

7. Bias Related Behaviors Process

a. Prohibited Behaviors

Bias and the applicable prohibited behaviors are defined under Code of Conduct 32. Bias Related Behaviors Policy.

b. Definitions

- **Advisor**- A person chosen by a party or appointed by the institution to accompany the party to all meetings related to the Bias Related Behaviors Policy and advise the party on that process.
- **Complainant**- An individual who is alleged to have been subjected to conduct that could constitute an alleged violation of the Bias Related Behaviors Policy.
- **Complaint**- An oral or written request to the University that can objectively be understood as a request for the University to investigate and make a determination about the alleged Policy violation(s).
- **Employee**- Faculty, staff, and administrators, including student employees and those holding these positions temporarily. Employee does not include those performing services for or as an independent contractor, although such non-employed individuals authorized to provide aid, benefits, or services on the University's behalf may be subject to certain rights and obligations under this Policy.
- **Hostile Environment** - unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a recipient's education program or activity.
- **Informal Resolution**- A resolution agreed to by the Parties and approved by the Title IX and Bias Administrator that occurs prior to a Formal Resolution Determination in the Resolution Process.
- **Investigation Report**- The Investigator's summary of all relevant evidence gathered during the investigation. Variations include the Draft Investigation Report and the Final Investigation Report.
- **Investigator**- The person(s) authorized by the University to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report.
- **Parties**- The Complainant(s) and Respondent(s), collectively.
- **Resolution Process**- The investigation and/or resolution of allegations of a violation of the Bias Related Behaviors Policy, including Informal Resolution and/or Formal Resolution.
- **Respondent**- An individual who is alleged to have engaged in conduct that could constitute a violation of the Bias Related Behaviors Policy.
- **Title IX and Bias Administrator**- Employee within the office of Title IX and Bias Compliance or an appropriate designee with skills and/or training in facilitating intakes and/or resolutions of bias reports or complaints.

c. Disability Accommodations

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the Bias Resolution Process.

Anyone needing such accommodations or support may request reasonable accommodations for disclosed disabilities to the appropriate Title IX and Bias Administrator at any point before or during the Bias Resolution Process that do not fundamentally alter the Process. The Title IX and Bias Administrator will work with Disability and Accessibility Services (for students) and Human Resources (for employees) as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation. The appropriate Title IX and Bias Administrator will not affirmatively provide disability accommodations that have not been specifically requested by the participants, even where the participants may be receiving accommodations in other institutional programs and activities.

Students with concerns about accommodations decisions may raise those concerns utilizing the [Loyola University Maryland Procedures for Appealing Accommodation Determinations and Implementation](#). Individuals who believe they were discriminated against based on their disability may file a complaint through the [Loyola University Maryland Harassment and Discrimination Policy and Procedures](#).

d. Procedures for Reporting Bias Related Behaviors

Students who feel they have been the target of bias or harmed by bias related behaviors, known as the Complainant, may report the incident online at www.loyola.edu/reportbias or contact the Office of Title IX and Bias Compliance at 410-617-5646. When reporting bias related behaviors, it is important to give as much information as possible as the statement will serve as basis for resolution of the case. If a Complainant chooses to submit an anonymous report, it should be noted that the University's ability to investigate or act upon anonymous reports may be limited.

Online reporting methods:

- Anonymous Information Form, found at <https://www.loyola.edu/department/public-safety/anonymous-information-form>
- EthicsPoint, found at <https://secure.ethicspoint.com/domain/media/en/gui/18799/index.html>
- Bias Related Behaviors Report, found at www.loyola.edu/reportbias
- Sexual Violence, Relationship Violence or Stalking Report found at https://cm.maxient.com/reportingform.php?LoyolaUnivMD&layout_id=4

When a bias related behavior form is submitted, it will be received by the Office of Title IX and Bias Compliance who will then take action based on the information provided. The Complainant will be contacted by a Title IX and Bias Administrator or designee and offered support through the bias response process.

A Title IX and Bias Administrator will conduct a follow-up interview with the Complainant to gather additional information regarding the incident and discuss options for addressing the behavior through the Bias Resolution Process. The Title IX and Bias Administrator may consult with relevant university personnel (Vice President for Student Development Office, Student Conduct, Residence Life & Housing, Counseling Center, ALANA Services, Disability and Accessibility Services, Women's Center, Academic Affairs staff, Department of Public Safety, Assistant Vice President for Human Resources, Chief Equity and Inclusion Officer, etc.) to determine next steps. Where the person who is alleged to have committed a bias act is a faculty member, staff member, or administrator, the bias report will be referred to Human Resources, who will process the bias report according to the University's Harassment and Discrimination Policy and Procedures.

d.1. Resources for Support and Supportive Measures

There are several departments on campus able to assist students in coping with and managing these situations. As always, we encourage students to contact the Office of Title IX and Bias Compliance, Office of Equity and Inclusion, Vice President for Student Development Office, Counseling Center, ALANA Services, Campus Ministry, Center for Community Service and Justice, Disability Support Services, Residence Life & Housing, or Women's Center for assistance if you or someone you know is a target of any type of harassment.

Our community recognizes and values the similarities and differences among students, faculty, staff, and recognized student organizations at Loyola University. Discrimination, bias related harassment, and other violations of rights disrupt the educational process and the personal well-being of others and will not be tolerated.

Upon receiving notice or a complaint of bias related behaviors, a Title IX and Bias Administrator or designee will promptly offer and implement appropriate and reasonable supportive measures to the parties. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all Parties and/or the University's educational environment and/or to deter bias related behaviors. The Title IX and Bias Administrator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide those supportive measures. The University will act to ensure as minimal an academic/occupational impact on the Parties as possible.

These supportive measures may include but are not limited to:

- Academic support, such as rescheduling an academic assignment (paper, exam, etc.), referral for tutoring support, or other course/program related adjustments
- Changes to class schedules
- Changes to work schedules/situations
- Changes to work locations
- Increased security and monitoring of certain areas
- Leaves of absences
- No contact orders
- Referral to counseling, medical and/or other healthcare services
- Referral to community-based service providers
- Referral to financial aid
- Relocating residence hall assignments
- Restricting access to certain campus buildings or locations
- Safety escorts to and from campus locations
- Transportation assistance
- Visa and immigration assistance
- Any other measures deemed appropriate by the Office of Title IX and Bias Compliance

Additionally, the University may act to remove a Respondent entirely or partially from its education program or activities on an emergency basis as outlined in University Regulations and Policies II.B Immediate Removal From Campus of the Community Standards.

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Complaint under this Policy.

d.2.- Amnesty Policy

Students who report bias related behaviors, or participate in an investigation as a witness, will not be subject to disciplinary action for their own personal involvement with alcohol and/or other drugs at or near the time of the incident, unless the involvement was reasonably likely to place the health or safety of another individual at risk. The University may initiate an educational discussion or pursue other educational remedies regarding the alcohol and/or other drugs.

d.3.- Retaliation

Any retaliation, reprisal, or intimidation directed toward a complainant or anyone else as a result of reporting or participating in an investigation or adjudication of alleged Bias related behaviors is strictly prohibited. Any incidents of retaliation should be reported immediately to the Office of Title IX and Bias Compliance, Residence Life & Housing, or Student Conduct for students who allegedly retaliate and Human Resources for employees who allegedly retaliate. Incidents of retaliation are considered a serious violation. For students who allegedly retaliate, the incident will be addressed in accordance with the normal rules and procedures of the student conduct process, and students alleged to have violated the Retaliation policy may be charged with 17. Retaliation. Any staff or administrator who is alleged to have violated this provision may be subject to disciplinary action under section 1.28 Discipline in the Staff and Administrator Policy Manual and any faculty who is alleged to have violated this policy may have their behavior considered professional incompetence, non-performance of duties or responsibilities, and conduct inconsistent with professional standards according to the Rank and Tenure Policy Statement and will be addressed consistent with that policy.

e. Privacy

The incident will be handled in a private manner, except in cases where the University needs to notify the community. Periodically, the University will notify the Loyola community of any incidents where a member of our community was the object of demeaning behavior that targeted a protected class. With regard to community notification, the Chief Equity and Inclusion Officer or designee in consultation with relevant administrators will determine when such notification will be sent. For reasons of privacy, notification will occur only when the identities of the involved community members can be protected, and the notification will not interfere with any ongoing investigation. The purpose of notifying the campus community is to provide transparency regarding incidents of this nature and create awareness and opportunities for discussion about ways to reduce incidents of bias and insensitivity.

Parties and their advisors (if applicable) are prohibited from and must sign an agreement acknowledging the prohibition of the following:

- Parties and Advisors are prohibited from disclosing information obtained by the University through the Resolution Process, to the extent that information is the work product of the University (meaning it has been produced, compiled, or written by the University for purposes of its investigation and resolution of a Complaint), without authorization.
- It is a violation of the University Policy to publicly disclose institutional work product that contains a party or witness's personally identifiable information without authorization or consent.
- The parties and their advisors must not photograph or otherwise copy the evidence.
- Agreements may also acknowledge that student record information may be disclosed to others involved in the Resolution Process.

f. Bias Resolution Process

The following procedures apply to bias reports against students (except that the Harassment and Discrimination Policy shall apply to a bias report against a student who was acting in the capacity of a University employee at the time of the bias incident). For bias reports against non-students, the Title IX and Bias Administrator shall determine the appropriate process or, alternatively, take other acts or measures to identify, eliminate, and remediate potential bias and prevent it from recurring, including letters of no trespass and other campus restrictions. The University will act when it becomes aware of bias or other conduct that may create a hostile environment on the basis of race, sex, color, national or ethnic origin (including shared ancestry and ethnic characteristics), age, religion, disability, marital status, sexual orientation, genetic information, military status, gender or gender identity, any other legally protected classification, or other targeted aspects of one's identity.

f.1.- Advisors in the Bias Resolution Process

The Complainant and Respondent each have the option of being assigned or choosing an advisor whose role is to support them through the investigation and/or Informal or Formal Resolution process. The advisor must be a full-time member of the Loyola University community (student, faculty, administrator, or staff) and cannot be an attorney or hold a law degree. Members of Loyola's peer conduct board have received special training to advise students on the bias process. The Office of Title IX and Bias Compliance may provide advisors with pertinent information regarding the bias related incident/case being investigated.

f.2.- Notice/Complaint

Upon receipt of Notice, a Complaint, or Knowledge of an alleged Policy violation, the Title IX and Bias Administrator will initiate a prompt initial evaluation to determine the University's next steps. The Title IX and Bias Administrator will contact the Complainant/source of the Notice to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

The Resolution Process begins with a Complaint, which is an oral or written request to the University that can objectively be understood as a request for the University to investigate and make a determination about alleged Policy violation(s). Such a Complaint may be made in person (Jenkins 105), by using the telephone number (410-617-5646), email address (dmtiscione@loyola.edu), or by mail (Jenkins 105, 4501 North Charles St., Baltimore, MD 21210) to the Office of Title IX and Bias Compliance. The complaint should include sufficient details known at the time including the identities of the parties involved in the incident, if known, the conduct allegedly constituting bias related behaviors, and the date, time and location of the alleged incident, if known. If a complaint is submitted in a form that does not meet this standard, the appropriate Title IX and Bias Administrator will contact the Complainant to ensure that it is filed correctly.

Where biased conduct is directed at a specific complainant, if the Complainant does not wish to file a Complaint, the Title IX and Bias Administrator, who has ultimate discretion as to whether a Complaint is initiated, will offer supportive measures and determine whether to initiate a Complaint themselves. In cases where there is a witness to the alleged violation, or in cases where pursuing the case is necessary to protect the University community, the University reserves the right to pursue a case to its conclusion. The Title IX and Bias Administrator or designee will evaluate a Complainant's request for confidentiality considering the University's obligation to maintain a safe campus environment for all. While rare, when the Title IX and Bias Administrator or designee determines there is a serious and imminent threat to someone's safety or if the University cannot ensure equal access without initiating a Complaint, the Title IX and Bias Administrator or designee may determine that the Complainant's request for confidentiality cannot be complied with fully and will initiate a complaint. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

The Title IX and Bias Administrator will consider the following non-exhaustive factors to determine whether to file a Complaint:

- The Complainant's request not to initiate a Complaint.
- The Complainant's reasonable safety concerns regarding initiating a Complaint.
- The risk that additional acts of discrimination would occur if a Complaint were not initiated.
- The severity of the alleged bias conduct, including whether the biased conduct, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
- The age and relationship of the Parties, including whether the Respondent is a University employee.
- The scope of the alleged biased conduct, including information suggesting a pattern, ongoing biased conduct, or biased conduct alleged to have impacted multiple individuals.
- The availability of evidence to assist a hearing panel in determining whether biased conduct occurred.
- Whether the University could end the alleged biased conduct and prevent its recurrence without initiating its resolution process.

If deemed necessary, the Title IX and Bias Administrator may consult with appropriate the University employees to aid their determination whether to initiate a Complaint.

When the Title IX and Bias Administrator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy. When the University proceeds, the Complainant (or their advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a under this policy irrespective of their level of participation.

The University may consolidate formal complaints as to the allegations of Bias Related Behaviors against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party where the allegations of Bias-Related Behaviors arise out of the same facts or circumstances.

f.3.- Collateral Misconduct

Collateral misconduct is defined to include potential violations of other the University policies not incorporated into the Bias Related Behaviors Policy that occur in conjunction with alleged violations of the Bias Related Behaviors Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. The Bias Resolution Process may be used to address collateral misconduct (e.g., vandalism, theft, physical abuse of another). In such circumstances, the Title IX and Bias Administrator may consult with the University officials who typically oversee such conduct (e.g., student conduct) to solicit their input as needed on what charges should be filed. All other allegations of misconduct unrelated to incidents covered by the Bias Related Behaviors Policy will typically be addressed separately through procedures described in the Code of Conduct.

f.4- Informal Resolution

The purpose of an informal resolution is to take appropriate action to address and remedy the alleged behavior, its effects, and/or the Complainant's concerns short of the formal resolution process, such as by imposing individual and community interventions and remedies designed to maximize the Complainant's access to educational, extra-curricular, and/or employment activities at the University; and/or to address the effects of the Respondent's alleged conduct on the larger University community. To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX and Bias Administrator at any time prior to a final determination, or the Title IX and Bias Administrator may offer the option to the Parties. It is not necessary to pursue Informal Resolution first in order to pursue a Formal Resolution.

The University will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. Either party may decide not to proceed with or to end informal resolution in favor of formal resolution at any time. The appropriate Title IX and Bias Administrator (or designee) has the discretion to determine whether a complaint is appropriate for an informal resolution and retains discretion to terminate an ongoing informal resolution process at any time before agreeing to a resolution. The parties may agree, as a condition of engaging in Informal Resolution, that information disclosed during the informal resolution process may not be used as evidence during a Formal Resolution for the same complaint or another formal complaint involving the same parties and arising from the same allegations unless all parties consent.

If an investigation is already underway, the Title IX and Bias Administrator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

The timeframe for informal resolutions is generally 30 business days to address and resolve the matter. Any reasonable delays or extensions must be supported by good cause and will be communicated to the parties.

f.4.a.-Informal Resolution Options.

The University offers two categories of Informal Resolution:

- 1) **Educational Conversation.** The Complainant(s) may request that the Title IX and Bias Administrator or designee address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Title IX and Bias Administrator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with Policy.
- 2) **Alternative Resolution.** The institution offers a variety of alternative resolution mechanisms (which could include, but is not limited to, shuttle mediation, restorative practices, facilitated dialogue, etc.) to best meet the specific needs of the Parties and the nature of the allegations. With an Alternative Resolution, neither party is required to accept responsibility for the alleged conduct in order to proceed with an informal resolution (but certain restorative justice resolution options may require an acceptance of responsibility to be available). Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX and Bias Administrator or other appropriate the University officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Title IX and Bias Administrator may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties' amenability to alternative resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of an ongoing risk analysis
- Respondent's disciplinary history
- Whether an emergency removal or other interim action is needed
- Skill of the alternative resolution facilitator with this type of Complaint
- Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in alternative resolution (e.g., time, staff)

The Title IX and Bias Administrator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX and Bias Administrator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

In such cases where an agreement is reached, the parties will be provided with a written copy of the agreement, the terms of the agreement are implemented, and the matter will be considered resolved and closed. The Title IX and Bias Administrator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). The results of Complaints resolved by alternative resolution are not appealable. If an Informal Resolution option is not available or selected, the University will initiate or continue an investigation and subsequent Resolution Process to determine whether the Policy has been violated.

f.5 - Formal Resolution

All hearings involving Bias Related Behaviors will be conducted in accordance with the normal rules and procedures of the student conduct process with special sensitivity to the nature of the charges and the best interests of all parties involved. In recognition of the unique nature of Bias Related Behavior cases, the procedures specified in this section supersede any conflicting provisions of the University student conduct process. Alleged violations involving behaviors outlined in the Sex-Based Harassment and Discrimination policy will be adjudicated using the Resolution Process outlined within that policy. Pursuit of charges through the University's student conduct system does not preclude the pursuit of criminal charges.

The timeframe for formal resolutions is generally 45 business days to address and resolve the matter. Any reasonable delays or extensions must be supported by good cause and will be communicated to the parties.

f.5.a- Investigation Procedures.

The University will investigate all reports of bias related behaviors. However, it should be noted that the University's ability to investigate or act upon anonymous reports may be limited. Upon becoming aware of alleged Bias Related Behaviors, the Office of Title IX and Bias Compliance in conjunction with the Office of Student Conduct and Department of Public Safety will initiate an investigation and take actions deemed necessary to protect the well-being of the students involved, as well as the educational environment of the University community. These actions may include, but are not limited to, relocating residence hall assignments, restricting access to certain campus buildings, prohibiting contact between the alleged offender, targeted person, or harmed party or suspending the alleged offender from campus or residence halls pending a hearing. Actions that involve removing the alleged offender from campus or residence halls will follow the process outlined in University Policy II.B. Immediate Removal from Campus.

All investigations will be conducted with fairness, equity, impartiality, and under a reasonably prompt timeframe. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

The Complainant and Respondent shall have the right to submit to the investigator evidence, witness lists, and suggested questions for the parties and witnesses.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.

- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings. The Investigator will permit the parties and witnesses to suggested changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the summary will be deemed to have been waived, and no changes will be permitted.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document which questions were asked with a rationale for any changes or omissions in the investigation report.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.
- Write a draft investigation report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation, and party and witness interviews, and provides all relevant evidence.
- Provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of five (5) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.

If a response has been submitted, the investigator(s) will evaluate the information from the parties and may need to conduct further interviews to gather relevant evidence in the case. The investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The investigator(s) should document all rationales for any changes made after the review and comment period.

The appropriate Title IX Coordinator (or designee) will provide the parties, their advisors and the Decision-maker electronic copies of the Final Investigation Report and all relevant but not impermissible evidence, including the names of all Parties, witnesses, and Advisors, at least five (5) business days in advance of the hearing.

f.5.b.- Hearing Procedures.

The Formal Resolution involves an administrative hearing. A complaint may be filed with the Office of Title IX and Bias Compliance in person, by mail, or by electronic mail. A Complainant may decide to withdraw their complaint at any time prior to the hearing.

The administrative hearing panel consists of the following: Chief Equity and Inclusion Officer or their designee, Peer Conduct Board member, and the Director of Student Conduct or designee. The University reserves the right to have a modified panel hear the case when circumstances warrant it. During the administrative hearing, the Complainant and Respondent have the right to present testimony at the hearing in person or by submitting a written statement. Each party has the right to listen to or review testimony made by the other party.

f.5.c.- Deliberation, Decision-making, and Standard of Proof.

The hearing panel will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The hearing panel will make findings of fact and determinations using a preponderance of evidence standard. If the Respondent is found responsible, the hearing panel will consider the additional statements and in determining the appropriate sanction. If it is later determined that a party or witness intentionally provided false

or misleading information, that action could be grounds for re-opening a Bias Resolution Process at any time, and/or referring that information to another process for resolution.

f.5.d.- Additional Statements.

The Complainant and the Respondent have the right to provide a written impact or mitigation statement, due prior to the start of the hearing to the Chair, which describes how the incident has affected them or why there are mitigating factors. The statement(s) is reviewed by the hearing panel only if a determination of responsibility is made and before a sanction is determined. If an impact or mitigation statement was submitted and reviewed by the hearing panel, a copy will be provided to both parties with the decision letter.

f.5.e- Sanctions.

If the panel determines that the respondent is responsible for a violation of this policy, the panel will decide the appropriate sanctions in accordance with the Student Code of Conduct. A violation of the Bias Policy is considered a serious breach of our community standards, and more severe sanctions may be imposed for incidents in which the violation was motivated by consideration of race, sex, color, national or ethnic origin (including shared ancestry and ethnic characteristics), age, religion, disability, marital status, sexual orientation, genetic information, military status, gender or gender identity, any other legally protected classification, or other targeted aspects of one's identity. The determination of sanctions will be guided by the interests of the University community, the impact of the violations on the victim(s), previous documented student conduct history, and any mitigating or aggravating circumstances. Although there are no standard sanctions, a hearing panel may consider a range of sanctions that include, but are not limited to, disciplinary probation, deferred suspension, suspension, and/or expulsion.

f.5.f- Notice of Outcome.

The final outcome of the hearing including any sanctions that are imposed will be communicated to the respondent usually within five University business days of the last day of the hearing. Because a copy of the outcome cannot generally be provided to the Complainant, due to the Family Educational Rights and Privacy Act, a letter noting the incident was addressed and is closed will be provided to the Complainant via email. However, when permitted by the Family Educational Rights and Privacy Act, the University may choose to share aspects of the outcome with the Complainant.

f.5.g- Appeal.

The appeal process for an outcome of a Bias-Related Behaviors Formal Resolution will be implemented consistent with the process outlined in 4. The Appeal Process for Student Code Violations.