



<b>Policy Owner:</b>	Dean of Students and Human Resources Office
<b>Applicability:</b>	Students, Faculty and Staff
<b>Effective Date:</b>	August 14, 2020
<b>Revision Date:</b>	February 28, 2025

## **Salve Regina University Anti-Discrimination Policy and Grievance Procedures**

- I. **Purpose of Policy:** The purpose of this policy is to define prohibited conduct and explain Salve Regina University’s (hereinafter “University”) Anti-Discrimination Policy and Grievance Procedures (hereinafter “Policy”) including, but not limited to, how to report or file a complaint and how the University will respond.
  
- II. **Applicability and Scope:** This policy applies to all University community members, including faculty, adjunct faculty, staff, students, and participants in University programs or activities, both on campus and in other locations, including Study Abroad locations and at University sponsored events within and outside the United States. In certain situations this policy may also apply to other individuals, such as vendors, independent contractors, visitors, volunteers, and/or other third parties. This Policy does not apply to gender discrimination including sexual harassment and sexual violence deemed to be within the scope of Title IX.<sup>1</sup>
  
- III. **Prohibition Against Discrimination**
  - a. It is the policy of the University to prohibit all forms of discrimination and harassment based on an individual’s actual or perceived membership in a protected class.
    - i. **Notice of Non-Discrimination:** the University strives to provide equal opportunity in employment and education to all employees, students and applicants. No employee, student or applicant shall be discriminated against or harassed on the basis of race, color, national and ethnic origin, sex, sexual orientation, gender identity or expression, religion, disability, age, marital or parental status, military or veteran status, genetic information or any other basis protected by applicable federal or state law, in the administration of the University’s employment policies, education policies, admission policies, scholarship and loan programs, athletic and other University

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<sup>1</sup> **Title IX Sexual Harassment Exception:** To be adjudicated under this Policy, the alleged conduct must be determined by the Title IX and Anti-Discrimination Coordinator to fall outside of the scope of Title IX. To fall within the scope of Title IX, the alleged conduct must constitute sexual harassment as defined by Title IX and must have occurred within the University’s property, education programs or activities in the United States. If a complaint is dismissed under Title IX, the parties will be notified accordingly and the parties will have the right to appeal the dismissal. You may find more information about the University’s Title IX Sexual Harassment Policy and Grievance Procedures, [HERE](#).

administered programs. The University is also committed to making its programs and campus accessible to its visitors and compliant with all applicable non-discrimination laws.

## ii. Relevant Definitions

1. **Bias-Motivated or Hate-Motivated Misconduct**—that can violate the University’s policies may include, as an example, use of written or verbal slurs; derogatory language, derogatory writings or images, symbols, flyers, effigies and/or characterizations intended to demean, embarrass or harm another based on the other’s disability, age, ancestry, color, gender, national, origin, race, religion, religious practice, or sexual orientation; or other misconduct that a reasonable person would conclude is designed to denigrate, embarrass another and that is motivated, in whole or in substantial part, because of a belief or perception regarding the disability, age, ancestry, color, gender, national, origin, race, religion, religious practice, or sexual orientation.
2. **Micro-Aggressive Behaviors**- are verbal, behavioral and environmental indignities, whether intentional or unintentional that communicate hostile, derogatory, or negative slights and insults to a target person or a group. Micro-aggressive behaviors, particularly those which are deemed unintentional in nature, ordinarily will provide opportunity for education and training in tolerance, understanding and mutual respect for the involved parties.
3. **Racially Motivated Incidents**- Racially motivated incidents are incidents motivated, in whole or in part, by the offender’s bias against the actual or perceived race of the targeted individual or group.
4. **Intimidation** is defined as overt or implied threats or acts that would cause reasonable fear of harm in another.
5. **Preponderance of the Evidence** standard is met if the greater weight of the evidence demonstrates that it is ‘more likely than not’ that a violation has occurred.
6. **Complainant** is any individual who is alleged to be the victim of conduct that is prohibited under this policy.
7. **Respondent** is any individual who has been reported to be the perpetrator of conduct that is prohibited under this policy.
8. **Retaliation** is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by federal or state law, or because an individual has made a report or complaint, testified, assisted,

participated or refused to participate in any manner in an investigation, proceeding, or live hearing under this policy. Both parties are prohibited from engaging in intimidating actions directly or through support people that reasonably could deter either a party or a witness from participating in an informal resolution process or formal complaint proceeding.

9. **Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following three categories: (a) Quid Pro Quo Sexual Harassment; (b) Hostile Environment Sexual Harassment; and/or (c) Sex-Based Crimes.

a. Quid Pro Quo Sexual Harassment occurs when an employee of the University conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

b. Hostile Environment Sexual Harassment occurs when unwelcome conduct is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

c. Sex-Based Crimes occur when conduct constitutes "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). Sexual Assault includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.

i. **Rape** is the carnal knowledge of a person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

ii. **Sodomy** is oral or anal sexual intercourse with another person, without the consent of that person, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

iii. **Sexual Assault with An Object** is the use of an object or instrument to unlawfully penetrate,

however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

- iv. **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- v. **Incest** is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- vi. **Statutory Rape** is nonforcible sexual intercourse with a person who is under the statutory age of consent.

d. **Dating Violence** means violence committed by a person—

i. who is or has been in a social relationship of a romantic or intimate nature with the victim;

ii. where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship.

e. **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the

domestic or family violence laws of the jurisdiction.

- f. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—fear for his or her safety or the safety of others; or suffer substantial emotional distress.

#### IV. Confidentiality

- a. The University will make all reasonable efforts to keep confidential the identity of any individual who has made a report or filed a formal complaint of discrimination under this policy, any individual who has been reported to be the perpetrator of discrimination, any Respondent, or any witness. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.
- b. The University may reveal confidential information as permitted or required by law,<sup>2</sup> to carry out the purposes of this policy, including conducting any investigation, live hearing, or proceeding arising thereunder.
- c. Although the University will make all reasonable efforts to maintain privacy and confidentiality, the University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. However, the prohibition of retaliation continues to apply.

**VI. Amnesty for Students:** The health and safety of every student at the University is of utmost importance. The University recognizes that students may have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that an incident of discrimination occurs. The University strongly encourages students to report incidents of discrimination to University officials. A bystander acting in good faith, or a reporting individual acting in good faith [including a Complainant], who discloses any incident of discrimination to the University's officials will not be subject to the University's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the alleged incident of violence.

#### VII. Options for Reporting Prohibited Conduct

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<sup>2</sup> If the University becomes aware of a serious and continuing threat to the campus community, the University may issue a timely warning in accordance with federal regulation to protect the health or safety of the community and may publish a reported incident in the daily crime log or annual security report. In addition, the University may also share non-identifying information, including data about outcomes and sanctions. The University will not disclose the name or other personally identifiable information of the Complainant unless it has received the express consent of the Complainant or unless the release of such information is consistent with legal requirements or mandated by law.

## **a. Reporting Procedure**

- i. All persons, including employees, are strongly encouraged to report incidents of discrimination to the Anti-Discrimination Coordinator. The Anti-Discrimination Coordinator is available to offer supportive measures and resources and to answer questions about the University's policy and grievance procedures.
- ii. Any person (whether or not the person reporting is the person alleged to be the Complainant) may report discrimination in person, on the Salve Regina University Website Bias Misconduct Report Form at [https://salveadvocate.symplicity.com/public\\_report/index.php/pid095259](https://salveadvocate.symplicity.com/public_report/index.php/pid095259), by mail, by telephone, or by electronic mail, using the contact information listed for the Anti-Discrimination Coordinator in Appendix A, or by any other means that results in the Anti-Discrimination Coordinator receiving the person's verbal or written report. Such report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Anti-Discrimination Coordinator.<sup>3</sup>
- iii. A Complainant may request that the University not investigate and/or adjudicate the report under the formal complaint procedures described herein. The University will make all reasonable efforts to honor the request. However, in certain circumstances, the University may have to pursue a complaint. These circumstances include, but are not limited to, instances when the University has received multiple reports of misconduct by the same individual or when the conduct reported poses a compelling risk to the health and safety of members of the University community, which includes the Complainant.
- iv. Upon receiving a report of discrimination, the Anti-Discrimination Coordinator is made aware of the identity of a Complainant, the Anti-Discrimination Coordinator will make all reasonable efforts to promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures,<sup>4</sup> inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.<sup>5</sup>
- v. Upon receiving a report of discrimination, if the Respondent is unknown or is not a faculty, staff, or student member of the University, the Anti-Discrimination Coordinator will make all reasonable efforts to provide the Complainant with supportive measures, as well as information and options regarding potential criminal processes. The Anti-Discrimination Coordinator may also take appropriate actions to protect the

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<sup>3</sup> See Appendix A.

<sup>4</sup> See "Supportive Measures" section below.

<sup>5</sup> See "Formal Complaint Grievance Process" section below.

Complainant, such as providing assistance in obtaining no-trespass and no contact orders.

**b. Option of Confidential Reporting:** Individuals may speak confidentially with Health Services and Counseling Services employees, University Chaplains, and other off-campus resources in accordance with law.<sup>6</sup>

**c. Option of Reporting to Law Enforcement**

- i. Individuals who have experienced criminal violations are encouraged to report the incident to local law enforcement and have the option to do so. Formal reporting options include contacting the police department in the jurisdiction in which the incident occurred. If a Complainant chooses to report to law enforcement or pursue a criminal process, the Complainant may simultaneously pursue a complaint under this policy. Individuals are advised that if there is concurrent law enforcement activity, the University may temporarily delay its investigative or adjudicative process.
- ii. The University can provide Complainants with information and support in the process of reporting criminal conduct to law enforcement.
- iii. Regarding the involvement of law enforcement, the Complainant has several options, including: (1) to notify law enforcement authorities; (2) to be assisted by campus authorities in notifying law enforcement authorities if the Complainant chooses; or (3) to decline to notify such authorities. The University will comply with the Complainant's request for assistance in notifying law enforcement to the extent it is consistent with the law. The Complainant's choice to report to law enforcement will not impact the provision of supportive measures.

**VIII. Interim Actions**

**a. Emergency Removal and Administrative Leave:** Upon receiving a report that a Respondent engaged in prohibited conduct described in this policy, the University reserves the right to remove the Respondent on an emergency basis,<sup>7</sup> provided that it conducts an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any individual arising from the allegations justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

**b. Supportive Measures**

- i. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the

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<sup>6</sup> See Appendix A.

<sup>7</sup> When the Respondent is a non-student employee, the University reserves the right to place the non-student employee on an emergency paid or unpaid administrative leave.

Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter discrimination.

- ii. The Anti-Discrimination Coordinator is responsible for coordinating the effective implementation of supportive measures.
- iii. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.
- iv. Both the Complainant and Respondent involved in either an informal or a formal resolution process have a right to receive supportive measures from the University.
- v. Supportive measures include, but are not limited to:
  - 1. Academic Accommodations, such as:
    - a. Exam, paper, or assignment rescheduling;
    - b. Taking an incomplete in a class;
    - c. Transferring class sections for the Complainant;
    - d. Taking a leave of absence from the University;
  - 2. Assistance with alternative course completion options;
  - 3. Assistance with Transportation;
  - 4. Assistance with On-Campus Working Environments;
  - 5. Assistance with Questions Regarding Visa & Immigration Status;
  - 6. Assistance with Student Financial Aid;
  - 7. Counseling Services;
  - 8. Housing Accommodations, such as:
    - a. Temporary housing/emergency room change for the Complainant and/or Respondent;
    - b. Assistance from the University support staff in completing a permanent room relocation;



- c. Arranging to dissolve a housing contract and pro-rating a refund;

9. Protective Orders, such as:

- a. An institutional mutual no-contact order (two way);
- b. An institutional no-trespassing order;

## **IX. Resolution Processes**

### **a. Conflicts of interest, Bias, and Impartiality**

- i. The Anti-Discrimination Coordinator, Investigator(s), and Facilitator(s) of Informal Resolution Processes will make all reasonable efforts to ensure the formal complaint grievance process is facilitated in an impartial manner.

- ii. The Anti-Discrimination Coordinator(s), Investigator(s), and Facilitator(s) of informal

resolution processes may not have a conflict of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent.

- iii. The parties are expected to promptly report concern(s) regarding conflict of interest or bias regarding the above listed personnel to the Anti-Discrimination Coordinator as soon as reasonably possible once they become aware of the conflict of interest or bias. Upon receiving a report of conflict of interest or bias, the University will evaluate the report, and if it is determined that a conflict of interest or bias exists, the University will appoint another individual to serve in the role.

### **b. Option of Informal Resolution Process**

- i. Informal resolution does not involve a full investigation and adjudication like the formal complaint grievance process. Rather, the informal resolution process uses mediation or other forms of dispute resolution with the goal that the parties will arrive at a mutually agreed-upon outcome.
- ii. In order to engage in an informal resolution process, the Complainant and Respondent must voluntarily consent in writing to participate in the process, and the process must be deemed appropriate for informal resolution by the Anti-Discrimination Coordinator.

### iii. Written Notice to the Parties

1. Prior to initiating an informal resolution process, the Anti-Discrimination Coordinator will provide written notice to the parties that includes:
  - a. The policy violations alleged by the Complainant.
  - b. The requirements of the informal resolution process including the circumstances under which the parties are precluded from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and move forward with a formal complaint grievance process; and
  - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- iv. To complete the informal resolution process, both parties must voluntarily agree to the outcome with the understanding that the outcome is final and will not be subject to further procedures under this policy, unless there is material evidence to show that a party engaged in misrepresentation or fraudulent conduct which impacted the resolution.
- v. As mentioned above, both parties reserve the right to terminate the informal resolution process and may move forward with the formal complaint grievance process any time prior to resolution. Such termination must be provided to the Anti-Discrimination Coordinator in writing.

### c. Formal Complaint Grievance Process

- i. **Formal Complaint:** A formal complaint is a document signed by a Complainant or signed by the Anti-Discrimination Coordinator, alleging discrimination against a Respondent and requesting that the University investigate.

A formal complaint may be filed with the Anti-Discrimination Coordinator in person, by mail, or by electronic mail.<sup>8</sup> For purposes of this definition, “document signed by a Complainant” means a document or electronic submission that contains the Complainant’s physical or digital signature or otherwise indicates that the Complainant is the person filing the formal complaint. Where the Anti-Discrimination

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<sup>8</sup> See Appendix A for contact information.

Coordinator signs a formal complaint, the Anti-Discrimination Coordinator is not a Complainant or otherwise a party.

## **ii. Overview of Grievance Process: Investigation with Determination**

1. Once a formal complaint (as defined above) is filed, the grievance process will commence. The grievance process will include written notice of allegations, investigation with interviews of all parties and relevant witnesses, a written determination of responsibility, a recommendation for sanction(s) if applicable, and the option for appeal.
2. The University will make all reasonable efforts to provide a prompt, equitable, fair and impartial resolution of student and employee complaints, including providing a grievance process that treats Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility has been made against the Respondent, and by following its grievance process before imposition of any disciplinary sanctions or other actions that are not supportive measures. Remedies will be designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same individualized services offered as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

## **iii. Written Notice of Allegations**

1. Upon receiving a complaint, the Anti-Discrimination Coordinator will provide written notice to all known parties that includes:
  - a. The University's grievance process, including any informal resolution process.
  - b. The allegations alleged by the Complainant, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. "Sufficient details" include the identities of the parties involved, if known; the conduct allegedly constituting the discrimination, if known; and the date and location of the alleged incident(s), if known.
  - c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

- d. Information regarding the parties' right to have an advisor of their choice, who may be, but is not required to be an attorney.
  - e. A statement that the parties may inspect and review evidence as described in the investigation section of this policy;<sup>9</sup> and,
  - f. A statement that the University prohibits knowingly making false statements or knowingly submitting false information in bad faith at any point in the grievance process. Individuals who engage in this misconduct may be subject to disciplinary actions. Disciplinary action pursued against a party for knowingly making false statements or submitting false information in bad faith does not constitute retaliation prohibited under this policy, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement or provided materially false information in bad faith.
2. If in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the written notice of allegations described above, the Anti-Discrimination Coordinator will provide written notice of the additional allegations to the parties whose identities are known.

#### **iv. Advisors**

1. The Complainant and the Respondent are entitled to the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney; and the University may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding, notwithstanding, the advisor must comply with the restrictions established by the University regarding the extent to which the advisor may participate in the proceedings. The restrictions are set forth below:
  - a. Meetings and Investigation Interviews: Advisors may not speak for or on behalf of any Complainant or Respondent during any meetings and/or investigation interviews. While an advisor cannot speak for or on behalf of the Complainant or Respondent during any meetings and/or investigation interviews, time will be granted for the advisor and the party to confer, if deemed appropriate, by the

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<sup>9</sup> See "Investigation" section below.

Investigator or University personnel facilitating any meeting. The Investigator and University personnel reserve the right to exclude an advisor from any meeting or investigation interview for failure to abide by these restrictions.

2. Advisors are required to follow all procedures described in this policy. In a situation where an advisor engages in a material violation of this policy or does not abide by reasonable instruction from the Anti-Discrimination Coordinator, Investigator(s), or other University personnel, Salve Regina reserves the right to either limit or preclude the advisor from participation in the formal complaint grievance process. In the circumstance that an advisor is precluded from future participation, the party may select a new advisor.

#### **v. Consolidation of a Formal Complaint**

1. The University may consolidate formal complaints under this policy when allegations arise out of the same facts or circumstances. Where the formal resolution process involves more than one Complainant or more than one Respondent, references made to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.
2. Alleged violations of other University policies, which are related to the formal complaint, may be adjudicated and resolved under this policy.

#### **vi. Termination of a Formal Complaint or Acknowledgment of Responsibility**

1. The University may terminate a formal complaint if:
  - a. At any time during the investigation a Complainant notifies the Anti-Discrimination Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
  - b. The Respondent is no longer enrolled in or employed by the University; or
  - c. There are specific circumstances that prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
2. At any point during the grievance process, a Respondent may choose to voluntarily admit responsibility for the alleged violation(s) and execute a written waiver, at which point the

Respondent will be assigned a sanction(s) and the grievance process will be terminated.

#### **vii. Privileged Information**

1. The University will not require, allow, rely upon, or otherwise permit questions or use of evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege. Notwithstanding the foregoing, if a person holding such a privilege has waived the privilege, then the information may be used during an investigation or live hearing.
2. In gathering evidence, the University will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so.

#### **viii. Investigation and Determination**

1. Once a formal complaint is filed, the Anti-Discrimination Coordinator will appoint an Investigator to conduct a formal investigation into the allegations.
2. Parties whose participation is invited or expected for an investigative interview will be contacted by the Investigator and provided written notice of the date, time, location, participants, and purpose of the meeting. Parties will be given reasonably sufficient time to prepare to participate.
3. All parties have an equal opportunity to present witnesses and other inculpatory and exculpatory evidence.
4. The Investigator may ask relevant and not otherwise impermissible questions of parties and witnesses, including questions challenging credibility.
5. The Investigator will make all reasonable efforts to complete the investigative report within 60 business days. This timeline may vary depending on the size of the formal complaint, the amount of evidence to be considered, the number of persons to be interviewed, the number of follow up interviews based on questions posed by the parties, and additional factors. If the investigative report is going to take longer than 90 business days to complete, the parties and their advisors will be given notice.

6. The parties and their advisors are not authorized to disseminate any portion of the investigative report sent to them through electronic or hardcopy means.
7. Unauthorized video or audio recordings of investigative interviews are not permitted by the parties or their advisors.

#### **ix. Witnesses and Evidence**

1. Parties are expected to submit all evidence and witnesses that relate to the matter prior to their review of the draft report and evidence so that the Investigator can prepare a meaningful draft report that includes all relevant information. Additional information may be submitted after the review of the draft report and evidence, and Parties are not required to participate in the process. However, the Investigator and Decision-maker may consider the timing of participation and submissions of evidence and witnesses in their credibility assessments, and parties may be provided the opportunity to explain the timing of any participation or submission of information.
2. Both the Complainant and Respondent are expected to provide the names of potential witnesses to the Investigator and an explanation of what relevant information they expect the witness to provide. The Investigator will determine which of those potential witnesses, or other persons, may have relevant information about the alleged conduct; and the Investigator may request statements, either orally or in writing.
3. Complainants and Respondents are expected to provide other relevant evidence to the Investigator. For instance, evidence may include any facts or information presented in support of or opposition to an allegation, text messages, email exchanges, timelines, receipts, photographs, etc. The Investigator may also consider additional documents, items, or other relevant information.
4. Witnesses and evidence not provided prior to the completion of the Final Investigative Report may not be accepted or considered for decision-making unless there are extenuating circumstances, such as the witness and evidence were not reasonably known to the party during the investigation phase.

#### **x. Draft Report and Evidence Review Period**

1. All parties will be given an equal opportunity to inspect and review any evidence obtained as a part of the investigation that is directly related to the allegations raised in the formal complaint. This includes inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

2. Prior to the completion of the investigative report, the University will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic or hardcopy format and a Draft Report that fairly summarizes the relevant evidence.
3. Each party will be given 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

#### **xi. Completion of the Investigative Report**

Either after the Investigator receives the parties' written responses or after the 10-day time limit has expired, the Investigator will create a final investigative report that fairly summarizes the relevant evidence.

#### **xii. Assessment After the Investigative Report is Complete**

1. Upon receiving the Final Investigative Report, the Anti-Discrimination Coordinator will evaluate whether the alleged conduct, if proven, sufficiently implicates the definition of discrimination and this Policy. The parties will receive written notice of the decision within 5 business days of the Anti-Discrimination Coordinator's receipt of the Final Investigative Report. The time period may be extended due to several factors, including the complexity of the case, the length of the report, and addressing any questions for the Investigator.

#### **xiii. Continuation Under this Policy**

1. If the Anti-Discrimination Coordinator determines that the conduct alleged in the investigative report, if proven, sufficiently implicates the definition of Discrimination and this Policy, then the complaint will be referred to the Investigator to make findings. Allegations involving physical violence, including sexual violence, will be referred to a hearing panel.
2. *Dismissal.* If the Anti-Discrimination Coordinator determines that the conduct alleged in the investigative report, if proven, does not sufficiently implicate the definition of Discrimination and this Policy, then the complaint will be dismissed by written notice to the parties.

#### **xiv. Determination by Investigator**

1. If the matter is continued for the determination stage, the Investigator will review the Investigative Report and evidence, including the parties' responses, make findings of fact, decide whether the Respondent violated the Policy, and recommend appropriate sanctions where responsibility is found.
2. The Investigator will prepare a written determination of responsibility detailing the Investigator's determinations and recommended sanction(s) if applicable. Parties and the Anti-Discrimination Coordinator will be sent the written determination of responsibility



within 14 business days after the Investigator was notified by the Anti-Discrimination Coordinator to make findings.

## **xv. Investigation, Hearing, and Determination**

A live hearing will be used in the following instances:

Complaints of Sexual Harassment where the alleged conduct implicates Clery Act crimes (Sexual Violence, Relationship Violence, or Stalking)

**1.** Complaints that the Anti-Discrimination Coordinator determines necessitate a hearing, which may, but not always, include: cases that involve multiple policies, multiple Complaints, or multiple parties, cases that implicate criminal laws, or matters implicating the health and safety of an individual or the community. Such determinations are made on a case-by-case basis, and the Anti-Discrimination Coordinator will provide written notice of the reason for their decision.

### **2. Live Hearing Procedures**

- a. Shortly after receiving the final investigative report, the Anti-Discrimination Coordinator will appoint a panel of three Decision-Makers. The panel will be assigned to preside over the live hearing.
- b. Prior to scheduling the live hearing, the DecisionMaker will contact each party to provide a deadline for which they can submit their written responses to the final investigative report

### **3. Overview of the Live Hearing Process**

- a. At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms. Live hearings may be conducted with all parties physically present in the same geographic location or, at the Ant-Discrimination Coordinator's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. In either of the aforementioned situations, the University will provide technology that enables the participants to simultaneously see and hear each other.

- b. At the live hearing, the panel will permit questions by the parties, as described in the Questioning sections of this policy below. The University will create an audio or audiovisual recording, or transcript of any live hearing. The choice of whether it is an audio or audiovisual recording, or transcript is made in the sole discretion of the University. The audio or audiovisual recording, or transcript will be made available to both parties for inspection and review. In compliance with disability laws, the University will ensure that all parties are properly accommodated with respect to use of technology and reliance on visual, audio, or written communication.
  
- c. The only persons permitted to attend the live hearing are the parties, their advisors, the witnesses, and designated University personnel. The witnesses are only to be in attendance at the live hearing during the time in which they are offering information or answering questions. Otherwise, the witnesses are to be waiting in a designated room (or virtual room) until called upon.

#### **4. Questioning During Live Hearings**

- a. Advisors are not permitted to ask questions in live hearings. Rather, the parties will be given the opportunity to ask questions of the other parties by presenting those questions directly to the Hearing Panel. The Hearing Officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If the Hearing Officer determines the question is relevant, the Hearing Officer will pose the question to the Complainant, Respondent, or witness.

#### **5. Written Determination of Responsibility**

- a. At the conclusion of the live hearing, the Hearing Panel will undertake an objective evaluation of all relevant evidence (including both inculpatory and exculpatory evidence). A majority vote is required for a final determination.
- b. In addition, the Hearing Panel will not make any credibility determinations based on a person's status as a Complainant, Respondent, or witness. Upon a determination of responsibility using the preponderance of the evidence standard described herein, the Hearing Panel will make their best effort to simultaneously issue a written determination regarding responsibility to both parties.
- c. The written determination regarding responsibility will include:
  1. Identification of the allegations potentially constituting prohibited conduct;
  2. Findings of fact supporting the determination;
  3. Conclusions regarding the application of relevant policies to the facts;
  4. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and

5. The University's procedures and permissible bases for the Complainant or Respondent to appeal. The determination of responsibility will be deemed final on either of the following dates: a. If an appeal is filed, the date that the Appeal Officer provides the parties with the written determination of the result of the appeal; or b. If an appeal is not filed, the date on which an appeal would no longer be considered timely.

#### **xvi. Sanctions**

Within 5 business days of receipt of the written determination of responsibility, the Anti-Discrimination Coordinator or Hearing Officer will provide written notice to the parties of the sanction(s) to be imposed. The Anti-Discrimination Coordinator will provide written rationale in the event the sanction(s) differs from the sanction(s) recommended by the Investigator.

#### **xvii. Appeals**

1. Appeals must be submitted to the Anti-discrimination Coordinator within 10 calendar days of receipt of the final sanction from the Anti-Discrimination Coordinator. Appeals must clearly state one or more of the following:
  - a. A procedural irregularity that affected the outcome of the matter;
  - b. New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter; and
  - c. The Anti-Discrimination Coordinator or Investigator(s) 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. If it is found that a party was aware of a potential bias or conflict of interest prior to the determination regarding responsibility and the party knowingly withheld that information from the University, the party will not be permitted to raise that allegation of bias or conflict of interest on appeal.
  - d. The imposed sanction(s) is disproportionate to the violation(s) for which the Respondent was found responsible.

#### **xviii. Appellate Review**

1. Within 3 business days of receiving the written appeal, the Appeal Officer will review the appeal to determine whether it falls within one of the three bases for appeal as described

above. If it does, the University will promptly notify the other party when a valid appeal is filed and will implement appeal procedures equally for both parties. If it does not, the appealing party will be notified in writing.

2. The other party will be given 5 business days from the date of notification of the appeal to submit a written response to the appeal to the Appeal Officer.
3. Either after receiving the other party's written response to the appeal, or after the 5-day time limit has expired, the Appeal Officer will make a determination regarding the outcome of the appeal within 7 business days.
4. Upon a determination of the outcome of the appeal, the Appeal Officer will provide written notice of the decision to both parties and will make all reasonable efforts to simultaneously notify said parties. This written notice will describe the rationale for the result of the appeal.

- X. Potential Delays in the Informal or Formal Resolution Processes:** The University will make all reasonable efforts to abide by the timelines described throughout this policy. If the timeline for any stage of the informal resolution process or the formal complaint grievance process must be changed, the Complainant and Respondent will receive written notice of the temporary delay or limited extension of timeframes and the reasons for the change. Possible reasons for temporary delays or extensions of timeframes include, but are not limited to, the size of the formal complaint, the amount of evidence to be considered, the number of persons to be interviewed, and additional factors including the absence of a party or a party's advisor, concurrent law enforcement activity, the need for language assistance or accommodation of disabilities, etc.
- XI. Request for Extensions of Timelines from the Parties:** If a party has good cause and needs an extension during the formal complaint grievance process, they can contact the Anti-Discrimination Coordinator to request such extension. It is within the Anti-Discrimination Coordinator's discretion to grant such a request. In the case that an extension is granted, the same extension will be given to the other party.
- XII. Time Limits:** There is no time limit on reporting violations of this Policy, although the University's ability to respond fully may be limited with the passage of time.
- XIII. Policy Revision:** The University reserves the right to revise this policy in its sole discretion at any time. Any such revisions will be posted on the University's website.

## **Appendix A: Contact Information for Title IX and Anti-Discrimination Coordinator and Additional Resources**

### **Title IX and Anti-Discrimination Coordinator**

Name: Jonathan Cook, Assistant Dean of Students  
Office Address: Gerety Hall 306  
Phone: (401) 341-2640  
Email: [Jonathan.Cook@salve.edu](mailto:Jonathan.Cook@salve.edu)  
Mailing Address: 100 Ochre Point Ave., Newport, RI 02840

### **Confidential On-Campus Resources**

Health Services  
Miley Lower Level  
(401) 341-2904

Counseling Services  
Miley Lower Level  
(401) 341-2919

University Chaplain  
(401) 341-2368

### **Assistant Secretary for Civil Rights**

U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Telephone: (800) 421-3481  
FAX: (202) 453-6012; TDD: (800) 877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Rhode Island Commission for Human Rights  
180 Westminster St #201, Providence, RI 02903  
(401) 222-2661

## **Appendix B: Disciplinary Sanctions and Remedies<sup>10</sup>**

### **Students**

Students who are found responsible for violating this policy may be subject to one or more of the following disciplinary actions. Action may range from warning to expulsion, depending on the magnitude and specifics of the infraction.

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<sup>10</sup> For additional information see the Salve Regina Student Handbook:

- Warning – a warning (either verbal or written), is an official notice to the student that their behavior has violated the Student Code of Conduct. A letter of warning serves as notification to the student that further misconduct/violations may result in additional disciplinary action.
- Developmental sanction – an assigned task or tasks intended to involve the student in a positive learning experience appropriate to the violation. Developmental sanctions of this type include, but are not limited to: alcohol education workshop (i.e. BASICS, etc.), reflection paper, educational project, My Student Body Conduct Course, and/or involvement with an established university program or committee.
- Community Restitution – uncompensated work/service on campus or off campus at a non- profit community service agency. Students assigned community restitution may also be assigned a reflection paper about their experience.
- Restitution – compensation for loss, damage, repair, replacement or injury. This may take the form of appropriate service, monetary or material replacement.
- Fine – a monetary fee/financial sanction imposed for specific infractions and/or cost associated with participation in a required program.
- Loss of Privileges – denial of specific privileges for a designated period of time.
- Parental/Guardian Notification – notification of parents/guardians when a student has violated the University’s alcohol or drug policy, when there is a serious health or safety issue regarding a student, or if a student’s residency or student status is in jeopardy.
- Counseling/Health Services Referral – a referral to the Counseling Center or Health Services or another appropriate office for consultation or assessment. The number of counseling sessions in which the student participates is at the discretion of the student’s counselor.
- No Contact Order – imposed in instances where it is determined that a student may pose a threat to another student. This order, specific to a person and/or location, prohibits the subject from having direct or indirect contact with the person requesting the No Contact Order. The No Contact Order specifically includes communication through email, mail, phone, instant message, text, social media, face to face, or any contact through a third party. A No Contact Order may be imposed prior to a hearing, as a result of a hearing, or in lieu of a hearing. Violation of a No Contact Order may result in further adjudication, up to and including interim suspension from the University.
- Residence Hall Relocation – required assignment to another residence area.
- Residence Hall Probation – a written reprimand for violation of the Student Code of Conduct. This sanction is for a defined period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for any additional violations during the probationary period.
- Residence Hall Suspension – separation of the student from their residence hall for a definite period of time, after which the student is eligible to return. Reapplication for housing does not

guarantee immediate placement. Conditions for returning to the residence halls may be specified.

- Residence Hall Dismissal – permanent separation of the student from the residence halls.
- Disciplinary Probation – a sanction indicating that a student’s behavior has placed themselves on a disciplinary status that is close to suspension. It is imposed for a specific period of time. Any further violations while on University Probation may result in suspension and/or dismissal from the University.
- Deferred Suspension – a warning that a student may be immediately separated from the University if found responsible for any further violations of the Student Code of Conduct during a specific period of time.
- Suspension – separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. During a period of suspension the student is not allowed on campus or at university sponsored events.
- University Dismissal – permanent separation of the student from the University. Student is not eligible to reapply.
- Interim Action – In certain situations, the Vice President for Student Affairs, Dean of Students or designee, may take interim action against a student. This interim action may include but is not limited to: removal or ban from a residence hall (s) or University suspension, pending a hearing. Such actions will only occur if, in the Vice President for Student Affairs’, Dean of Students’ or designee’s judgment, the student is a danger to themselves or other members or parts of the University community, or if the student is a disruptive/disorderly community member who is infringing on the rights of others. In such instances, the hearing officer will meet with the student as soon as practical to hear the case. As soon as practical after the interim action, the hearing officer shall prepare and deliver to the removed student a notice of charges and other information in conformance with the student conduct hearing process.

## **Employees**

Employees who are found responsible for violating this policy may be subject to one or more of the following disciplinary actions. Action may range from warning to termination, depending on the magnitude and specifics of the infraction.

- Verbal warning – an official verbal notice to the employee that their behavior is not acceptable and may have violated this University policy. Documentation of the delivery of a verbal warning should always be placed in the supervisors file on the employee.
- Written warning – an official written notice to the employee that their behavior is not acceptable and may have violated this University policy. This written notice is signed by the employee and the employee’s supervisor and is placed in both supervisor’s file on the employee and the employee’s file in the Office of Human Resources.
- Developmental sanction – an assigned task or tasks intended to involve the employee in a positive learning experience appropriate to the violation. Developmental sanctions of this could include, but are not limited to training, mediation, coaching or a performance improvement plan.



- Change in responsibilities or supervisory role – a modification of the employee’s job duties or a change in a supervisory role.
- Suspension with pay – a separation of the employee from the University for a definitive period of time with pay.
- Suspension without pay – a separation of the employee from the University for a definitive period of time without pay.
- Termination – a permanent separation of the employee from the University.