

COMPLAINT RESOLUTION PROCEDURE:

Sex and Gender Harassment/Discrimination for Employees

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I. Complaint and Resolution Procedure

This document outlines the complaint and resolution procedures by St. Norbert College in response to allegations of sex and gender harassment/discrimination (hereafter referred to as “Sexual Misconduct”) involving one or more St. Norbert College employees. Please note that, for incidents in which the respondent is a student, different resolution procedures may be enacted.

All other College policies noted within this document or otherwise are applicable.

II. Purpose of Procedure

The purpose of this procedure is to provide clear guidance to reporting parties, respondents, investigators, process advisors, hearing officers, appeal officers, and others who may be involved in the process of reporting, investigating, defending, advising or adjudicating complaints under the College's sex and gender harassment, discrimination, and retaliation policies, and on the procedures that will be followed under these policies.

III. Scope of Procedure

This procedure applies to all complaints brought under the College's [Sex and Gender Harassment/Discrimination Policy](#), which involve the College's staff or faculty members as a responding party. “Staff” for purposes of this procedure includes employees, volunteers, student workers ([see Appendix I, Addendum on Student Workers](#)), and independent contractors. The policy also covers complaints against invitees and visitors.

Reports among students are handled under the procedures set forth in [the Sex and Gender Harassment/Discrimination Policy](#) and the [Complaint Resolution Procedure for Students](#). In situations involving one or more student(s) and a faculty or staff member, the status of the party alleged to be responsible (the respondent) for the harassment, discrimination, or retaliation shall dictate which procedure applies. This procedure will be followed in situations where the respondent is a faculty, staff, student worker, independent contractor, invitee or visitor of the College. Some grievance procedures for faculty are further supplemented by the procedures in the College's [Faculty Handbook](#).

The procedures are designed to comply with College policies, as well as as well as the [Faculty Handbook](#), [Short-time Employee Handbook](#), and all applicable state and federal laws indicated within the [Sex and Gender Harassment/Discrimination Policy](#).

Requests for accommodations for disabilities, religious practices, or other needs are not

covered by this procedure, but should follow the policies described in the College's [Employee Handbook](#), the College's [Faculty Handbook](#), [The Citizen](#), and other policies. However, if the accommodation requests pertain to participation in the procedures outlined herein, such requests should be made to the Title IX Coordinator or the Title IX Deputy Coordinator/ Director of Human Resources.

Proceedings under this procedure will be overseen by the College's Title IX and Compliance Coordinator or the College's Title IX Deputy Coordinator for Employees/Director of Human Resources, or both officials, depending on the nature of the complaint and the parties involved.

IV. Location of Procedure

This procedure will be referenced in, incorporated into and/or posted in the following areas and policies:

- A. [St. Norbert College Employee Handbook](#)
- B. [St. Norbert College Faculty Handbook](#)
- C. [The Citizen](#)
- D. [St. Norbert College webpage on Title IX](#)

V. Involved Parties

For the purpose of providing clarity and promoting equity for both parties of a sexual misconduct complaint, the following terms are utilized throughout this document:

Complainant is the person who is making the claim that an instance of sexual misconduct has been committed against themselves.

Respondent is the person who is responding to the allegation(s) of sexual misconduct made against them by the complainant.

VI. Grievance Process Team

Different individuals – some of whom are college employees - serve different roles in the complaint and resolution procedures outlined in this document. All employees involved are free of bias and professionally trained to complete their roles. If a student is concerned about any

potential bias that may impact the processing/outcome of their hearing, they should consult with the Title IX Coordinator immediately.

- A. Title IX Coordinator** - oversees the Sex and Gender Discrimination/Harassment policy, processes to investigate concerns of Sexual Misconduct and Title IX, and all related compliance efforts for the college.
- B. Title IX Deputy Coordinator/Director of Human Resources** – supports Title IX coordinator in oversight for compliance efforts for assigned campus consistency.
- C. Investigator** - responsible for handling inquiries into allegations of sexual misconduct, including interviewing the complainant, respondent, and witnesses. For allegations of “Other Prohibited Conduct,” the Investigator may be the Title IX Coordinator/Deputy Coordinator.
- D. Campus Safety Officer** - an officer for campus who may take a report for allegations of sexual misconduct, connect individuals to community resources after hours, and/or support investigative activities.
- E. Process Advisors** - volunteer faculty or staff at SNC who have been trained to be a resource to the complainant or respondent throughout the complaint resolution process, or individuals external to the institution, such as a lawyer or advocate, selected by a complainant or respondent to serve as their resource. Students are required to have a process advisor present during the hearing, or will have one appointed by the college. Process advisors are responsible for live cross examination during a hearing.
- F. Hearing/Appeals Officer** – individuals who have training specific to facilitating judicial or appellate hearings for sex and gender based discrimination and harassment. These individuals are coordinated through the Office of Title IX and Compliance, and may be individuals internal or external to the SNC community. For allegations of “Other Prohibited Conduct,” the Investigator may be the Title IX Coordinator/Deputy Coordinator.
- G. Translators** - available upon request, and provide services to support those whose primary language is not English.

VII. Academic Freedom Considerations

SNC is committed to the principles of academic freedom including the open and free exchange of ideas, pursuit of new ideas and knowledge, integration of faith and reason, and pursuit of the common good as outlined in [The Faculty Handbook](#), 2020, Section II, 1. However, speech or conduct that is contrary to the AAUP statement on Professional Ethics in [The Faculty Handbook](#), 2020, Section II, 2, would typically fall outside the bounds of academic freedom.

- A.** When reported concerns regarding a faculty member, and specific to their instruction of students, advising, scope of research, or in matters pertaining to academic programs, the Faculty Review Committee will be consulted in determining whether the concerns fall within the realm of academic freedom ([The](#)

[Faculty Handbook](#), 2020, Section II, 9).

- B.** When concerns fall within the realm of academic freedom, the complainant presenting the concern will be notified and referred to the supervisor of the identified faculty member to learn more about academic freedom (as outlined in the Faculty Handbook).
- C.** If the complainant or respondent wishes to appeal the decision of the Faculty Review Committee, they may make a written appeal to the Vice President for Academic Affairs within 15 business days of their notification of the determination. The Vice President for Academic Affairs will render a decision on the appeal within 15 business days of receiving the formal appeal from the complainant (as outlined in the Faculty Handbook).
- D.** For full details on academic freedom considerations, please visit the Faculty Handbook, 2020, Section II, 9, 3.2.

VIII. Notice of Investigation and Allegations

Prior to an investigation beginning, both the complainant and respondent will receive a formal letter, called the Notice of Investigation and Allegations letter, to document the activation of investigation processes under the [Sex and Gender Harassment/Discrimination](#) Policy. This notice will come from the Title IX Coordinator.

Full information on the notice of investigation and allegations (NOIA) is included in the [Sex and Gender Harassment/Discrimination Policy](#).

IX. Supportive Measures

Supportive measures offered to both the complainant and respondent (Request for Supportive Measures Form) may include accommodations and adjustments, such as to campus work responsibilities or office location, to both the complainant and respondent. Specific accommodations and adjustments may necessitate the input of Human Resources, work supervisor, or other campus department (as appropriate) to identify acceptable adjustments or options.

Full information on supportive measures is included in the [Sex and Gender Harassment/Discrimination Policy](#).

X. Informal Resolution

The college, rooted in the Catholic, Norbertine, and liberal arts traditions, is committed to the practice of subsidiarity. As such, every reasonable effort should be made to constructively resolve all conflicts between students, faculty, and staff. Informal means of resolution, such as mediation, may be used in lieu of these formal investigation and determination procedures. The

Title IX Coordinator and/or Title IX Deputy Coordinator/Director of Human Resources can facilitate such conversations and monitor them for safety. Informal resolution is not an option when the Title IX Coordinator and/or Title IX Deputy Coordinator/Director of Human Resources determines a situation is not eligible for informal resolution.

Further information on Informal resolution is included in the [Sex and Gender Harassment/Discrimination Policy](#).

XI. Grievance Process

The college provides a grievance process for allegations of sex and gender harassment/discrimination violations falling specifically under “Title IX Sexual Harassment” which includes an investigation, live hearing, and appeals process. Specific information, outlining details for these different steps, are provided in the following pages of this procedural document.

A separate but similar process exists for investigating all other sex and gender discrimination/harassment allegations (“[Other Prohibited Conduct, Section XIII. B.](#)”), although there is not a requirement for a live hearing (including cross examination) as part of the grievance process. Respondents may request a live hearing even if one is not required. This process is also outlined on the following pages of this procedural document.

If a complaint includes alleged violations under both the Title IX Sexual Harassment and Other Prohibited Conduct definitions, the grievance process for Title IX Sexual Harassment will be followed. No matter the process identified for addressing complaints, equitable treatment for the complainant and respondent will be provided at all times.

The grievance process has no firm deadline for completion, and the length of the process varies depending on the complexity of each case. The college must be reasonably prompt, advise both the complainant and respondent about anticipated timelines for particular phases of the process, and notify both parties of any extensions to the timeline and reasons for the extension.

The grievance process includes a presumption that the respondent did not violate policy unless and until a determination is made, after a hearing, that the respondent is responsible for a violation.

All grievance process meetings, including investigatory meetings and the hearing, will be recorded. All participants will sign that they agree that the meeting/hearing is being recorded.

Facilitators of the grievance process, at all levels, are conflict and bias-free.

A. Title IX Sexual Harassment – Grievance Procedures (Investigation through Hearing/Decision Making)

1. Investigation Overview

The investigation will entail interviews of the complainant, respondent, and any relevant witnesses, and the collection of all available evidence. The investigation process is meant to be equitable to all parties, and to be completed with a timely process after the formal complaint is made. The complainant and respondent will have the opportunity to review all interview documentation/evidence, submit comments, provide additional information, and identify witnesses they want interviewed.

The investigation process will seek to uncover both inculpatory and exculpatory evidence, therefore seeking all relevant evidence for presentation to the decision maker at the hearing.

Upon completion of the investigation, a preliminary Investigation case report will be shared with both the complainant and respondent for their review and suggested clarifications/corrections. The complainant and respondent will have ten (10) days to respond to the initial drafted report. Any noted suggestions will be added to the investigation report along with all other relevant documentation, and forwarded to the Title IX Coordinator if the complainant has requested to participate in the adjudication process.

While the complainant may have initially opted for a full investigation process, the complainant can change their mind on participation in any of these options at any time. In situations where the reported incident is such that a threat to the college community exists, measures may still be taken to mitigate the threat or continue to investigate the incidents. In this case, the complainant will not be asked to participate in a campus investigation once they have opted to no longer pursue the complaint and judicial process.

2. Investigator Response

Two trained investigators – one lead and one supporting – will be assigned to the case if the complainant or Title IX Coordinator decides to file a formal complaint under these procedures. The investigators have specialized training in sexual misconduct investigations, trauma responsive practices, bias-free investigations, and other best practice investigative techniques.

3. Content of Investigation

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other

evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. Both parties will be asked to provide the Investigators with relevant documents and other evidence and to describe the effect of the alleged incident on their opportunity to benefit from the college's programs or activities.

Formal rules of evidence do not apply in any of the formal resolution processes specified below. Nonetheless, evidence that is irrelevant may be excluded from consideration. A complainant's sexual history will be excluded from consideration unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The Investigating Officer will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Throughout the investigation, parties will be granted an opportunity to review and comment, in writing, any statements or evidence provided by the other party or any information independently developed by the Investigating Officer.

All parties and witnesses involved in the investigation are asked to cooperate and provide complete and truthful information.

4. Process Advisors

St. Norbert College will provide access to an individual (typically, a staff or faculty member) trained as a process advisor for both the complainant and respondent. The advisor will be available to accompany each employee during all investigative meetings, hearing, and other meetings related to the complaint.

The complainant and respondent have no obligation to work with the Process Advisors made available to them by the College. Both reporting parties and respondents have the right to designate the specific individuals of their choosing as their Process Advisor. Process advisors provided by the College have no legal training or knowledge and are not attorneys; they do not advocate or speak on behalf of the parties. A process advisor will be made available to the complainant and the respondent within 2 business days after an initial request for a process advisor is initiated by the complainant/respondent.

The process advisor may assist the complainant or the respondent in preparing for the hearing and in navigating this process, and will help to cross examine all parties who make statements during the hearing.

If a complainant or respondent does not provide their own advisor at a hearing, the college will provide a trained advisor. Individuals cannot participate in the hearing without an advisor present.

5. Hearing Officers

Because of the unique and sensitive nature of these matters, these cases are heard by a specially trained hearing officer. The hearing officer may be an SNC staff/faculty or an externally hired expert, and is trained and provided by the Office of Title IX and Compliance. Training for hearing officers includes: knowledge of Title IX and other sexual/gender based discrimination and harassment, the college policy and procedures, trauma-responsive practices, determining relevance of evidence presented, and other relevant topics.

The complainant and respondent will each have the opportunity to challenge a hearing officer on the basis of any perceived bias. The Title IX Coordinator will discuss with the parties their reason for opposition of a specific hearing officer if bias concerns are raised, and will make a determination on the perceived bias together with the Title IX Deputy Coordinator/Director of Human Resources.

St. Norbert College is committed to ensuring that its resolution processes (e.g. investigation, adjudication, appeal) are free from actual or perceived bias or conflicts of interest that would materially impact the outcome.

6. Hearing Overview

When the complainant requests to file a formal complaint, or when the Title IX Coordinator files one on behalf of the institution, the Title IX Coordinator or Title IX Deputy Coordinator/Director of Human Resources will coordinate the hearing for alleged violations of the [Sex and Gender Harassment/Discrimination Policy](#).

Once the investigation is complete and the investigative report is finalized, a hearing will be scheduled, giving each party at least a ten (10) day notice of the hearing being scheduled. The Title IX Coordinator or Title IX Deputy Coordinator/Director of Human Resources will meet separately with the complainant and respondent to discuss their rights in the hearing, share about what will take place, and to answer any questions that participants may need answered. This meeting is called a pre-hearing meeting, and will take place at least ten (10) days prior to the live hearing

for allegations of Title IX sexual harassment. Parties may bring their process advisor to this meeting.

The complainant and respondent are provided the following information at their pre-hearing meeting. Topics covered include the following:

- Overview of the role of the hearing officer, rights for each party, and the hearing role of the process advisor is discussed.
- Violations being considered at the hearing are reviewed, together with potential sanctions and remedies.
- The date of the hearing is set, and each party is provided the name of the hearing officer who will serve as a decision maker for the case. At this time, individuals can provide any concerns for bias and basis for any objection to the hearing officer.
- The complainant and respondent are given a final copy of the investigative report and any evidence gathered.
- The complainant and respondent are reminded about available supportive measures. Depending on the needs of the individual, resources will be tailored to the student's specific requests, within reason, in consultation with the Title IX Coordinator.

7. Hearing

At the hearing, the complainant and the respondent will be given space, in separate areas, to convene and prepare for the hearing before being called into the hearing room. The live hearing will take place in a room that allows a partition between the complainant and respondent. Both parties will be able to see the hearing officer and hear each other. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. An audio record will be kept of the proceedings and made available to each party for their audio review, at their written request. A copy of the audio recording is not available for dissemination or duplication, per college policy.

The hearing may also take place virtually, if necessary, to allow for a timely response to the allegations.

The general outline of a hearing is as follows:

- i. Each party enters the room, escorted by a member of the Grievance Process staff.
- ii. Each party and their advisor/support person are seated at a table with a microphone. If a translator is needed, they are seated at the table as well. Water is provided.

- iii. At the front of the room, the hearing officer and the Title IX Coordinator or Title IX Deputy Coordinator/Human Resources Director are seated at a table with microphones.
- iv. The hearing officer convenes the hearing by notifying everyone that the recording will begin. The hearing officer gives each party and their support person and parent the opportunity to introduce themselves. Then the Title IX Coordinator or Title IX Deputy Coordinator/Human Resources Director introduces themselves.
- v. After introductions, Title IX Coordinator or Title IX Deputy Coordinator/Human Resources Director reviews the mission and values of St. Norbert College. Also reviewed are the rights afforded to the respondent and the basic ground rules for conduct for both parties.
- vi. After the rights and responsibilities section, the hearing officer asks Title IX Coordinator or Title IX Deputy Coordinator/Human Resources Director to introduce the investigators.
- vii. The investigators are escorted into the room by Grievance Process staff and are asked to state their name and title for the record. The lead investigator states a summary of the case information as they understand it. The hearing officer asks questions of the investigators, then the complainant's advisor is allowed to cross examine. After the complainant's advisor has asked questions, the respondent's advisor may also ask questions. The investigators leave the room once all questions are completed.
- viii. Any witnesses are escorted into the room by Grievance Process staff and are asked to state their name and title for the record. The hearing officer asks questions of the witness, then the complainant's advisor and the respondent's advisor. The witness then leaves the room; any other witnesses then follow the same process.
- ix. Any other guests (expert, etc.) are escorted into the room by Grievance Process staff and are asked to state their name and title for the record. The hearing officer asks questions of the guest, then the complainant's advisor and the respondent's advisor. The guest then leaves the room; any other guests then follow the same process.
- x. The hearing officer asks questions of the complainant. Next, the respondent's advisor is allowed to cross examine the complainant. If the question is not relevant to the case, the hearing officer may allow objections to questions. Statements that are attacking or aggressive in nature will not be allowed in the hearing; additionally, hearsay and rumors will also not be allowed.
- xi. The hearing officer asks questions of the respondent. Next, the complainant's advisor is allowed to cross examine the respondent. If the question is not relevant to the case, the hearing

- officer may allow objections to questions. Statements that are attacking or aggressive in nature will not be allowed in the hearing; additionally, hearsay and rumors will also not be allowed.
- xii. After both parties and all other participants are questioned, the hearing officer moves to closing statements. The complainant has the opportunity to share a victim-impact statement. Then, the respondent has the opportunity to share a character statement and any support letters.
- xiii. The hearing officer asks both parties if they have any further questions or clarifications to share.
- xiv. During the entire hearing, there are intermittent breaks as needed. Parties are adjourned separately to avoid contact with each other.
- xv. The parties are informed that a response will be made within five (5) business days or sooner. The recorder is turned off. Everyone is excused.
- xvi. The hearing officer reviews the investigative report and all statements while deliberating on a final outcome. The hearing officer will use a “preponderance of the evidence” standard to make a determination of the final outcome.
- xvii. The hearing officer, with administrative support from the Title IX Coordinator and/or Title IX Deputy Coordinator/Director of Human Resources, will prepare a written decision that includes the following information:

- Identification of the allegations potentially constituting Sexual Misconduct made in the formal complaint;
- A description of the procedural steps taken by the college upon receipt of the formal complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Findings of fact that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Misconduct, including a determination regarding responsibility for each separate potential incident based on a standard of preponderance of evidence;
- Any sanctions to be imposed;
- Whether the complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of the process and grounds for appeal.

- Once the hearing officer reaches a determination, the Title IX Coordinator and Title IX Deputy Coordinator/Human Resources Director will be notified of the outcome and will be responsible for finalizing appropriate sanctions/remedies and sharing the findings of the hearing officer concurrently, through SNC email, with the complainant and respondent. This notification will include the final decision, any sanctions imposed, the rationale for the decision and the sanctions, and an explanation of appeal procedures. It is expected that everyone involved in the hearing process will follow all standards and expectations established for participants, as outlined in pre-hearing meetings.

8. Subjection to Questioning

In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the parties' advisors, the statements of that party or witness, as the case may be, whether given during the investigation or during the hearing, will not be considered by the hearing officer in reaching a determination of responsibility.

Notwithstanding the foregoing, the hearing officer may consider the testimony of any party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested attendance of the witness at the hearing.

In applying this section, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

B. Other Prohibited Conduct – Grievance Procedures (Investigation through Decision Making)

1. Investigation Overview

The investigation will entail interviews of the complainant, respondent, and any relevant witnesses, and the collection of all available evidence. The investigation process is meant to be equitable to all parties, and to be completed with a timely process after the formal complaint is made. The investigation process will seek to uncover both inculpatory and exculpatory evidence, therefore seeking all relevant evidence for decision making.

Upon completion of the investigation, a preliminary Investigation case report will be completed, together with a decision for the outcome of the case.

2. Investigator Response

Trained investigator(s), who may be internal or external to the college, will be assigned to the case if the complainant decides to file a formal complaint under these procedures. All investigators have specialized training in sexual misconduct investigations, trauma responsive practices, bias-free investigations, and other best practice investigative techniques. At the first meeting with any complainant or respondent, investigators will ensure that participants understand their rights and responsibilities, and that they are aware of resources available for support.

3. Content of Investigation

During the investigation, the complainant will have the opportunity to describe their allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. Both parties will be asked to provide the Investigators with relevant documents and other evidence and to describe the effect of the alleged incident on their opportunity to benefit from the college's programs or activities.

Formal rules of evidence do not apply in any of the formal resolution processes specified below. Nonetheless, evidence that is irrelevant or whose prejudicial effect substantially outweighs its probative value may be excluded from consideration. A complainant's irrelevant sexual history will be excluded from consideration.

The Investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Throughout the investigation, parties will be granted an opportunity to review and comment, in writing, any statements or evidence provided by the other party or any information independently developed by the Investigator(s).

All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

4. Process Advisors

St. Norbert College will provide access to an individual (typically, a staff or faculty member) trained as a process advisor for both the complainant and respondent. The advisor will be available to accompany each employee during all investigative meetings and other meetings related to the complaint.

The complainant and respondent have no obligation to work with the Process Advisors made available to them by the College. Both reporting parties and respondents have the right to designate the specific individuals of their choosing as their Process Advisor. Process advisors provided by the College have no legal training or knowledge and are not attorneys; they do not advocate or speak on behalf of the parties. A process advisor will be made available to the complainant and the respondent within 2 business days after an initial request for a process advisor is initiated by the complainant/respondent.

5. Decision Making

Upon gathering all relevant evidence and completing a final investigation report, Investigator(s) will prepare a final report of all information, weighing whether it is *more likely than not* (a preponderance of evidence standard) that the allegations occurred. Investigators will make a final decision surrounding the outcome of the investigation.

C. Outcome Decisions (For all Grievances of Sex and Gender Harassment/Discrimination)

The hearing officer (for instances of Title IX Sexual Harassment) and the Investigator(s) (for instances of Other Prohibited Conduct) are responsible for weighing evidence and determining if, by a preponderance of the evidence standard, the respondent is responsible or not responsible for the allegations of the complaint.

Both the complainant and respondent will be notified of the outcome of the hearing, including the findings, sanctions, remedies, and process for appeals, within five (5) business days of the conclusion of the hearing (for instances of Title IX Sexual Harassment) or the investigation (for instances of Other Prohibited Conduct).

This notification of outcome letter is a confidential document for both parties. When there is no finding of violation the letter will reside in internal investigation files and will not be placed in the personnel records of the respondent. If the outcome involves a finding of violation and sanctions, the letter will be placed in the respondent's personnel file along with the documentation of the formal sanctions.

The effective date of the corrective actions will normally be scheduled for a date after the appeal deadline has passed or, if an appeal is filed, after the appeal has concluded. Any interim measures will continue until the effective date of the corrective actions.

D. Sanctions and Remedies (For all Grievances of Sex and Gender Harassment/Discrimination)

The process for sanctions and remedies includes consideration for the outcome of the case, violations identified, and other relevant information. The Title IX Coordinator, Title IX Deputy Coordinator/Director of Human Resources, and the relevant supervisor will determine appropriate corrective action, including sanctions against the respondent and the institutional measures necessary to correct the effects of the harassment, discrimination or retaliation on the party subjected to that conduct. Consideration will be taken for employment history (including other previous violations).

1. Factors Considered - Factors considered include, but are not limited to:

- The nature and severity of, and circumstances surrounding the violation
- The respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- Any other information deemed relevant
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the complainant and the community
- The impact on all involved parties
- The degree to which the conduct was inconsistent with the Mission Statement of the College and the Norbertine ideal of *Communio*

2. Categories of Sanctions (General) - The following is a non-inclusive list of possible sanctions that can be assessed on a respondent when a violation has been found. The sanctions can include more than one item listed below:

- Oral or written warning or reprimand
- Transfer or reassignment
- Demotion
- Reduction of wages
- Unpaid Suspension
- Discharge
- Corrective counseling
- Referral to Employee Assistance Program

- Training or education
 - No eligibility for merit increases, raises, awards, promotions, or voluntary transfers for at least one year
 - Requirement for apology letter to person or persons affected by conduct
 - Restrictions on leading off-site activities, travel abroad, and other activities that may pose a risk for the College
 - Other sanctions designed to prevent conduct from reoccurring
3. Categories of Sanctions: In addition to the general categories of sanctions described above, sanctions for gender or sexual harassment and discrimination violations will typically include the following:
- i. Title IX Sexual Harassment, including categories of sexual assault, domestic or dating violence, and stalking: Written Warning, Suspension, or Termination
 - ii. Other Prohibited Misconduct, including:
 - a. Gender-based misconduct; gender-based harassment; stalking or sexual harassment: Written Warning, Suspension, or Termination
 - b. Sexual exploitation; sexual contact (physical contact involving a person's genital or anal openings, breasts, or buttocks) without a person's consent; intimate partner violence (also referred to as domestic/dating violence); exacerbating factors such as: sexual assault or sexual contact, use of force or weapons, threat, intimidation, or acts of violence, resulting in physical injury, and/or involving a minor or individual who does not have capacity to give consent: Suspension or Termination
 - c. Sexual contact for the purposes of humiliation or sexual gratification with the use of force or weapon; sexual assault (vaginal, oral or anal intercourse) without a person's consent: Termination

4. Faculty Sanctions

For faculty (as defined in [The Faculty Handbook](#), 2020, Section II, 4.2.2), in addition to the procedures set forth in this procedure and the [Employee Handbook](#), The College will follow the relevant procedures in [The Faculty Handbook](#), 2020, Section II, 4.5.1 or 4.5.2 with regard to minor or major sanctions.

Further, if termination is recommended for a full-time faculty member, all applicable investigative materials and outcome of the Hearing and Sanctioning Panel will be provided to the Faculty Personnel Committee for their review in regard to the Termination for Cause section as outlined in

[The Faculty Handbook](#), 2020, Section II, 8.

5. Remedies - The following are examples, without limitation, of measures that may be offered to correct the effects of the conduct on behalf of the complainant:
 - Restoration of leave taken because of the improper conduct
 - Review of potentially negative evaluations or employment decisions in the personnel file affecting the complainant to determine proper course of action
 - Apology by the respondent
 - Voluntary transfer to a position opening in a different department if affected party is qualified for the opening
 - If the complainant is a student and the incident impaired their ability to continue or complete the course, appropriate remedial steps will be taken, such as retaking the course without additional cost to the student
 - Follow-up monitoring to ensure that the complainant or others are not being subjected to retaliation or continued harassment or discrimination
 - Offer of continued counseling through Employee Assistance Programs
 - Continuation of interim or supportive measures

E. Appeals (For all Grievances of Sex and Gender Harassment/Discrimination)

The complainant and the respondent have the right to file an appeal after a final outcome is shared with the parties. The appeal must be in writing and must be submitted within five (5) business days of date of the hearing outcome. The appeal is not designed to provide a new hearing on the case facts already presented, but only a review of the specific grounds described below. Appeals that do not recite sufficient grounds or comply with the requirements will be rejected without a hearing.

The Appeals Officer will determine if the appeal meets the specific criteria.

Grounds for an appeal - The complainant or respondent may appeal the determination of a complaint on the following grounds:

1. Procedural Error: there was a procedural error significant enough to call the outcome into question;
2. New Evidence: new evidence became available or discovered which would likely have impacted the outcome had the evidence been known and reviewed during the investigation or hearing. The party filing the appeal must present or describe the new evidence in writing and explain

why the new evidence was unavailable prior to the investigation and/or hearing; or

3. **Substantiated Bias:** the party filing the appeal must demonstrate facts that show prejudice, bias, or conflict of interest on the part of the Investigating Officer or a member of a hearing or sanctioning panel.

If the request for appeal is granted, both parties would be invited to be present at the appeal review hearing and will have the opportunity to share an appeals statement, stating their support or disagreement with the appeal.

The Title IX Deputy Coordinator/Director of Human Resources will facilitate any appeal review hearing necessary. The hearing officer of the initial hearing is invited to the appeal review hearing with the board to explain the outcome of the initial hearing. Any other participants of the previous hearing may be invited if necessary, based on the reason for appeal.

Parties will be informed of the decision of the appeals officer within five (5) business days or sooner.

After the appeals review hearing, the Title IX Coordinator and Title IX Deputy Coordinator/Director of Human Resources will be notified of the outcome and will be responsible for sharing the findings of the appeals officer concurrently, through SNC email, with the complainant and respondent. The Title IX Coordinator will be copied on all correspondence related to the hearing and outcomes.

Note: Cases involving the discharge of a tenured faculty member may have additional procedural steps as provided in the [The Faculty Handbook](#)).

- F. **Follow Up** - The Title IX Coordinator and/or Title IX Deputy Coordinator/Director of Human Resources will review whether any sanctions issued have been met by the respondent and whether additional actions by the respondent, specific areas or persons at the College, or the College as a whole may be necessary.

XIII. Additional Provisions

The following additional provisions apply to proceedings under this procedure:

- A. **College-Initiated Proceedings** - As necessary, the College reserves the right to initiate the report and to initiate resolution proceedings without a formal

report or participation by the complainant of misconduct. In addition, the College may take any and all necessary steps to remediate and prevent future occurrences of College policy violations.

- B. Notification of Outcome** - The Notification of Outcome is generally protected from release under federal law, or as part of the personnel files of the staff or faculty. However, the College observes the following legal exceptions: parties to Title IX Sexual harassment or non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and intimate partner violence incidents have a right to be informed of the outcome.
- C. Participation in Investigations** - All members of the college community are encouraged to fully cooperate with any investigation and resolution under these Complaint Resolution Procedures.
- D. Training** - Personnel tasked with implementing these procedures are to be trained by the Title IX Coordinator and/or the Title IX Deputy Coordinator/Director of Human Resources before being authorized to perform functions under this procedure. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to Title IX matters; harassment and discrimination allegations; the College's policies and procedures; confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance.
- E. Conflicts of Interest and Bias** - The College is committed to ensuring that its resolution processes (e.g. investigation, adjudication, appeal, etc.) are free from actual or perceived bias or conflicts of interest that would materially impact the outcome. Any party who feels that there is actual or perceived bias or conflict of interest that would materially impact the outcome may submit a written petition for the person's removal from the process. The petition should include specifics as to the actual or perceived bias or conflict of interest, and reason(s) that the petitioner believes the bias or conflict could materially impact the outcome. Such petitions need to be made to the Title IX Coordinator. The Title IX Coordinator will decide to award or dismiss the petition.
- F. Recordkeeping** - Records of all allegations, investigations and resolutions will be kept by the Title IX Coordinator and Title IX Deputy Coordinator/Director of Human Resources for such time periods as may be established by College policy, consistent with legal requirements, and separate from all other College records and files and not part of the personnel or student educational files. However, when responsibility has been founded the Notice of Outcome letter will be placed in the Respondent's personnel file.
- G. Interference with this Procedure** - Providing false information, engaging in retaliation against any person involved in a proceeding under this procedure, or

engaging in any other interference or violation of this procedure may result in disciplinary action up to and including termination for staff or faculty or expulsion for a student.

- H. Request for Postponement** - Postponements of deadlines or hearings shall not be granted except when extenuating circumstances exist as defined in this section. Extenuating circumstances or situations, which preclude the party (not their support advisor or witness) from meeting the deadline or attending the hearing. These circumstances are very limited. For example, if the party is suffering from an incapacitating medical condition or emergency supported by a physician's note, or a death in the party's immediate family. Postponement is not for the convenience of the parties. Unavailability of support advisors, family members or unavailability of legal counsel is not a reason for postponement. Parties are expected to modify their personal calendars to meet the deadlines and hearing dates.

Appendix I St. Norbert College Student Workers Addendum

- I. Introduction. The following provisions are Addendums to the St. Norbert Complaint Resolution Procedure for Employees (the “Employee Investigation Procedure”) and the St. Norbert Procedure on [Complaint Resolution Procedure for Students](#) (the “Student Investigation Procedure”).
- II. Background. St. Norbert students may be employed by St. Norbert in various capacities during their enrollment at the College. Such students may be participating in a Federal Student Worker (“FSW”) program through financial aid, may be receiving compensation directly from the College, or may be employed in other capacities.

In their dual status as both students and employees of the College, student workers are covered by the conduct rules contained in [The Citizen](#) student handbook as well as conduct rules and policies contained in the St. Norbert [Employee Handbook](#). Some of those rules, such as the [Sex and Gender Harassment/Discrimination Policy](#), apply equally to the student and employee status.

The College has adopted separate procedures for investigating allegations of sexual misconduct by students and allegations of misconduct by employees. Those procedures (The [Complaint Resolution Procedure for Students](#) and the Complaint Resolution Procedure for Employees contain different processes and different sanctions. For example, sanctions under the “Employee Investigation Procedure” include, but are not limited to, termination of employment, retraining, and other employment- related actions. Sanctions under the [“Student Investigation Procedure”](#) include, but are not limited to, probation, suspension, expulsion, and other student status-related actions.

When a student worker is accused of misconduct, questions may arise regarding which investigation procedures will apply and which sanctions will apply. This Addendum provides guidance on those issues.

- III. Procedures When Student Worker is Accused of Misconduct. When a student worker is accused of misconduct, regardless of whether the alleged misconduct occurred within the scope of their student employment, the investigation process will follow the [“Complaint Resolution Procedure for Students”](#). However, the Director of Human Resources (or a member of the Director’s staff) will participate in the investigation and hearing process as an assistant to the assigned investigator in order to gather evidence to determine whether any of the conduct violated any of the College’s employment policies, while the investigator gathers information to determine whether any student conduct policies have been violated.

If the grievance process results in a determination that a violation of the policy occurred, the student sanctioning and appeals process should be followed. The Human Resources representative shall advise the hearing and appeals officer (as applicable) of the violated employment policies, and the officers shall make separate determinations regarding the alleged student policy violation and any alleged employee conduct rule violation. The Human Resources representative shall confer with the hearing or appeals officer in consultation with the student worker's supervisor regarding the appropriate sanction with regard to the student worker's responsibilities and ongoing status as an employee.

In some cases, a violation of a student conduct code which occurs outside of a student worker's role as an employee may still result in employee sanctions or otherwise impact their ability to continue to be employed as a student worker. For example, if the misconduct engaged in by the student outside of their employment role reveals behaviors that would otherwise disqualify them from employment by the College, or which is inconsistent with the expectations of an employee of the College, the misconduct may result in employment sanctions including termination of their student worker assignment.