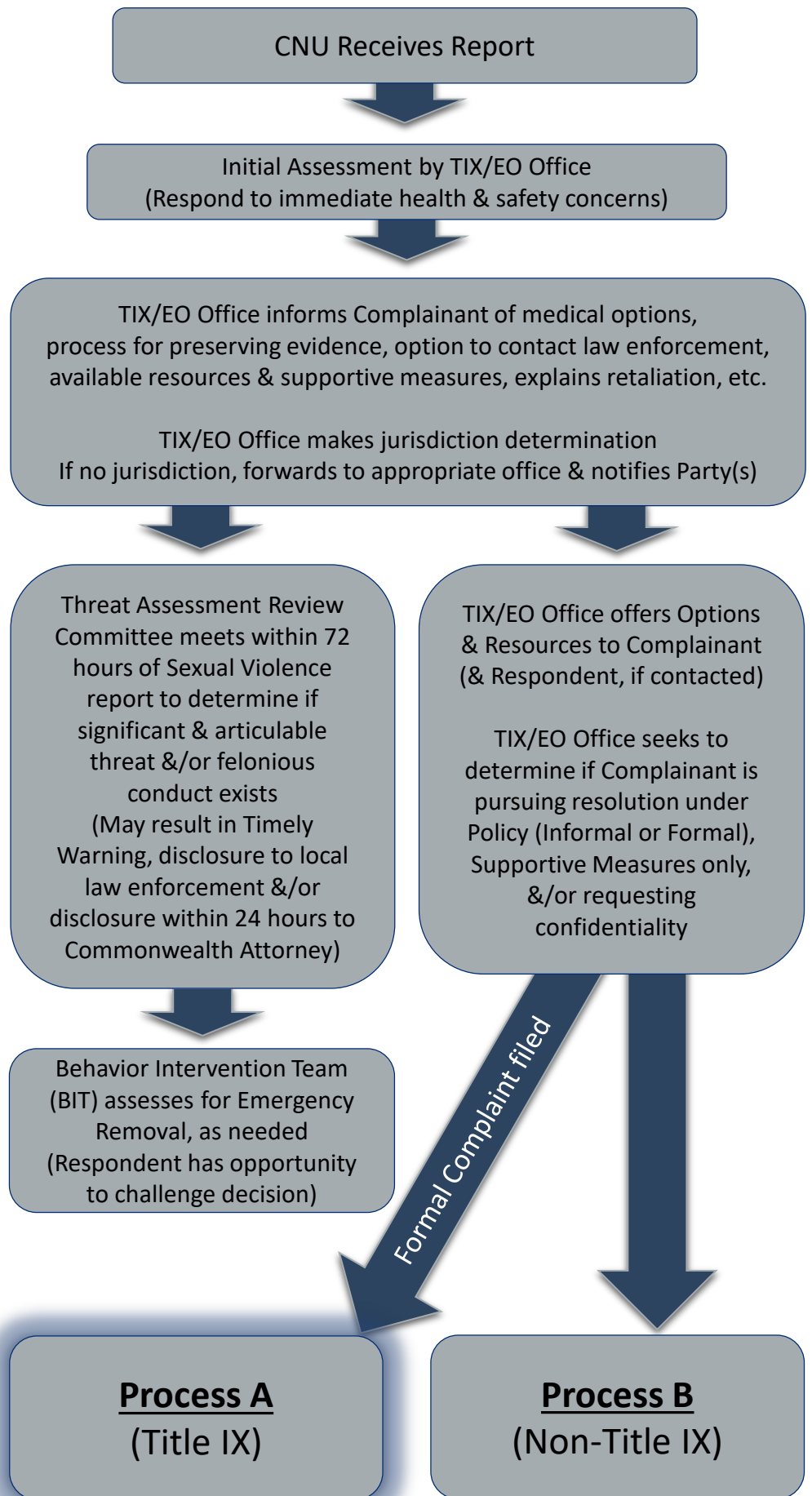


Initial Assessment Of Report

CNU Discrimination, Harassment & Sexual Misconduct Policy



Process A Procedures (Title IX)

CNU Discrimination, Harassment & Sexual Misconduct Policy

Important to Know

- Appropriate & reasonable Supportive Measures are available to both Parties during the process & without engaging in a process.
- Parties may have an Advisor of their choice throughout the process. Advisors must conduct cross-examination during the live hearing.
- Unable to compel a Party or Witness to participate.
- A preponderance of the evidence must substantiate a policy violation occurred.
- Transcript Notation if found responsible & dismissed/suspended. (Degree not deferred if process ongoing at time of graduation.)
- Parties may appeal the decision.
- Amnesty (alcohol & drug violations).
- Retaliation is prohibited.

Process A Overview

Formal Complaint filed by Complainant or Director

Mandatory Dismissal

Informal or Formal Resolution (Deference given to Complainant's choice)

Discretionary Dismissal

Informal Resolution

- No disciplinary action
- Not available for employee to student allegations
- **Strive for 30 Business Days**

- Written notice to Complainant & Respondent (voluntary, written confirmation obtained from both parties)
- Either party or Director may seek Formal Resolution before Informal Resolution concludes

May result in remedies (No-Contact Orders, training, adjustment to schedules, written warning, counseling, etc.)

Parties receive written notice of agreed upon resolution (No right of appeal)

Final Outcome Responsible/Not Responsible
(If party is Dismissed or Suspended, Transcript notation is added)

Formal Resolution

- Disciplinary action
- **Strive for 90 Business Days**

- Notice of Investigation and Allegation (NOIA) is provided to the Parties
- Investigation (interviews & evidence collection)

Parties review Draft Investigation Report, collected evidence & may provide written response

Parties review Final Investigation Report, collected evidence & may provide written response

Hearing with cross-examination by Advisors before Decision-Maker

Written Notice of Outcome with findings, sanctions, remedies, & process for appeal

Parties may file appeal based on three specific grounds

Process A Procedures (Title IX)

CNU Discrimination, Harassment & Sexual Misconduct Policy

Important to Know

- Appropriate & reasonable Supportive Measures are available to both Parties during the process & without engaging in a process.
- Strive to complete investigation & hearing within 90 business days.
- Parties may have an Advisor of their choice throughout the process. Advisors may not speak for parties but must conduct cross-examination during the live hearing.
- Unable to compel a Party or Witness to participate.
- Investigator does not make any findings, conclusions or determination of responsibility.
- Amnesty (alcohol & drug violations).
- Retaliation is prohibited.

Process A: Investigation

Formal Complaint is filed by Complainant or Director

Investigator takes Complainant's statement to include any evidence & names of Witnesses to interview

Director provides Notice of Investigation & Allegations (NOIA) to the Parties based on Complainant's Formal Complaint & statement

Investigator makes inquiries & attempts to gather information around campus or in the community as available (i.e. camera footage if within 30 days, card swipe logs, guest logs, work schedules, etc.)

Investigator takes Respondent's statement, Witness statements & continues to gather evidence from third parties (All Witnesses with relevant information will be contacted to take a statement but unable to compel a Party or Witness to participate)

- Investigator compiles all statements & evidence submitted by the Parties & Witnesses and writes Draft Investigation Report (DIR)
- DIR does not include any findings, conclusions &/or determinations of responsibility made by the Investigator

Parties review DIR & collected evidence (electronic copies provided)
(May provide written response within **10 business days**)

- Investigator reviews any responses, conducts any further investigation needed, concludes investigation & writes Final Investigation Report (FIR)
- FIR does not include any findings, conclusions &/or determinations of responsibility made by the Investigator

Director provides FIR & collected evidence to the Parties & Decision-Maker **at least 10 business days before hearing** (Parties may provide written response to Director **at least 5 days before hearing**)

Process A Procedures (Title IX)

CNU Discrimination, Harassment & Sexual Misconduct Policy

Important to Know

- Appropriate & reasonable Supportive Measures are available to both Parties during the process & without engaging in a process.
- Parties may have an Advisor of their choice throughout the process. Advisors may not speak for parties but must conduct cross-examination during the live hearing.
- Unable to compel a Party or Witness to participate.
- A preponderance of the evidence must substantiate a policy violation occurred.
- Parties may appeal the decision.
- Amnesty (alcohol & drug violations).
- Retaliation is prohibited.

Process A: Hearing

Parties/Advisors & Decision-Maker are provided the Final Investigation Report (FIR) **no less than 10 business days** before the hearing

Parties must inform Director of their Advisor **at least 3 business days** before the hearing or an Advisor will be appointed

Parties may request Informal Resolution at any time (Both Parties must agree & the Director must approve)

Informal Resolution

- No disciplinary action
- Not available for employee to student allegations
- **Strive for 30 Business Days**

Notice of Hearing sent to the Parties by Director **no less than 10 business days** prior to the live hearing

Parties may object to the Decision-Maker, whose identity was made known in the Notice of Hearing, on the basis of demonstrated bias **within 3 business days** of the hearing

Director contacts the Parties & Decision-Maker to obtain which Witnesses they want contacted to attend the hearing

Witnesses are requested to attend the hearing but are not compelled to attend &/or speak

Hearing held with cross-examination by Advisors before Decision-Maker & questioning of Investigator, Parties & Witnesses by the Parties & Decision-Maker (All questions are approved as relevant by Decision-Maker)

Decision-Maker provides a written determination, rationale, etc. based on the preponderance of the evidence to Director **within 10 business days** of the conclusion of the hearing

Notice of Outcome with findings, sanctions, remedies, & process for appeal sent to the Parties by Director **within 5 business days** of receiving Decision-Maker's determination

Process A: Appeal Process

Process A Procedures (Title IX)

CNU Discrimination, Harassment & Sexual Misconduct Policy

Important to Know

- Appropriate & reasonable Supportive Measures are available to both Parties during & after the process, or without engaging in a process.
- Parties may have an Advisor of their choice throughout the process.
- Sanctions are stayed during the appeal process.
- Transcript Notation if found responsible & dismissed/suspended.
- Amnesty (alcohol & drug violations).
- Retaliation is prohibited.

Formal Complaint or any allegation(s) within a Formal Complaint are dismissed

Parties receive Notice of Outcome within **at least 15 business days** after the conclusion of the hearing

Parties may submit a written appeal within **7 business days** from the date the Notice of Outcome is received

Parties may appeal based on one or more of the following grounds:

1. Procedural irregularity that affected the outcome of the matter; &/or
2. New evidence that was not reasonably available at the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; &/or
3. Director, Investigator(s), Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter

Upon receipt of a timely appeal, Director notifies & provides copy of appeal to non-appealing party who has **5 business days** to submit a written response to Director, if desired

Neither Party submits an appeal

Findings of live hearing are final

Within **3 business days** from deadline of non-appealing party's response, Director forwards appeal & any response to Chief of Staff who has **5 business days** to assign appeal to an Appeals Officer

Director notifies Registrar to place Transcript Notation if Dismissed or Suspended

Director notifies Parties the date appeal was assigned to Appeals Officer

Appeals Officer provides written decision & rationale to Director who forwards it to the Parties simultaneously within **20 business days** of Appeals Officer receiving the appeal

Appeals Officer decision is final