

Enclosure 8a
January 7, 2015

**COUNCIL FOR POSTSECONDARY EDUCATION
NON-DISCRIMINATION POLICY STATEMENT**

It is the policy of the Council for Postsecondary Education ("CPE") and its constituent institutions and agencies (specifically, the University of Rhode Island, Rhode Island College, the Community College of Rhode Island and the Office of the Postsecondary Commissioner) not to discriminate on the basis of race, sex, religion, age, color, creed, national or ethnic origin, disability, sexual orientation, gender identity or expression, genetic information, marital status, AIDS/HIV status, citizenship status, status as a domestic abuse victim, status as a homelessness person; or status as a special disabled veteran, recently separated veteran, Vietnam era veteran, or veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized in the recruitment, admission or treatment of students, the recruitment, hiring or treatment of faculty and staff, or in the operation of its activities and programs, as specified by State and Federal Laws (and applicable judicial decisions applying and interpreting such laws), including but not limited to the Equal Pay Act of 1963, Titles VI and VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, Title IX of the 1972 Educational Amendments to the Higher Education Act, Executive Orders 11246, 91-39 and 92-2, as amended, Sections 503/504 of the Rehabilitation Act of 1973, as amended, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, The Americans with Disabilities Act of 1990, the ADA Amendment Act of 2008, and Rhode Island General law 28-5.1, as amended, and all other laws which pertain to access and equity.

The Council for Postsecondary Education ("CPE") and its constituent agencies and institutions are committed to the principles of Affirmative Action and the attainment of Equal Employment and Equal Educational opportunities for all qualified individuals. The CPE and each of its constituent institutions and agencies, shall be responsible for designating, by action of its president or other chief operating officer, an appropriate official to serve as the entity's responsible official for charged with overall responsibility for the implementation and maintenance of the entity's affirmative action and equal opportunity programs.

COUNCIL FOR POSTSECONDARY EDUCATION SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY

POLICY STATEMENT

The Council for Postsecondary Education ("CPE") and its constituent agencies and institutions (specifically, the University of Rhode Island, Rhode Island College, the Community College of Rhode Island and the Office of the Postsecondary Commissioner) prohibit all forms of unlawful sexual harassment and sexual violence, as those terms are defined herein. CPE and its constituent agencies and institutions shall hereinafter be referred to as the "covered entities".

PURPOSE AND GOALS OF POLICY

- (1) Defines the types of conduct that will be considered to be prohibited sexual harassment, sexual assault and sexual violence at the covered entities;
- (2) Provides examples of such prohibited conduct;
- (3) Directs the CPE and its constituent agencies and institutions to establish and communicate appropriate requirements and mechanisms for reporting instances of sexual harassment and sexual violence, to provide appropriate information to their communities about sexual harassment and sexual violence and to provide appropriate support and resources to victims of sexual harassment or sexual violence.

BACKGROUND

Sexual harassment is prohibited in the employment context by Title VII of the 1964 Civil Rights Act and the Rhode Island Fair Employment Practices Act, and in the education context by Title IX of the Educational Amendments of 1972 and Title VI of the 1964 Civil Rights Act.

Sexual violence (as that term is defined herein) is prohibited in both the employment and educational contexts under Title IX of the Educational Amendments of 1972 ("Title IX") and the Violence Against Woman Reauthorization Act of 2013 ("VAWA").

APPLICABILITY

All faculty, staff, and students at all covered entities must comply with this policy and procedures in an effort to foster an inclusive and safe academic and work environment. This policy applies to the sexual harassment, sexual assault or perpetration of sexual violence by one member of the covered entity's community (faculty, staff, student, and volunteer) against another. Depending on the context, the policy may also apply where one of the involved or affected parties is a visitor or a contractor performing work on behalf of the covered entity. The policy applies to all such behavior occurring on campus, and to behavior occurring off campus when the behavior arises in the context of a covered entity event or otherwise has a significant relation to, or could have a significant impact on, the covered entity's living, learning or employment environments.

COUNCIL FOR POSTSECONDARY EDUCATION SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY

DEFINITIONS

SEXUAL VIOLENCE

As used in this policy, the term sexual violence shall refer to: (a) "sexual violence under Title IX" as that term is defined herein; and (b) "sexual or relationship assault or violence under VAWA" as that term is defined herein.

SEXUAL HARASSMENT

Sexual Harassment is any unwelcome conduct of a sexual nature. It can include unwelcome verbal, nonverbal and physical conduct that ranges from sexual gestures or teasing to sexual assault, acts of sexual violence, including domestic and dating violence, stalking and coerced activity.

Examples of Sexual Harassment include, but are not limited to the following:

- (1) Verbal: Sexual remarks, comments, jokes and innuendos, communicating unwelcome stories about someone's social or sexual life, and propositions or pressure for social or sexual contact.
- (2) Non-verbal: The display of sexually explicit stares, gestures or suggestive pictures, including secretly video recording sexual acts or objects.
- (3) Physical: Unwanted touching, patting, grabbing, pinching, including sexual assault, domestic violence, dating violence stalking and rape.

Sexual harassment need not be intentional. The intent of the person who is alleged to have committed such behavior is not relevant to determining whether a violation has occurred. The relevant determination is whether a reasonable person similarly situated could have interpreted the alleged behavior to be sexual harassment.

Conduct or behavior may be considered sexual harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's education, employment, performance appraisal, evaluation of academic performance or full participation in the entity's life;
- (2) Submission to or rejection of such conduct by an individual is used as a basis for decisions affecting that individual's education, employment, academic performance or progress, personnel decisions or full participation in the life of the covered entity; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's education, employment or academic performance or creating an intimidating, hostile, offensive or abusive environment at the covered entity

Acts that do not necessarily involve conduct of a sexual nature but are based on sex or gender-stereotyping, and which may include physical aggression, intimidation or hostility, voyeurism, and hazing are considered gender-based harassment and are prohibited. Specific examples of such behavior include these:

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- (1) A faculty member conditions a student's evaluation based on submission to sexual advances. The faculty member then gives the student a poor evaluation for rejecting the advances.
- (2) A student editor for the college newspaper continually and inappropriately touches another student newspaper staff member in a sexual manner.

SEXUAL VIOLENCE UNDER TITLE IX

Sexual violence under Title IX, as defined in guidance issued by the U.S. Department of Education, is a form of sexual harassment, and refers to: physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion.

SEXUAL OR RELATIONSHIP VIOLENCE OR ASSAULT UNDER VAWA

Sexual or relationship violence or assault under VAWA refers to the following offenses, as defined herein: sexual assault; domestic violence; dating violence; or stalking.

DEFINITIONS

SEXUAL ASSAULT

Sexual assault is a rape or other unwanted physical contact with the intimate parts of a person's body for purposes of sexual gratification, humiliation or degradation. The "intimate parts of a person's body" means the genital area or any substance emitted therefrom, groin, anus or any substance emitted therefrom, inner thighs, buttocks or breasts.

DATING VIOLENCE

Sexual or physical abuse or threat of such abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim based on:

- (1) Length of relationship,
- (2) Type of relationship and
- (3) The frequency of the interaction between persons involved in the relationship

DOMESTIC VIOLENCE

The crime of violence committed by a;

- (1) Current or former spouse or intimate partner of the victim;
- (2) Person with whom the victim shares a child in common;
- (3) A person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner,
- (4) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction or

COUNCIL FOR POSTSECONDARY EDUCATION

COMPLAINT PROCEDURES

for

DISCRIMINATION, SEXUAL HARASSMENT & SEXUAL VIOLENCE

Revised December 15, 2014

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INTRODUCTION: GENERAL COMPLAINT PROCEDURES
PERTAINING TO EMPLOYEES

These complaint procedures apply to complaints by or regarding employees of the Council for Postsecondary Education (the Council). The Council complaint procedures apply to complaints by or regarding employees of the Council for Postsecondary Education (the Council) at the Office of the Postsecondary Commissioner ("OPC") alleging unlawful discrimination, harassment, sexual harassment, retaliation and all types of sexual violence that are prohibited by Title IX and the Council Sexual Harassment and Sexual Violence Policy, including sexual assault, sexual battery, rape and sexual coercion. These complaint procedures also apply to complaints and cases of sexual or relationship assault or violence covered by the Violence Against Women Reauthorization Act ("VAWA") of 2013, and the Council's Sexual Harassment and Sexual Violence Policy, which are sexual assault, domestic violence, dating violence, and stalking. All the sexual and relationship offenses prohibited under Title IX and VAWA will hereinafter be collectively referred to by the general term "sexual violence."

The Council prohibits discrimination, including harassment and retaliation, on the basis of race, color, creed, national or ethnic origin, gender, gender identification or expression (transgender status), religion, disability, age, sexual orientation, genetic information, marital status, citizenship status or status as a special disabled veteran, recently separated veteran, Vietnam era veteran, or any other veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. The Council also prohibits all forms of sexual harassment and sexual violence.

These procedures are also applicable to complaints and cases that may arise under, and are intended to be consistent and compliant with the procedural and substantive

provisions of, applicable state and federal law and regulations including but not limited to Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the 1972 Educational Amendments to the Higher Education Act; the Age Discrimination in Employment Act of 1967; Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended; the Equal Pay Act of 1963; the Americans with Disabilities Act of 1990; ADA Amendment Act of 2008; the Higher Education Act of 1965, as amended; the Violence Against Women Reauthorization Act of 2013; the Genetic Information Nondiscrimination Act, Executive Order 11246, as amended; Executive Order 91-39; Executive Order 92-2; and Rhode Island General Law §28-5.1, as amended.

The procedures set forth in this policy also describe the process for individual members of the relevant campus communities (e.g., faculty, staff or students), and employees of the Office of Post Secondary Commissioner ("OPC"), to follow in the event they believe themselves or other, to have been victim of unlawful discrimination, harassment, retaliation, sexual harassment, or sexual violence. . These procedures also describe the required process for the investigation and resolution of allegations of such wrongful conduct by the institutions and OPC. A complaint may also be filed against institutional service providers, vendors, and other contractors. In these instances, the **Office of Affirmative Action** shall determine, within its discretion, appropriate response and action.

The provisions of the collective bargaining agreements governing unionized employees may provide additional mechanisms for addressing allegations of discrimination.

OFFICES TO CONTACT

If any member of the relevant campus communities (e.g.: faculty, staff or students) or employees of the OPC believe that their rights (and or the rights of others) have been

violated and wish further information, advice or assistance in filing a complaint, they should, as a first step contact:

University of Rhode Island

Affirmative Action Office/ Title IX Coordinator (Roxanne Gomes)

201 Carlotti Administration Building

Kingston, Rhode Island 02881

Phone: (401) 874-2442

TTY - via RI Relay at 1-800-745-5555

Rhode Island College

Affirmative Action Office/Title IX Coordinator (Maggie Sullivan)

600 Mt. Pleasant Avenue

Providence, Rhode Island 02908

Phone: (401) 456-8000

TTY - via RI Relay at 1-800-745-5555

Community College of Rhode Island

Affirmative Action Office/Title IX Coordinator (Sheri Norton)

400 East Avenue

Warwick, Rhode Island 02886

Phone: (401) 825-1000

TDD: (401) 825-2313

Office of Postsecondary Commissioner

Affirmative Action Office/Title IX Coordinator (Interim: Ann Marie Coleman)

*80 Washington Street, Ste. 450
Providence, Rhode Island 02903
Phone: (401) 456-6000
TDD: (401) 456-6027*

COMPLAINTS INVOLVING STUDENTS

In the event that an employee files a complaint against a student, the Office of Affirmative Action/Title IX Coordinator and the Division of Student Affairs will determine which office will proceed with the processing of the complaint. Proceedings involving student-to-student complaints will be adjudicated through the Division of Student Affairs and must comply with the procedural guidelines contained in the institutions student handbook.

FILING DEADLINES

To provide adequate opportunity for a prompt investigation, that enables access to the most current evidence, parties are encouraged to file complaints as soon as possible. All complaints under this policy must normally be filed within 365 days after the last of alleged discriminatory act occurred. The College's ability to respond to complaints filed beyond this time is limited. However, complaints or cases involving allegations of continuing unlawful discrimination, harassment, sexual harassment, sexual violence, or retaliation may be fully investigated, including occurrences beyond the 365-day time frame, so long as the last act of alleged discrimination occurred within the prescribed statute of limitations (365 days).

ADVISORS AND SUPPORTERS

All parties meeting with an Affirmative Action Officer/Title IX Coordinator may be accompanied by an individual of their choice for support and/or advice. This individual: : may not a have a voice in, or play any formal role in, the proceedings; may not address

or question the investigator, other parties or witnesses; may not present evidence or make arguments; and shall not have any role other than to accompany and communicate with the party requesting support.

REPORTING

If discrimination, including retaliation, sexual harassment, or sexual violence, is observed by or reported to an institutional official, that official must respond promptly and appropriately, whether through direct corrective action or sharing the complaint with appropriate institutional officials. The official shall also report the case to the appropriate Affirmative Action Office. The fact that the alleged victim does not wish to file a formal complaint does not relieve the official of their reporting responsibility.

DISCRIMINATION AGAINST GROUPS

Cases involving unlawful discrimination, including harassment or retaliation, against a group or class of individuals, reflecting an apparent pattern and practice of discrimination, must be appropriately acted upon by the Affirmative Action Officer/Title IX Coordinator regardless of whether there is an identified complainant.

CRIMINAL VIOLATIONS

Any complaints or cases involving potential criminal violations shall be referred to the campus police and reported to the appropriate President or the Commissioner for Postsecondary Education.

In cases involving allegations of sexual violence or other crimes, complainants shall also be informed of their right to file a complaint with local law enforcement authorities. However, regardless of whether a Complainant files a complaint with local law enforcement authorities, and regardless of any investigations or other actions taken by

local law enforcement, the institution/OPC will continue to have an obligation to undertake and duly complete its own internal complaint and investigation procedure.

NON-RETALIATION

Retaliation against any complainant or witness is prohibited and shall be treated as a separate violation of the institutions' or OPC investigation procedure. commissioner for Postsecondary Edu

There shall be no disciplinary action, retaliation or reprisal for bringing a complaint in good faith. But individuals shall not knowingly make false charges of discrimination, harassment, retaliation, sexual harassment, or sexual violence.

Furthermore, no officer, employee, or agent of the colleges and universities under the Council's jurisdiction shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of law, or any college or university policy or procedure, relating to campus security or campus crime reporting, including any laws and university policies relating to the reporting of, and required responses to, allegations of sexual assault.

MODIFICATION OF PROCEDURES

These procedures constitute the general complaint process to be followed by the Institutions and OPC in addressing and resolving complaints and cases of unlawful discrimination, harassment, retaliation, sexual harassment and sexual violence. The Institutions and OPC shall have the right to reasonably alter and/or deviate from the procedural guidelines contained herein when it is warranted by either the circumstances of a case or required by applicable state and federal law and regulations. The Institutions and OPC shall also have the right to authorize and appoint a designee to serve in the Affirmative Action Officer's capacity in the execution of these procedures.

Complaints regarding the institutions' President or the Commissioner for Postsecondary Education should be filed with the Office of General Counsel for the Council for Postsecondary Education.

The parties are to be provided timely written notice of any such designation and to receive a copy of any substantive deviation from the procedural guidelines normally applicable to their particular complaint or case.

SPECIFIC PROCEDURES

INITIAL CONSULTATION

The Affirmative Action Officer/Title IX Coordinator shall meet with the Complainant to discuss the complainant's concerns, and review the complaint procedure, determine the appropriate jurisdiction and explain the different methods available to resolve the complaint under these procedures. (See: formal resolution, informal resolution, and mediation where applicable).

The purpose of this initial step is to assist individuals to identify the source of the concern and provide the complainant with information concerning institutional/OPC resources, policies and procedures; so that the complainant might best assess the most appropriate course of action, given their circumstances.

PROCEDURAL OPTIONS

If it is determined that the Office Affirmative Action shall retain responsibility for the case, the Affirmative Action Officer/Title IX Coordinator will ascertain from the Complainant which of the procedural resolution options.

Informal Resolution

Mediation (Not an Option for Sexual Violence Cases)

Formal Resolution

The selected option will be verified by the complainant's signature. Selection of an option at this time will not preclude the complainant from electing another option at a later time, where appropriate, as determined in consultation with the Affirmative Action Officer/Title IX Coordinator.

If it is determined that the case should not be addressed by the Office Affirmative Action, the Affirmative Action Officer will refer the complainant to the appropriate office or department.

INTERIM PROTECTIVE MEASURES

If, during the initial consultation, the Affirmative Action Officer/Title IX Coordinator determines that immediate action may be necessary to protect the rights, interests, or safety of the Complainant, Respondent or the campus community, the Affirmative Action Officer/Title IX Coordinator will advise the institution's/OPC I human resources office of the situation. Upon consultation with appropriate institution/OPC officials, immediate action may be taken which may include temporary changes in duties and responsibilities, directives to Complainant and Respondent regarding personal contact, warnings to the Respondent and, in severe cases, the immediate suspension of the Respondent pending the completion of a formal investigation. These remedial and protective actions may be coordinated with any similar actions independently provided by the institution upon the request of the Complainant.

INFORMATION FOR COMPLAINANTS ALLEGING SEXUAL VIOLENCE

In cases involving allegations of sexual violence, Complainants shall, in addition, be provided an explanation of his/her rights and options, which shall include a description of available options for, and assistance in, changing academic, living, transportation, and working situations, as well as information about:

1. the importance of seeking immediate medical attention for sexual violence
2. other available health care and counseling services

3. the importance of preserving evidence for proof in the investigation or subsequent proceedings, or for obtaining a protective order
4. to whom the alleged sexual violence should be reported
5. options regarding notifying law enforcement and/or campus authorities, including notification of the Complainant regarding the Complainant's right to:
 - a. notify either police (local or campus) or campus authorities
 - b. be assisted by campus authorities in notifying law enforcement if the Complainant so chooses
 - c. decline to notify such authorities
6. the rights of Complainants and the institutions in notifying law enforcement if the protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

If the Complainant alleging sexual violence is a student, the student shall also be referred to the appropriate Student Affairs Office responsible for advising student victims of alleged sexual violence, who shall provide further relevant information and assistance to the student, as required by Title IX, VAWA, local law and university policies. If the Complaint alleges sexual violence, the complaint investigation and proceedings shall be conducted by an official (or officials) who have received annual training on methods and processes for conducting complaint investigations and proceedings in a manner that protects the safety of victims and promotes accountability, and any other training required by law or University policy.

WITNESSES

The Affirmative Action Officer/Title IX Coordinator may contact any other pertinent individuals who may have knowledge of or information relating to the matter.

CONFIDENTIALITY

At the time at which an option is selected, the Complainant will also be asked to make a decision regarding confidentiality. The Institution/OPC will make all reasonable efforts to honor requests for confidentiality, to the extent permitted by law. However, it must

be understood that while some concerns or complaints can be resolved without disclosing one's identity, often successful resolution cannot be achieved under such circumstances. Further, individuals who are directly accused of unlawful and/or discriminatory behavior and who, as a result, may be subject to disciplinary action; are entitled to a copy of the formal complaint and/or a summary of the charges against them so that they may prepare a proper defense.

Any member of the Council, employees of the Office of the Postsecondary Commissioner, or students or employees of the colleges or university who participate in formal or informal proceeding under this policy or otherwise gain knowledge thereof shall treat all information acquired, whether written or oral, as confidential.

The Institutions and OPC will keep identifying information about complainants and victims confidential in accordance with all applicable legal requirements, and such information will generally only be shared on a need-to-know basis with those college and university officials such as investigators, campus security personnel, student affairs officials, and other college or university officials who are involved in responding to the complaint or who are legally required to receive such information. In cases where an individual wishes to file a complaint but not be identified, their request will be honored to the full extent permitted by law, but the individual will be advised that the college's or university's ability to investigate the complaint or proceed with appropriate corrective or disciplinary action may be prevented or significantly hampered. The identity of, and identifying information about, complainants and victims will not be disclosed in any public safety notices, final determination reports, or statistical reports that may be issued or made publically available as required or permitted by law. If the college or university is compelled by law, such as through a subpoena or court order issued in a legal proceeding, or through a public records request, to provide such information to third parties, the college or university will make a reasonable effort, prior to complying

with the request, to notify the individual, so that the individual may seek a protective order or take other actions as they may deem appropriate.

INFORMAL RESOLUTION

This informal procedure is intended to affect the resolution of a complaint by reconciling the parties' differences and/or rectifying the alleged discriminatory action(s). Complaints that the Affirmative Action Officer/Title IX Coordinator determines as involving discrimination against a group or class of individuals, or involves likely criminal violations may not be resolved through use of the informal resolution process option. Informal resolution will also not be used in cases involving allegations of sexual violence.

If, after preliminary review of the matter, it is the judgment of the Affirmative Action Officer/Title IX Coordinator that the case should not be addressed by the Office of Affirmative Action/Title IX Coordinator, the informal procedure shall be terminated and, the case shall, if applicable, be referred to the appropriate office.

If the parties agree to the informal resolution procedure, the Affirmative Action Officer/Title IX Coordinator will make all reasonable attempts to resolve the matter within thirty (30) days. The specific details of each case will determine the best possible means for achieving a satisfactory resolution. If attempts at informal resolution are not effective, if the terms of the informal resolution are subsequently broken, or if for any reason the complainant wishes to discontinue the informal resolution process, the complainant may exercise either of the remaining options.

If the complaint is resolved during the informal procedure the terms of the resolution will be reduced to writing and signed by the parties.

The Informal Resolution Process offers an option to discuss, evaluate and resolve allegations of discrimination without beginning a Formal Review/Investigation.

No official findings of fact are made about the alleged behavior, which may be discriminatory and/or violate Institution/OPC policy. Rather, emphasis is placed on:

1. Identifying the source of the allegations/concerns(s).
2. Exploring alternatives to resolve the complaint.
3. Instituting solutions to address the current concerns(s) and eliminate the possibility of similar issues occurring in the future.

Steps in the Informal Resolution Process

The following steps shall be taken in an effort to resolve complaints in an informal manner.

Step 1: Notifying the parties

Upon receipt of a complaint, the Office of Affirmative Action/Title IX Coordinator shall notify and meet with the Complainant and the Respondent..

Step 2: Information gathering

In an effort to fully understand the facts and positions of the Complainant and the Respondent, the Investigator shall take steps that is deems necessary to gather additional information from the parties or from others perceived to have knowledge of the allegations.

Step 3: Resolution or Next Steps

If all parties agree to the informal resolution procedure, the Affirmative Action Officer/Title IX Coordinator will make all reasonable attempts to

resolve the matter within thirty (30) days. The specific details of each case will determine the best possible means for achieving a satisfactory resolution. If attempts at informal resolution are not effective or the terms of the informal resolution are subsequently broken, the Complainant may file a formal resolution complaint.

If the Informal Resolution Process fails to resolve the matter to the satisfaction of both the parties, either may request a Formal Resolution/Investigation of the charge within 10 calendar days of concluding the Informal Resolution Process.

MEDIATION

Upon preliminary review of the allegations, the Affirmative Action Officer/Title IX Coordinator will determine whether the case is appropriate for mediation. Examples of cases not suitable for mediation: Discrimination cases involving class or group actions; incidents that reflect a pattern and/or a practice of discrimination; and incidents involving acts of violence; and incidents involving a significant imbalance of power or authority between the parties.

Mediation must be agreed upon by the Complainant and Respondent. If the Complainant selects mediation as the process of resolution but the Respondent does not agree, the Complainant has the right to select either the informal or formal resolution option.

If the parties agree to mediation, a neutral mediator acceptable to the parties will meet with both the Complainant and the Respondent within 20 calendar days to determine the goal and schedule the mediation session.

At the conclusion of the mediation, if successful, the mediator will develop a resolution letter and provide a copy to the Complainant and Respondent. If the mediation fails to

result in a resolution letter, the Complainant may exercise their right to proceed to formal resolution.

FORMAL RESOLUTION

Any person(s) who believes they have been the victim of discrimination, harassment, retaliation, sexual harassment or sexual violence, or who witnesses acts of discrimination, harassment, retaliation, sexual harassment or sexual violence against others, may file a formal complaint with the Affirmative Action Office/Title IX Coordinator. Utilizing the informal process is not a prerequisite. A formal review consists of conducting an investigation, fact-finding, determining whether sufficient credible evidence exists to support the allegation(s) and issuing written findings. The formal investigation and related proceedings, which are described below, shall provide a prompt, fair, and impartial investigation and resolution of the allegations.

Step 1: Complainant's Written Statement

Normally, a signed incident complaint form containing a written statement of allegations initiates the formal process. In order to enable the Investigator to most effectively investigate the complaint, the written statement of allegations should contain a detailed description of the conduct being complained about, the name(s) of the alleged offender(s), the name(s) of the alleged victim(s), the names of any alleged witnesses, and the name of the person filing the complaint. The Affirmative Action Officer/Title IX Coordinator will provide assistance to anyone for whom completion of the complaint form is difficult or impractical. The person or persons filing the complaint and/or the alleged victim of discrimination shall be referred to hereinafter as the **Complainant**. Anonymous complaints, and complaints filed by individuals who request confidentiality, will be investigated by the Institution/OPC to the extent possible pursuant to the procedures set forth herein.

Step 2: Notifying the Respondent

The person or persons identified as the alleged offender shall be referred to hereinafter as the **Respondent**. Once the complaint has been filed, the Affirmative Action Officer will notify the respondent(s) by written letter of its existence and provide them with a copy of the signed complaint.

Step 3: Respondent's Written Response

The Respondent(s) will be provided an opportunity to file a formal response. The formal response shall be filed with the Affirmative Action Office/Title IX Coordinator by the Respondent(s) within twenty (20) days from the date the Respondent(s) received the signed complaint.

NOTE: If the **Respondent(s)** fails to timely file a formal response and/or elect(s) not to participate in the formal resolution process, the case will proceed and be investigated with or without the involvement of the Respondent(s).

NOTE: If, during the investigation, the **Complainant** indicates a desire to withdraw, the Complainant shall sign a written statement of withdrawal containing the reasons therefore and the case may be closed in the discretion of the Affirmative Action Officer/Title IX Coordinator. However, the Affirmative Action Officer/Title IX Coordinator may continue to conduct the investigation and take action to address the issues raised by the Complainant regardless of the Complainant's wishes.

Step 4: Investigation Process

The Affirmative Action Officer/Title IX Coordinator or designee will act as investigator. The investigator is neutral, objective, and does not act as an advocate for either party. At any time during the investigative process, parties may be accompanied by an individual advisor of their choice for support and advice. Additionally, the advisor may also assist in the preparation of information to be provided to the investigator. However,

during the investigative proceedings, this advisor: may not have a voice in, or play any formal role in, the proceedings; may not address or question the investigator, other parties or witnesses; may not present evidence or make arguments; and shall not have any role other than to accompany, and communicate with, the party requesting support. The investigator is authorized to contact any and all persons who may have information relevant to the complaint. The investigator shall have access to all relevant College/University/OPC records. The investigator shall maintain a record of the investigation, including any interviews, which shall be retained as a permanent confidential Affirmative Action Office record.

Step 5: Final Investigative Letter

A final investigative letter shall be prepared which sets forth the findings of the Affirmative Action Officer/Title IX Coordinator and the basis and rationale for his/her conclusion(s). Unless otherwise indicated in the letter, the date of the letter shall be considered the date upon which the results of the investigation become final. In making his/her findings, the Affirmative Action Officer/Title IX Coordinator shall utilize the evidentiary standard of "preponderance of the evidence." The final investigative report shall normally be issued within sixty (60) days after the complaint is filed. When more than sixty (60) days is needed to complete the investigation, the Affirmative Action Officer/Title IX Coordinator shall notify the parties and proceed as expeditiously as possible. Allegations or evidence of violations of policies and procedures that are discovered during the investigation but which are outside the jurisdiction of the Affirmative Action Officer/Title IX Coordinator shall be referred to the appropriate office for resolution. The Affirmative Action Officer/Title IX Coordinator will simultaneously provide copies of the letter to the Complainant and the Respondent, and will also send a copy to the appropriate Vice President/Provost. The Complainant and Respondent will also be advised of the appeal process at that time. If for any reason the findings in the

letter are later changed by the investigator, both parties will be simultaneously advised of that (and any new appeal period) as well.

POST-INVESTIGATION PROCEDURES

APPEAL PROCEDURES

Either party (Complainant or Respondent) may appeal the Affirmative Action Officer's/Title IX Coordinator's findings. Such appeals shall be filed with the Institution's President or the Commissioner of Postsecondary Education as appropriate. The Appeal may be conducted by the President or the Commissioner or their designee. Parties wishing to file an appeal must do so within ten (10) days after receiving the Affirmative Action Officer's/Title IX Coordinator's final letter. The appeal process will not involve reinvestigation of the complaint. Appeals must raise specific issues related to the Affirmative Action Officer's findings. Appeal decisions (which shall include a statement of the rationale for the decision) shall be rendered within thirty (30) days after the request for appeal is received unless extended for good cause as reasonably determined by the Appeals Officer. Copies of the appeal decision shall be simultaneously provided to the parties, with a copy also to be sent to the appropriate Vice President/Provost.

DISCIPLINARY ACTIONS

When the investigative findings of the Affirmative Action Officer/Title IX Coordinator (together with the appeal decision in cases in which there is an appeal) are received by the appropriate Vice President, Provost, or Associate Commissioner, the appropriate Vice President or Provost, in consultation with the institution's/OPC's Associate Vice President of Human Resources, shall render a written determination (which includes a statement of the rationale for the determination) regarding the appropriate disciplinary and/or corrective action, and provide a copy of the written determination to the Respondent. In cases involving allegations of sexual violence, a copy of the written

determination will also be provided to the Complainant. Such disciplinary and/or corrective action may include any such action(s) that may be described in the relevant policies and that are deemed appropriate under the circumstances. These actions include but not limited to: reprimand, required counseling, suspension, demotion, or termination.

Disciplinary action will follow the procedural requirements of collective bargaining agreements and any applicable statutory and judicial mandates. The Vice President/Provost/Associate Commissioner will be responsible for the implementation of all such disciplinary/corrective action measures. A record of the outcome of each case will remain a part of the permanent confidential file of the case maintained by the Affirmative Action Office/Title IX Coordinator.

POST-PROCEEDING PROTECTIVE MEASURES

In addition, the Vice President/Provost, in consultation with the institution's/OPC's Director of Human Resources and/or Director of Student Affairs, may direct that certain measures be instituted or provided, to protect or safeguard the victim of the misconduct, to make the victim feel safer or less vulnerable and/or to prevent or minimize the possibility of a further harmful incident or offense that would be harmful to the victim. Such protective measures may include: no trespass orders, no contact orders, counseling, reassignment of work duties, workplace relocation, referral to institutional offices capable of providing support, advice or other resources (e.g. EAP, Housing, Woman's center, Residence Life), or any such other action(s) that may be described in the institution's/OPC's policies and that are deemed appropriate under the circumstances.

POST-CLOSURE MONITORING

Following closure of a case, the Affirmative Action Officer/Title IX Coordinator may monitor the actions of the complainant and the respondent to ensure continued compliance.

OUTSIDE AGENCIES

All individuals shall be informed regarding their right to seek redress through the following outside agencies:

Office of Civil Rights, Region I
US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Tel.: (617) 289-0111
Fax: (617) 289-0150
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

United States Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000
Fax: 617-565-3196 <http://www.eeoc.gov/field/boston/index.cfm>

Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, Rhode Island 02903
Tel: 401-222-2661 Island: 401-222-2664
Fax: 401-222-2616
<http://www.richr.state.ri.us/frames.html>
