

# REGIS COLLEGE

## GRIEVANCE PROCEDURE: SEX BASED HARASSMENT



### 1. Scope

- a. This grievance procedure applies to complaints of Sex Based Harassment (“SBH”) involving Students as Complainant/Reporting Party or Respondent received by Regis College (“Regis”).
- b. If a Complainant or Respondent is both a Regis student and employee, then the Title IX Coordinator will make a fact-specific determination of whether to proceed under this grievance procedure. This determination will include:
  - i. Whether the party’s primary relationship is to receive an education
  - ii. Whether the SBH occurred while the party was engaged in employment-related work
- c. **Important: this grievance procedure must be read in consult with the following:**
  - i. [General Response to Reports of Sex Discrimination \(“General Response”\)](#)
- d. The General Response contains important definitions, timeframes, and other basic principles of Regis’ response that affect this grievance procedure.

### 2. Complaints:

- a. The following individuals may make a complaint under this grievance procedure:
  - i. A Complainant/Reporting Party,
  - ii. A parent, guardian, or other individual with the legal right to act on behalf of a Complainant,
  - iii. The Title IX Coordinator,
  - iv. For complaints of Sex Discrimination that are not Sex Based Harassment, the following individuals may also make a complaint
    1. Any student or employee
    2. A person (other than a Regis student or employee) while participating or attempting to participate in Regis’ EPA at the time of the Sex Discrimination
- b. The Title IX Coordinator may consolidate separate complaints where:
  - i. There are complaints against more than one respondent,

- ii. There are complaints by one or more Complainants against one or more Respondents,
- iii. When the allegations in separate complaints arise out of the same facts/circumstances.

### **3. Initial Response to a Complaint:**

- a. The Title IX Coordinator will evaluate a complaint to determine whether to dismiss the complaint or initiate grievance procedure. See Timeframes, Section 13, General Response. Depending on the circumstances, the Title IX Coordinator may or may not notify Respondent of a complaint during the evaluation stage. However, once the Title IX Coordinator initiates the grievance procedure, they Title IX Coordinator will notify the parties of the following:
  - i. The applicable grievance procedures,
  - ii. Enough information about the complaint to allow the parties to respond to allegations. This information will generally include the identities of individuals involved, the specific conduct alleged to have occurred, and the dates and locations of the alleged conduct,
  - iii. Regis prohibits retaliation regarding complaints. See Retaliation Prohibited, Section 17, General Response,
  - iv. The parties will have an equal opportunity to suggest Relevant fact witnesses and provide Relevant evidence to the investigation, provided it is not otherwise impermissible.
  - v. The parties will have an equal opportunity to access Relevant and not impermissible evidence and any summary of that evidence.
  - vi. Regis presumes that the Respondent is not responsible for the alleged Sex Discrimination until a determination is made at the conclusion of its grievance procedures.
  - vii. The parties may have an advisor of their choice who may be, but is not required to be, an attorney.
  - viii. The Regis College Student Code of Conduct prohibits knowingly making false statements or knowingly providing false information in a grievance proceeding.
- b. Notice of the complaint will be provided with sufficient time to allow the parties to prepare a response prior to any initial interview.
- c. If Regis discovers additional allegations during the course of the investigation, the Title IX Coordinator will notify the parties of the additional allegations.

### **4. Dismissal of Complaints**

- a. The Title IX Coordinator may dismiss a complaint of Sex Discrimination, or allegations within such complaint, on the following bases:
  - i. Regis is unable to identify Respondent,
  - ii. Respondent is not participating in Regis Educational Program and Activity and is not employed by Regis
  - iii. Complainant withdraws any or all of the allegations in their complaint and the following conditions are also met:
    - 1. The Title IX Coordinator declines to initiate a complaint on their own authority, and

2. Without Complainant's withdrawn allegation(s), the alleged conduct would not constitute Sex Discrimination even if proven to have occurred
  - iv. The Title IX Coordinator determines that the alleged conduct could not constitute Sex Discrimination. The Title IX Coordinator will provide Complainant a reasonable opportunity to clarify their allegations.
- b. If a complaint is dismissed, the Title IX Coordinator will provide written notices to:
  - i. Complainant regarding the basis of dismissal and opportunity to appeal,
  - ii. Respondent, if they have been previously notified of the complaint, regarding the basis of the dismissal and opportunity to appeal.
- c. Following dismissal of a complaint and regardless of an appeal, Supportive Measures remain available to Complainant and to Respondent, if they have been notified of the complaint. In addition, the Title IX Coordinator may take other actions as appropriate to prevent Sex Discrimination from continuing or recurring within Regis' Educational Program and Activity.

## **5. Appealing the Dismissal of a Complaint**

- a. Complainant or Respondent may appeal the dismissal of a complaint on the bases listed below. Appeals or portions of appeals relying on any other basis will be dismissed:
  - i. A procedural irregularity that would change the outcome,
  - ii. New evidence that was not reasonably available at the time of the dismissal that would change the outcome,
  - iii. That the Title IX Coordinator, an investigator, or other Regis official involved in review of the complaint had a conflict of interest or bias for or against Complainants or Respondents in general or against the Complaint or Respondent involved in the specific matter which would change the outcome.
- b. To request an appeal of a dismissal of a complaint a party must complete and submit a Request for Title IX Appeal form within three (3) Business Days of the date of dismissal and submit to 1) the Title IX Coordinator and 2) the Deputy Title IX Coordinator (Students) or the Associate Vice President for Human Resources (Employees). The Title IX Coordinator will notify the non-appealing party that an appeal has been filed and provide an opportunity to respond to the appeal.
- c. The Title IX Coordinator will provide the name of the Appeals Officer to the parties in writing. The parties will then have three (3) Business Days to inform the Title IX Coordinator in writing if they have any valid reason to think that the named Appeals Officer cannot serve impartially due to bias or conflict of interest. The Title IX Coordinator will review the stated reasons and will determine whether a different Appeals Officer should be assigned. The determination of the Title IX Coordinator as to the ability of Appeals Officer to hear the appeal is final.
- d. The Appeals Officer will review the Request for Title IX Appeal form and issue a written decision, including a rationale for the decision, within ten (10) Business Days of the date the Title IX Coordinator submits the appeal form to the Appeals Officer.

- e. If an Appeals Officer grants the appeal, the Title IX Coordinator will initiate the grievance process with regard to the dismissed complaint or dismissed allegations thereof.
- f. If an Appeals Officer denies the appeal, the dismissal the complaint or of certain allegations within a complaint, and/or the Determination of Responsibility will stand. A Complainant or Respondent has no further rights to appeal or challenge the dismissal *outcome of the matter*.

## **6. Investigation:**

- a. Accommodations:
  - i. Regis will work with individuals to provide reasonable accommodations, modifications, or auxiliary aids and services that will facilitate their participation in the investigation (e.g., translation, sign language interpretation). Individuals seeking accommodations should notify the Title IX Coordinator as soon as possible.
  - ii. The Title IX Coordinator may consult with the Office of Student Disability and Accessibility Services or Human Resources in order to implement reasonable accommodations – this consultation may require the disclosure of the individual’s identity.
- b. Selection of Investigators:
  - i. The Title IX Coordinator will assign investigator(s) to gather evidence related to the complaint. The assignment of the investigator(s) is in the sole discretion of the Title IX Coordinator or designee and will be selected from a pool of impartial and trained individuals. Investigators may be either employees of Regis or external to Regis College.
  - ii. The Title IX Coordinator will provide the name(s) of the investigators to Complainant and Respondent in writing. Complainant and Respondent will then have three (3) Business Days to inform the Title IX Coordinator or their designee in writing if they have any valid reason to think that the named investigators cannot serve impartially due to bias or conflict of interest. The Title IX Coordinator or their designee will review the stated reasons and will determine whether a different investigator(s) should be assigned. The determination of the Title IX Coordinator or their designee as to the ability of an investigator to participate in the investigation is final.
- c. Evidence Gathering:
  - i. Parties and their advisors will have an equal opportunity to suggest Relevant fact witnesses and provide Relevant evidence to the investigation, provided it is not otherwise impermissible.
  - ii. The Title IX Coordinator, assigned investigators, and Decision Maker will seek to gather Relevant evidence related to the allegations. Evidence gathering may include, but may not be limited to:
    - 1. Seeking interviews of the parties and Relevant witnesses
    - 2. Reviewing available documentation, audio, or audiovisual materials.
  - iii. Gathered evidence and proposed questions will be evaluated in accord with Evaluation of Evidence, Section 15, General Response.

d. Proposing Interview Questions

- i. The Title IX Coordinator, investigator(s), and/or Decision Maker will provide a list of individuals (i.e. the parties and any witnesses) intended to be interviewed to each of the parties and their advisors. During the course of the investigation, if additional individuals are identified for interview, a subsequent notice will be provided.
- ii. Each party and their advisor will have an equal opportunity to propose questions that the Title IX Coordinator, investigator(s), or Decision Maker may ask during interviews of the other party and/or witnesses.
- iii. The Title IX Coordinator, investigator(s), and/or Decision Maker will evaluate all proposed questions to determine:
  1. If the questions are Relevant and not otherwise impermissible. If impermissible, a question will not be asked during an interview. The Title IX Coordinator, investigator(s), and/or Decision Maker will inform the relevant party of the exclusion and rationale. The determination of Title IX Coordinator, investigator(s), and/or Decision Maker is final.
  2. If the questions are unclear or harassing. Title IX Coordinator, investigator(s), and/or Decision Maker will provide a party and their advisor a reasonable opportunity to clarify or revise an unclear or harassing question. Otherwise, unclear or harassing questions will not be asked in an interview.
- iv. The Title IX Coordinator, investigator(s), and/or Decision Maker will provide each party and their advisor with a transcript or recording (format at Regis' discretion) following the interviews. Each party will then have an opportunity to review the transcript or recording for a period of three (3) Business Days. Within that time period, each party may propose follow-up questions related to the content of that transcript or recording. Follow-up questions will be reviewed consistent with this section.
- v. During interviews, the Title IX Coordinator, investigator(s), and/or Decision Maker may pose questions beyond those posed by a party under this section.

e. Participation in the Investigation:

- i. The Title IX Coordinator will provide each party and their advisor with written notice of the date, time, location, participants, and purpose of all meetings to which they are invited to attend with sufficient time for a party to prepare.
- ii. Each party and their advisor will have an equal opportunity to suggest Relevant fact witnesses to be interviewed. Prior to conducting an interview, the Title IX Coordinator may require that a party summarize the evidence the party believes the witness is likely to share. Where there is no indication that a witness can offer Relevant evidence, the Title IX Coordinator, Decision Maker, and/or investigator may decline to interview that witness.
- iii. If the credibility of evidence provided by a party or witness is in dispute and those questions are Relevant, then the investigator Decision Maker will:
  1. Pose questions during interviews and/or follow up interviews to that party to test the credibility of the provided evidence,

2. Pose questions during interviews and/or follow up interviews to the other party and any/or witnesses to test the credibility of the provided evidence,
3. Review documentation, audio, or audiovisual materials to test the credibility of the provided evidence.

f. Advisors

- i. Complainant and Respondent will have the same opportunity to have an advisor of their choice present during any meeting or interview. Advisors may or may not be an attorney and are permitted during meetings or interviews for the sole purpose of providing support to Complainant or Respondent. During an interview, the advisor may not offer any information, respond to any question, or ask any question.
- ii. An advisor's role is limited to the functions stated above without regard to the relationship between the advisor and a Complainant or Respondent or the status of an advisor outside the investigation and hearing process. The Title IX Coordinator and/or investigators will communicate with the Complainant or Respondent and their advisor if they have one. Regis places no limits on a Complainant's or Respondent's ability to communicate with their advisor for the purpose of facilitating their participation in the investigation and hearing. Meetings and proceedings may not be significantly delayed on the basis of the availability of an advisor.

g. Decision Not to Participate:

- i. Participation is voluntary
- ii. The Decision Maker may choose to place less or no weight upon a party's or witness' statements who later refuses to respond to Relevant and not impermissible questions.
- iii. In making a Determination of Responsibility, the Decision Maker will not make an inference about whether a violation occurred based solely on a party's or witness' refusal to respond to questions.

h. Conclusion of Investigation:

- i. The investigation stage of the grievance process will generally conclude when:
  1. The Title IX Coordinator, investigator(s) and Decision Maker determine that all reasonably available investigative avenues have been pursued, and
  2. The parties have had an opportunity to review and respond in writing to the Relevant and not impermissible evidence. See Access to Evidence; Privacy, Section 14, General Response.

**7. Determination of Responsibility**

- a. At the conclusion of the investigation, the Decision Maker will determine the Respondent's alleged conduct constituted Sex Discrimination upon the Relevant and not impermissible information gathered during the investigation.

- b. The Decision Maker will use a preponderance of the evidence standard. In other words, more than 50% of the Relevant and not impermissible evidence would need to indicate that the Respondent's conduct constituted Sex Discrimination.
- c. The Decision Maker will notify parties in writing of this determination, including the rationale for the determination.
- d. If the Decision Maker determines that Sex Discrimination occurred, then the Title IX Coordinator will:
  - i. Coordinate remedies to Complainant and others who have had access to the Educational Program or Activity limited or denied
  - ii. Coordinate sanctions against Respondent, including notification of Complainant.
    - 1. Employee sanctions are the purview of Human Resources
    - 2. Student sanctions are the purview of the Chief Conduct Officer and follow the [Sex Based Harassment Student Sanction Matrix](#)
    - 3. Take other action to prevent Sex Discrimination from continuing or recurring within the Educational Program or Activity.
- e. The Decision Maker will impose no sanctions unless there is a determination that Sex Discrimination occurred.
- f. Outside this grievance process, a party may be subject to discipline for making false statements or engaging in an employee-student relationship *consensual sexual activity*. Such matters may be referred to the Student Conduct process or Human Resources as applicable. However, no party may be disciplined for making a false statement or for engaging in consensual sexual activity based solely on the determination that Sex Discrimination occurred.

## **8. Student Sanctions:**

- a. The sanctions imposed for a student Respondent may include, but are not limited to: warnings, educational sanctions, community restitution, fines, referrals to campus resources, no-contact orders, exclusion from Regis property or activities, residence hall suspension, residence hall expulsion, suspension, probation, final probation, expulsion. See Section III of the Regis College Student Handbook for further information.
- b. Both Complainant and Respondent may provide a written impact statement which the Chief Conduct Officer or their designee will review during the sanctioning process. A party must submit any written impact statement to the Chief Conduct Officer or their designee and the Title IX Coordinator within three (3) Business Days of the date of the Determination of Responsibility.
- c. If the Determination of Responsibility finds that a student Respondent has engaged in Sex Discrimination, then the Title IX Coordinator and Decision Maker will refer the matter to the Chief Conduct Officer or their designee to issue any sanctions.
- d. The Chief Conduct Officer or their designee will written issue sanctions, including a rationale for each sanction(s), within five (5) Business Days of referral from the Title

IX Coordinator and Decision Maker. The Chief Conduct Officer or their designee may consult with the Decision Maker, Title IX Coordinator, and/or Title IX investigators to clarify Relevant and not otherwise impermissible information gathered during the investigation.

- e. Where a student Respondent is found to have engaged in Sex Based Harassment, the Student Conduct Officer or their designee will issue sanctions in accord with the Regis College [Sex Based Harassment Student Sanction Guidelines](#).
- f. For the purposes of appeals, the date on which the Chief Conduct Officer or their designee issues sanctions will be considered to be the date of the Determination of Responsibility.

## **9. Employee Sanctions.**

- a. The sanctions imposed in a Determination of Responsibility for an employee (faculty or staff) Respondent may include: training, loss of privileges, reprimand, personnel actions, suspension, termination of employment, and/or dismissal from Regis College.

## **10. Appeals of the Determination of Responsibility**

- a. Complainant or Respondent may appeal the Determination of Responsibility on the bases listed below. Appeals or portions of appeals relying on any other basis will be dismissed:
  - i. A procedural irregularity that would change the outcome,
  - ii. New evidence that was not reasonably available at the time of the dismissal that would change the outcome,
  - iii. That the Title IX Coordinator, an investigator, or other Regis official involved in review of the complaint had a conflict of interest or bias for or against Complainants or Respondents in general or against the Complaint or Respondent involved in the specific matter which would change the outcome.
  - iv. Student Matters Only. That the sanction imposed is substantially disproportionate to the Respondent's conduct as described in the Determination of Responsibility and the Sexual Harassment Student Sanction Guidelines. \
- b. To request an appeal of a Determination of Responsibility, Reporting Party or Respondent must complete and submit a Request for Title IX Appeal form within three (3) Business Days of the date of the written Determination of Responsibility or within three (3) Business Days of the date that the recording of the hearing was made available to Reporting Party and Respondent, whichever is later. The Request for Title IX Appeal form must be submitted to the Title IX Coordinator and the Decision Maker. The Title IX Coordinator will notify the non-appealing party that an appeal has been filed.
- c. The Title IX Coordinator will provide the name of the Appeals Officer to Reporting Party and Respondent in writing. Reporting Party and Respondent will then have three (3) Business Days to inform the Title IX Coordinator in writing if they have any valid reason to think that the named Appeals Officer cannot serve impartially due to



bias or conflict of interest. The Title IX Coordinator will review the stated reasons and will determine whether a different Appeals Officer should be assigned. The determination of the Title IX Coordinator as to the ability of Appeals Officer to hear the appeal is final.

- d. An Appeals Officer will review the Request for Title IX Appeal form and issue a written decision, including a rationale for the decision, within ten (10) Business Days of the date the Title IX Coordinator submits the appeal form to the Appeals Officer.
- e. If an Appeals Officer grants the appeal, remedies are limited to:
  - i. A re-investigation of Reporting Party's complaint. Where a granted appeal is based on an allegation of conflict of interest or bias, as appropriate new personnel will conduct the investigation
  - ii. For allegations involving students only, a re-evaluation of the imposed sanction.
- f. If an Appeals Officer denies the appeal the Determination of Responsibility will stand. A Reporting Party or Respondent has no further rights to appeal or challenge the outcome of the matter.