

UNIVERSITY POLICY

Policy Name:	Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties				
Section #:	60.1.28	Section Title:	Universitywide HR Policies & Procedures	Formerly Book:	N/A
Approval Authority:	Senior Vice President for Human Resources and Organizational Effectiveness		Adopted:	7/5/2016	Reviewed: 7/5/2016
Responsible Executive:	Senior Vice President for Human Resources and Organizational Effectiveness		Revised:		
Responsible Office:	University Human Resources		Contact:	policies@hr.rutgers.edu	

1. Policy Statement

Rutgers, The State University of New Jersey, is committed to fostering an environment that is safe and secure and free from sexual and gender-based discrimination and harassment, sexual violence, dating and domestic violence, stalking and other related misconduct. The University recognizes its responsibility to increase awareness of such misconduct, prevent its occurrence, support victims, deal fairly and firmly with alleged offenders, and diligently investigate reports of misconduct. In addressing these issues, all members of the University must come together to respect and care for one another in a manner consistent with our deeply held academic and community values. This Policy sets forth how the University defines and addresses sexual and gender-based harassment, sexual violence, stalking and relationship violence and related complaints made against University employees, student employees and third parties doing business with the University.

2. Reason for Policy

To foster a safe and non-discriminatory University environment and comply with Title VII of the Civil Rights Act, Title IX of the Higher Education Amendments of 1972, the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and other applicable laws.

This policy specifically addresses sexual and gender-based discrimination and harassment. The University also prohibits other forms of discrimination and harassment covered by [Policy 60.1.12, the Policy Prohibiting Discrimination and Harassment](#).

Depending on the nature of the allegations, additional University policies may also be implicated. The Office of Employment Equity and/or the Respondent’s Department will determine whether potential violations of other policies will also be investigated based on the allegations contained in a complaint. As a general matter, the Office of Employment Equity will also conduct investigations into violations of the [Policy Prohibiting Discrimination and Harassment, \(60.1.12\)](#) and the [Policy Prohibiting Workplace Violence \(60.1.13\)](#), and, where a complaint or report implicates those policies in addition to this Policy, the Office of Employment Equity may simultaneously investigate whether violations of multiple policies have occurred.

3. Who Should Read this Policy

All members of the Rutgers University community.

4. Resources

- [Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties Resources Supplement](#)
- [Discrimination, Harassment, Workplace Violence, Sexual Misconduct, and Retaliation Complaint Process: Complaints Against University Employees and Third Parties](#)
- [Policy 60.1.12, Policy Prohibiting Discrimination and Harassment](#)
- [Policy 60.1.13, Policy Prohibiting Workplace Violence](#)
- [Policy 60.1.16, Conscientious Employee Protection Policy](#)
- [Office of Employment Equity Formal Complaint Form](#)

- [Policy 10.3.12, Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct](#)
- [Policy 10.2.11, Code of Student Conduct](#)
- [RBHS Students Rights, Responsibilities and Disciplinary Procedures](#)
- [Student Life Policy Against Verbal Assault, Harassment, Intimidation, Bullying and Defamation](#)

- [University Human Resources](#): 848-932-3020
- [Office of Employment Equity](#): 848-932-3973; employmentequity@hr.rutgers.edu

For Complaints Against University employees (faculty or staff on all campuses) or other non-students:

Lisa Grosskreutz, Director, Office of Employment Equity, Title IX Coordinator
University Human Resources
57 US Highway 1, ASB II, Cook Campus
848-932-3979
Lisa.grosskreutz@rutgers.edu

Title IX Compliance Officer and Central Title IX Coordinator
Judy Ryan, Enterprise Risk and Institutional Compliance Officer
1 World's Fair Drive, Suite 3200,
Somerset, NJ 08873
732-235-5304
Judy.ryan@rutgers.edu

Additional contacts can be found in the Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties [Resources Supplement](#) ("[Resources Supplement](#)").

- [Office of Student Conduct](#)
 - New Brunswick: 848-932-9414, conduct@rci.rutgers.edu
 - Newark: 973-353-2772
 - Camden: 856-225-6050, deanofstudents@camden.rutgers.edu

- [Rutgers University Police Departments](#):
 - New Brunswick: 732-932-7211
 - Newark: 973-353-5581
 - Camden: 856-225-6009
 - Health Sciences-Newark: 973-972-4491

5. The Policy

I. **POLICY**

This policy applies to conduct committed by University employees and third parties and prohibits a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. Sexual harassment, sexual violence, sexual exploitation, gender-based harassment, stalking, and relationship violence (including dating and domestic violence) are all forms of misconduct that are prohibited by this Policy and will not be tolerated by the University. The University is committed to

fostering an environment that is safe and secure and free from sexual and gender-based discrimination and harassment, sexual violence, dating and domestic violence, stalking and other related misconduct. The University recognizes its responsibility to increase awareness of such misconduct, prevent its occurrence, support victims, deal fairly and firmly with offenders, and diligently investigate reports of misconduct. In addressing these issues, all members of the University must come together to respect and care for one another in a manner consistent with our deeply held academic and community values.¹

II. **SCOPE**

This Policy governs sexual harassment, sexual assault, sexual exploitation, gender-based harassment, stalking, relationship violence (including dating and domestic violence), and related misconduct allegedly committed by a current Rutgers University employee (including faculty, staff, and student employees) and/or third parties (such as interns, volunteers, vendors, contractors, and subcontractors) that either:

- Occurs on any University campus or property, or in connection with any University program(s) or activity(ies);
- Creates a hostile environment for University employees or University students; or
- Involves a complaint by a University employee or University student arising out of the Respondent's employment status with the University or third party's business or relationship with the University.

A. **Complaint Parties**

Throughout this Policy "Complainant" refers to the person making the allegation(s) of prohibited conduct and "Respondent" refers to the person alleged to have committed the prohibited conduct. When the Complainant is someone other than the victim of the alleged conduct, the victim also will be deemed the Complainant for purposes of the rights and options available under this Policy.

B. **Complaints Against Students**

If the Respondent is a University student, acting in his or her capacity as a student, please refer to the [Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct](#).

C. **Designation of University Offices and Employees**

Throughout this Policy, the University office and/or employee(s) who will typically perform certain roles or duties are identified. However, the University may designate other University offices or employees to perform any roles or duties described in this Policy where necessary to effectuate this Policy.

III. **PROHIBITED CONDUCT**

This Policy prohibits the following conduct, as well as attempts to commit and/or aiding or inciting others to commit these acts. Please note that these definitions are behavioral definitions, not legal or criminal definitions. Definitions of criminal violations can be found in the University's annual [Safety Matters Report](#).

- A. **Sexual Harassment.** Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or other unwelcome written, verbal, or physical conduct of a sexual nature when:

¹ For additional information on discrimination and harassment based on other protected categories, see Policy Prohibiting Discrimination and Harassment, 60.1.12; Code of Student Conduct, 10.2.11; Academic Freedom Policy, 60.5.1; Workplace Violence Policy, 60.1.1; RBHS Students Rights, Responsibilities and Disciplinary Procedures. Policies are linked in the Related Documents section on Page 1.

- submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's education, employment, or participation in a University activity;
- submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting that individual's academic standing, employment status, or participation in a University activity; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive environment for that individual's employment, education, or participation in a University activity.

Sexual harassment may be committed by anyone regardless of gender identity and may occur between members of the same or opposite sex.

A "hostile environment" exists when unwelcome conduct of a sexual or gender-based nature has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive environment for that individual's employment, education, living environment or participation in a University activity. A person does not have to be the target of harassment to complain about it. Harassing behavior toward others may be so offensive, demeaning, or disruptive as to constitute a hostile work or academic environment, even if the harassment is not specifically directed at the observer or individual lodging the complaint. Alleged harassment will be evaluated according to the objective standard of a reasonable person. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment.

- B. Gender-based Harassment.** Gender-based harassment refers to acts of aggression, intimidation, stalking, or hostility based on gender, gender identity, or gender-stereotyping. Gender-based harassment can occur if individuals are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with an individual's employment, education, or participation in a University activity, or create an unreasonably intimidating, hostile, demeaning or offensive work, academic, or living environment.
- C. Sexual Intimidation.** Sexual intimidation refers to threatening behavior of a sexual nature directed at another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection. Examples of sexual intimidation are threatening to sexually assault another person or engaging in indecent exposure.
- D. Sexual Exploitation.** Sexual exploitation refers to non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples of sexual exploitation include, but are not limited to:
- observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and consent of all participants;
 - non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all participants;
 - exposing one's genitals in non-consensual circumstances; or
 - inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.
- E. Sexual Assault or Non-Consensual Sexual Contact.** Sexual assault or non-consensual² sexual contact refers to any one or more of the following acts:

² In matters arising under this Policy in which a party's consent to sexual contact is at issue, the definition of "consent" set forth in Policy 10.3.12, Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct, shall apply.

- Touching of an unwilling or non-consenting person's intimate parts (such as genitalia, groin, breast, buttocks, or mouth under or over a person's clothes).
- Touching an unwilling person or non-consenting person with one's own intimate parts.
- Forcing an unwilling person to touch another's intimate parts.
- Penetrating an unwilling person orally, anally, or vaginally with any object or body part. This includes, but is not limited to, penetration of a bodily opening without consent, through the use of coercion, or through exploitation of another's inability to give consent.
- Penetrating an unwilling person orally, anally, or vaginally with any object or body part by use of force, threat, and/or intimidation.

F. **Relationship Violence.** Relationship violence refers to any act of physical, sexual, and/or psychological harm against an individual by a current or former intimate or romantic partner, or by a person with whom the victim shares a child in common. Intimate or romantic partners may be dating, cohabitating, married, separated or divorced, and may be of the same or different sex. Dating violence and domestic violence are both considered "relationship violence" under this Policy.

G. **Stalking.** Stalking refers to any course of conduct directed at a specific person that would cause a reasonable person to be fearful of serious harm or danger to themselves or to individuals close to them. Examples of stalking include non-consensual communication and physical contact; following or pursuing the other person; waiting or showing up at locations visited by the other person; spying on a person; trespassing; vandalism; gathering of information about a person from others; or manipulating and controlling behaviors such as threats to harm oneself or threats to harm someone close to the victim.

H. **Retaliation.** Retaliation refers to any act of intimidation against individuals who, in good faith, assert their rights to bring a complaint under this Policy, including individuals who file a third-person report, or participate in an investigation, or protest the alleged conduct or retaliation. Retaliation can take many forms, including sustained abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a Respondent or Complainant, can be responsible for retaliation. Retaliation is considered a separate offense from the original complaint, and will be considered independently from the merits of the underlying complaint. Individuals who believe they have been subjected to retaliation should report the conduct to the Office of Employment Equity.

IV. **ROMANTIC RELATIONSHIPS WITH UNIVERSITY EMPLOYEES**

Sexual relationships that occur in the student-teacher context or in the context of employment supervision or evaluation present special problems. These types of sexual relationships are especially vulnerable to exploitation due to the difference in power and the respect and trust that are often present between a teacher and a student, a supervisor and a subordinate, or a senior and junior colleague in the same unit. Therefore, the University strongly discourages sexual relationships between individuals where there is an imbalance of power where one individual is in a position to make decisions which may affect the educational opportunities or standing or employment or career of the other.

A student or a subordinate's "voluntary" participation in a sexual relationship with an individual in a position of power or authority does not alone demonstrate that the conduct was welcome. Therefore, the attempts of a teacher to show a romantic interest in a student may constitute sexual harassment. Similarly, a supervisor's display of a romantic interest in a subordinate may constitute sexual harassment.

Employees in romantic relationships must recuse themselves from decision making when the decisions at issue may have an impact, either direct or indirect, on the employee or student with whom they are romantically involved. Those who abuse their power in such circumstances may be found to have violated this Policy. An abuse of power may be, but is not limited to, inflating a

student's grade, promising an employee a promotion, or providing preferential academic or employment opportunities to an individual based on a romantic or sexual relationship.

Any individual who engages in a consensual romantic or sexual relationship with someone over whom he or she has supervisory or educational responsibility must inform his or her immediate supervisor of the consensual relationship, so that the University can take action to make changes that eliminate the conflict of interest. In the case of a relationship between two employees in which the University determines it is unable to eliminate the conflict of interest, the employees will be provided with the opportunity to decide which of the two will resign their employment. Failure to give proper notice to the appropriate supervisor may result in the denial of legal representation and indemnification in the event that a lawsuit based on the relationship is filed. In addition, failure to give proper notice to the appropriate supervisor may result in disciplinary action.

V. ACADEMIC FREEDOM

The classroom and other instructional settings (e.g., studio, laboratory) present special problems because academic freedom protects the expression of ideas, even when the idea or its expression may be perceived to be offensive, if conduct or statements which are the subject of a complaint are germane to the subject matter taught. The educational process is predicated upon the free exchange of ideas, and this Policy shall not be interpreted to prohibit free expression protected by the First Amendment. The National AAUP's Statement on Professional Ethics provides that professors should avoid any exploitation, harassment, or discriminatory treatment of students. The 1940 Statement of Principles on Academic Freedom and Tenure provides that Professors should not introduce into their teaching controversial matter which has no relation to their subject. Accordingly, if conduct or statements which are the subject of a complaint occurs in an instructional context and are germane to the subject matter being taught, wide latitude is required for professional judgment in determining the appropriate content and presentation of the academic material being taught. Therefore, harassment in violation of this Policy will not be found to exist in an instructional setting unless the conduct or statements which are the subject of a complaint are not germane to the subject matter taught and:

- are directed toward an individual or group based on one or more of the protected classes listed in Section I above;
- are sufficiently severe or pervasive to alter an individual's educational environment;
- create an objectively hostile learning environment; and
- are, in fact, perceived as hostile by the complainant.

VI. REPORTING PROHIBITED CONDUCT

The University strongly encourages all members of the University community to report all conduct prohibited by this Policy as promptly as possible so that the University can investigate and respond effectively. **If an administrator, supervisor, or faculty member receives a complaint of conduct allegedly in violation of this Policy, he or she has an affirmative duty to promptly report it to the Office of Employment Equity.** Failure to do so in accordance with this Policy is a violation of University policy and may lead to disciplinary action. Administrators, supervisors, and faculty members should not investigate complaints they receive, nor evaluate whether the complaint rises to the level of a University policy violation.

A. **Options for Reporting**

The Office of Employment Equity

A complaint against a University employee, (including faculty, staff, and student employee) or third party (such as interns, volunteers, vendors, contractors, and others who do business with the University) shall be reported to the Director of the Office of Employment Equity ("Director") who also serves as the Title IX Coordinator for Faculty and Staff.

Lisa Grosskreutz, Director of the Office of Employment Equity,
Title IX Coordinator, Faculty and Staff³
University Human Resources
57 US Highway 1, ASB II, Cook Campus
848-932-3979
Lisa.grosskreutz@rutgers.edu

If a Complainant wishes to commence a formal investigation, he or she may file a Formal Complaint Form with the Office of Employment Equity.⁴ The Director of the Office of Employment Equity or his or her designee is available to answer any questions about commencing a formal investigation. The University encourages all members of the University community to report incidents of prohibited conduct regardless of whether the Complainant or victim has yet decided whether or not to file a formal complaint form.

Complaints Against Students: Information about reporting complaints against University students is contained in the Student Policy. As a general matter, a complaint against a student arising out of his or her conduct as a student (as opposed to his or her conduct as a student employee) should be reported to the Title IX Coordinator for Students.⁵ Questions about the appropriate office to report conduct committed by a University student may be directed to either the Office of Employment Equity or other Title IX Coordinator.

Law Enforcement

Unless otherwise required by law, Complainants may choose to report crimes of sexual violence to the Rutgers University Police Department (“RUPD”), and/or the state or local police department or the county prosecutor’s office where the incident(s) occurred.

The RUPD officers are trained to assist victims of sexual assault, dating violence and domestic violence. RUPD personnel are familiar with state and local law enforcement processes and can explain what happens when sexual violence is reported to law enforcement. RUPD personnel can also accompany an individual requesting support to the local police department or prosecutor’s office, though they cannot serve as a substitute for legal advice on these matters.

While RUPD may work cooperatively with state or local law enforcement authorities, the criminal justice system is independent of the University’s internal investigations. Law enforcement authorities, including the RUPD, do not determine whether a violation of this Policy has occurred.

Additional information on the RUPD intake process can be found in Rutgers’ annual security report, [Safety Matters Report](#).

³ The Director of the Office of Employment Equity serves as the Title IX Coordinator for Faculty and Staff. However, complaints may also be made to another Title IX Coordinator. Title IX Coordinators serve as the central points of contact for complainants of sexual misconduct and oversee the administration of this Policy in a neutral and equitable manner. The Title IX Coordinators are also responsible for overseeing the University’s response to all reports and complaints of sexual misconduct, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The University’s Title IX Compliance Officer and Central Title IX Coordinator is Judy Ryan, Enterprise Risk and Institutional Compliance Officer, and she can be reached at 1 World’s Fair Drive, Suite 3200, Somerset, NJ 08873, 732-235-5304, Judy.ryan@rutgers.edu. Contact information for additional Title IX Coordinators can be found in the [Resources Supplement](#).

⁴ Complaint Forms can be returned to the Office of Employment Equity, 57 US Highway 1, ASB II, Cook Campus, 848-932-3973, Fax: 732-932-0049.

⁵ Such complaints are addressed by Policy 10.3.12 the Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct. Contact information for the Title IX Coordinators for Students can be found in the [Resources Supplement](#).

B. Reports by Student Complainants

The University recognizes that student Complainants may be most comfortable disclosing sexual violence and other prohibited conduct to a University employee they know well, such as a faculty member, a supervisor, a coach, or a resident advisor. These “non-confidential” employees will protect and respect Complainants’ privacy to the greatest extent possible and share information only on a need-to-know basis; however, they cannot serve as a confidential resource for Complainants. **Any University employee (other than the confidential resources identified in the [Resources Supplement](#)), who receives a student complaint about conduct prohibited by this Policy or the Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct, is required to inform the appropriate Title IX Coordinator about the incident.**⁶ Incidents that involve an allegation that an employee or third party has violated this Policy should be directed to the Director of the Office of Employment Equity, who serves as the employee Title IX Coordinator. Incidents that involve an allegation about a student’s conduct should be reported to the appropriate Title IX Coordinator for Students.⁷ Once a report is made, the Title IX Coordinator will work with the alleged victim to assess any request for confidentiality or anonymity, and to determine how to respond to the report in a way that will stop and prevent recurrence of the alleged misconduct and provide remediation to the victim.

C. Confidentiality

The University will reveal information about its investigations of conduct prohibited by this Policy only to those who need to know the information in order to carry out their duties and responsibilities. Individuals with questions about who may receive such information should contact the Office of Employment Equity (“OEE”).

OEE expects that all parties, witnesses and support persons involved in an investigation will respect the integrity of the procedures and the legitimate privacy interests of the parties and witnesses. This does not prohibit either a Complainant or Respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, union representative or similar resources.

D. Confidential Resources

There are various “confidential” resources available throughout the University, including advocates, counselors, clergy and healthcare providers. These are people that, in general, are not obligated to share any personally identifying information about a report of prohibited conduct (such as the Complainant, victim or Respondent’s name) with the Office of Employment Equity, a Title IX Coordinator, law enforcement, or other University administrator. A report to a confidential resource will not trigger an investigation or disciplinary action under this Policy. Confidential resources can offer the following assistance:

- Provide information about how to file a complaint with the University or law enforcement;
- Direct the individual to other forms of protection and support, such as victim advocacy, accommodations, and/or health or counseling services;
- Arrange for medical care and accompany the individual, or arrange for someone to accompany the individual, to seek such care; and
- Provide individuals with immediate and long-term help.

⁶ Certain employees designated “Responsible Employees” are required to report all potential incidents of sexual misconduct. Responsible employees include those who have the authority to take action to redress sexual misconduct, those given the duty of reporting incidents of sexual misconduct to the Title IX Coordinator, or anyone a student would reasonably believe to have that duty. This Policy requires that all faculty and staff not designated as a Confidential Resource relay such reports to the Title IX Coordinator.

⁷ Camden, New Brunswick, Newark and RBHS each have an assigned Title IX Coordinator. Contact information is available in the Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties [Resources Supplement](#) (“[Resources Supplement](#)”).

The [Resources Supplement](#) contains a complete list of the confidential resources at Rutgers University–New Brunswick, Rutgers Biomedical and Health Sciences, Rutgers University–Newark and Rutgers University–Camden. University employees and students may use these confidential resources whether or not they make a report to a Title IX Coordinator or participate in the University investigation proceedings, disciplinary process, or criminal process.

E. Requests not to Disclose the Complainant’s Identity in Connection with a Report to the University

The Director of the Office of Employment Equity is responsible for assessing requests by Complainants and/or victims not to disclose their identity to anyone else, including the person who allegedly committed the prohibited conduct. While such a request may limit the University’s ability to investigate and respond to a report, the Director of the Office of Employment Equity, in consultation with the RUPD, victim advocates, or other relevant University administrators (as appropriate), will consider the request in light of the University’s commitment to provide a safe and non-discriminatory environment for all University members, and will honor the request whenever possible. Similarly, a Complainant and/or victim may request that the Office of Employment Equity not commence an investigation at all. In either case, the Office of Employment Equity will promptly notify the individual making the request whether the University will be able to honor it.

Whether or not the University is able to grant a request to keep the Complainant’s and/or victim’s identity confidential, University personnel will reveal information about investigations and disciplinary proceedings pursuant to this Policy only to those who need to know in order to carry out their duties and responsibilities. This means that the Director of the Office of Employment Equity, or his or her designee, may disclose the identity of the Complainant/victim to, for example, the investigators assigned to the case, potential witnesses, and University administrators involved in the disciplinary process and/or any requests for interim measures or accommodations.

F. Reports from Third Parties and Anonymous Reports

In cases where an incident is reported to the Office of Employment Equity or the RUPD by someone other than the alleged victim (by a coworker, faculty member, resident advisor, friend or roommate, or witness, for example), the Office of Employment Equity will promptly notify the alleged victim that a report has been received. This Policy will apply in the same manner as if the victim had made the initial report and that individual will be considered the Complainant for purposes of this Policy, even though the initial report did not originate with that individual. The Office of Employment Equity will make every effort to meet with the alleged victim to discuss available options and on-campus and off-campus resources. Reports from an anonymous source otherwise will be treated in the same manner as a report from the alleged victim. As always, the victim/Complainant is not required to participate in any resulting investigation or disciplinary process and the Director of the Office of Employment Equity will assess any requests to keep the identity of the Complainant/victim confidential, or not to commence an investigation.

G. Unknown/Non-University Offenders

The University will investigate reports of incidents affecting University employees or students that are committed by individuals who are not members of the University community or whose identity is not known to the extent it is able. The University will take appropriate actions designed to protect affected students and others in the University community, and to remediate the impact of the incident for the Complainant/victim.

VII. INTERIM REMEDIAL MEASURES

In all cases, the University will take appropriate steps designed to mitigate the effects of the alleged prohibited conduct, prevent its recurrence, and make accommodations for the Complainants involved. Such interim measures may include, but are not limited to, academic, residential, and work accommodations; increased monitoring, supervision, or security at locations or in connection with activities where the alleged incident occurred; training and educational materials for the

campus community; and/or other protective measures to separate the Respondent from the community, if appropriate. Under appropriate circumstances, available academic, residential and work-related accommodations may include:

- No Contact Order. A no contact order is an official University directive that serves as notice to an individual that they must not have verbal, electronic, written or third party communications with another individual. Violations of a no contact order may be subject to discipline.
- Academic accommodations such as tutoring, assistance in transferring to another section of a lecture or laboratory, assistance in arranging for incompletes, leaves or withdrawal from campus, or rearranging class schedules, and
- Housing accommodations such as facilitating changes in on-campus housing or assistance in exploring alternative housing off-campus.
- Employment accommodations such as arranging for temporary or permanent alternate University employment, different work shifts, etc., to the extent feasible and/or permitted by respective labor agreements.
- Transportation and parking accommodations.
- Both parties may request a temporary reassignment, if appropriate, to other work duties and responsibilities, other work locations, other work groups/teams, or alternative supervision/management.

Complainants can make a request for interim protective measures with the Director of the Office of Employment Equity (“Director”) in the course of reporting conduct prohibited by this Policy. Interim protective measures may be taken in the immediate aftermath of an incident and/or while an investigation or a disciplinary action is pending. It is not necessary to file a complaint under this Policy, participate in the adjudication process, or file a criminal complaint in order to request services or accommodations from the University.

The Director will work with other University offices, such as Title IX Coordinators, Academic Affairs, Student Affairs, individual University supervisors, Disability Services, Public Safety, etc., to arrange interim protective measures or accommodations for Complainants in light of the circumstances and information available at the time. The Director will seek to minimize unreasonable burdens on either party; however, every reasonable effort will be made to allow the Complainant to continue in his or her academic, University housing, and/or University employment arrangements.

Following a report of an incident, the Complainant will be provided written notice of the interim measures and accommodations that may be available. The Respondent will be provided such notice if and when it is determined that an investigation or informal resolution will proceed. Whatever the outcome of the hearing process, a Complainant may request ongoing or additional accommodations and the Director, in consultation with appropriate University officials, will determine whether such measures are appropriate.

The University will provide information about interim measures and accommodations only to those who need to know in order to make them effective.

Complainants also should refer to the [Resources Supplement](#) for additional assistance both on and off campus.

Failure to comply with interim measures or accommodations is a violation of University policy and may lead to additional disciplinary action.

VIII. INVESTIGATIVE PROCEDURES

Complaints against University employees will be reviewed in accordance with the procedures set forth in the [Discrimination, Harassment, Workplace Violence, Sexual Misconduct, and Retaliation Complaint Process: Complaints Against University Employees and Third Parties \(“Complaint Process”\)](#). Additional information specifically pertaining to violations of this Policy is outlined below:

- A. **Timely Investigation** - Every effort will be made to conclude the investigative process within 60 calendar days from the time the investigation commences, not counting any appeal. Given the many variables and factors that may arise in such cases, additional time may be needed in some cases. The Office of Employment Equity may extend any time frame for good cause, and will communicate any deviation from the 60-day time frame in writing to both the Complainant and the Respondent simultaneously, along with a new timeline and explanation of the reason for the extension of time.

The investigative process for investigating and responding to reports under this Policy will continue during any law enforcement proceeding or civil proceeding. The investigation may need to be temporarily delayed while the police are gathering evidence but the investigation will be resumed once the police department has completed its evidence-gathering and generally will not wait for the conclusion of any related criminal proceeding.

- B. **Standard of Proof** – Allegations of conduct prohibited by this Policy will be evaluated under a “preponderance of the evidence” standard, reached when a reasonable person, after a careful balancing of available information, would conclude that it is more likely than not that a violation has occurred and the individual/organization charged is responsible for the violation.

IX. FALSE ACCUSATIONS

Knowingly making a material misstatement of fact may subject the complainant to discipline. Anyone who believes that he or she has been the subject of a false complaint may meet with the Director of the Office of Employment Equity to discuss the allegations. The filing of a complaint that does not result in a finding of prohibited conduct is not alone evidence of the intent to file a false complaint.

X. TRAINING AND EDUCATION

To learn more about various resources, on-going training initiatives, and education programs for faculty and staff, please consult the Office of Employment Equity’s [website](#).