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WEBER STATE
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discussions, and protected expression in publications and public forums. This exemption shall not apply to harmful or offensive personal attacks substantially based on a person's protected classifications that violate this policy. The University retains the right to apply restrictions consistent with the Constitution and principles of forum r

p LV FU LP LQ D WLR - Conduct which denies or limits a person's opportunities or adversely affects a term or condition of a person's participation in and/or participation in University programs, services, or activities based on a person's protected classification(s), except as permitted by law and as further outlined in this policy. c

that may help to avoid the creation of hostile environment should be considered. Individuals who desire to

File a formal complaint with the AA/EO Office.

Pursue criminal charges through the police.

Initiate outside legal action through extern

Reports of violations of this policy should be made as soon as possible after the event(s) which gives rise to the violation. Formal complaints of violations of this policy should be

order to encourage reporting, the University will not sanction an individual who makes a good faith report regarding sexual violence, as defined in Utah Cod]

the right to participate or not participate in the investigation, and notice that the investigation may proceed without the participation of any party to the complaint; or may be dismissed;

the timeframes involved, including any deadlines;

the right to present witnesses and other inculpatory and exculpatory evidence, including fact and expert witnesses; and

the right to pursue criminal charges independent of the investigation.

Where there are multiple respondents, the AA/EO Office shall provide each respondent a written summary of those portions of a complaint to each respondent that bear on that respondent.

Where criminal charges are involved, the AA/EO Office will

environment, if necessary, prevent its recurrence, and to remediate the effects of the discrimination or harassment. The responsible administrator (or hearing committee in Title IX cases) may impose disciplinary sanctions as may be appropriate to deter such conduct in the future. Possible sanctions are stated in PPM 6-22, PPM 3-33, PPM 9-14 or PPM 3-67.

These proceedings shall include all appropriate process rights, as provided by the following policies. These policies also indicate the rights of all parties to appeal all decisions regarding the findings of the investigation and/or whether appropriate disciplinary sanctions have been recommended. Complainants and respondents who wish to appeal decisions made by the responsible administrator must follow the procedures that govern the right of the respondents.

Respondents who are non-faculty employees are entitled to due process as set out in PPM 3-31. Completion of actions taken by the responsible administrator will be considered as replacing steps one and two of PPM 3-31.

Respondents who are faculty are entitled to due process as set out in PPMs 9-9 to 9-14. Completion of the investigative procedures of this policy may, at the discretion of the provost, constitute completion of a preliminary investigation as outlined in PPM 9-11.

Respondents who are students are entitled to due process as set out in PPM 6-22. Completion of the investigative procedures of this policy constitute completion of informal resolution procedures outlined in that policy, unless all parties and the Dean of Students agree to use the informal level resolution procedures.

Respondents who are neither students nor employees may ask for a review of such decision by submitting a request with a concise statement of facts and reasons for review to the Vice President for Administrative Affairs within five days of notification of the action.

In cases involving allegations of sexual harassment or sexual misconduct, those involved in handling such reports and complaints, including, but not limited to the AA/EO Office, investigator, decision-maker, and any person who facilitates an informal resolution, shall receive training to hearing processes that protect the safety of victims and promote accountability while avoiding approaches that apply sex stereotypes or generalizations on those issues. This training will include, but not be limited to 1) definitions of sexual harassment, domestic violence, dating violence, sexual assault, and stalking, 2) jurisdiction, 3) due process, 4) fairness 5) relevance, 6) application of rape shield protections, 7) evidentiary burdens, 8) how to conduct their part of the process, including creating investigative reports and/or written decisions, or using technology at a live hearing, if applicable; and 9) how to serve impartially, including avoiding prejudgment, conflicts of interest, or bias. Training materials will be posted on the AA/EO Office website.

Within 90 days following the resolution of a complaint or the imposition of sanctions resulting from a complaint, the AA/EO Office shall conduct an informal review as necessary to determine if the hostile environment or discrimination has been eliminated.

If the review indicates that the hostile environment or discrimination has been eliminated, the AA/EO Office shall terminate the matter and close the case file.

If the follow-up review indicates that the hostile environment or discrimination te

All information contained in the complaint file is governed by the Familyo

The chair shall schedule a live hearing to be held within a reasonable period of time, no later than 45 calendar days after receipt of the final investigative report by the chair, with exceptions made by the chair of the hearing committee for good cause.

The chair of the appropriate committee described in

Written Determination. After the close of the hearing, the members of the committee and the chair will deliberate. The hearing officer may participate to assist with questions of procedure or evidence, as deemed appropriate by the hearing committee. Such deliberations are confidential. Upon reaching a decision based on majority vote, the hearing committee will make a determination regarding responsibility and sanctions or remedies, as applicable.

The chair will cre@l

The appeal decision-maker will review all reports, evidence, recordings, and the written statements, and make a decision.

The appeal decision-maker's written report may:

- affirm the hearing committee's decision;

- offer a substitute action consistent with the applicable sanctioning policy provided the hearing committee is agreeable;

- recommend reconsideration by the hearing committee; or

- remand the decision to the hearing committee for a specific purpose; and

- not alter a recommendation that no disciplinary action should be imposed.

The appeal decision-maker will simultaneously issue a report to both parties, the responsible administrator, and the Executive Director detailing the decision and the rationale for the decision. The appeal decision-maker's decision is final, except in cases of tenured faculty, where the decision of the president is a recommendation to the Board of Trustees, consistent with University policy.