

Appendix B: Resolution Process & Timelines

A. Informal Resolution

1. As previously stated, the complainant can, at any time prior to the end of a hearing can withdraw their formal complaint and choose to resolve the case informally.
2. Informal resolutions range from the complainant opting for support services only to both parties agreeing to participate in a restorative program such as restorative conferencing, mediation, or agreed upon restrictions.
3. No party will be compelled to participate in an informal resolution.
4. Once a complainant has altered course from a formal process that was underway, and both parties have agreed to the informal arrangements, the formal process is no longer an option to be pursued. However, if no agreement has been made the formal process can be re-engaged.

B. Formal Resolution

The formal process for investigation and adjudication of any case under the sex/gender-based harassment and discrimination will follow the following path to resolution. However, cases that fall under sexual misconduct (1270.5) will be managed by the appropriate administrative office (ex: Community Standards and Student Conduct, Human Resources, Provost's Office). In any case involving a respondent who is part of a bargaining unit, these procedures may be changed or modified to meet the provisions of agreement.

1. Report

- a) The University will seek to resolve any report of possible violations within 60 days from the filing of a formal complaint. However, context and complexity may extend the process beyond 60 days.
- b) A report is submitted to the Title IX Coordinator and support services are offered within 1-4 days.
- c) The Title IX Coordinator determines if the behaviors described meet the criteria for a possible violation of the sex/gender-based harassment, discrimination, and sexual misconduct policy. An appeal of any decision to dismiss can be submitted within 3 days of notification of dismissal.
- d) In cases where the report meets the criteria, a meeting is offered as a means to allow the complainant to indicate their wishes with regards to moving forward with an investigation or not.

2. Investigation

- a) In cases where an investigation is to proceed, the complainant and respondent will receive written notice of the reported policy

violation(s) and specific behaviors that make up the rationale for the notice. This process will likely occur both in writing and by phone in order to provide support to both parties.

- b) A meeting is offered to both parties to review support services and the pending process of investigation and adjudication.
- c) Interviews with each party are scheduled to be completed with the case investigator.
- d) Each party attends an interview where they are offered the opportunity to suggest others/witnesses to be interviewed as part of the case.
- e) Witnesses are contacted and in cases where they are willing, they are invited to complete an interview with the case investigator.
- f) After the process of interviewing witnesses has ended, the complainant and respondent will be invited to participate in a second interview where information gathered thus far in the investigation is disclosed and additional questions are asked with regards to the information.
- g) A preliminary report is completed and both parties are given 10 business days to review the report and supporting evidence in the case.

3. Review

- a) Both parties, within the 10 business days, are permitted to submit feedback and corrections to the investigator which will be included in the final report either in context (correction made) or as an additional document.
- b) A final report will be written and shared with both parties.

4. Adjudication

- a) The University will seek to complete adjudication within 15 business days once the investigatory report is submitted to the adjudicating office. However, context and complexity may cause the process to extend beyond 15 days.
- b) The final report is forwarded to the adjudicating office. For students this is the Office of Community Standards and Student Conduct. For faculty and staff this is either Human Resources or the Provost Office. No matter the adjudicating office, both parties will receive notice that the report has been filed and will be invited to meet with a staff member to review the hearing process.
- c) A hearing is scheduled, and notification is given to both parties as well as all witnesses indicated in the final report.
- d) A hearing will take place whereby each party's advisor is invited to cross examine each party as well as each witness.

- e) The hearing administrator will end the hearing and go into executive session where a decision of responsibility will be made.
- f) The hearing administrator will utilize a preponderance of the evidence standard when determining responsibility for a policy violation.
- g) The hearing administrator will document the decision as well as determine appropriate sanctions for any finding of responsible.
- h) Each party will be notified in writing of the decision within 15 business days from the conclusion of the hearing and given information on how to request an appeal of the decision.

5. Appeal

- a) Submission to request an appeal of a decision must be completed within 10 business days of the decision notice.
- b) In cases where an appeal request is submitted that meets the appeal criteria, the hearing administrator, in collaboration with the Title IX Coordinator will notify both parties and allow 10 days for each to respond to any appeal element submitted by the other.
- c) The criteria for appeal is as follows
 - i. The submission of new evidence that did not exist or was not known to exist prior to the hearing.
 - ii. The submission of information that indicates an error in process or bias among decision makers.
 - iii. Indication that the sanction is too severe for the violation.
- d) All submissions for a request for appeal must be completed in writing such that a decision on the issues at hand can be made by the appeal hearing administrator.
- e) The final request for appeal and response documents will be forwarded to the appeal hearing administrator who will review the materials and will either
 - i. uphold the original decision,
 - ii. indicate corrective actions to be completed before a decision can be finalized or
 - iii. alter the decision.
- f) The final decision is rendered by the appeal hearing administrator with no further opportunity for appeal. Both parties are notified of the final decision in writing.

Sanctions

A. Student Sanctions

Sanctions range depending on the violation, the student's disciplinary history, and considering precedence in previous cases. The range of sanctions are as follows;

1. Warning

2. Educational Sanction
3. Alcohol Violation Sanctioning
4. Drug Violation Sanctioning
5. Restitution
6. Fine/Administrative Fee
7. Probation
8. Loss of Privilege
9. Termination of Recognition
10. Suspension
11. Summary Suspension
12. Residential Summary Suspension
13. Deterred Suspension
14. Expulsion

Note that No Contact orders are part of the investigatory process. No Contact orders are not considered a 'sanction' but rather are in place as a safety measure for both parties.

B. Non-Bargaining Unit Faculty and Staff

The University utilizes a number of sanctions for progressive, corrective, disciplinary purposes for staff based on egregiousness of the situation the circumstances involved. The following are example of sanction the university may implement;

1. Mandatory training required
2. Mandatory referral to Employee Assistance Program (EAP)
3. Performance Improvement Plan (PIP)
4. Verbal counseling
5. Written warning
6. Suspension (of various lengths)
7. Demotion of position and pay
8. Last chance agreement
9. Termination

C. Bargaining Unit Faculty

Bargaining unit faculty disciplinary procedures and sanctions are outlined in articles 13, T15, and N15 of the Collective Bargaining Agreements between the AAUP-WSU and the university covering both TET and NTE faculty.

D. Bargaining Unit Staff

Staff members covered by a collective bargaining agreement should refer to their respective contract for relevant information.