

CNU Receives Report



Initial Assessment by TIX/EO Office (Respond to immediate health & safety concerns)

TIX/EO Office informs Complainant of medical options, process for preserving evidence, option to contact law enforcement, available resources & supportive measures, explains retaliation, etc.

TIX/EO Office makes jurisdiction determination

If no jurisdiction, forwards to appropriate office & notifies Party(s)

<u>Initial</u> <u>Assessment Of</u> <u>Report</u>

CNU Discrimination,
Harassment &
Sexual Misconduct
Policy

Threat Assessment Review
Committee meets within 72
hours of Sexual Violence
report to determine if
significant & articulable
threat &/or felonious
conduct exists
(May result in Timely
Warning, disclosure to local
law enforcement &/or
disclosure within 24 hours to
Commonwealth Attorney)

TIX/EO Office offers Options & Resources to Complainant (& Respondent, if contacted)

TIX/EO Office seeks to determine if Complainant is pursuing resolution under Policy (Informal or Formal), Supportive Measures only, &/or requesting confidentiality

Formal Complaint filed

Behavior Intervention Team (BIT) assesses for Emergency Removal, as needed (Respondent has opportunity to challenge decision)

Process A
(Title IX)

Process B
(Non-Title IX)



<u>Process B</u> <u>Procedures</u> (Non-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.
- Unable to compel a Party or Witness to participate.
- A preponderance of the evidence must substantiate a policy violation occurred.
- Academic Hold & Transcript Notation applied when Formal Resolution commences. (Degree conferral may be deferred.)
- Parties may appeal the decision.
- · No Live Hearing.
- Amnesty (alcohol & drug violations).
- Retaliation is prohibited.

Process B

Informal Resolution

- No disciplinary action
- Strive for 30 business days
- Parties & Director must all agree Informal Resolution is appropriate
- Either Party or Director may seek Formal Resolution before Informal Resolution concludes

May result in remedies (i.e. No-Contact Orders, training, schedule adjustments, written warning, counseling, etc.)

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

Final Outcome

Responsible/Not Responsible

(Transcript Notation if
Dismissed or Suspended or
remove Academic Hold &
Transcript Notion if found not
responsible or not dismissed or
suspended)

Parties may appeal on three specific grounds

Investigation Report sent to the Parties by Director with sanctions, remedies & process for appeal

Formal Resolution

- Disciplinary Action
- Strive for 90 Business Days

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

Notice of Investigation & Allegations (NOIA) provided to Parties

Director notifies Registrar to place Academic Records Hold & Transcript Notation

Investigator gathers information around campus & community (i.e. camera footage if within 30 days, card swipe logs, guest logs, work schedules, etc.)

Investigator takes Respondent's statement & Witness statements to include any evidence & names of Witnesses to interview

Parties have opportunity to review & respond to all evidence in person & have **5 business days** after the review to provide further information (May provide written response)

Investigator completes investigation & finalizes
Investigation Report making a finding based on preponderance of the evidence (If finding of responsibility, appropriate CNU personnel decides sanctions in consultation with Director)



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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 may be stayed during the appeal process.
- Transcript Notation if found responsible & dismissed/suspended.
- Amnesty (alcohol & drug violations).
- Retaliation is prohibited.

Process B: Appeal Process

Parties receive Notice of Outcome within **90 business days** (unless an extension is necessary) after issuance of the NOIA

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
- Director &/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

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.

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 Appeal Officer

Director notifies Parties the date appeal was assigned to Appeals Officer

Appeals Officer provides written decision to the Parties & Director within **10 business day** of Appeals Officer receiving the appeal

Neither party submits an appeal

Findings made by the Investigator are final

Director notifies
Registrar to place
Transcript Notation if
Dismissed or Suspended
or to remove Academic
Hold & Transcript Notion
if found not responsible
or not dismissed or
suspended

Appeals Officer decision is final