

Policy on Interpersonal Relationships Between Employees and Students

Investigations Procedures

1. Reporting Potential Policy Violations

- a. The University requires employees to report alleged violations of the Policy on Interpersonal Relationships Between Employees and Students (the “Interpersonal Relationships Policy”) to the Title IX Coordinator. Students are encouraged to report alleged violations of the Interpersonal Relationships Policy to the Dean of Students Office or the Title IX Coordinator. The Title IX Coordinator, or their designee, in consultation with the Associate Vice Chancellor for Human Resources, Provost, Director of Student Rights and Responsibilities, and/or General Counsel, or their respective designees, shall determine whether the allegations fall within the scope of the Interpersonal Relationships Policy. If so, the Title IX Coordinator will open a formal investigation of the allegations.

2. Investigatory Procedures

- a. The investigation is a neutral, fact-gathering process. The respondent is presumed not to be responsible for the alleged conduct; this presumption may be overcome only where the decision maker(s) concludes that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the respondent violated the Interpersonal Relationships Policy.
- b. Before the imposition of any disciplinary sanctions or other actions that are not supportive measures, the University will conduct an investigation. At any time during this process, a respondent may voluntarily accept a determination of responsibility for the allegations. Such a determination shall include a referral for review to Human Resources for staff respondents, the Provost’s Office for faculty respondents, and the Office of Student Rights and Responsibilities for student respondents.
- c. The Title IX Office will form an investigatory team of two impartial and unbiased individuals, one from the Title IX Office and one member of the Provost’s Office, or their designee, (when faculty are involved) or the Human Resources Office, or their designee, (when staff are involved).
- d. The investigator(s) will work to collect relevant information to determine whether there is a policy violation, management concern, or conflict of interest. As such, they may determine information including, but not limited to:
 - i. Whether the reported relationship does exist;
 - ii. The nature of the relationship;
 - iii. Whether the relationship has created a conflict of interest.
- e. The burden and proof of gathering evidence sufficient to reach a determination regarding responsibility for the alleged conduct rests on the University.
- f. The investigator(s) will interview parties and witnesses and gather any documentary evidence available or provided by the parties. The parties will have the same opportunities to review the material and present witnesses, including both inculpatory and exculpatory evidence.
- g. The investigator(s) will objectively evaluate the information that has been gathered and, presuming the respondent is not responsible for the alleged conduct, will prepare an investigative report.

- h. If the investigator(s) find or are presented with evidence of harassment, violence, sexual activity with a minor, or other sexual harassment, the matter will be investigated in accordance with additional appropriate University policies and/or referred to law enforcement, as required.
- 3. Interim Measures
 - a. The University may offer non-disciplinary, non-punitive individualized interim measures to the respondent during the investigation, up to and including suspension, in accordance with the applicable employment policy. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the parties, including measures designed to protect the safety of all parties or the University's educational environment. The Title IX Coordinator, Associate Vice Chancellor for Human Resources, and/or the Provost, and/or the Director of Student Rights and Responsibilities, or their designees, have the discretion to impose and/or modify any interim measure based on all available information.
- 4. Determination
 - a. The final investigation report will be forwarded to Human Resources, and/or the Provost's Office, and/or the Office of Student Rights and Responsibilities for resolution and disciplinary sanctions, if appropriate. The Associate Vice Chancellor for Human Resources, the Provost, the Director of the Office of Student Rights and Responsibilities, or their designees, depending on the respondent's affiliation with the University, shall make a determination of whether a violation of the Interpersonal Relationships Policy has occurred. The standard of proof shall be a Preponderance of the Evidence.
 - b. Conflict of Interest Management Plan
 - i. If a conflict of interest management plan is authorized, the dean, director, or vice chancellor of the division or department in which the employee involved in the relationship is employed will work with the Associate Vice Chancellor for Human Resources and/or the Provost, and/or the Director of the Office of Student Rights and Responsibilities, or their designees, to:
 - 1. Identify options for eliminating any conflict of interest, with an emphasis on avoiding any negative impact to the student's academic progress or the employee's environment.
 - 2. Determine the appropriateness of any academic, evaluative, and/or supervisory decisions made by the employee when the conflict of interest existed.
 - c. Corrective Action
 - i. Any disciplinary action imposed for a violation of the Interpersonal Relationships Policy shall be made in accordance with the disciplinary procedures applicable to the faculty, staff member, or student's category of employment. Sanctions may include a letter of reprimand or warning, suspension without pay, or dismissal from employment. Disciplinary action shall be decided by the dean or Provost (or their designees), or appropriate vice chancellor (or designee), or the Director of Student Rights and Responsibilities (or designee) in consultation with the Associate Vice Chancellor for Human Resources (or designee) and the General Counsel (or designee).

5. Appeal Procedures

- a. Each employee who has received a disciplinary sanction shall be notified in writing of their appeal rights. An employee may appeal a disciplinary action following an investigation in accordance with the appeal policy applicable to their category of employment. Such policies include the [Disciplinary Action Policy](#), [University SHRA Grievance Policy](#), [Appeal Guidelines for Designated Exempt Employees EPA-Non-Faculty](#), the [Promotion, Tenure, Academic Freedom, and Due Process Regulations for Faculty](#), or the [Personnel Policies for Senior Academic, and Administrative Officers](#).

Appeals must be based on:

- i. Procedural Standards: Material procedural irregularities occurring during the investigation; or
 - ii. Substantive Standards: Discovery of new evidence that was not available during the investigation and that may have a substantial impact on the outcome of the investigation.
- b. Dissatisfaction with the University's determination is not grounds for an appeal.

6. Obligation to Report Truthful Information

- a. All University community members are expected to provide truthful information in any report or proceeding under the Interpersonal Relationships Policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an investigation is prohibited and subject to disciplinary sanctions under the University's policies and disciplinary action under the appropriate employee disciplinary policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

7. Relevance

- a. The investigator(s) and decision maker(s) have the responsibility to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the investigator(s) will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character evidence.

8. Consultation

- a. The investigator(s) and decision maker(s) may consult and/or coordinate consultation for decision maker(s) with the Office of Institutional Integrity and General Counsel or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.