alcohol, marijuana or other drugs at or near the time of the incident provided their use did not place the health or safety of any other person at risk. Oregon State University may, however, initiate an educational discussion with any student regarding their personal use of alcohol, marijuana or other drugs.

Anonymous Complaints: With the exception of a "Responsible Employee" (which includes most university employees, including faculty), an individual

⁵ See Section I, Interim Measures.

can choose to make a complaint anonymously, but EOA's ability to investigate complaints or take responsive action may be limited based on the amount of information available to EOA. For example, the possible response may be limited if information contained in the complaint is insufficient to verify violation(s) of the Policy and/or Code or to identify the parties involved. The Title IX Coordinator or their designee has the discretion to determine how EOA will respond to an anonymous complaint. In general, however, providing information may help the university maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location or respondent; and alert the campus community to potential dangers when appropriate.

E. Privacy.

All complaints made to EOA are treated as private information, and will generally be shared only in the most limited manner possible. Information regarding the complaint may be shared on a "need to know" basis with other university employees, for instance, to facilitate requests for interim measures.

Student medical and counseling records are considered privileged and confidential documents. Students may, but are not required to, disclose those types of documents to EOA as part of this process. To the extent medical and counseling records shared by a party are determined relevant to and are relied upon by EOA in connection with an investigation, they will be made available for review by the other party.

F. Timeframe for Resolution.

The process for resolution begins when EOA is notified of a complaint. EOA will attempt to resolve all complaints as promptly as possible, consistent with the need to conduct sensitive and informed fact-gathering to ensure an equitable resolution. The Student Process designates reasonably prompt timeframes for the major stages of the investigation and resolution process, but the university may extend any timeframe in this Process for good cause. An extension may be required: to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the academic calendar, university finals periods, the complexity of the investigation, the volume of information, number of witnesses, length of the written record, and/or the severity and extent of the alleged misconduct. Investigations will proceed according to the timeframes in this Student Process to the extent possible during the summer and at other times when classes at the university are not in session. EOA will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation.

Timeframes for all phases of the investigation process, including disciplinary proceedings, and any related appeal process, apply equally to both the

complainants and respondents. While requests for delays in the investigative process by the parties may be considered, the university cannot unduly or unreasonably delay the prompt resolution of a complaint under this Student Process. Reasonable requests for delays by the parties will serve to extend the time for resolution of the reported incident. The university has the authority to determine whether an extension is required or warranted by the circumstances. The university will keep the parties advised of the progress of the process.

Although cooperation with law enforcement may require the university to suspend the fact-finding portion of a sexual misconduct and discrimination investigation temporarily, the university will generally resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed its evidence gathering process. The university generally will not wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide appropriate Supportive Measures for the parties.

G. Initial Assessment.

Upon receipt of a complaint, EOA will take immediate and appropriate steps to review and resolve the matter promptly and equitably. The first step in this process is called an Initial Assessment.

As part of the Initial Assessment, EOA will gather information about the reported conduct, respond to any immediate health or safety concerns raised by the complaint, and evaluate if the reported conduct is within the scope of EOA's authority. If the complaint is determined to be within the EOA's jurisdiction and to assert information that, if true, would constitute a violation of the Policy and/or the Code, EOA will refer the complaint to an EOA Equity Associate to determine, with input from the complainant, the appropriate manner of resolution under the Student Process.

As part of the Initial Assessment, EOA will seek to meet with the complainant and will provide the complainant with written information on available campus and community resources and support, including law enforcement contact information, and process options, including the informal resolution process and the investigation process.

During the Initial Assessment, EOA will typically:

- assess the nature and circumstances of the complaint, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness, and/or any other individual with knowledge of the reported incident;
- address immediate physical safety and emotional well-being of the complainant and/or the campus community;

- notify the complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order, and that EOA will coordinate with law enforcement, appropriately, to minimize delay in its action on the matter;
- notify the complainant of the right to seek medical and/or counseling treatment to address physical or mental health issues;
- notify the complainant of the importance of preservation of evidence, including a forensic sexual assault examination and any relevant documentary evidence;
- provide the complainant with a written copy of EOA's Campus/Community Resources and Rights document, which contains information about their rights to report, civil and legal options, campus-based services and disciplinary processes, privacy policy information and state and community resources and services, including on and off campus advocacy, support, healthcare and confidential resources;
- notify the complainant of the range of Interim Measures available, including the right to reasonable Supportive Measures regardless of whether they choose to participate in a university or law enforcement investigation;
- notify the complainant of the range of available Interim Protective Measures;
- provide the complainant with a copy of the Policy, the Code and this Student Process and an explanation of the procedural options, including the informal resolution process and the investigation process;
- notify the complainant of the right to be accompanied at any step of the process by an advisor of their choice;
- discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., privacy or retaliation concerns); and
- explain the university's policy prohibiting retaliation and how to report acts of retaliation.

EOA will seek to complete the Initial Assessment within ten (10) business days of when EOA is notified of a complaint and if the complainant chooses to engage in the process. However, there may be circumstances where the Initial Assessment takes longer based on the availability or participation of the complainant, the availability of other necessary information, a complainant's request to maintain privacy or not seek disciplinary action, or other factors outside of the university's control. EOA understands that a complainant may engage in delayed decision-making, which may impact the timing of the conclusion of the Initial Assessment.

If EOA determines the complainant has submitted a complaint that is not within the scope of the Policy and/or Discriminatory Misconduct provisions or should be processed through another campus office or university procedure available to the complainant, EOA will provide the complainant with written notice of this determination in a timely manner, including if appropriate, directing the complainant to that procedure or office as soon as possible. EOA will maintain a record of the complaint and the reasons the complaint was deemed not within the scope of the Policy and/or Discriminatory Misconduct provisions.

In matters where the complainant does not wish to pursue an investigation, EOA will inform the complainant that the ability to take corrective action may be limited. EOA may independently determine that an investigation should proceed separate from the intent or wishes of the complainant. (See Section H. Requests for EOA Not to Investigate an Allegation)

If an alleged violation is reported by a witness, bystander, or other person, EOA will treat the person impacted by the reported violation ("impacted party") as the complainant for purposes of this Student Process. EOA will attempt to contact the impacted party three times. If the impacted party does not respond to EOA contact after the third attempt, EOA will conclude the impacted party does not wish to pursue an investigation or resolution process, and generally, close the matter. In cases with certain fact patterns, the Title IX Coordinator or their designee, may decide that EOA will conduct an investigation without the participation of the impacted party. (See Section H. Requests for EOA Not to Investigate an Allegation). The impacted party can later make EOA aware that they want to participate and EOA will generally allow them to participate if EOA is still in the investigation/evidence gathering phase of its investigation.

At the conclusion of the Initial Assessment, EOA will proceed with one of the following options:

1. Proceed with an investigation. This will occur when a complaint is determined to be within the scope of the Policy and/or Discriminatory Misconduct provisions, and the complainant requests an investigation, when EOA makes a determination to proceed with an investigation even when a complainant requests that no investigation be pursued, or when informal resolution is requested but not appropriate or available.
2. Proceed with informal resolution. This will always require the consent of the complainant. The consent of the respondent is also required when the proposed resolution requires action by or imposes restrictions on the respondent. Informal resolution includes situations where a complainant requests Supportive Measures only.
3. If outside the scope of the Policy and/or Discriminatory Misconduct provisions, refer the matter to another appropriate office or department for resolution.

When EOA decides to initiate an investigation, impose Interim Protective Measures, or take any other action that impacts a respondent, the assigned Equity Associate will ensure that the respondent is notified and receives written information on available resources and procedural options, as provided in this Student Process.

H. Requests for EOA Not to Investigate an Allegation.

In order to protect the safety of the campus community, EOA may need to proceed with an investigation even if a complainant specifically requests that the matter not be pursued. EOA may also initiate an investigation of potential violations of this Policy and/or Code even absent a formal complaint or identified complainant or respondent and even if a complaint has been withdrawn. In such a circumstance, EOA will take into account the complainant's concerns, the safety of the campus community, fairness to all individuals involved, and the university's obligations under applicable state and federal law.

A complainant may request that their name or other personally-identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps that would involve notifying the respondent, EOA will discuss any concerns with the complainant and seek to address and remedy barriers to reporting based upon concerns about retaliation or questions about procedural options and potential outcomes.

The Title IX Coordinator or their designee will balance the complainant's request against the following factors in reaching a determination on whether the request can be honored:

1. The totality of the known circumstances;
2. The nature and scope of the alleged conduct, including whether the reported conduct involves the use of a weapon;
3. The risk that the respondent will commit additional acts of sexual or other violence, as informed by previous or multiple sexual misconduct complaints involving the respondent; a history of violence by the respondent; or, threatened further sexual violence or other violence against the complainant or others by the respondent;
4. Allegations that the sexual misconduct was committed by multiple perpetrators;
5. The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
6. Whether the complaint reveals a pattern of misconduct related to Prohibited Conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular respondent;

7. The respective ages and roles of the complainant and respondent, including whether the conduct involves a complaint of sexual misconduct perpetrated against a minor;
8. The complainant's interest in the university not pursuing an investigation or disciplinary action and the impact of such actions on the complainant;
9. The availability of other means to obtain relevant evidence of the sexual misconduct without the participation of the complainant (e.g., security cameras or personnel, physical evidence, criminal process, etc.);
10. Fairness considerations for both the complainant and respondent;
11. The university's commitment to provide a safe and non-discriminatory environment; and
12. Any other available and relevant information.

EOA will consider what steps may be possible or appropriate when a respondent is unknown or the complainant requests anonymity, and what other measures or remedies might be considered to address any effects of the reported behavior on the campus community. The Title IX Coordinator or their designee will make a determination regarding the appropriate manner of resolution under the Policy and Student Process. EOA will seek resolution consistent with the complainant's request, if it is reasonably possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the parties and the campus community.

Where EOA determines that a complainant's request(s) can be honored, the university may nevertheless take other appropriate steps to stop the reported conduct, prevent its recurrence, and address its effects on the complainant and the campus community. Those steps may include offering appropriate support measures to the complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Title IX Coordinator or their designee may also re-open a complaint under the Student Process if any new or additional information becomes available, and/or if the complainant later decides that they would like to pursue an investigation.

The university's ability to investigate and respond fully to a complaint may be limited if the complainant requests anonymity or declines to participate in an investigation. The university will, however, pursue other steps to limit the effects of the reported conduct and prevent its recurrence. In all cases, the final decision on whether, how, and to what extent EOA will conduct an investigation and whether Interim Supportive or Protective Measures will be taken in connection with a complaint of sexual misconduct will be made in a manner consistent with the Policy, the Code and the Student Process.

In those instances when EOA determines that it must proceed with an investigation despite the complainant's request, EOA will notify the

complainant that it intends to initiate an investigation. The complainant is not required to participate in the investigation or in any of the actions taken by the university.

I. Interim Measures.

When a complaint is made to EOA, the university will provide reasonable interim measures designed to preserve access to educational opportunities; address safety concerns of the complainant, the respondent or the broader university community; maintain the integrity of the investigative and/or resolution process; and deter retaliation. These actions may be supportive or protective measures. Interim Supportive Measures and Interim Protective Measures are both intended to reduce and/or eliminate any negative impact, stop any wrong-doing, and prevent further harm to the individual or the campus community. The availability of Supportive and Protective Measures will be determined by the specific circumstances of each complaint and where possible, will be tailored to avoid depriving any party of their education. The university will consider a number of factors in determining which measures to take, including the needs of the student seeking Supportive and/or Protective Measures; the severity or pervasiveness of the alleged conduct; whether the student has been credibly negatively impacted; any continuing effects on the student; whether the complainant and the respondent share the same residence hall, academic course(s), or on-campus work location(s); and whether either party has received court protection from the other (e.g., protective orders). The university will work in good faith to implement the requirements of judicially-issued protective orders and similar orders, to the extent that doing so is within its authority.

EOA is responsible for ensuring the implementation of Interim Measures and coordinating the university's response with the appropriate offices on campus. EOA has the discretion to impose and/or modify any Interim Measure based on all available information and is available to meet with a complainant or respondent to address any concerns about the provision of interim measures. The university will maintain the privacy of any Supportive and Protective Measures provided under the Student Process to the extent practicable and will promptly address any violation of an Interim Measure.

1. Supportive Measures

Supportive Measures are available to the complainant regardless of whether the complainant pursues an investigation. Supportive Measures are also available to respondents to alleviate any negative impact of participating in the process. The university will provide the parties with reasonable Supportive Measures throughout the reporting, investigation, adjudication, appeal processes, and thereafter as determined to be necessary and reasonable. EOA will coordinate the implementation of Supportive Measures with other university offices as needed.

Supportive Measures may include, but are not limited to the following actions:

- a. Provide information on available campus and community-based advocacy support;
- b. Provide information on available psychological counseling and health services, including guidance in obtaining a sexual assault forensic examination;
- c. Facilitate changes to academic classes, such as adjustments to academic deadlines, course schedules, withdrawal from a class without penalty, and completing a course on-line, if appropriate and available;
- d. Facilitate changes to on-campus living situations, if appropriate;
- e. Facilitate changes to on-campus work arrangements, if appropriate;
- f. Coordinate temporary transportation/parking assistance or escort, if appropriate;
- g. Issue a mutual no-contact directive to the parties or others involved in the matter, if appropriate and as determined on a case-by-case basis, prohibiting the parties or other involved individuals from having contact or communications with each other;
- h. Refer a party to resources to assist in obtaining a protective order;
- i. Refer a party to resources to assist with any financial aid, visa, or immigration concerns; and,
- j. At the discretion of EOA, any other reasonable Supportive Measure that does not interfere with either party's access to education.

2. Interim Protective Measures

In addition to Supportive Measures, the university will consider whether Interim Protective Measures are necessary to protect the safety of the complainant or respondent or campus community, to preserve the parties' ongoing access to educational opportunities, to maintain the integrity of the investigative and/or resolution process, or to deter retaliation. Interim Protective Measures are only available when the university is conducting an investigation.

Interim Protective Measures may include:

- a. If appropriate and as determined on a case-by-case basis, issue a unilateral no contact directive prohibiting the respondent or other individuals from having contact or communications with the complainant or other individuals and requiring the party to whom the unilateral no contact directive has been issued to avoid contact with

the party on whose behalf the unilateral no contact directive has been issued, including leaving a space if necessary to avoid contact;

- b. Change in the respondent's class schedule;
- c. Change in the respondent's on-campus work schedule or job assignment;
- d. Change in the respondent's on-campus housing;
- e. Exclusion from all or part of on-campus housing;
- f. Exclusion from specified activities or areas of campus;
- g. Prohibition from participating in student activities or representing the university in any capacity such as playing on an official team; serving in student government; performing in an official band, ensemble, or production; participating in a recognized student organization and its activities; or participating in academic honor ceremonies;
- h. Administrative suspension, as addressed more specifically below;
- i. Any other Interim Protective Measure that is appropriate.

All individuals are encouraged to report to EOA any concerns about the failure of another to abide by any restrictions imposed through an Interim Protective Measure. In the event of an immediate health or safety concern, individuals should contact 911 or Department of Public Safety (on campus) immediately. The university will take action to enforce a previously implemented measure, which may include additional interim restrictions and/or disciplinary sanctions for failing to abide by a university-imposed Interim Protective Measure.

J. Administrative Suspension.

To promote the safety and well-being of members of the campus community; secure university property; and/or take action with a student/student organization who poses an ongoing threat of disruption to the normal operations of the university, the Title IX Coordinator or their designee may request that the university initiate an administrative suspension against a student or student organization. To obtain an administrative suspension, the Title IX Coordinator or their designee must make a request to the Director, Student Conduct and Community Standards ("SCCS"). The Director, SCCS, or designee, has the sole authority to initiate an administrative suspension. The process for administrative suspension is outlined in Section 9, Administrative Suspension, of the Code.

K. Informal resolution Process.

The informal resolution process is a voluntary and remedies-based approach to resolution that does not involve taking disciplinary action against a

respondent. Complainants who report sexual misconduct or discrimination under the Policy and/or Discriminatory Misconduct provisions may request the informal resolution process prior to, instead of, or during an investigation, although a decision to honor a request made during an investigation will be at the discretion of the Equity Associate in consultation with the Title IX Coordinator. In some forms of informal resolution, the remedies implemented will focus on supporting the complainant with no participation or involvement by the respondent. In other forms of informal resolution that involve or impact the respondent, the respondent must agree to participate. Depending on the form of informal resolution, it may be possible for a complainant to maintain anonymity. Where the informal resolution process involves the participation of the respondent, once the informal resolution process is concluded with a mutually agreeable outcome, the university shall consider the informal resolution to be the final outcome and the matter is then considered closed and the university will conduct no further investigation of the reported incident. There is no appeal process for a informal resolution outcome. If an agreement is not reached, and EOA determines that further action is necessary, or if a party fails to comply with the terms of the informal resolution, the matter may be referred for an investigation or other appropriate action.

EOA may determine the matter is appropriate for an investigation based on the complaint and the information gathered in the informal resolution process, even if neither party requests an investigation. If EOA determines an investigation is warranted, EOA will notify the parties in writing through a Notice of Allegations (*See Section L. Investigation Process*).

Any form of informal resolution and any combination of interventions and remedies may be utilized. Where an initial assessment concludes that informal resolution may be appropriate, the university will take prompt action, through the implementation of individual remedies, to maintain the parties' access to the programs and activities of the university and to remedy the impacts of conduct on members of the campus community. In some instances, EOA may determine, in consultation with the complainant, that the implementation of Supportive Measures is an appropriate form of informal resolution.

Other forms of informal resolution include discussions with the parties, a resolution facilitated by the Equity Associate, implementing a mutual no contact order and/or separating the parties, targeted or broad-based educational programming or training, facilitated conversation or interaction with the respondent and/or indirect action by the Equity Associate. As part of the informal resolution process, EOA will not compel a complainant and respondent to engage in facilitated conversation with each other, to confront each other directly, or to participate in any particular form of informal resolution. Where a facilitated conversation is requested, no meeting between the complainant and the respondent should occur without involvement by appropriate university staff. The informal resolution process is typically not used to resolve complaints of non-consensual sexual intercourse or when a student has reported sexual harassment against an employee in a position of authority over the student. In appropriate circumstances, however, the Title

IX Coordinator or their designee may determine that informal resolution is appropriate.

Where the complainant or respondent withdraws from the informal resolution process or the process is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the informal resolution may be considered in a subsequent investigation.

1. To begin the informal resolution process, the complainant should inform the Equity Associate or any other appropriate EOA staff member that they want to engage in the informal resolution process. The Equity Associate will inform the complainant of the range of possible outcomes, including Interim Measures, and provide information about the procedures leading to those outcomes.
2. The informal resolution process may include an inquiry into the facts, but does not include an investigation.
3. EOA will attempt to resolve the complainant's concern(s) quickly and effectively. The assigned Equity Associate or other EOA staff member will meet with the complainant, the respondent, if applicable, and any other persons the Equity Associate or other EOA staff member may determine to be necessary.
4. If a mutually agreed resolution is reached, a written record of the resolution shall be documented by the Equity Associate and maintained in accordance with applicable EOA recordkeeping policies. The university shall consider the informal resolution to be the final outcome and the matter is then considered closed. No appeals of a informal resolution outcome are possible.
5. Either the complainant or respondent may at any time elect to withdraw from the informal resolution process. Additionally, if the Equity Associate determines that a mutually agreeable resolution is not possible, or if the Equity Associate learns of information that requires an investigation, the Equity Associate may terminate the informal resolution process. In that event, the Equity Associate will promptly notify the parties, in writing, that the informal resolution process has terminated, and inform the parties of the right to request an investigation. If an investigation is requested, EOA will consider that request based on EOA's review of the complaint and the information gathered in the informal resolution process, taking into consideration whether complainant has asserted information that, if true, would constitute a violation of the Policy and/or the Code.

The informal resolution process will typically be completed within sixty (60) calendar days of the initial complaint.

L. Investigation Process.

Once EOA has determined that a complaint raises a potential violation of the Policy and/or Discriminatory Misconduct provisions, EOA will initiate an investigation at the request of the complainant or when the Title IX Coordinator or their designee independently determines an investigation is warranted. EOA may initiate an investigation even without a complaint or participation by a complainant. Additionally, an investigation may be initiated when a informal resolution process has been terminated.

1. **Overview.** EOA will conduct a prompt and equitable investigation to gather information relevant to the determination of whether there is sufficient information, by a preponderance of the evidence, to determine that a Policy and/or Code violation occurred. The investigation will be impartial and will be conducted by trained individuals who have no actual bias or conflict of interest for or against the complainant or respondent.

During the investigation and adjudication, both the complainant and respondent have equitable opportunities, including the opportunity to receive a written notice of allegations; to participate in the investigation; to review and present information and evidence; to be accompanied by an advisor of their choice at any stage of the process; to timely and equal access to information that will be used in making a decision about responsibility; to timely notice of meetings at which their presence will be requested or required; to simultaneous written notice of the outcome, sanction, and rationale; and to receive information about available appeals.

The university, not the parties, is responsible for gathering relevant evidence. The complainant and respondent will be asked to identify witnesses and provide other relevant information, such as documents, communications, and other evidence, if available. The parties are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution. In the event that a party declines to voluntarily provide material information, the university's ability to conduct a prompt, thorough, and equitable investigation may be impacted.

2. **Investigator.** When the decision is made to initiate an investigation, EOA will designate an investigator to conduct a prompt, thorough, fair, and impartial investigation. The investigator is typically an Equity Associate, but may also be an experienced external professional investigator. All EOA investigators have received training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking and on how to conduct an investigation that is fair and impartial, that provides parties with notice and a meaningful opportunity to be heard, and that promotes the safety of the parties and all participants while promoting accountability.

3. **Notice of Allegations.** EOA, in consultation with the Director of SCCS or their designee, will issue a notice of allegations to the parties via OSU email or U.S. mail.
 - a. The notice will provide a summary of the allegations, including: the names of the parties; the date, time, and location of the alleged violation, if known; a brief summary of the nature of the reported conduct; the specific sections of university Policy and/or Code that are alleged to have been violated; the rights of each party, and on-campus resources available to each party; the prohibition against retaliation; the importance of preserving any potentially relevant evidence; the name of the EOA investigator; how to challenge the participation of the investigator on the basis of a conflict of interest or bias; and, a copy of the Policy, the Code, and the Student Process. If the investigation reveals the existence of additional or different potential violations of the Policy and/or Code, EOA will issue a supplemental notice of allegations.
 - b. Upon receiving the notice of allegations, the respondent is expected to contact EOA within three (3) business days to schedule a meeting with the Equity Associate or to notify EOA that they do not wish to meet. The investigation will continue even if the respondent does not choose to participate. Respondents can choose to participate at any point in the investigation, but may not be permitted to offer evidence to EOA once the Final Investigation Report is provided to the Director, SCCS.
4. **Evidentiary Standard.** The applicable evidentiary standard for all violations of the Policy and Code is a preponderance of the evidence. This standard is met when the evidence shows that it is “more likely than not” that the alleged misconduct occurred.

A respondent is presumed to be not responsible unless and until the investigation has concluded and there is a preponderance of the evidence that a Policy and/or Code violation has occurred.

5. **Consolidation of Investigation.** EOA has the discretion to consolidate multiple complaints into a single investigation if evidence relevant to one incident is relevant to the others. Consolidation might involve multiple complainants and a single respondent, multiple respondents, or conduct that is logically connected. Where the conduct is related or part of the same incident or series of incidents, EOA may investigate alleged violations of other university policies, rules, and/or Code provisions.
6. **Investigation/Evidence Gathering.** After the notice of allegations is sent, the Equity Associate will conduct a thorough and impartial investigation, gathering relevant and necessary information about the alleged misconduct. During the investigation, the complainant and the

respondent will have equitable opportunities to provide the Equity Associate with the names and contact information of fact witnesses, documentation, and any other relevant evidence related to the alleged misconduct.

The Equity Associate will invite both the complainant and the respondent to meet separately with them.

Before or during the **initial meeting with the complainant**, the Equity Associate will ensure that the complainant has information regarding rights and options generally addressed during the Intake Meeting, as set forth in section G, Initial Assessment. In addition, the Equity Associate will address the following:

- Explain the investigation process and timelines and answer any related questions.
- Provide a document explaining the complainant's rights and options under this Student Process, including the right to be accompanied at any step of the process by an advisor of their choice.
- Provide the complainant a full opportunity to provide information regarding the allegations, including providing the Equity Associate with relevant documentary evidence and the identity of potential witnesses;
- Provide the complainant the opportunity to complete and sign a complaint form;
- Discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding, including explanation of the informal resolution process versus an investigation process;
- Explain the university's policy prohibiting retaliation;
- Confirm with the complainant the process for requesting any Interim Supportive or Protective Measures; and
- Schedule other meetings, if necessary.

The **initial meeting with the respondent** is typically for the purpose of informing the respondent about the allegations and investigation process, including the right to submit a written response to the allegations, and about available support and resource options. Before or during the initial meeting with the respondent, the Equity Associate will address the following:

- Advise the respondent of available on-campus and off-campus advocacy, support and healthcare resources, including confidential resources;

- Provide the respondent with a copy of the Policy, the Code, and this Student Process;
- Explain the investigation process and timelines, and answer any related questions.
- Provide a document explaining the respondent's rights and options under the Student Process, including the right to be accompanied at any step of the process by an advisor of their choice;
- Provide the respondent with a written summary of the complaint against respondent, if not already provided. If the summary complaint is not available at the time of the initial meeting with the respondent, the Equity Associate will provide it as soon as it is available;
- Provide the respondent full opportunity to respond to the allegations, at their election, and to provide information regarding the allegations, including providing the Equity Associate with relevant documentary evidence and the identity of potential witnesses;
- Explain the university's policy prohibiting retaliation;
- Confirm with the respondent the process for requesting any Interim Supportive or Protective Measures;
- Inform the respondent that although they are not required to do so, they have the option to provide a written response to the allegations, and have 10 business days to provide that written response; and
- Schedule other meetings, if necessary.

The Equity Associate will also arrange to meet with relevant witnesses. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, the parties, or related matters. Witnesses may not participate solely to speak about an individual's character. Where witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be included in or attached to the written investigation record, which the parties will have the opportunity to review at the conclusion of the investigation.

The Equity Associate will also gather and consider other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the individual who is the subject of the records), and other electronic records as appropriate.

The following apply to the Investigation/Evidence Gathering process conducted by Equity Associates:

- a. All statements made to the Equity Associate during the investigation will be documented in writing and offered for review for accuracy by the individual who provides the information. Individuals who review the accuracy of their statements may provide clarifications or additions, or submit alternative language that they believe more accurately reflects what was said during the investigation interview; this information will supplement, not replace, the individual's earlier statement. Individuals who elect to review their statements must provide a response to the Equity Associate within five (5) business days of receiving the written record.
- b. The Equity Associate may consider information publicly available from online sources that is brought to the attention of EOA. The university does not actively monitor online sources, however, and as with all potentially relevant information, the complainant, respondent, or witness should bring online/publicly available information to the attention of the Equity Associate if they believe it is relevant. The Equity Associate may also consider communications involving or relating to one or both parties that either party brings to the attention of the Equity Associate or that is provided by the parties in response to a request by the Equity Associate. The Equity Associate may also seek review of information available on university devices or servers, to the extent permissible and consistent with the university's information technology policies.
- c. The Equity Associate may visit relevant sites or locations, as appropriate, and record observations through written, photographic, or other means. In some cases, the Equity Associate may consult medical, forensic, technological, or other experts when expertise on a topic is relevant in order to achieve a fuller understanding of the issues under investigation. The university generally will not consider polygraph results.
- d. In general, a person's medical and counseling records are confidential and not accessible to EOA unless the person voluntarily chooses to share those records with the Equity Associate. As noted above, to the extent medical or counseling records shared by a party are determined relevant to and relied on in the investigation, relevant information from the records will be made available for review by the other party.
- e. The Equity Associate will review all information identified or provided by the parties and will determine the appropriateness, relevance, and probative value of the information developed or received during the investigation. In general, the Equity Associate will not consider statements of personal opinion or statements as to any party's

general reputation for any character trait. All information considered relevant by the Equity Associate will be provided to the parties for their review and comment, as described in the Student Process.

- f. Prior or subsequent conduct may be considered in determining pattern, knowledge, intent or motive. For example, evidence of a pattern of misconduct by the respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy and/or Code violation, may be deemed relevant to the determination of responsibility for the conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct. The Equity Associate will determine the relevance of this information, which may involve additional investigative steps, and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.
- g. The sexual history of the complainant or respondent will never be used to prove character or reputation. Evidence related to the prior sexual history of the parties is generally not used in determining whether a violation of the Policy and/or Code has occurred and will only be considered when a determination is made that the evidence is directly relevant to the investigation. For example, if consent is at issue, the sexual history between the parties may be relevant to determine the nature and manner of communications between the parties, which may inform the determination whether consent was sought and reasonably appeared to have been given during the incident in question. As set forth in the consent definition, even in the context of a relationship, consent on one occasion does not constitute consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain injury, to provide proof of a pattern, or to address another specific issue raised in the investigation. The Equity Associate will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.
- h. If evidence of additional possible Policy and/or Code violations is found during the investigation, the party accused of that violation will be notified of those allegations in writing through a new or an amended notice of allegations. An amnesty provision applies in some circumstances. (*See D. Amnesty*)
- i. If a respondent appears to be within a year of degree completion at the time EOA commences an investigation of sexual misconduct and/or discrimination under the Policy and/or Discriminatory Misconduct provisions, EOA will request that the Registrar place a

hold restricting conferral of the party's degree in order to preserve the university's ability to appropriately address the alleged conduct.

- j. If either party leaves or graduates from the university during the investigation, EOA may proceed with the investigation or further action as necessary to eliminate, prevent or address any impacts of the reported conduct. The Student Process will continue to the extent necessary to ensure that the university has taken appropriate action in response to the complaint. In some instances, the imposition of Interim Measures may be sufficient to resolve the reported concerns. EOA will continue to offer a party who has left or graduated the opportunity to participate in the process.
- k. Failure to offer evidence known during the process does not constitute grounds for appeal on the basis of new evidence.

7. Investigation Record and Final Investigation Report. At the completion of the fact-gathering and before findings are reached, the Equity Associate will prepare an investigation record that provides the complainant and the respondent equal and timely access to information that will be used in making factual findings relevant to the allegations and Policy and/or Code violations with which the respondent has been charged. The investigation record will summarize the information gathered in the investigation, and will contain all relevant information relied upon in the course of the investigation, including statements by the parties and witnesses, relevant evidence submitted by the parties and witnesses, and any other evidence determined to be relevant by the Equity Associate. The Equity Associate will prepare a draft investigation report, without any findings, summarizing all relevant information gathered in the fact-gathering phase of the investigation.

- a. EOA will offer the complainant and the respondent equal opportunity to review the draft investigation report and investigation record in-person in the EOA office or through a secure online platform. No copies, photographs, saving, or sharing of the investigation record or draft investigation report will be permitted.
- b. The parties will have the opportunity to respond to the draft investigation report and investigation record within ten (10) business days of the date they became available for review. Either party may request an extension of the ten (10) day timeline in writing for good cause. The party's response may: (1) provide written comments or feedback to information within the draft investigation report or investigation record, (2) submit additional information or follow up questions to be asked of the other party or any witness, (3) identify additional witnesses, and/or (4) request the Equity Associate collect other relevant information. The Equity Associate will determine the appropriateness of additional investigative steps and the relevance of additional information. If either party provides a written response

or makes a request for additional investigation, the written response and any additional substantive information gathered by the Equity Associate will be incorporated as appropriate in the final investigation report.

- c. The parties will be offered the opportunity to submit written questions for the other party involved in the matter. At the discretion of the Equity Associate, the questions submitted may be asked as provided, asked as modified by the Equity Associate, or not asked at all, based on the Equity Associate's determination of whether or not the questions are relevant or may provide clarity to the investigation. A written record of the questions asked by the Equity Associate and the answers to those questions will be provided to each party.
- d. Unless there are significant additional investigative steps requested by the parties, the Equity Associate will prepare a final investigation report, normally within ten (10) business days after receipt and consideration of additional comments, questions, and/or information from the parties. The final investigation report will include the relevant information contained in the investigation record, the parties' responses to the investigation record, an overview of areas of contested or uncontested information, the Equity Associate's findings as to contested information, including the Equity Associate's assessment of credibility, if relevant, in reaching those findings, and findings of fact.
- e. The final investigation report and all relevant evidence, including the investigation record, will be made available to the Director of SCCS. The Director of SCCS, or their designee, will review all information contained within the final investigation report and investigation record developed by the Equity Associate. The Director of SCCS, in consultation with the Title IX Coordinator, may request that the Equity Associate provide additional information or investigation.

8. Administrative Conference.

The administrative conference is the administrative process intended to provide an opportunity for each party to respond to information in the final investigation report. The university uses the administrative conference to determine whether the Policy and/or Code have been violated and, if applicable, impose sanctions. The administrative conference provides an opportunity for the parties to discuss with the Director of SCCS, or designee, either in-person or in writing, information provided in the final investigation report as well as issues relevant to the finding of responsibility, if any.

- a. The administrative conference process will be conducted by the Director, SCCS or their designee. The Director, SCCS and any

individual designated by the Director, SCCS must be free from actual bias or conflict of interest.

- b. The Director, SCCS, or designee, will issue a Notice of Administrative Conference to the parties, generally within two (2) business days of receipt of the final investigation report. In that notice, the Director, SCCS, or designee, will provide each party with electronic access to the final investigation report. The investigation report will be anonymized and will be watermarked in a manner that identifies which party is receiving the report copy. The investigation report will be made available through completion of the Administrative Conference process, unless the process is placed on hold by SCCS.
- c. All parties will be given the opportunity to submit written statements that address the charges and investigation report. The written statement must be submitted within ten (10) business days of the Notice of Administrative Conference. The statements of each party will be provided to the other. Each party will then be provided ten (10) business days to provide a written response to the other party's statement. The parties may also submit rebuttal evidence and witnesses for the Director, SCCS's, or designee's review.
- d. Either party may choose not to submit a written statement and/or response. If a party chooses not to submit a written statement and/or response, the Director, SCCS, or designee, will make a determination based upon the available information.
- e. At their election, either party may meet with the Director, SCCS, or designee, to discuss the information provided in their written statement. The request for an in-person meeting must be made within five (5) business days of submission of the written statement.
- f. The timelines the administrative conference process sets for the parties are firm. However, if a party wishes to modify a timeline, the party should submit a written request to the Director, SCCS, or designee, for the requested modification. The written request must show good cause for modifying the timeline and must be submitted before the deadline. While the Director, SCCS, or designee, has sole authority to grant or deny a request to modify a timeline, the Director, SCCS, or designee, may consult with the Title IX Coordinator or their designee, if necessary. The Director, SCCS, or designee, will send simultaneous notices of timeline modifications to the parties. The parties may request periodic updates from the Director, SCCS, or designee, as to the status of the administrative conference process.

- g. Once the deadline for both parties to submit a written response to the other party's statement has passed, or the deadline for requesting an in-person meeting has passed, the administrative conference process will be considered concluded.

9. Sanctions.

In keeping with the university's commitment to foster and maintain an environment that is safe, inclusive, and free from sexual misconduct and discrimination, the Director, SCCS, or their designee, has great latitude in the imposition of sanctions tailored to the facts and circumstances of each complaint of sexual misconduct and discrimination, the impact of the conduct on the complainant, the impact on the campus or surrounding community, and whether or not the respondent has acknowledged any responsibility. The imposition of sanctions is designed to eliminate sexual misconduct and discrimination, prevent its recurrence, and remedy its effects, while supporting the university's educational mission, and state and federal obligations. Sanctions may include educational, restorative, and rehabilitative components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, or so detrimental to the educational process that it requires severe sanctions, including suspension or expulsion.

The Director SCCS, or their designee, may solicit information from the complainant, the respondent, or any university administrator who can provide information relevant to a determination regarding potential sanctions. The Director SCCS, or their designee may also review any written impact or mitigation statement submitted by the parties.

In imposing sanctions in cases where a respondent has been found responsible for violating the Policy or Code, the Director SCCS, or their designee, shall consider the following factors in order to reach a sanction proportionate to the violation committed in each reported incident:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the complainant;
- the impact or implications of the conduct on the community or the university;
- prior misconduct by the respondent, including the respondent's relevant prior discipline history, both at the university or elsewhere (if available), including criminal convictions that are relevant to the alleged Policy and/or Code violations with which the respondent has been charged;

- whether the respondent has accepted responsibility for the conduct;
- fostering a safe and respectful environment conducive to learning;
- protection of the campus community; and
- any other mitigating, aggravating, or compelling circumstances.

As set forth in more detail in Section 6 of the Code, potential sanctions for student respondents may include, but are not limited to: warnings, educational activities, behavioral expectations, restitution, restrictions/exclusions, no contact directives, suspension, and expulsion. Sanctions may be imposed individually or in combination. See Section 6 of Code of Student Conduct for the entire list of possible university sanctions.

The Director, SCCS, or designee, has final decision-making authority with regard to sanctions, subject to available appeals. Any sanctions will be determined in accordance with the Code or other applicable university policy. Where the respondent is assigned sanctions, SCCS will monitor compliance with the sanctions imposed. Where no violation is found, the investigation will be closed unless the complainant files an appeal.

10. Notice of Decision.

After the conclusion of the administrative conference process, the Director, SCCS, or designee, will make a decision as to whether there has been a policy and/or Code violation based on the investigation record, the final investigation report, the written statements and responses of the parties and any other relevant documents submitted during the administrative conference.

The Director, SCCS, or designee, will prepare the written notice of decision summarizing the administrative conference process, the Director's or designee's decision regarding the alleged violations of Policy and/or the Code including the rationale that shaped that decision, and appropriate sanctions, if any, and the rationale for each. This document will serve as the determination of the university on the matter. The notice of decision will also include information on the availability of appeals. The Director, SCCS, or designee, generally will issue a notice of decision, to be delivered to both parties simultaneously, within ten (10) business days from conclusion of the Administrative Conference process.

11. Appeal.

The complainant and respondent may appeal the determination and any outcome imposed by the Director, SCCS or their designee, on one of three grounds outlined in 8.2 of the Code, Grounds for Appeal.

- a. An action or omission that occurred that was not in accordance with the procedures outlined in or referenced by the Code, or was fundamentally unfair, which substantially impacted the outcome;
- b. New evidence exists that was unavailable at the time of the original hearing that could substantially impact the original finding or sanction (a summary of this new evidence and its potential impact must be included); failure to participate or otherwise present available information in the original hearing does not constitute new evidence; or
- c. The sanctions imposed are disproportionate given the context of the violation.

If an appeal is filed by either party, the Director of SCCS, or designee, will notify the opposite party of the appeal and will provide information on how to submit information in response to the appeal. All appeals follow the appeals process contained within the Code (See Code of Student Conduct, Section 8: Appeals), and shall be submitted according to the Code. Following Section 8 of the Code, the appeal will be considered in a neutral and impartial manner by either appellate authority (the Vice Provost for Student Affairs or the Associate Vice Provost and Dean of Students), both impartial decision-makers trained in issues related to sexual misconduct and state and federal law.

The appellate authority has the authority to sustain, alter, or reverse the findings and/or sanctions in part or entirely. The appellate authority may also remand the matter to the appropriate review level, either Director, SCCS, or EOA, for further consideration. The decision of the appellate authority serves as the final decision of the university on the matter; no additional appeals are available. Following the conclusion of any appeal process, the matter will be closed.

M. Additional Provisions.

1. Advisors.

The parties and witnesses may each elect to be accompanied by one advisor to any meeting or interview conducted under the Student Process. An advisor can be a friend, family member, union representative, attorney, advocate, or any individual of the party's choosing. However, a witness to the alleged misconduct is not eligible to be an advisor for either party.

The role of the advisor is to support the party and/or give advice regarding the process. An advisor may observe, take notes, request breaks to consult with the party, and ask for clarification about the process.

An advisor may not directly participate in the process, answer questions for the party or witness, interject comments that disrupt the meeting, or interrupt the process to such an extent that the educational purpose of the meeting is impaired, as determined in the sole discretion of the Equity Associate or Director of SCCS, or designee. If an advisor violates these restrictions, they will be given one warning, then, if the disruptive conduct continues, they will be requested and expected to leave the meeting. The party or witness can then elect and be accompanied by a new advisor.

2. Participation.

Students are strongly encouraged to directly participate in all stages of the Student Process. Because the process is educational in nature, and because information related to mitigating and aggravating circumstances is considered, students are best positioned to provide the information and enhance their own learning through direct participation. If students choose to not participate in the Student Process, the matter may proceed without them and a decision may be made in the absence of any input from the student.

3. Safeguarding Privacy.

All parties involved in this process are expected to keep all detailed information relevant to the proceedings private during the process. Reproduction of documents and disclosure of information contained in documents made available by EOA for review in the process are prohibited, and any breach of this restriction is subject to disciplinary action by SCCS. All parties are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, complainants and respondents are not restricted from discussing or sharing information with others who may support or assist them during the process.

The expectation of privacy during the investigation and resolution process should not be understood to limit the legal rights of the parties during or after resolution. The university may not, by federal law, prohibit either party from disclosing the final outcome (after any appeal is concluded). All other conditions for disclosure of administrative conference records and outcomes are governed by the Family Educational Rights and Privacy Act ("FERPA") and any other applicable laws.

All records of completed informal resolutions and investigations are considered education records of the involved students and retained by EOA in compliance with its records retention policy. These records are only available for review by the parties as provided by and during this process. Access to records of informal resolutions or investigations is substantially limited after the completion of the matter. Redacted records may be available to a party, as determined by the university, in compliance with FERPA and other applicable law.

4. Witness Cooperation in Investigations.

Witnesses are expected to cooperate with and participate in the investigation. Any witness who declines to participate in, or cooperate with, an investigation may, in the sole discretion of the Equity Associate, be permitted to offer evidence or testimony later. Witnesses are encouraged to make themselves available to answer questions by phone, Skype, or similar technology if they cannot be interviewed in person.

Witnesses who refuse to participate or obstruct an investigation conducted by EOA may be referred to SCCS, if a student, and/or the Office of Human Resources, if an employee or student employee.

5. Coordination with Law Enforcement.

If there is a concurrent criminal investigation, the university will seek to work in a collaborative manner in order to respect the integrity of both the external criminal investigation and the university investigation. This may include contacting the law enforcement agency that is conducting any investigation to inform that agency that a university investigation is also in progress, attempting to ascertain the status of the criminal investigation, and seeking to determine the extent to which any evidence collected by law enforcement may be available to the university in its investigation.

Although cooperation with law enforcement may require the university to suspend the fact-finding portion of an EOA investigation temporarily, the university will generally resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering portion of its investigation. The university will not, however, wait for the conclusion of a criminal proceeding to begin or conclude its own investigation and, if needed, will take immediate steps to provide appropriate Supportive Measures for the parties.

6. Training for University Staff.

University staff tasked with implementing the Student Process will participate in continuing education on related topics as required by applicable law. All Equity Associates receive training on state and federal laws, regulations, and investigatory techniques and practices.

7. Conflicts of Interest.

The university is committed to ensuring that its Student Process is free from actual or perceived bias or conflicts of interest that would materially impact the outcome of the investigation or resolution. Any concerns regarding conflict of interest in an EOA process should be submitted promptly to the Executive Director of EOA.

8. Recordkeeping.

EOA will retain, in accordance with the EOA records retention schedule, records of all complaints, investigations, and resolutions involving alleged violations of the Policy and/or Discriminatory Misconduct provisions of the Code.

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