

Office for Institutional Equity Procedures for Investigating Complaints of Discrimination and Harassment

I. Introduction

The University is committed to address allegations and suspected instances of discrimination and/or harassment in accordance with applicable law and policies. The Office for Institutional Equity is ultimately responsible for appropriately investigating all complaints of discrimination and/or harassment. In some instances appropriately trained individuals may be delegated authority to investigate in partnership with the Office for Institutional Equity.

Any employee, student, campus visitor or person participating in a university activity, whether on or off-campus, who believes he or she has experienced or witnessed discrimination and/or harassment is encouraged to report the incident(s) promptly. While all individuals are encouraged to report, certain individuals are required to do so in accordance with applicable laws and policies. Prompt reporting of complaints is vital to the University's ability to resolve the matter.

The University reserves the right to investigate circumstances that may involve discrimination and/or harassment where no complaint has been filed. In situations where a complainant is reluctant to proceed, the complainant will be notified in advance when such action is necessary. In such situations, the University may elect to investigate and, if warranted, impose disciplinary sanctions pursuant to established University policies, procedures and, where appropriate, collective bargaining agreements.

In the event that circumstances involve potential criminal conduct, the University may be required to notify law enforcement and/or other authorities. Victims and witnesses to any criminal conduct are encouraged, but not required, to make a report to the CSU Police Department. If a criminal investigation and/or a criminal proceeding are commenced, the University will continue to conduct its own investigation and will still take immediate and prompt steps that it deems necessary to protect the University community.

The University also reserves the right to take provisional actions, including any and all necessary and immediate measures to protect a complainant or the University community. Such actions may include taking interim steps before the determination of the final outcome of an investigation as specified in the herein Procedures.

II. Definitions

Advisory Committee

The committee appointed by the Director of the Office for Institutional Equity to advise the Hearing Officer pursuant to Section X of these Procedures. The committee members serve in an advisory role at the discretion of the Hearing Officer after completing training approved by the Office for Institutional Equity.

Complainant(s)

A person or persons making a complaint under these Procedures.

Hearing Officer

The Vice President for Student Affairs or designee, when an investigation finds no violation of policy, inappropriate conduct, or false allegation, or the Provost or the Provost's designee when the Vice President for Student Affairs has taken action steps and/or sanctions in response to a finding of a violation of policy, inappropriate conduct, or false allegation.

Investigator

A person designated to investigate a complaint pursuant to these Procedures.

Preponderance of the Evidence

The standard of proof used to determine a violation of University policies, inappropriate conduct or false allegation. To meet the preponderance of the evidence standard, the evidence presented must establish for a reasonable person that it is more likely than not that the conduct occurred.

Procedures

The procedures set forth in this document.

Respondent

The person or persons whose conduct is investigated under these Procedures.

III. General Provisions

These Procedures apply to all complaints of discrimination and/or harassment (including Title IX), whether the parties are students, recognized student organizations, employees, campus visitors or persons participating in a university activity. Employees who are students involved in activities subject to these Procedures may be treated either as students, employees or both at the sole discretion of the University. Student employees will be treated as students. Allegations of discrimination and/or harassment involving only students acting in their capacities as students will be adjudicated under these Procedures only and not under the Code of Student Conduct. If a dispute arises as to which policy/procedure will address discrimination and/or harassment, the final decision regarding which policy/procedure will be used for the investigation and determination will be made by the Chief Compliance Officer.

To protect both the complainant and the respondent, complaints of discrimination and/or harassment will be treated with the greatest degree of confidentiality possible. Complainants and respondents are advised, however, that confidentiality can only be respected insofar as it does not interfere with the University's obligation to investigate allegations of misconduct that require it to take corrective action and comply with obligations under the Ohio Public Records law.

The complainant or respondent may have an advisor or support person present at any point in these Procedures to provide advice or support directly to the complainant or respondent. An advisor or support person may not however, stand in place of either the complainant or the respondent, or otherwise participate in the investigation process.

All employees, students and University agents or representatives have an obligation to cooperate with these Procedures. Failure to do so may result in disciplinary action. In the event that a complainant does not cooperate by failing to furnish information requested by the investigator or to make himself or herself available for interview, the Director of the Office for Institutional Equity may dismiss the complaint within his or her sole discretion. If a complaint is dismissed, written notice of such dismissal shall be provided to the complainant(s) and to the respondent(s). In the event that a respondent does not cooperate by failing to furnish information requested by the investigator or to make himself or herself available for interview by the investigator, the investigator shall conclude the investigation based upon information available at the time.

When extenuating circumstances warrant, the Director of the Office for Institutional Equity has the authority to extend any of the time limits contained in these Procedures except those relating to the filing of complaints or the filing of appeals.

In the event that a complaint concerns the conduct of an employee or student-worker from the Office for Institutional Equity, the Chief Compliance Officer shall designate an individual who shall be responsible for implementing the responsibilities of the Director pursuant to these Procedures. In the event that a complaint concerns the conduct of the Chief Compliance Officer, the General Counsel shall designate an individual who shall be responsible for implementing the responsibilities of the Chief Compliance Officer pursuant to these Procedures. In the event that a complaint concerns the President, the Chairman of the Board of Trustees shall be responsible for ensuring the implementation of these Procedures.

IV. Initiating a Complaint of Discrimination and/or Harassment

A. Complaints can be filed by contacting the Office for Institutional Equity or by submitting a completed Discrimination/Harassment Complaint Form to the Office for Institutional Equity. There is no deadline for making a report of discrimination or harassment. However, if a report involves conduct that last occurred more than 180 calendar days before the report, the Office for Institutional Equity may determine that the report cannot reasonably be investigated. Notwithstanding the foregoing, a complaint relating to alleged discrimination and/or harassment occurring during a complainant's employment by the University must be filed within ten (10) working days following the end of the complainant's employment with the University.

B. Anonymous complaints will be accepted; however, the University's ability to obtain additional information may be compromised and the ability to investigate or resolve anonymous complaints may be limited.

C. Filing a complaint with the Office for Institutional Equity does not preclude an individual from filing a complaint with an external agency nor does it extend time limits with those agencies. Information regarding filing charges with an outside agency may be obtained from contacting the agency directly or from the Office for Institutional Equity.

D. Individuals who desire to make a complaint of discrimination and/or harassment may:

1. Initiate a conversation with the responsible party or seek to resolve the situation in consultation with an appropriate executive or administrative officer, such as a dean, chair/director; faculty or administrative supervisor; faculty member; coach; or human resources consultant.
2. If the issue is not resolved or if an individual is not comfortable initiating a resolution as identified in Section IV.D.1 above, an individual may contact the Office for Institutional Equity or submit a completed Discrimination/ Harassment Complaint Form, available from the Office for Institutional Equity.
3. Provide witnesses and/or documentation from individuals that have first-hand knowledge of the situation.
4. Keep the investigator informed of any new concerns or actions taken against the complaint during the investigation.

V. Interim Measures

If necessary, the Office for Institutional Equity will work with the appropriate department/unit to assist the complainant in making reasonable efforts to avoid contact with the respondent(s) by adjusting the workplace or academic arrangements and/or, in the case of a student, campus living arrangements. Such

interim measures will be imposed in consultation with the administrator with direct supervisory responsibility over the party; i.e. if an interim measure is to be taken with respect to a student, the Vice President of Student Affairs will be consulted; if the interim measure is to be taken with respect to an employee, the Chief Human Resources Officer will be consulted; if an interim measure is to be taken with respect to a faculty member or academic administrator, the Provost's Office will be consulted; if an interim measure is to be taken with respect to a vendor, the Vice President for Business Affairs and Finance will be consulted. The Office for Institutional Equity will inform all parties of the interim measures to be taken.

If the Office for Institutional Equity determines that a respondent represents a threat to the campus community, the interim measures can include the suspension of the respondent, if the respondent is a student; the placement of the respondent on temporary leave, if the respondent is an employee; or a ban from campus if the respondent is a vendor or not a member of the campus community.

If the interim measure involves the suspension of a student, the Office for Institutional Equity will include the notice of interim measures that both the complainant and respondent may respond in writing to the notice of suspension within three (3) working days from the date of notice. Written responses will be submitted to the Office for Institutional Equity. Within three (3) working days of receipt of any responses, the Director of the Office for Institutional Equity shall meet with the Vice President for Student Affairs to review the responses and recommend to the Provost that the Provost either affirm or revoke the suspension. Within three (3) working days of receipt of the recommendation, the Provost or designee shall make the final decision as to whether to affirm or revoke the suspension. If the suspension is revoked, other interim measures may be imposed. The Office for Institutional Equity will inform all parties regarding the Provost's determination. Placement of an employee on temporary leave shall be done in accordance with the applicable policy or collective bargaining agreement.

When circumstances warrant, interim measures, other than suspension or temporary leave, may be imposed for up to five (5) working days in response to a report of discrimination or harassment prior to the initiation of an investigation. If an investigation is initiated prior to the end of the five (5) working day period, either in response to a complaint or by the Office for Institutional Equity, the interim measures will remain in place until the investigation and any appeal is concluded. If no investigation is initiated by the end of the five (5) working day period, the interim measures will expire.

VI. Responsibilities for Resolving Complaints

A. Duty to Act/Duty to Report

1. Any executive or administrative officer, dean, chair/director; faculty or administrative supervisor; faculty member; coach; or human resources consultant who becomes aware of information that would lead a reasonable person to believe that discrimination and/or harassment has occurred will notify the Office for Institutional Equity, by ensuring that a Discrimination/Harassment Complaint Form or other appropriate documentation is filed within five (5) working days of becoming aware of the information.
2. In addition to the duty to report discrimination/ harassment to the Office for Institutional Equity as identified above, in some circumstances there is a duty to report allegations of criminal conduct to law enforcement authorities. Ohio law (Ohio Revised Code § 2921.22) requires every person who knows that a felony has been or is being committed, to report it to law enforcement authorities. It is a criminal offense to knowingly fail to make the report. If you suspect or have knowledge of criminal activity occurring on university property, call CSU Police at (216) 687-2020 (in an emergency, please dial 911 immediately). Incidents that occur off campus should be reported to local law enforcement.

B. Supervisors, Managers, Department Chairs/Directors, Human Resources Consultant Responsibilities

1. Assess the situation and attempt timely resolution of issues by notifying and collaborating with the Office for Institutional Equity.
2. Address all concerns promptly and thoroughly.
3. Respect the confidentiality and reputation of all parties to the fullest extent possible.
4. Refer individuals to available University resources if needed.
5. If the situation cannot be successfully resolved, the complaint must be referred within five (5) working days to the Office for Institutional Equity for investigation.

C. Office for Institutional Equity

1. Facilitate informal resolution when appropriate.
2. Conduct investigations following these procedures.
3. Maintain data established by policy regarding complaints of discrimination and/or harassment.
4. Collaborate with department/unit to reduce/eliminate instances of discrimination and/or harassment.
5. Communicate investigation findings to the appropriate department/unit or administrator, complainant(s) and respondent(s).
6. Recommend appropriate actions steps and/or corrective/preventative measures.
7. Monitor action steps and/or corrective measures to ensure behavioral change and compliance.

VII. Investigating Complaints of Discrimination or Harassment

The Discrimination/Harassment Complaint Form or other documentation will initiate the Office for Institutional Equity's coordination to determine how to proceed with addressing any potential discrimination/harassment concerns. Upon receipt of the Complaint Form/documentation, the Director of the Office for Institutional Equity will review the complaint and determine whether the Office for Institutional Equity has the jurisdiction to investigate it. The Office for Institutional Equity only has the jurisdiction to investigate complaints of discrimination, harassment, sexual misconduct and retaliation. If the Office for Institutional Equity has jurisdiction to investigate, an investigator will be assigned to investigate the complaint. If the Office for Institutional Equity does not have jurisdiction, the Director may refer the complainant to other appropriate resources.

VIII. Investigator Duties

A. Investigations will be a collaborative effort between the department/unit and the Office for Institutional Equity whenever possible. Individuals will be informed of the investigation and its progress on a timely basis. Prompt notification of a complaint will be provided by the Office for Institutional Equity to the respondent(s), to the department head or supervisor and to the appropriate Vice President, Dean or head of department/unit by delivery of a copy of the complaint through hand delivery, regular U.S. Mail or email.

B. The investigator will discuss with the complainant that the complainant may file a complaint with the Office for Institutional Equity and/or file a grievance under the nondiscrimination clause of the appropriate collective bargaining agreement, if applicable.

C. The investigator will discuss the following with the complainant and respondent:

1. The behaviors and any related issues that gave rise to the complaint.
2. The manner and frequency with which they will be updated about the status of the investigation.
3. The importance of confidentiality during the investigation. To the extent possible, the University will make every reasonable effort to conduct all proceedings in a manner that will protect the confidentiality of all parties. Parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.
4. The prohibition of retaliation by University policy.
5. Upon conclusion of the investigation, records may be made available to the extent mandated by law.

IX. Investigation Process

A. The purpose of the investigation is to evaluate the allegations of discrimination and/or harassment, formulate a response that addresses the facts as they are determined.

1. The notification to the respondent(s) will include a copy of the complaint (which may be redacted), a copy of relevant University policy and these Procedures.
2. The respondent(s) will be requested to respond in writing to the complaint within a reasonable time, not to exceed seven (7) working days from the date of hand delivery, regular U.S. Mail or electronic communication of the notification of the complaint. Any extension of time must be approved by the Director of the Office for Institutional Equity. A copy of the respondent(s)'s response (which may be redacted) will be provided to the complainant.

B. Depending on the facts and circumstances of the case, an investigation may range along a continuum from a one-on-one conversation with the respondent leading to an agreement as to further interactions; to an inquiry with several witness interviews. During the investigation, the investigator may interview complainant(s), respondent(s), and pertinent witnesses who have knowledge of the events and may gather relevant information.

C. Investigations should be concluded within a reasonable timeframe, ideally within thirty (30) calendar days from the date the complaint was filed. If this is not reasonably possible due to extenuating circumstances, the investigator will inform the complainant(s) and respondent(s) of the status of the review and an estimated conclusion date. The Director of the Office for Institutional Equity has the authority to extend any of the time limits in these Procedures except those relating to the filing of appeals.

D. After analyzing all the information, the investigator will prepare a written summary with findings and recommended action steps and/or sanctions, if any, to be implemented by the complainant(s), respondent(s) and department/unit. The report will include the basis upon which the investigator reached his or her conclusions. Prior to the release of the report, the Director of the Office for Institutional Equity, if he/she is not the investigator in the matter, will review the report and discuss with the investigator any procedural issues, the specific findings and necessary actions steps. In every case, a record must be made of the allegations, investigation, and action taken.

E. No violation of University policy will be found unless a preponderance of the evidence supports the finding of a violation. It is possible that while no violation of University policy is found, there was inappropriate conduct for which remedial and/ or preventive action is necessary. An investigation may result in one of the following findings:

1. A determination that there is sufficient evidence of a violation of University policy.

2. A determination that there is insufficient or no evidence of a violation of University policy.
3. A determination that inappropriate conduct has occurred.
4. A determination that there is sufficient evidence to indicate that an allegation is false. A false allegation occurs when someone knowingly, or with reckless disregard for the truth, make a false report of discrimination and/or harassment or of retaliation, or gives false information during an investigation, proceeding or hearing. A person acts with reckless disregard for the truth when the person knows that the report or information given could have serious consequences, but makes no effort to determine whether it is true, or is indifferent to whether it is true. It is not a violation of policy to make a report in good faith about suspected discrimination and/or harassment or suspected retaliation that is based on a reasonable belief that the conduct has both occurred and is discrimination, harassment, and/or retaliation, even if, upon investigation, the report is not substantiated.

F. If the investigator finds that discrimination, harassment, false allegation, inappropriate conduct or other policy violation occurred, the report will contain the investigator's recommended action steps to remedy adverse effects of the violation, correct the behavior and prevent its recurrence. At the conclusion of the investigation, the investigator will inform complainant and respondent of the outcome and rationale and forward the investigation report to the appropriate department/unit or administrator. The department must take prompt remedial action consistent with the severity of the offense, if any, and all applicable University rules and regulations.

1. For professional staff employees, refer to the Professional Staff Personnel Policies.
2. For bargaining unit employees, refer to the appropriate collective bargaining agreement.
3. For faculty members not included in a bargaining unit, refer to the Faculty Personnel Policies.
4. When the Respondent is a student, the Vice President of Student Affairs or his or her designee will review the recommended action steps and either accept, modify or reject them. The Vice President of Student Affairs or designee will notify the complainant, respondent and Office for Institutional Equity of his or her decision within five (5) working days of receipt of the recommendation. The decision of the Vice President of Student Affairs or designee may be appealed in accordance with Section X of these Procedures. If no appeal is filed within five (5) working days of the issuance of the Vice President of Student Affairs or designee's decision, that decision is deemed final. In such circumstances, the investigator will issue a notice of final determination to the parties.

G. If the investigator does not find that discrimination, harassment, false allegation, inappropriate conduct or other policy violation occurred, he or she will inform complainant, respondent and the appropriate department/unit or administrator of the outcome and rationale and forward the investigation report to the appropriate department/unit or administrator. If the complainant is a student, he or she may appeal the investigator's report in accordance with Section X of these Procedures. If no appeal is filed within five (5) working days of the issuance of the report, that decision is deemed final. In such circumstances, the investigator will issue a notice of final determination to the parties.

X. Appeal

A. A complainant, who is a student, or a respondent, who is a student, may appeal the outcome of the investigation for any of the following reasons: the investigator or the Vice President of Student Affairs or designee was biased or had a conflict of interest; there was procedural error in the investigation; there is previously unavailable relevant evidence that could significantly impact the outcome; or the recommended sanction is substantially disproportionate towards the respondent.

B. An appeal must be submitted to the Hearing Officer within five (5) working days of the issuance date of the investigator's report.

C. Within ten (10) working days from the issuance of the report, the Hearing Officer will convene a meeting to consider the appeal.

1. A complainant or a respondent can seek to have a Hearing Officer replaced on the basis that bias or a conflict of interest exists by presenting the issue to the Chief Compliance Officer at least two (2) working days before the meeting. If the Chief Compliance Officer agrees, a new Hearing Officer will be selected by the Chief Compliance Officer. If the Chief Compliance Officer does not find a conflict of interest or bias, the Hearing Officer will proceed according to the original schedule.

2. At the Hearing Officer's discretion, a three-member advisory committee may be present during the meeting for the Hearing Officer to seek advice from prior to determination. Prior to the meeting, members of the committee will be furnished with a copy any complaint, response, report and basis for appeal to review. At the meeting, the committee will be afforded the opportunity to ask questions of any witness present at the meeting.

3. Depending on the basis for the submission for appeal, the Hearing Officer, in his or her sole discretion, may request or allow witnesses to appear and/or additional information to be submitted. Otherwise, the meeting will consist of a review of the investigatory record and separate discussions with the complainant and respondent, if participating, and the investigator.

4. Both complainant and respondent will be notified of the meeting scheduled by the Hearing Officer. The complainant and respondent both have the right, but are not required, to meet with the Hearing Officer.

5. Within five (5) working days of the meeting, the Hearing Officer will make a determination to approve, deny or modify the investigator's recommendations or the Vice President of Student Affairs' or his or her designee's decision. The complainant, respondent, Office for Institutional Equity and the appropriate department/unit or administrator will be notified of the determination and rationale.

D. If the outcome of an investigation is a finding of no violation(s) and the complainant is not a student, a complainant has the ability to appeal the investigator's report to the Chief Compliance Officer. The appeal must be in writing and received by the Chief Compliance Officer within five (5) working days of the issuance of the investigator's findings with all supporting materials attached. The Chief Compliance Officer will issue a decision on the appeal to all parties involved. This decision will be issued within ten (10) days from the date the appeal was received. Any investigator's report not appealed within such time are deemed final. The complainant's appeal is limited to the following considerations:

1. Biased decision or a conflict;
2. Procedural error in the investigation;
3. Previously unavailable relevant evidence that could significantly impact the outcome;
4. Recommended sanction is substantially disproportionate to the finding.

XI. Corrective Action Implementation

A. When discrimination and/or harassment is found, steps will be taken to ensure that the behavior is stopped promptly, the effects, if any, are remedied and that reoccurrence is prevented, whenever possible.

Appropriate corrective action may range from counseling, written reprimands, removal of University privileges, removal or suspension from programs, activities and organizations, restrictions on movement on campus, including prohibitions from certain facilities, suspensions, or other action up to and including termination or expulsion. Corrective action will be implemented in accordance with established University rules, procedures and collective bargaining agreements, if applicable. Other appropriate remedies may include providing an escort, ensuring that the complainant and respondent do not attend the same class or work together, relocation to a different residence hall or work area, providing counseling services, providing additional academic support services, arranging for the complainant to re-take a course/withdraw from a class without penalty, reviewing any disciplinary actions taken against the complainant to see if there is a casual connection between the harassment and the misconduct and adverse action, and training/education initiatives.

The Office for Institutional Equity will work with the appropriate department/unit to monitor corrective action to ensure compliance. The Office for Institutional Equity is responsible for ensuring that the necessary action steps are completed.

B. Corrective action may be imposed on any individual who has a duty to act in any situation of potential discrimination and/or harassment and who fails to respond in a manner consistent with the provisions of the applicable policies, and these Procedures.

XII. Enhancement of Sanctions

If a University employee, student or recognized student organization engages in conduct that constitutes discrimination and/or harassment motivated by bias based on a person's race, gender, sexual orientation, gender identity and/or expression, religion, color, age, national origin, ancestry or disability, the sanctions for such conduct are subject to enhancement.

XIII. Confidentiality

To the extent possible, all information received in connection with the filing, investigation, and resolution of allegations will be treated as confidential except to the extent it is necessary to disclose particulars in the course of the investigation or when compelled to do so by law. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

XIV. Retaliation

Retaliation against any person for reporting or complaining of discrimination and/or harassment, assisting or participating in the investigation of a complaint of discrimination and/or harassment, or enforcing University policies with respect to discrimination and/or harassment is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against an individual or group for exercising rights or performing duties under these Procedures can subject the offender to sanctions independent of the merits of the allegation. Allegations of retaliation should be directed to the Office for Institutional Equity.

XV. Record Keeping

The Office for Institutional Equity will maintain a written record of each investigation. Investigation records will not be maintained in personnel files or student files unless they are part of a formal corrective action. If corrective action is issued, a letter documenting the action should be included in the discrimination/harassment investigation file. Investigation records will be maintained in accordance with

University record retention schedules. When a complaint is filed outside the University, information gathered in the course of the internal investigation may be disclosed to the investigating agency.

Effective Date: July 1, 2015