Brown University provides impartial and reliable processes to address Complaints of alleged violation of the University Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy (“the University policy”). This is the University’s process for addressing Prohibited Conduct (as defined in the University policy) alleged to have been committed by members of the faculty. The process is grounded in fairness and support for all parties, and includes procedural protections that ensure notice and meaningful opportunities to participate, and recognizes the dynamics involved in Prohibited Conduct. Prohibited Conduct is defined as Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Relationship and Interpersonal Violence, Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct, Stalking (all defined terms), and Retaliation. For additional information, including definitions, see the University Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy.

I. To Whom This Process Applies

This process applies to alleged acts of Prohibited Conduct committed by any Brown faculty member or other person with a teaching or research appointment at Brown University whether or not employed directly by the University (“faculty”)1 when:

1. the conduct occurs on Brown University premises; and/or
2. the conduct occurs in the context of a Brown University employment, education, or research program or activity, including but not limited to Brown University-sponsored study abroad, research, internship, mentorship, summer session, or other affiliated programs or premises; and/or
3. the conduct occurs outside the context of a Brown University employment, education, or research program or activity, but has a direct adverse effect on a Brown University

1 Alleged acts of Prohibited Conduct committed by scholarly visitors and/or guests of academic departments, who do not have appointments with Brown University, will be handled by the Vice President for Academic Development, Diversity and Inclusion on an expedited basis through the informal resolution process described herein.

Throughout this policy the pronouns “they,” “them” “their” are being used intentionally to be inclusive of all genders.
employment, education, or research program or activity.

This process governs when the alleged Prohibited Conduct by a faculty member arguably violates either Title IX of the Education Amendments of 1972 or Title VII of the Civil Rights Act of 1964.

II. INITIAL ASSESSMENT
When the Vice President for Academic Development, Diversity and Inclusion ("the VP for Inclusion") becomes aware directly by a potential complainant or a third party of an incident which may involve a violation of the University policy by a faculty member, an Initial Assessment meeting will be conducted by the VP for Inclusion (or her/his designee) together with the Senior Dean (or her/his designee) to whom the faculty member reports to gain a basic understanding of the nature and circumstances of the report. At this meeting, the potential complainant and/or third party will be provided with information about resources, procedural options, and remedial measures and an opportunity to discuss the University’s policies.

A reasonable assessment of the safety of the individual and of the campus community will be made by a small interdepartmental team which will include the appropriate Senior Dean or designee. The team will consider the interest of the complainant and the complainant’s expressed preference for the manner of resolution. Where possible and as warranted by the facts and circumstances, the University will seek action consistent with the complainant’s request.

III. FILING A COMPLAINT

If the potential complainant wishes to proceed with a resolution process, the potential complainant ("they") will submit a written Complaint to the VP for Inclusion. Upon receipt of a Complaint, the VP for Inclusion or her/his designee will be responsible for making the following determinations in consultation with the appropriate Senior Dean or her/his designee:

(1) Is the respondent a covered person as defined in Section I (To Whom This Process Applies)?; and

(2) Do the facts set forth by the potential complainant, if substantiated, constitute a violation of the University’s Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy?

who is also the Title IX Deputy Coordinator for Faculty

The Senior Deans for purposes of this process are the Dean of the Faculty, the Dean of Medicine and Biological Sciences, the Dean of Public Health, the Dean of Professional Studies, and the Dean of Engineering.

In the case of the VP for Inclusion, her/his designee would be a member of the VP’s office and in the case of a Senior Dean, her/his designee would be an associate or assistant dean reporting to the Senior Dean.

Throughout this policy, the pronouns “they,” “them” “their” are being used intentionally to be inclusive of all genders.
If the answer to either question is no, the VP for Inclusion does not have the authority to resolve the Complaint and the potential complainant will be referred to the appropriate resources.

If the answer to both questions is affirmative, the VP for Inclusion or his/her designee has the authority to investigate in consultation with either the appropriate Senior Dean or her/his designee, the Complaint and to make a recommendation to the Provost concerning the respondent’s responsibility and a proposed sanction.

IV. STANDARD OF EVIDENCE

In all stages of the process, Brown will apply the preponderance of the evidence standard (more likely than not)\(^6\) when determining whether the University policy has been violated.

V. ADVISERS

Complainants and respondents are entitled to be accompanied and assisted by an adviser of their choosing at both formal and informal meetings, investigation interviews and, if applicable, a subsequent hearing. The University maintains a pool of trained advisers, but there is no requirement that the adviser be chosen from this pool or be an individual from the Brown community. Advisers may not participate in the process or speak on behalf of the complainant or respondent, although they may ask to suspend any meetings, interviews, or hearings briefly to provide consultation. Complainants and respondents may choose to have an attorney serve as their adviser, but accommodations, including scheduling of interviews or hearings will not be made for any advisers, including attorneys, if they unduly delay the process. No party in a hearing may engage in any behavior which has a disruptive or deterrent effect on the hearing proceedings. The Chair shall have the authority to dismiss any such persons from the hearing.

VI. INFORMAL RESOLUTION PROCESS

In recognition that a wide spectrum of behaviors can constitute violations of University policies, the VP for Inclusion or his/her designee in consultation with the appropriate Senior Dean may resolve reports informally and appropriately, based on the circumstances. Informal resolutions generally are pursued when the complainant, having been fully informed of all available options, has explicitly made that choice. An informal resolution process is voluntary, and a complainant can ask to end the informal resolution process at any time before its completion. If an informal resolution process is ended by request, any information obtained may be used in a subsequent formal resolution process and hearing. Once a Complaint has been resolved through an informal resolution process, the matter will be closed.

For some limited types of alleged violations of the University policy an informal resolution may include mediation. Mediation is not an appropriate option for cases involving a Complaint of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving

\(^6\) Use of the preponderance of the evidence standard is consistent with guidance promulgated by the Office for Civil Rights of the United States Department of Education.
severe misconduct.

In all cases, the VP for Inclusion or her/his designee in consultation with the appropriate Senior Dean or her/his designee will have discretion to determine whether or not informal resolution or mediation is appropriate to the circumstances.

VII. Formal Resolution Process

A formal resolution process will occur when (a) a report of a violation of the policy is made and the complainant seeks a formal resolution; or (b) the VP for Inclusion or her/his designee, after consultation with the appropriate Senior Dean or her/his designee, determines that a formal resolution process is necessary after considering the safety of the broader campus community. In the situation when there is a serious threat to the University community, but the potential complainant cannot or does not wish to proceed with the formal process, the VP for Inclusion or her/his designee may assume the role of a complainant.7

A. Formal Resolution Process Brief Overview (See Sections B and C for additional information.)

1. A written Complaint is submitted to the VP for Inclusion or her/his designee and the respondent faculty member receives notice of the allegations and a copy of the written Complaint at a meeting with the appropriate Senior Dean or her/his designee and the VP for Inclusion or her/his designee.
2. The respondent faculty member has ten (10) business days, from the date of receiving notice of the allegations and a copy of the written Complaint, to submit a statement.
3. An investigator is appointed by the VP for Inclusion or her/his designee in consultation with the appropriate Senior Dean or her/his designee.
4. The investigation is conducted, witnesses are interviewed, information is gathered, and an initial investigation report is prepared and shared with both the complainant and the respondent faculty member as well as the VP for Inclusion or her/his designee and the appropriate Senior Dean or her/his designee.
5. Within five (5) business days following receipt of the investigation report, both the complainant and the respondent faculty member may provide a written response to the investigator.
6. The investigation report is finalized and shared with both the complainant and the respondent faculty member, as well as the Chair of the Title IX Council, the VP for Inclusion or her/his designee and the appropriate Senior Dean or her/his designee.
7. If the complainant is a faculty or staff member the Faculty Executive Committee (“FEC”) or the Medical Faculty Executive Committee (“Medical FEC”), as

7 If at any time during the course of the proceedings the appropriate Senior Dean or her/his designee comes to believe that the alleged violation of the University policy, if true, may be adequate cause for the dismissal of the faculty member then the faculty member respondent will be put on notice in a meeting with the Senior Dean that dismissal is being considered.
appropriate, after consultation with the VP for Inclusion and the Chair of the Title IX Council, will appoint an Ad Hoc Hearing Committee (“AHHC”) consisting of three (3) members of the Faculty who have been trained in resolution of disputes under the University policy. Members of the AHHC shall have had no involvement with or relationship to the complainant or respondent or the circumstances under review.

8. If the complainant is a student (undergraduate, graduate or medical) the FEC or the MFEC, as appropriate, after consultation with the VP for Inclusion and the Chair of the Title IX Council, will appoint an Ad Hoc Hearing Committee (“AHHC”) consisting of four (4) members of the Faculty and one (1) student who have been trained in resolution of disputes under the University policy. Members of the AHHC, including the student member, shall have had no involvement with or relationship to the complainant or respondent or the circumstances under review.

9. The complainant and the respondent faculty member may submit a written statement to be considered by the AHHC. The appropriate Senior Dean or her/his designee may submit a statement if the Senior Dean, based on the investigative report, believes that the alleged violation of the University policy provides adequate cause for the dismissal of the respondent faculty member. Written statements must be submitted twenty-four (24) hours before the scheduled hearing.

10. The Chair of the Title IX Council provides AHHC members with the investigation report and any written statements from the parties and/or the Senior Dean or her/his designee.

11. The AHHC will convene a hearing with the investigator present to answer questions related to the investigation report.

12. Parties may appear before the AHHC to make an oral statement and present evidence. The appropriate Senior Dean or her/his designee may attend the hearing and present evidence if the Senior Dean or her/his designee, based on the investigative report, has come to believe that the alleged violation of the University policy provides adequate cause for the dismissal of the respondent faculty member.

13. The AHHC will convene to deliberate and render a recommendation to the Provost, by majority vote, regarding whether the respondent faculty member has violated the University policy. If there is a recommended finding of responsibility for any violations, the AHHC will also deliberate and make a recommendation to the Provost as to an appropriate sanction.

14. The Chair will prepare a written recommendation and rationale within five (5) business days, from the date the AHHC made its recommendation(s), which will be forwarded to the Provost for consideration and shared simultaneously with the parties.

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8 The FEC and the MFEC in consultation with the VP for Inclusion and the Chair of the Title IX Council will appoint faculty to the Title IX Council who will be trained to hear matters arising under the policy. The FEC and the MFEC, as appropriate, can appoint additional faculty to the Title IX Council or to an individual AHHC as needed.
15. The Provost, after reviewing the AHHC’s recommendation and rationale, and after reviewing any part of the record before the AHHC that the Provost deems appropriate, and after meeting with the members of the AHHC to discuss their recommendation and rationale, will render a decision on whether the respondent has violated the University policy and if so what the sanction shall be. If the Provost determines that there is adequate cause for the termination of a term appointment or revocation of tenure and that such should be the sanction then such a determination will be a recommendation to the President that such sanction be imposed.

16. Any recommendation by the Provost to terminate a respondent’s term appointment or to revoke a respondent’s tenure will be considered by the President along with the report of the AHHC. If the President determines that the circumstances require a recommendation to the Corporation that the member of the faculty be dismissed during either a term appointment or tenure, the President shall so recommend in writing to the Corporation.

B. Meeting with Faculty Respondent; Investigation

The Faculty respondent shall receive notice of the allegations and a copy of the written Complaint. The member of the faculty shall be asked to meet with the appropriate Senior Dean or her/his designee and the VP for Inclusion or her/his designee to respond to the allegations.

The respondent faculty member will have ten (10) business days, from the date of receiving notice of the allegations and a copy of the written Complaint, to submit a written statement. Following receipt of a response statement, the VP for Inclusion or her/his designee, after consulting with the appropriate Senior Dean or her/his designee, will appoint an investigator to the matter. The VP for Inclusion or her/his designee will have the discretion to determine whether the investigator will be internal (an employee at Brown) or external (an individual outside of the Brown community), or a combination of both internal and external investigators. The role of the investigator will be to gather additional information through interviews of the complainant, respondent, and witnesses and synthesize the information in a report that will be provided to the complainant, the respondent, the Chair of the Title IX Council, the VP for Inclusion or her/his designee, and the appropriate Senior Dean or her/his designee. The investigator has the discretion to determine the relevance of any witness or other evidence and may exclude information from the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.

i. Witnesses

Both the complainant and respondent faculty member are permitted to provide names of potential witnesses to the investigator. The investigator will determine which of those potential witnesses, or other persons, may have relevant information about the alleged conduct and may request statements, either orally or in writing. Witnesses may include individuals outside the Brown community. Witness statements should not be character evaluations, as all parties will be presumed to have good character. In addition, how individuals present themselves in other contexts (e.g., friendly, kind, and well-liked) has little probative value in evaluating whether
particular conduct occurred. Moreover, the sexual history of the parties will not generally be deemed relevant, as described below.

   ii.   Additional Evidence
Both the complainant and the respondent faculty member are permitted to provide other relevant evidence to the investigator. Evidence includes any facts or information presented in support of an assertion and may include but is not limited to text messages, email exchanges, timelines, receipts, and photographs. Any documentation shared by the complainant or the respondent faculty member with the investigator will be provided to the other party. The investigator may also consider additional documents, items or other relevant information.

Information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, qualities, or habits of an individual is character evidence and is not relevant to the determination of whether there is a policy violation.

   Pattern Evidence: Evidence of an occurrence or occurrences of Prohibited Conduct so distinctive and so closely resembling either party’s version of the alleged encounter as to tend to prove a material fact may be considered. Where there is evidence of a pattern of similar Prohibited Conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a policy violation, this information may be deemed relevant to the determination of policy violation or assigning of a sanction. Instances will be rare and the determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially similar to the conduct cited in the report or indicates a pattern of behavior and substantial conformity with that pattern.

   Prior Sexual History of the Parties: An individual’s character or reputation with respect to other sexual activity is not relevant and will not be considered as evidence. Similarly, an individual’s prior or subsequent sexual activity is typically not relevant and will only be considered as evidence under limited circumstances. For example, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve other questions raised by the report. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

   Prior Sexual History Between the Parties: Even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. Where the parties have a prior sexual relationship, and the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question. However, this does not assume that the prior sexual history was consensual and this should be a factor in considering relevance.

   iii.   Investigation Report
The investigator will produce a written report that contains the relevant information and facts learned during the investigation, and may include direct observations and reasonable inferences drawn from the facts and any consistencies or inconsistencies between the various sources of information. The investigator may exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator
will not make a finding or recommended finding of responsibility. The investigator’s report will include credibility assessments based on their experience with the complainant, respondent, and witnesses, as well as the evidence provided.

The investigation report will be shared with the VP for Inclusion or her/his designee and the appropriate Senior Dean or her/his designee as well as the complainant and the respondent faculty member to review before it is finalized. Within three (3) business days, from the date of receiving the investigation report, the complainant and respondent faculty member may offer additional comment, clarify information previously shared, suggest additional witnesses, or identify any other relevant information or evidence to assure the thoroughness and sufficiency of the investigation. When the report is finalized, it will be delivered to both parties, the VP for Inclusion or her/his designee, the appropriate Senior Dean or her/his designee, the Chair of the University Title IX Council, and the Chair of the FEC or the Medical FEC, as appropriate. The complainant and respondent may only share the investigation report for the purpose of receiving counsel or advice related to the University process.

C. Title IX Council and Ad Hoc Hearing Committee: Role, Procedure and Responsibility

If the complainant is a faculty or staff member the FEC or the Medical FEC, as appropriate, will appoint, after consultation with the VP for Inclusion or her/his designee and the Chair of the Title IX Council, an Ad Hoc Hearing Committee (“AHHC” or “the Committee”) consisting of three (3) members of the faculty drawn from the Title IX Council or who have been trained in resolution of disputes under the University policy to review the information presented in the investigation report and to conduct a hearing and to make a recommendation to the Provost, by majority vote, regarding whether the respondent has violated the University policy. If there is a recommended finding of responsibility for any violations, the AHHC will deliberate and make a recommendation to the Provost as to an appropriate sanction. Members of the AHHC shall have had no involvement with or relationship to the complainant or respondent or the circumstances under review.

If the complainant is a student (undergraduate, graduate or medical) the FEC or the MFEC, as appropriate, after consultation with the VP for Inclusion and the Chair of the Title IX Council, will appoint an Ad Hoc Hearing Committee (“AHHC”) consisting of four (4) members of the Faculty and one (1) student who have been trained in resolution of disputes under the University policy. Members of the AHHC, including the student member, shall have had no involvement with or relationship to the complainant or respondent or the circumstances under review.

i. Role of the Chair

The Chair of the Council (who is a tenured member of the faculty) will serve as Chair of the AHHC (“the Chair”) as a non-voting member. The Chair is responsible for the administration of the hearing process, including procedural matters and decisions leading up to the hearing, determinations about information that will be considered or not, appropriate and inappropriate lines of questioning, and the overall decorum and conduct of the proceedings.

The Chair of the AHHC shall:

a. confirm that the complainant and the respondent have received written notification
and supportive information regarding the alleged conduct/misconduct including the investigator’s report

b. provide the complainant and the respondent with a copy of these procedures;

c. determine, in consideration of the evidence to be presented and the witnesses to be heard, the schedule and location of hearings and notify all parties promptly of them. Hearings shall be scheduled not less than twenty-one (21) days after the respondent faculty member receives notice of the charges, unless an earlier date is agreed upon by all concerned.

ii. Hearing Process and Deliberations

The AHHC will receive the investigation report ten (10) days in advance of the hearing. Complainants and respondents may submit a written statement to the AHHC. The appropriate Senior Dean or her/his designee may submit a statement if, based on the investigative report, the Senior Dean or her/his designee believes that the alleged violation of the University policy provides adequate cause for the dismissal of the respondent faculty member. Statements must be submitted to the Chair twenty-four (24) hours before the hearing. The AHHC shall not be bound by rules of legal evidence, and it may elect to admit any evidence that it deems of probative value in determining the issues, making every effort to consider any information which it deems to be both reliable and relevant in order to safeguard the rights of the parties to a fair adjudication. All proceedings, deliberations, records and documents reviewed and generated by the AHHC, shall be maintained as confidentially as possible.

The AHHC will convene the hearing with the investigator present for the panel to ask any questions they may have related to the investigation report. The complainant, the respondent faculty member and the appropriate Senior Dean or her/his designee will not be present in the hearing room during the panel’s examination of witnesses but will have audio access to the hearing via telephone. The AHHC may also request to hear from one or more of the witnesses, although the presumption is that the investigator has identified and interviewed all relevant witnesses and supplied the information necessary for the AHHC to make its recommendation to the Provost concerning responsibility and sanctions. It is rare for witnesses other than the investigator to appear before the AHHC. If any additional relevant information is gathered after the investigation report is finalized, that information will be shared with both parties and where applicable the appropriate Senior Dean or her/his designee and each may submit a written response to the Chair within five (5) days of the date the information is received.

The complainant and the respondent may appear before the AHHC to present information orally and/or through written materials. When the Senior Dean or her/his designee, based on the investigative report, believes that there is adequate cause for dismissal of the respondent faculty member, the Senior Dean or her/his designee may make the first presentation to the Committee concerning the allegations of the Complaint and the reasons why the Senior Dean or her/his designee is recommending termination. Following the Senior Dean or her/his designee’s presentation, the complainant and then the respondent faculty member shall have the opportunity to make a presentation to the Committee of information orally and/or through written materials. Any party intending to include written materials in their presentation should submit the materials to the Chair at least five (5) business days in advance of the hearing. When not making a
presentation to the Committee, a party may have audio access to the hearing via telephone. The AHHC may ask questions. Again, the presumption is that the information necessary to make a recommendation to the Provost concerning responsibility and an appropriate sanction is in the investigation report, so extended presentations by the parties or questioning by the AHHC is usually unnecessary.

The AHHC will convene to deliberate and render a recommendation to the Provost, by majority vote, regarding whether or not the respondent has violated the University policy by a preponderance of the evidence. No member may abstain.

iii. Recommendation Regarding Responsibility and Sanction

If the AHHC recommends to the Provost that the respondent is responsible for one or more violations of the University Policy, it will then deliberate as to an appropriate sanction to recommend to the Provost. The AHHC will be permitted to consider prior policy violations in determining an appropriate sanction. The Chair prepares the AHHC’s written recommendation and rationale, including a finding of responsibility or non-responsibility, and, if applicable, the recommended sanction and rationale. Within five (5) business days, from the date the AHHC made its recommendation(s), the report of the AHHC will be forwarded to the Provost and will be provided simultaneously to the complainant and the respondent. The report of the AHHC will also be provided to the VP for Inclusion or her/his designee, the appropriate Senior Dean or her/his designee, as well as the Chair of the FEC or the Chair of the Medical FEC, as appropriate.

D. The Provost’s Determination Concerning Responsibility and The Provost’s Determination or Recommendation Concerning Sanction

The Provost shall consider the report of the AHHC setting out its recommendation and rationale, and consider any part of the record before the AHHC that the Provost deems appropriate. The Provost shall meet with the members of the AHHC, in person, to discuss their recommendation and rationale. The Provost may afford the complainant and the respondent the opportunity to discuss the recommendation with the Provost, in person. The Provost will render a decision on whether the respondent has violated the University policy and will also make a determination or recommendation concerning an appropriate sanction.

The Provost’s determination of responsibility for violation of the University policy will be final unless either the complainant or the respondent appeals.

If the Provost determines that termination of a term appointment or revocation of tenure is the appropriate sanction for the violation of the University policy then such a determination will be a recommendation to the President that such sanction be imposed and will be forwarded to the President for consideration.

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9 As noted in Part 5 section 11.I.B.1 of the Faculty Rules, the dismissal of a member of the faculty during either a term appointment or tenure is a rare event. When circumstances arise that might lead to such an action, they must be handled fairly and expeditiously. It is essential to have a process that protects the rights of a complainant, the member of the faculty and the University. Adequate cause for dismissal of an individual during either a term appointment or tenure refers
If the Provost determines that a lesser sanction is appropriate (other than termination) then that sanction will be final unless either the complainant or the respondent appeals.

The Provost’s determination and/or recommendation will be communicated in writing to the complainant and the respondent, as well as the President, the VP for Inclusion or her/his designee, the appropriate Senior Dean or her/his designee, and the Chair of the FEC or the Chair of the Medical FEC, as appropriate.

E. The Appeals Process/President’s Consideration of Recommendation of Termination

The complainant and respondent have the right to appeal the Provost’s final determination of responsibility for violation of the University policy and/or the Provost’s final determination of a lesser sanction (other than termination) based on the limited grounds of substantial procedural error that materially affected the outcome and/or material, new evidence not reasonably available at the time of the hearing. Written requests for appeal must be submitted within three (3) business days following delivery of the notice of the outcome. Each party may respond in writing to any appeal submitted by the other party. Written responses must be submitted within three (3) business days following delivery of the notice of the written appeal. Written requests for appeal submitted by one party will be shared with the other party.

Appeals are heard by the President, who will determine if there was substantial procedural error that materially affected the outcome and/or new evidence not reasonably available at the time of the hearing. If the President finds either or both grounds then the appeal will be granted. If the appeal is denied, the matter is closed.

If the President grants the appeal:

1. due to a substantial procedural error, the matter will be heard by a new AHHC.
2. due to the discovery of new evidence not reasonably available at the time of the initial hearing, the matter will be returned to the same AHHC which originally heard the matter for reconsideration in light of the new evidence.

In the event of a reconsideration, the President will give the AHHC instructions regarding the nature and extent of its reconsideration. The AHHC will act promptly to reconsider the matter consistent with those instructions and will expeditiously make a revised report to the Provost following its reconsideration. Post appeal, the Provost’s determination of responsibility for violation of the University policy and the Provost’s determination that a lesser sanction is appropriate (other than termination) will be final and not subject to further appeal.

to: demonstrated incompetence which substantially impairs the individual's fulfillment of institutional responsibilities; dishonesty in teaching, research, scholarship, or other academic responsibilities; substantial and manifest neglect of duty; personal conduct which substantially impairs the individual's fulfillment of institutional responsibilities; or illegal activities which have a substantial negative impact on the University's operations or obligations. The responsibility for establishing cause for dismissal of a member of the faculty with tenure or a member of the faculty during a term appointment rests upon the University administration.
The President will consider any recommendation by the Provost to terminate a respondent’s term appointment or to revoke a respondent’s tenure. In considering the Provost’s recommendation, the President may also review the recommendation report of the AHHC and any part of the record before the AHHC that the President deems appropriate. The President may afford the complainant and the respondent the opportunity to discuss the recommendation with the President, in person. If the President determines that the circumstances require a recommendation to the Corporation that the member of the faculty be dismissed during either a term appointment or tenure, the President shall so recommend in writing to the Corporation. The Corporation’s decision on the President’s recommendation will be final.

VIII. WITHDRAWAL OF A COMPLAINT

The complainant may request to withdraw a Complaint at any time. The University reserves the right to make a determination whether to approve or deny this request, but will strongly consider the complainant’s wishes.

IX. TIMEFRAME FOR COMPLETION OF INVESTIGATION AND DISCIPLINARY PROCESS

The University cannot promise the definitive timeframe of this process, but ordinarily will complete its investigation and disciplinary process, if any, within sixty (60) days. This time period does not include the time for an appeal. The U.S. Department of Education has made clear that the length of investigations may vary with the complexity and unique factors in each case. Examples of such factors include, without limitation, circumstances in which critical witnesses are unavailable or if law enforcement requests the University temporarily halt its investigation for a brief period of time. Accordingly, all timeframes set forth in this policy may be altered by the VP for Inclusion or her/his designee for good cause. The University’s overarching goal is that all Complaints be investigated in a prompt, fair, and impartial manner.

X. SUSPENSION OF FACULTY MEMBER PENDING DETERMINATION

The President shall have the power to suspend a member of the faculty accused of any conduct which could warrant dismissal if there is a threat of immediate harm to the member or others or sustained harm to the University by his/her continued active employment during the intervening period. During the period of this suspension, the regular salary and benefits of the member of the faculty shall be continued.