



**Rocky Mountain
University**
of Health Professions

RMU TITLE IX & CIVIL RIGHTS HANDBOOK

Rocky Mountain University of Health Professions
Office of Civil Rights and Accessibility

Revision 3.0 - Effective February 9, 2026

Table of Contents

POLICY: EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION	2
1. Rationale for Policy	2
2. Applicable Scope	2
3. The Office of Civil Rights and Accessibility	3
4. Independence and Conflict-of-Interest	3
5. Administrative Contact Information	3
6. Reports/Complaints of Discrimination, Harassment, and/or Retaliation	4
7. Supportive Measures	5
8. Emergency Removal	6
9. Promptness	7
10. Privacy	7
11. Jurisdiction of Rocky Mountain University of Health Professions.....	8
12. Time Limits on Reporting.....	9
13. Online Harassment and Misconduct	9
14. Policy on Nondiscrimination	9
15. Policy on Disability Discrimination and Accommodation	10
a. Students with Disabilities.....	11
b. Employees with Disabilities	11
16. Policy on Discriminatory Harassment.....	11
a. Discriminatory Harassment	12
b. Sexual Harassment	12
On consensual relationships:.....	16
c. Force, Coercion, Consent, and Incapacitation	17
Force:	17
Coercion:.....	17
Consent:.....	17
d. Other Civil Rights Offenses	19
17. Retaliation.....	19
18. Mandated Reporting.....	20
a. Requirements for Mandated Reporters	20
b. Anonymous Notice to Mandated Reporters	21
19. When a Complainant Does Not Wish to Proceed.....	23
20. Federal Timely Warning Obligations	24
21. False Allegations and Evidence	24
22. Amnesty for Complainants and Witnesses.....	24
Students:.....	25
Employees:.....	25
23. Federal Statistical Reporting Obligations	25
24. Preservation of Evidence	26
RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION KNOWN AS THE “FORMAL GRIEVANCE PROCESS,” INCLUDING “PROCESS A” AND “PROCESS B”	26
1. Overview	27
2. Notice/Complaint.....	29

3. Initial Assessment	29
c. Violence Risk Assessment	30
d. Dismissal (Mandatory and Discretionary) of the Complaint	31
4. Counterclaims	32
5. Right to an Advisor.....	32
a. Who Can Serve as an Advisor	32
b. Advisor’s Role in Meetings and interviews.....	33
c. Advisors in Hearings/University-Appointed Advisor (Process A Only)	33
d. Pre-Interview Meetings	33
e. Advisor Violations of University Policy	33
f. Sharing Information with the Advisor	34
g. Privacy of Records Shared with Advisor	34
h. Expectations of an Advisor	34
i. Expectations of the Parties with Respect to Advisors	34
j. Assistance in Securing an Advisor.....	35
6. Resolution Processes	35
a. Informal Resolution	35
b. Informal Resolution	36
c. Respondent Accepts Responsibility for Alleged Violations	36
d. Negotiated Resolution	37
7. Civil Rights Team	37
a. Civil Rights Team Roles	37
b. CRT Member Appointment.....	37
c. CRT Member Training.....	37
d. Civil Rights Team Membership	38
8. Formal Grievance Process: Notice of Investigation and Allegations	38
9. Resolution Timeline	39
10. Appointment of Investigators.....	39
11. Ensuring Impartiality.....	39
12. Investigation Timeline.....	40
13. Delays in the Investigation Process and Interactions with Law Enforcement	40
14. Steps in the Investigation Process	40
15. Role and Participation of Witnesses in the Investigation.....	42
16. Recording of Interviews	42
17. Evidentiary Considerations in the Investigation	43
18. Referral for Hearing (Process A) or Assessment (Process B)	43
19. Decision-maker Composition for the Hearing (Process A) or Assessment (Process B)	43
20. Evidentiary Considerations in the Hearing (Process A) or Assessment (Process B)	44
21. Notice of Hearing (Sections 21-31 for Process A only)	44
(For Process B, skip to section 32. Deliberation, Decision-making, and Standard of Proof below.).....	44
22. Alternative Hearing Participation Options	45
23. Pre-Hearing Preparation	46
24. Pre-Hearing Meetings.....	46
25. Hearing Procedures	47
26. Joint Hearings	47
27. The Order of the Hearing – Introductions and Explanation of Procedure	47
28. Investigator Presents the Final Investigation Report	48
29. Testimony and Questioning.....	48

30. Recording Hearings.....	49
31. Deliberation, Decision-making, and Standard of Proof.....	49
32. Notice of Outcome.....	50
33. Statement of the Rights of the Parties (see Appendix C).....	50
34. Sanctions.....	50
a. Student Sanctions:.....	51
b. Employee Sanctions/Responsive Actions.....	52
35. Withdrawal or Resignation While Charges Pending.....	52
36. Appeals.....	53
b. Grounds for Appeal.....	54
f. Sanctions Status During the Appeal.....	55
g. Appeal Considerations.....	55
37. Long-Term Remedies/Other Actions.....	56
38. Failure to Comply with Sanctions, Interim and Long-term Remedies, or Responsive Actions.....	56
39. Recordkeeping.....	57
40. Disabilities Accommodations in the Resolution Process.....	57
41. Revision of this Handbook and Procedures.....	57
GLOSSARY.....	58
APPENDIX A: AN ATIXA FRAMEWORK FOR INFORMAL RESOLUTION (IR).....	63
APPENDIX B: STATEMENT OF RIGHTS OF THE PARTIES.....	65
APPENDIX C: VIOLENCE RISK ASSESSMENT (VRA).....	68

Disclaimer: In this document, the Office of Civil Rights and Accessibility (OCRA) is the updated name for the Institutional Equity Office (IEO), which was used in previous versions of the Civil Rights Handbook. The current handbook reflects this change.

POLICY: EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION

1. Rationale for Policy

Rocky Mountain University of Health Professions (hereafter, “RMU”, or “the University”) is committed to providing a work and educational environment that is free from discrimination, harassment, and retaliation. In compliance with federal and state civil rights laws, and in support of fairness and equity, the University has established internal policies and procedures to address these matters. These policies and procedures ensure a prompt, fair, and impartial process for resolving allegations of discrimination or harassment on the basis of protected class status and retaliation. RMU values the dignity of all members of its community is committed to balancing the rights of all parties involved throughout the grievance process, recognizing that such situations can be challenging for everyone involved.

2. Applicable Scope

The core purposes of this policy are the prohibition of all forms of discrimination, to clearly communicate that all forms of discrimination are not tolerated at RMU, and to provide a guide on reporting and handling of complaints of discrimination, assault, or harassment. Discrimination may involve exclusion from or unequal treatment in activities, such as admissions or employment. In other

instances, discrimination may take the form of harassment or, in the case of sex-based discrimination, include sexual harassment, sexual assault, stalking, sexual exploitation, dating violence, or domestic violence. When a potential violation of this policy is reported, the allegations are subject to resolution using the University's Formal Grievance Process A or Formal Grievance Process B, as determined by the OCRA, and as detailed below.

When the Respondent is a member of the RMU community, a grievance process may be available regardless of whether the Complainant is a member of the RMU community. e RMU community includes, but is not limited to, students,¹ student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and others participating in or connected to RMU sponsored programs, activities, or campus properties. The procedures below may be applied to incidents, patterns of behavior, and/or broader campus climate concerns, all of which may be reviewed and investigated in accordance with this policy.

3. The Office of Civil Rights and Accessibility

The Office of Civil Rights and Accessibility (OCRA) oversees the implementation of the University's disability compliance and RMU policy on equal opportunity, harassment, and nondiscrimination. Members of the Office of Civil Rights and Accessibility serve as the Title IX Coordinator and Deputy Coordinator, ADA/504 Coordinator and Deputy Coordinator, and oversee the implementation of the University's disability compliance and RMU policy on equal opportunity, harassment, and nondiscrimination. Members of the OCRA have the primary responsibility for coordinating the University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this Handbook.

4. Independence and Conflict-of-Interest

The Director of Civil Rights and Accessibility (also referred to as the DCRA) manages the Civil Rights Team and acts with independence and authority free from bias and conflicts of interest. The DCRA oversees all resolutions under this policy and these procedures. The members of the Civil Rights Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the DCRA, or to report misconduct or discrimination by the DCRA, contact the President of RMU at president@rmu.edu. Concerns of bias, potential conflict of interest, or discrimination or misconduct by any other Civil Rights Team member should be raised directly with the DCRA.

5. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Kristopher Packer

¹ For the purpose of this policy, the University defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the University.

Director of Civil Rights and Accessibility, Title IX and ADA Coordinator
 Rocky Mountain University of Health Professions
 1800 Novell Drive, Provo, UT 84606
 Office 385.375.8798 / OCRA@rm.edu / Discrimination Hotline: 385.375.8344

Charli Purser
 Civil Rights and Accessibility Specialist, Title IX and ADA Deputy Coordinator
 Rocky Mountain University of Health Professions
 1800 Novell Drive, Provo, UT 84606
 Main: 385.375.8343/ OCRA@rm.edu

Rocky Mountain University of Health Professions has determined that the above members of OCRA will address and correct harassment, discrimination, and/or retaliation, per federal guidance and regulation.

a. External Resources

Inquiries may be made externally to:

Resource (Address)	Contact info
Office for Civil Rights (OCR) U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-1100	Customer Service Hotline #: (800) 421-3481 Facsimile: (202) 453-6012 TDD#: (877) 521-2172 Email: OCR@ed.gov Web: https://www.ed.gov/about/ed-offices/ocr
HHS/Office for Civil Rights 1961 Stout Street Room 08-148 Denver, CO 80294	Customer Response Center: (800) 368-1019 Fax: (202) 619-3818 TDD: (800) 537-7697 Email: ocrmail@hhs.gov

For complaints involving employees:

Resource (Address)	Contact Info
Equal Employment Opportunity Commission 3300 North Central Avenue Suite 690 Phoenix, AZ 85012-2504 United States	Phone: (800) 669-4000 Web: https://www.eeoc.gov/
Utah Labor Commission 160 East 300 South, 3rd Floor Salt Lake City, UT 84114-6600	Phone: (801) 530-6800

6. Reports/Complaints of Discrimination, Harassment, and/or Retaliation

Listed here are the reporting options for allegations of discrimination, harassment, and/or retaliation at RMU for a Complainant or third-party:

1. Contact the Office of Civil Rights and Accessibility (OCRA) directly via:
 - a. The report form [posted here](#) or at <https://rm.edu/student-affairs/institutional-equity/>.

- b. Call RMU's discrimination hotline: 385.375.8344
 - c. Email ocra@rm.edu
 - d. Call the OCRA Office Phone: 385.248.5513
2. Contact a Mandated Reporter

Other options for complainants:

1. Seek out confidential help (see section 18.c. below)
2. Report to Law Enforcement

A formal complaint means a document submitted or signed by either the Complainant or the OCRA, alleging a policy violation by a Respondent and requesting that the University investigate the allegation(s).

A report of allegation may be filed with the OCRA in person, by mail, or by electronic mail, by using the contact information in the section immediately above. When a report of a potential allegation of discrimination, harassment, and/or retaliation is submitted, the OCRA will meet with the Complainant to obtain further information, offer options for addressing the complaint, and provide supportive measures if desired. The Complainant may then file a "formal complaint," meaning a submission of the electronic form provided by the OCRA that contains the Complainant's physical or digital signature, indicates that the Complainant is the person filing the complaint, and requests that RMU investigate the allegations. Making a report to the OCRA does not constitute a formal complaint.

7. Supportive Measures

RMU will offer and implement appropriate and reasonable supportive measures to all parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and 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 or RMU's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The OCRA promptly makes supportive measures available to the parties upon receiving notice of a complaint. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already. The OCRA works with the Complainant to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide supportive measures. RMU will act to ensure as minimal an academic or occupational impact on the parties as possible. RMU will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services

- Referral to community-based service providers
- Visa and immigration assistance
- Financial advising for employees
- Student financial aid counseling
- Education to the RMU community or community subgroup(s)
- Altering work arrangements for employees or student-employees
- Safety planning for the Complainant, which may include on- or off-campus safety concerns
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings when there exists an immediate or current threat to persons or property
- Academic modifications (extensions, class recordings, etc.), withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the OCRA or their designee

Violations of no contact orders will be referred to the appropriate University student or employee conduct processes for enforcement.

8. Emergency Removal

The University can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the OCRA in conjunction with the Senior Director of Student Affairs (or designee) in the event of a student concern, or in conjunction with the Human Resources Manager (or designee) in the event of an employee concern. In any event, these bodies will use their standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action. In all such cases, they will also be presented with the option to request to meet with the OCRA prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within 24 hours of removal, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the OCRA determines it is equitable to do so.

A Respondent may be accompanied by an Advisor of their choice when meeting with the OCRA for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The OCRA has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. There is no appeal process for emergency removal decisions.

Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the OCRA, these actions could include, but are not limited to: temporarily reassigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty for the immediate semester, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, or student organizational leadership.

At the discretion of the OCRA, alternative coursework options may be pursued to ensure as minimal academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable, as defined both here and in the Employee Handbook.

9. Promptness

All allegations are acted upon promptly by RMU once it has received notice or a formal complaint. Complaints can take 60-90 working days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in these University procedures will be delayed, RMU will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

10. Privacy

Every effort is made by the University to preserve the privacy of reports.² RMU will not share the identity of any Complainant, any individual who has been reported to be the perpetrator of sex

² For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of RMU employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the University's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the University's FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. RMU has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 26. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or

discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The University reserves the right to determine which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials deemed who need to know will typically be told about the complaint, which may include but is not limited to: OCRAs and Deputy Coordinators, Decision-Makers, the University President, Provost, University legal counsel, and related ranking professionals on a need to know basis, and if applicable, Provo Police. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-Makers, witnesses, and the parties involved. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The University may contact emergency contact to inform them of situations in which there is a significant and articulable health and/or safety risk to a student but will make every effort to consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically in section 18 below.

11. Jurisdiction of Rocky Mountain University of Health Professions

This Handbook applies to the conduct of any member of the RMU community, including students, employees, guests, and visitors during education programs and activities of RMU, to conduct that takes place on the campus or on property owned or controlled by the University, at University-sponsored events, on social media or electronic forums, or in buildings or vehicles owned or controlled by University recognized organizations.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprives someone of access to RMU's educational programs. The University may also extend jurisdiction to off-campus and/or to online conduct when the OCRA determines that the conduct affects a substantial University interest.

Regardless of where the conduct occurred, the University will address notices and complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off campus sponsored program or activity. A substantial University interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;

neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of RMU.

If the Respondent is unknown or is not a member of the University community, the OCRA will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the OCRA.

In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from University property and/or events.

All vendors serving RMU through third-party contracts are subject to the policies and procedures of their employers, or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the OCRA can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the OCRA may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environments external to the University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

12. Time Limits on Reporting

There is no time limitation on providing notice/complaints to the OCRA. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the OCRA, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by a significant time delay, the University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

13. Online Harassment and Misconduct

The policies of RMU are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the University's education program and activities or use RMU networks, technology, or equipment.

Although the University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to RMU, it will engage in a variety of means to address and mitigate the effects.

Members of the RMU community are encouraged to be good digital citizens and to refrain from online misconduct, such as supporting anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the University community.

14. Policy on Nondiscrimination

Rocky Mountain University of Health Professions adheres to all federal and state civil rights laws and regulations prohibiting discrimination in private institutions of higher education.

RMU does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- a) Race,
- b) Religion,
- c) Legal hearing status,
- d) Personal appearance,
- e) Color,
- f) Sex,
- g) Pregnancy,
- h) Political affiliation,
- i) Source of income,
- j) Place of business,
- k) Residence,
- l) Religion,
- m) Creed,
- n) Ethnicity,
- o) National origin (including ancestry),
- p) Citizenship status,
- q) Physical or mental disability (including perceived disability),
- r) Age,
- s) Marital status,
- t) Family responsibilities,
- u) Sexual orientation and identity
- v) Veteran or military status (including disabled veteran, recently separated veteran, active-duty wartime or campaign badge veteran, and Armed Forces Service Medal veteran),
- w) Predisposing genetic characteristics,
- x) Domestic violence victim status,

- y) Height,
- z) Weight
- aa) or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

This Handbook and Policy 3005 cover nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the RMU community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any other member of the RMU community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of these University policies on nondiscrimination.

When brought to the attention of the University, any such discrimination will be promptly and fairly addressed and remedied by the University according to the appropriate grievance process described below.

15. Policy on Disability Discrimination and Accommodation

Rocky Mountain University of Health Professions is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the University, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself. The Director of Civil Rights and Accessibility (DCRA) has been designated as the University's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to discrimination based on disability status or discrimination within the accommodations process will be addressed using the procedures below. For details relating to disability accommodations in the University's resolution process, see section 41. Disabilities Accommodations in the Resolution Process.

a. Students with Disabilities

The University is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the University.

All accommodations are made on an individual basis. A student requesting any accommodation should first contact the Civil Rights and Accessibility Specialist (CRAS), who coordinates services for students with disabilities.

The CRAS reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program, in accordance with Policy 1060 and other applicable RMU policies.

b. Employees with Disabilities

Pursuant to the ADA, RMU will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue financial or administrative hardship to the University.

An employee with a disability is responsible for submitting a request for an accommodation to the Human Resources Manager and providing necessary documentation. The HR Manager, with support from the Office of Civil Rights and Accessibility (OCRA) as needed, will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties in accordance with applicable RMU policies.

16. Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. RMU's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom or professional codes of ethics.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under RMU policy. When speech or conduct is protected by academic freedom or professional codes of conduct, it will not be considered a violation of RMU policy, though supportive measures may be offered to those impacted. All policies encompass actual and/or attempted offenses.

a. Discriminatory Harassment

Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

RMU does not tolerate discriminatory harassment of any employee, student, visitor, or guest. The University will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment."

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe and objectively offensive **or** pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, RMU may also impose sanctions on the Respondent through the application of the appropriate grievance process below, known as either Process A (for Title IX claims on the basis of sex) or Process B (for all other claims of discrimination, assault, or harassment outside of the basis of sex). The University reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile

environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under University policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternate Resolution, and/or other informal resolution mechanisms.

For assistance with Alternate Resolution and other informal resolution techniques and approaches, contact the Office of Civil Rights and Accessibility or a member of the Civil Rights Team.

b. Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Utah regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

RMU has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of hostile environment sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex, the basis of gender, or that is sexual that satisfies one or more of the following:

- 1) **Hostile Environment Sexual Harassment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;³
 - a. "Severe" - This identifier addresses whether the described occurrence or conduct was extreme from the perspective of a reasonable person in the complainant's position
 - b. "Pervasive" - This identifier indicates that a single instance of an offensive comment or joke typically does not meet the Title IX standard for sexual harassment requiring investigation. However, there may be instances where a single unwelcome act may meet that standard. Factors to consider include, but are not limited to, the existence of a pattern of sexual harassment, the number and age of people involved, and the occurrence of widespread dissemination of offensive material.
 - c. "Objectively Offensive" - This identifier addresses whether the described occurrence or conduct was offensive from the perspective of a reasonable person in the complainant's position. Notably, the perspective for offensiveness is based on the reasonableness from the complainant's perspective, and the intent of the respondent is irrelevant in the analysis.

³ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

- d. “Effectively Denies Equal Access” - This does not require that a complainant be entirely or physically excluded from educational or employment opportunities, but rather that the sexual harassment has so undermined and detracted from the complainant’s educational environment, that he or she is effectively denied equal access.
- 2) **Quid Pro Quo:**
- a. an employee of the University,
 - b. conditions the provision of an aid, benefit, or service of the University,
 - c. on an individual’s participation in unwelcome sexual conduct.
- 3) **Sexual assault**, defined as: Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent. The term ‘*Sexual Assault*’ encompasses an offense that meets the definition of one of the following:
- a. **Rape:** Penetration, no matter how slight,
 - i. of the vagina or anus with any body part or object,
 - ii. or oral penetration by a sex organ of another person,
 - iii. without the consent of the victim; or
 - iv. not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
 - b. **Fondling:** The touching of the private body parts of another person,
 - i. for the purpose of sexual gratification,
 - ii. forcibly and/or against that person’s will; or,
 - iii. not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
 - c. **Incest:** Non-forcible sexual intercourse
 - i. between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. **Statutory Rape:** Non-forcible sexual intercourse
 - i. with a person who is under the statutory age of consent (18 in Utah).
- 4) **Dating Violence**, defined as:
- a. violence,
 - b. on the basis of sex,
 - c. committed by a person,
 - d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i. The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii. Dating violence does not include acts covered under the definition of domestic violence.

5) **Domestic Violence**, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the State of Utah or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the State of Utah.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have or have had an intimate relationship.

6) **Stalking**, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

The above-listed Sexual Harassment Offenses fall under Title IX and will be investigated under Formal Grievance Process A. See page 32 for an explanation of the difference between Process A and Process B. If a complainant does not wish to proceed with an investigation for allegations of sexual harassment, the OCRA may be required under Title IX to pursue an investigation with or without the complainant's participation, depending on the severity and potential threat to the RMU community. The possible sanctions for an individual who is found responsible for any of these offenses range from reprimand through expulsion/termination.

c. Sexual Misconduct

In addition to the forms of sexual harassment described above, which are covered by Title IX, RMU also prohibits the following Sexual Misconduct Offenses that may fall within or outside of Title IX. If these are

alleged to have occurred, they may be investigated under Formal Grievance Process B, or through informal resolution, the details of which are referenced throughout this handbook. See page 32 for an explanation of the difference between Process A and Process B. These offenses include conduct on the basis of sex, the basis of gender, or that is sexual that satisfies, but is not limited to, one or more of the following:

- 1) **Sexual Exploitation**, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
 - a. Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - b. Invasion of sexual privacy
 - c. Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
 - d. Prostituting another person
 - e. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the infection
 - f. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
 - g. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
 - h. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
 - i. Knowingly soliciting a minor for sexual activity
 - j. Engaging in sex trafficking
 - k. Creation, possession, or dissemination of child pornography

The above-listed Sexual Misconduct Offenses may be investigated under Formal Grievance Process B, unless they occur in tandem with an alleged offense that falls under Title IX, which would be investigated under Formal Grievance Process A. See page 32 for an explanation of the difference between Process A and Process B. The possible sanctions for an individual who is found responsible for any of these offenses range from reprimand through expulsion/termination.

- 2) **Other Inappropriate Sexual Behavior**, including:
 - a. Unwanted, nonconsensual touching of body parts that are not considered private and would not meet the definition of fondling
 - b. Sexually based comments that are not severe, pervasive and objectively offensive and would therefore not meet the definition of hostile environment sexual harassment

Reports of this nature will be addressed using supportive measures and behavioral intervention or other administrative solutions as determined by the OCRA, Student Affairs and/or Human Resources.

On consensual relationships:

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. The University does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes student group participants, teaching assistants, and any student in a relationship with another student or employee over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

RMU reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

c. Force, Coercion, Consent, and Incapacitation⁴

As used in the offenses above, the following definitions and understandings apply:

Force:

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

⁴ The state definition of consent is found [here](#) (Utah Criminal Code Title 76, Chapter 5, Part 4, Section 406), which is applicable to criminal prosecutions for sex offenses in Utah but may differ from the definition used on campus to address policy violations. [Included for Clery/VAWA Sec. 304 compliance purposes]

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. *Silence or the absence of resistance alone is not consent.* Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion:

Coercion is defined as unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM⁵ or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so RMU’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation: A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

d. Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, and the forms of sexual misconduct described above, RMU additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class. If these occur, they will be investigated under Formal Grievance Process B, the details of which are referenced throughout this handbook. See page 32 for an explanation of the difference between Process A and Process B.

- 1) Violence, defined as threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- 2) Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- 3) Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- 4) Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the RMU community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- 5) Bullying, defined as:

⁵ Bondage, discipline/dominance, submission/sadism, and masochism.

- a. Repeated and/or severe
- b. Aggressive behavior
- c. Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally.

While RMU recognizes First Amendment free speech, at a private institution such as RMU this is not a guarantee that such speech, when in violation of the above, will be tolerated.

Violation of any other RMU policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

17. Retaliation

Protected activity under this Handbook includes reporting an incident that may implicate this Handbook, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Handbook.

Acts of alleged retaliation should be reported immediately to the OCRA and will be promptly investigated. Rocky Mountain University of Health Professions will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

RMU and any member of the University community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege afforded within Process A that is not provided in Process B. Therefore, RMU vets all complaints carefully to ensure that this does not happen, and to assure that complaints are tracked to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

18. Mandated Reporting

A Mandated Reporter is an employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Office of Civil Rights and Accessibility (OCRA). At Rocky Mountain University of Health Professions, only those who are considered Officials with Authority are designated as Mandated Reporters. This includes:

- University Administration (President, Provost, Chief of Staff, etc.)
- Deans, Program Directors and Department Chairs
- Supervisory roles in Academic and Administrative Departments
- Faculty (only considered Mandated Reporters for cases involving students)

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the OCRA (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

Complainants may want to carefully consider **how much** personal information they share with Mandated Reporters, as **all details** of a report must be shared with the OCRA.

a. Requirements for Mandated Reporters

Those designated as Officials With Authority by the University, with the exception of those who are designated as Confidential Resources, are Mandated Reporters and are expected to promptly share with the Office of Civil Rights and Accessibility (OCRA) all known details of a report of actual or suspected discrimination or harassment made to them in the course of their employment, including information received from a third party.

When a complainant begins to share information about an incident(s) of alleged discrimination/harassment or retaliation, the Mandated Reporter should immediately inform the complainant of their status as a Mandated Reporter and of their obligation to promptly share any information they receive with the Office of Civil Rights and Accessibility (OCRA).

Mandated Reporters must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of RMU policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though the University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does, in fact, report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

b. Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given by a Mandated Reporter to the OCRA anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the OCRA on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by the University to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided. However, anonymous notice typically limits the University's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the OCRA. Mandated reporters are not able to maintain requests for anonymity for Complainants who are minors, elderly, and/or mentally disabled.

c. Exception: Confidential Resources

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. Complainants have the option of consulting with a confidential resource instead of reporting to campus authorities.

On-campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared. These few exceptions may include staff working in the RMU clinics under the auspices of their licensure in that role. Students, faculty and staff working in the RMU clinics are expected to follow their professional licensure guidelines when receiving reports. All faculty, regardless of degree, who are functioning as faculty in a teaching role (rather than their role in a clinic) are expected to report actual or suspected discrimination or harassment **of any case involving a student** and are **Mandated Reporters** for such cases.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- Licensed professional counselors and staff, referred through Human Resources or Student Affairs, or personally contacted by any party
- Non-employees
- Licensed professional counselors and other medical providers in their roles of counselors and medical providers (in other words, faculty in teaching roles are not covered under this heading)
- Local rape crisis counselors
- Domestic violence resources

- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

RMU employees who are confidential and who receive reports within the scope of their confidential roles (namely employees at the RMU Clinics acting under the scope of their licensure) will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to the person reporting the behavior.

d. Employees Who Are Not Mandated Reporters

If someone who is not a Mandated Reporter receives information about a potential Civil Rights violation, they should:

- Encourage the individual to share the information with a Mandated Reporter (offer to go with them) or the OCRA; OR
- Connect them to confidential resources (and/or Law Enforcement when appropriate)

Although RMU employees **not** designated as Mandated Reporters are **not required** to report knowledge of a potential Civil Rights violation, they are **encouraged** to do so.

Two quick options for making a report are:

- Report online, using the reporting form [posted here](#) or at <https://rm.edu/student-affairs/institutional-equity/>.
- Report using the RMU Discrimination Hotline (385.375.8344).

19. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the OCRA, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The OCRA has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so, and the OCRA may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The OCRA's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. RMU may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The OCRA must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a Formal Grievance Process fairly and effectively.

When the OCRA executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of 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 Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the University's ability to remedy and respond to notice may be limited if the Complainant does not want RMU to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing RMU's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the University to honor that request, RMU will offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by RMU, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

20. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, RMU must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

RMU will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

21. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to any appropriate disciplinary action. This does **not** include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under University policy.

22. Amnesty for Complainants and Witnesses

The RMU community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the RMU community that Complainants choose to report misconduct to University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, RMU maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to a Respondent with respect to a Complainant.

Students:

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been using an illegal substance might hesitate to help take an individual who has experienced sexual assault to the Department of Student Affairs).

The University maintains a policy of University amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, the University may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need. This does not extend to any police or legal action outside of the University.

Employees:

Sometimes, employees are hesitant to report harassment or discrimination they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to RMU officials.

The University may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

The University maintains a policy of amnesty for employees who offer help to others in need. Although policy violations cannot be overlooked, the University may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need. This does not extend to any police or legal action outside of the University.

23. Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA⁶-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with applicable law enforcement regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Campus Security Report (also known as the Clery Report) and the campus crime log.

Campus Security Authorities include but are not limited to the members of the OCRA; the Senior Director of Student Engagement and Success; the Director of Operations; the Human Resources Manager; the Provost and President, and any other official with significant responsibility for student and campus activities.

24. Preservation of Evidence

The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time-sensitive. The Recipient will inform the Complainant of the importance of preserving evidence by taking the following actions:

- Seek forensic medical assistance at a hospital, ideally within 120 hours of the incident (sooner is better)
- Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- Try not to urinate.

⁶ VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

If the initial meeting between the Complainant and the OCRA falls within the time guidelines for seeking forensic medical assistance, the importance of taking these actions will be reiterated with the Complainant.

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY,
HARASSMENT, AND NONDISCRIMINATION KNOWN AS THE “FORMAL GRIEVANCE PROCESS,” INCLUDING
“PROCESS A” AND “PROCESS B”

1. Overview

Rocky Mountain University will act on any formal or informal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) that is received by a member of the Office of Civil Rights and Accessibility (OCRA), or any other Official with Authority (OWA) by applying these procedures.

The procedures for “Process A” as indicated below apply **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members, as defined under the Department of Education Office of Civil Rights and federal regulation 34 CFR Parts 106.30 and 106.45.

If other policies are invoked, such as harassment or discrimination based upon another protected class other than sex harassment or discrimination (see above), the procedures applicable to the resolution of such offenses is known as “Process B,” as indicated below.

Process B can also apply to sexual harassment or sexual misconduct that does not meet Title IX requirements using the definition guidelines located on pages 18-20 of this handbook as determined by the CRO.

Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.]

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in this and other University and programmatic student, faculty, and staff handbooks.

The following sections describe the main procedures for both Process A and Process B, with any differences applicable indicated at the end of each section. As a summary, the following general differences make Process A and Process B distinct:

a. Differences between Process A and Process B:

Process A	Process B
Strict requirements for what must be investigated using formal resolution	Flexibility in using formal versus informal resolution
Investigation ends in a formal Hearing after which the DM makes a determination based on the report and the Hearing	Investigation ends in the DM performing an assessment and then making a determination based on the report
Strict requirements for the timeline (see below)	RMU has discretion to use a more flexible

	timeline
Role of Advisor to speak for the parties in the Hearing for questioning	Parties can speak for themselves in informal questioning that may occur
NOIA has strict requirements, process and timeline	RMU has discretion to use a more flexible version of notice

b. Process A Timeline Requirements

Actions	Timeline
Overall length of inquiry, investigation, resolution	60-90 days
Initial Assessment	Within 1-5 days of receiving report
Overall length of investigation	Approx. 30 days
Draft investigation report is reviewed (by parties)	Period of at least 10 working days
Final report given to parties	At least 10 working days before hearing/determination
Parties may continue to comment and raise concerns about the investigation report	During the 10 working days prior to the hearing
Decision-makers given access to final report	With sufficient time to review
Parties invited to arrange accommodations or translation services for the hearing	7 working days before hearing
Parties and DM's submit requested witness list for questioning at the hearing	5 working days after final report sent out - submitted during optional pre-hearing meeting or emailed to Hearing Chair
Names of Decision-makers, all parties, witnesses, and advisors given to the parties	5 working days prior to the hearing/determination
Hearing is held	No sooner than 10 days after the final report is given to parties
Decision-maker delivers written deliberation statement to OCRA	No later than 2 working days after the hearing (unless an extension is granted by the OCRA)
OCRA delivers Notice of Outcome to parties and Advisors	Within 5 days of receiving the deliberation statement
Request for Appeal submitted by party(s) in writing to OCRA If no appeal, Final Notice of Outcome sent to parties, and decision is final.	Within 5 days of receiving the Notice of Outcome
Appeal delivered to all parties (and advisors, if requested), for response. Non-appealing party may choose to raise new ground for appeal at this time.	5 working day period to review appeal and submit response
Appeal Chair collects any additional information needed. The Chair will render a decision and submit written determination to OCRA.	After no more than 3 working days, barring exigent circumstances
OCRA sends Notice of Appeal Outcome to all parties.	After no more than 2 working days

If the Appeal Outcome determines a reconsideration is needed, the case will return to the appropriate step in the process and follow the same timeline again through conclusion.	See above timeline.
When an appeal results in a new Finding or sanction, that Finding or sanction can be appealed one final time on the grounds listed above and in accordance with the Procedures.	See the above timeline.
When appeals result in no change to the finding or sanction, that decision is final.	Case closed.

2. Notice/Complaint

Upon receipt of a complaint or notice to the OCRA of an alleged violation of this Handbook, the OCRA initiates a prompt initial assessment to determine the next steps to be taken.

The OCRA will initiate at least one of three responses:

- Offering supportive measures because the Complainant does not choose to file a formal complaint; and/or
- An informal resolution upon submission of a formal complaint; and/or
- A Formal Grievance Process including an investigation and a hearing upon submission of a formal complaint.

RMU uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, RMU will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the OCRA⁷ engages in an initial assessment, typically within one to five working days. The steps in an initial assessment can include:

- If notice is given, the OCRA seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the OCRA determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the OCRA assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The OCRA reaches out to the Complainant to offer supportive measures.
- The OCRA works with the Complainant to ensure they are aware of the right to have an Advisor.

⁷ Should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties, the Provost or Senior Director of Student Affairs will designate another person to oversee the process below.

- The OCRA works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the OCRA works with the Complainant to identify their wishes, assess the request, and implement them accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - If an informal resolution option is preferred, the OCRA assesses whether the complaint is suitable for informal resolution, if so, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
 - If a Formal Grievance Process is preferred, the OCRA determines if the misconduct alleged falls within the scope of Title IX:
 - If it does, the OCRA will initiate the investigation and Formal Grievance Process A, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate issue, based on the nature of the complaint.
 - If it does not, the OCRA determines that Title IX does not apply, “dismisses” that aspect of the complaint under Process A, and refers the matter for resolution under Process B⁸. The OCRA will then initiate the investigation and Formal Grievance Process B, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate issue, based on the nature of the complaint.

c. Violence Risk Assessment

In some cases, the OCRA may determine that a Violence Risk Assessment (VRA) should be conducted by the OIE, Department of Student Affairs, or Human Resources teams as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the OCRA should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors (the predatory act of maneuvering another individual into a position that makes them more isolated, dependent, likely to trust, and more vulnerable to abusive behavior);
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer University about a Respondent;

⁸ Please note that dismissing a complaint under Title IX is solely a procedural requirement under Federal Title IX regulations and does not limit RMU’s authority to address a complaint with an appropriate process and remedies.

- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or trained staff members. A VRA authorized by the OCRA should occur in collaboration with the above-named teams. Where a VRA is required by the OCRA, a Respondent refusing to cooperate may result in a sanction or related action for failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about the University's process for VRA can be found below in Appendix D.

d. Dismissal (Mandatory and Discretionary) of the Complaint⁹

In Process A, the University must dismiss a formal complaint under Title IX or any allegations therein if, at any time during the investigation or hearing, it is determined that any of the following four conditions apply:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined above (and under 34 CFR Part 106.45), even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the University (with the exception of the OCRA signing the formal complaint).

In Process B, the University must dismiss a formal complaint or any allegations therein if, at any time during the investigation, it is determined that any of the latter 3 of the above conditions apply.

The University may dismiss a formal complaint or any allegations therein under Process A or B if, at any time during the investigation or hearing:

- 1) A Complainant notifies the OCRA in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by the University; or

⁹ These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.

- 3) Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the University, through the OCRA, will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Dismissal under Process A does not preclude a decision on the part of the OCRA to proceed with an investigation under Process B, pursuant to federal regulations.

4. Counterclaims

RMU is obligated to ensure that the grievance process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the OCRA. When counterclaims are not made in good faith, they will be considered retaliatory and will constitute a violation of University policy, with appropriate sanctions.

5. Right to an Advisor

The parties may each have one Advisor¹⁰ of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.¹¹ For Process A, the parties must have an advisor to conduct indirect questioning at a hearing.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

Upon request, RMU may permit parties to have more than one Advisor. All such requests should be directed to the OCRA, and the decision to grant this request is at the sole discretion of the OCRA. Any decision will be granted equitably to all parties.

¹⁰ This could include an attorney, advocate, or support person.

¹¹ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

a. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the RMU community.

The OCRA will also offer to assign a trained Advisor for any party if the party chooses. If the parties choose an Advisor from the team available from the University, the Advisor will be trained by RMU and be familiar with the University's resolution process.

If the parties choose an Advisor from outside the team of those identified by the University, the Advisor may not have been trained by RMU and may not be familiar with RMU policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

b. Advisor's Role in Meetings and interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their respective parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The Recipient cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the Recipient is not obligated to provide an attorney.

c. Advisors in Hearings/University-Appointed Advisor (Process A Only)

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any questioning of the other parties and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker during the hearing.

d. Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and University policies and procedures.

e. Advisor Violations of University Policy

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address RMU officials in a meeting or interview unless invited to (e.g., asking procedural questions). The

Advisor may not make a presentation or represent their advisee¹² during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during indirect questioning (for Process A).

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the OCRA will determine how to address the Advisor's non-compliance and future role, up to and including removing the party's Advisor from future proceedings.

f. Sharing Information with the Advisor

Rocky Mountain University of Health Professions expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The University also provides for written consent that authorizes the University to share such information directly with their Advisor. The parties must either complete and submit a form to the OCRA or provide similar documentation demonstrating consent to a release of information to the Advisor before the University is able to share records with an Advisor.

If a party requests that all communication be made through an attorney serving as an Advisor, the University will not comply with that request. All parties must personally be part of the process.

g. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. Any and all records shared by RMU may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. RMU may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by University privacy expectations.

h. Expectations of an Advisor

The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

¹² Subject to the state law provisions or University policy above.

i. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) working days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the OCRA if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured.

In Process A, parties are expected to inform the OCRA of the identity of their hearing Advisor at least two (2) working days before the hearing.

j. Assistance in Securing an Advisor

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>),
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University policy, including this Handbook. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to an Informal Resolution, outlined below. Advisors are bound by the confidentiality expectations in 5g, above. RMU encourages parties to discuss any sharing of information with their Advisors before doing so.

a. Informal Resolution

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism as described below, usually before a formal investigation takes place; see discussion in b., below;
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; similar to above but usually occurs post-investigation; see discussion in 6b., below; or
- When the OCRA can resolve the matter informally by providing supportive measures (only) to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the OCRA.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

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.

b. Informal Resolution

Informal Resolution is an informal mechanism, including mediation, conflict resolution, or similar methods, by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Informal Resolution.

The OCRA may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capacity of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the OCRA. The OCRA maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

c. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the OCRA will determine whether Informal Resolution can be used according to the criteria in 6a above.

If Informal Resolution is applicable, the OCRA will determine whether all parties and the University are

able to agree on responsibility, sanctions, and/or remedies. If so, the OCRA implements the accepted finding that the Respondent is in violation of University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

d. Negotiated Resolution

The OCRA, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfy all parties and the University. Negotiated Resolutions are not appealable.

7. Civil Rights Team

The Formal Grievance Process relies on a Civil Rights Team (CRT), which is a team of trained RMU personnel, to carry out the process. A list of the members of the CRT can be made available upon request.

A description of the roles on the CRT can be found at rm.edu/institutional-equity/.

a. Civil Rights Team Roles

Members of the CRT are trained according to regulations according to regulations and maintain current certification through the Association for Title IX Administrators (ATIXA), and can serve in in the following roles, at the direction of the OCRA:

- Coordinator
- Advisor
- Investigator
- Decision-maker
- Hearing Chair
- Appeals Decision-maker
- Informal Resolution Administrator

b. CRT Member Appointment

The OCRA, in consultation with University administration, appoints members of the CRT which act with independence and impartiality. Individuals are appointed to the CRT from various departments throughout the university to share the responsibility and workload. This provides a variety of perspectives and prevents possible bias, while recruiting those with skills, aptitudes, or talents identified that make them best suited to particular roles.

c. CRT Member Training

The CRT members receive regular training based on their respective roles in order to maintain current certification. This training includes, but is not limited to:

- The scope of the University’s Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are University employees), and Chairs. All CRT members are required to attend these trainings as needed to maintain certification. The materials used to train all members of the CRT are publicly posted on our website, at <https://rm.edu/student-affairs/institutional-equity/>.

d. Civil Rights Team Membership

The CRT is composed of the members of the Office of Civil Rights and Accessibility (OCRA), and the HR Director, and may also include:

- Member(s) from Academic Affairs.
- Member(s) of the non-academic administration and/or staff.
- Members of the Department of Student Affairs.
- Faculty and/or faculty leadership
- Employees from other departments as assigned

CRT members are usually appointed for terms of 3 years and may participate longer if desired with updated training and certification. Individuals who are interested in serving in the CRT are encouraged to contact the OCRA.

8. Formal Grievance Process: Notice of Investigation and Allegations

The OCRA will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the University policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the University’s policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the RMU VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the OCRA any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official University records, or emailed to the parties’ RMU-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

9. Resolution Timeline

The University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) working-day time period, including appeal, which can be extended as necessary for appropriate cause by the OCRA. If an extension is required, the OCRA will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

10. Appointment of Investigators

Once the decision to commence a formal investigation is made, the OCRA appoints Civil Rights Team members to conduct the investigation (typically using a team of two Investigators), usually within two (2) working days of determining that an investigation should proceed.

11. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process, including the OCRA, Investigator(s), and Decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The OCRA will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the OCRA will determine whether the concern is reasonable and supportable. If so, another Civil Rights Team member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the OCRA, concerns should be raised with the one of the Deputy OCRA s who, along with the University President, will determine which Deputy will take charge and act with independence.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the "preponderance of the evidence" standard of proof.

12. Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) working days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

13. Delays in the Investigation Process and Interactions with Law Enforcement

The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. RMU will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the University will implement supportive measures as deemed appropriate.

University actions or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

14. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

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

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the OCRA), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of every specific policy implicated
- Assist the OCRA with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- 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 all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
 - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Civil Rights Team or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation

- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Gather, assess, and synthesize evidence, but make no conclusions, and render no recommendations as part of their report
- **Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report** as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination. **Both parties will then have a ten (10) working day review and comment period so that each party may meaningfully respond to the evidence.** The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant’s Advisor, Respondent’s Advisor)
- The Investigator(s) may elect to respond in writing in the investigation report to the parties’ submitted responses and/or to share the responses between the parties for additional responses
- 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 Investigator(s) shares the report with the OCRA for their review and feedback as necessary throughout the process
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) working days prior to:
 - the hearing (for Process A), or
 - the assessment (for Process B).
 - The parties are also provided with a file of any directly related evidence that was not included in the report.

15. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of the University are expected to cooperate with and participate in the University’s investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s).

For Process A, recorded interviews and/or written statements may be used as evidence, whether or not the witness is present for indirect questioning at a hearing.

16. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording. Failure to do so may result in sanctions or related actions.

17. Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless:

- a) 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 by the Complainant, or
- b) 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.

18. Referral for Hearing (Process A) or Assessment (Process B)

In Process A, provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the OCRA will refer the matter for a hearing.

The hearing cannot be less than ten (10) working days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

In Process B, once the final investigation report is shared with the parties, the OCRA will refer the matter to the appointed Decision-maker(s) for an assessment.

19. Decision-maker Composition for the Hearing (Process A) or Assessment (Process B)

The University will designate a single Decision-maker or a three-member panel from the Civil Rights Team, at the discretion of the OCRA. The Decision-maker(s) will not have had any previous involvement with the investigation. The OCRA will make a concerted effort to comprise a panel of Decision-makers that is not composed of a single sex and assign individuals as appropriate to prevent potential bias in the case.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The overseeing OCRA should not usually serve as a Decision-maker or Chair in the matter but may serve as a Decision-maker or Hearing Panel Chair if their previous role(s) in the matter do not create a conflict

of interest. Otherwise, a designee may fulfill this role.

In Process A, the single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the OCRA. The hearing will convene at a time determined by the Decision-maker, Chair or designee.

In Process B, the single Decision-maker will make an assessment based on the final investigation report. With a panel, all three members will review the report and vote on a finding, with a majority consensus determining the final decision.

20. Evidentiary Considerations in the Hearing (Process A) or Assessment (Process B)

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The Decision-maker(s) does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, 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 by the Complainant, 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.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, as RMU uses a progressive discipline system where prior sanctions may be seen as an aggravated issue if repeated. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing or assessment for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

In Process A, after post-hearing deliberation, the Decision-maker(s) will render a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

In Process B, after assessing the final investigation report, the Decision-maker(s) will render a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

21. Notice of Hearing (Sections 21-31 for Process A only)

(For Process B, skip to section 32. *Deliberation, Decision-making, and Standard of Proof* below.)

No less than ten (10) working days prior to the hearing, the OCRA or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.

- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the OCRA at least five (5) working days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the OCRA at least two (2) working days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the OCRA if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.¹³
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the OCRA to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) working days prior to the hearing.
- Whether parties can or cannot bring mobile phones or other electronic devices into the hearing.

To remain within the 60-90 working day goal for resolution, hearings for possible violations that occur near or after the end of an academic term that are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during breaks, as needed (assuming the Respondent is still subject to this Policy)

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy may not be classified in good standing to graduate.

22. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing over video conferencing, the party should request alternative arrangements from the OCRA or the Chair at least five (5) working days prior to the hearing.

¹³ The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

The OCRA or the Chair can arrange in person cross examination and questioning of testimony without compromising the fairness of the hearing. Remote options remain the standard at RMU for hearings (see section 25, Hearing Procedures).

23. Pre-Hearing Preparation

The Chair or Hearing Officer, after any necessary consultation with the parties, Investigator(s) and/or OCRA, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) working days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) working days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the OCRA as soon as possible and no later than one full day prior to the hearing. Decision-makers will only be removed if the OCRA concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The OCRA will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) working days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the OCRA as soon as possible.

During the ten (10) working day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

24. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments before the hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the OCRA or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will be recorded. Recordings and all relevant written materials will be kept per the Recordkeeping requirement of seven years, listed under 40, below

25. Hearing Procedures

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Chair, any additional panelists, the Investigators who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the OCRA, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties, and the witnesses will then be excused.

Unless requested by all parties, the default for all hearings is through a secure video conference link, such as Zoom, with parties attending electronically. RMU being a campus where videoconferencing and distance education is a standard; this may only be changed to having all parties physically present in a single location with the request of the parties, the OCRA, and the Chair.

26. Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the OCRA may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

27. The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the OCRA will review and decide the challenge.

An appointed hearing facilitator may be used to aid with the flow of the hearing. A hearing facilitator may attend to: logistics of electronic or physical rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

28. Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

29. Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (indirect questioning).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider the question and/or the format of the question (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain any argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the OCRA, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker can only rely on the available Relevant Evidence in making a Final Determination. The Decision-maker may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer any or all questions.

If a party's Advisor of choice refuses to comply with the University established rules of decorum for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, RMU through the Chair, Decision-makers(s) or OCRA may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

30. Recording Hearings

Hearings (but not deliberations) are recorded by the University for purposes of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the OCRA. No person will be given or be allowed to make a copy of the recording without permission of the OCRA.

31. Deliberation, Decision-making, and Standard of Proof

(Pick up with Process B here)

The Decision-maker(s) 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 preponderance of the evidence standard of proof is used. A hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may at their discretion consider the statements, but they are not binding.

The Decision-maker(s) will review the statements (and any pertinent conduct history provided by RMU disciplinary officers) and will determine appropriate sanction(s) in consultation with any other appropriate RMU officers and administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the OCRA, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions.

This report is typically three (3) to five (5) pages in length and must be submitted to the OCRA within

two (2) working days of the end of deliberations, unless the OCRA grants an extension. If an extension is granted, the OCRA will notify the parties.

32. Notice of Outcome

Using the deliberation statement, the OCRA will work with the Chair to prepare a Notice of Outcome. The OCRA will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within five (5) working days of receiving the deliberation statement from the Decision-makers.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official RMU records, or emailed to the parties' RMU-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section. The Notice of Outcome will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify:

- the finding on each alleged policy violation;
- the findings of fact that support the determination;
- conclusions regarding the application of the relevant policy to the facts at issue;
- a statement of, and rationale for, the result of each allegation to the extent the University is permitted to share such information under state or federal law;
- any sanctions issued which the University is permitted to share according to state or federal law; and
- any remedies provided to the Complainant designed to ensure access to the University's educational or employment program or activity, to the extent the University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

33. Statement of the Rights of the Parties (see Appendix C)

34. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct

- 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 the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

a. Student Sanctions:

The following are common sanctions¹⁴ that may be imposed upon students or organizations singly or in combination¹⁵:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either RMU-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Conduct Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any **similar** institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, completion of an academic or online course on a topic related to the violation, and/or other measures deemed appropriate.
- *University Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of **any** institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, completion of an academic or online course on a topic related to the violation, and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at RMU. A transcript notation is considered part of this sanction.
- *Dismissal*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend RMU-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, subject to any applicable expungement

¹⁴ University policies on transcript notation will apply to these proceedings.

¹⁵ Subject to University's Organizational Code of Conduct.

policies.

- *Withholding Diploma*: The University may withhold a student’s diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: The University reserves the right to revoke a degree previously awarded from Rocky Mountain University of Health Professions for fraud, misrepresentation, and/or other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including RMU enrollment or advancement within a cohort) for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

b. Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include but are not limited to:

- *Warning – Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Annual Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Assignment to a new supervisor*
- *Restrictions of stipends, research, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions/responsive actions, the University may assign any other responsive actions as deemed appropriate.

35. Withdrawal or Resignation While Charges Pending

Students: Should a student decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the University, the resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student.

However, the University will continue to address and remedy any systemic issues or concerns, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student Respondent who withdraws or leaves while the process is pending may not return to the University until and unless the Respondent participates in and completes this process. Enrollment Management and the Registrar will be notified that they cannot

be readmitted. Such exclusion applies to all campuses and programs of the University. They may also be barred from University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to RMU unless and until all sanctions have been satisfied.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee.

However, the University will continue to address and remedy any systemic issues or concerns, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the University or any campus or program of the University, and the records retained by the OCRA will reflect that status.

All University responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

36. Appeals

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the OCRA within five (5) working days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will Chair the appeal. No Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

a. Appeal Timeline

Actions	Timeline
OCRA delivers Notice of Outcome to parties and Advisors	Within 5 days of receiving the deliberation statement
Request for Appeal submitted by party(s) in writing to OCRA If no appeal, Final Notice of Outcome sent to parties	Within 5 days of receiving the Notice of Outcome
Appeal delivered to all parties (and advisors, if requested), for response. Non-appealing party may choose to raise new ground for appeal at this time. No more new requests for appeal after this.	5 working day period to review appeal and submit response

Appeal Chair collects any additional information needed. The Chair will render a decision and submit written determination to OCRA.	After no more than 3 working days, barring exigent circumstances
OCRA sends Notice of Appeal Outcome to all parties.	After no more than 2 working days
If the Appeal Outcome determines a reconsideration is needed, the case will return to the appropriate step in the process and follow the same timeline again through conclusion.	See the above timeline.
When an appeal results in a new Finding or sanction, that Finding or sanction can be appealed one final time on the grounds listed above and in accordance with the Procedures.	See the above timeline.
When appeals result in no change to the finding or sanction, that decision is final.	Case closed.

b. Grounds for Appeal

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The OCRA, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.
- The Decision-maker’s Final Determination is substantially contrary to the weight of the evidence in the record (applicable to suspension, expulsion, or termination-level offenses only)
- The sanctions fall outside the range of sanctions designated for this offense, considering the Respondent’s cumulative conduct/disciplinary record (applicable to suspension, expulsion, or termination-level offenses only)

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale by the OCRA.

c. Notice of Appeal & Review Period

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will inform the OCRA, who will notify in writing all parties (and their Advisors, if requested). If the Appeal Chair has questions for the Investigators and/or the original Decision-maker(s), they will reach out to them directly.

All parties (and their Advisors, if requested) will be provided access to a digital copy of the request with the approved grounds. All will then be given five (5) working days to submit a response to the portion of the appeal that was approved and involves them. All responses will be made available in the digital file by the Appeal Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal during the 5-day response period. If so, that will be reviewed to determine if it meets the grounds in this Handbook by the Appeal Chair and either denied or approved. If approved, it will be added to the appeal file, and the party who initially requested an appeal will be notified. They will then submit their response in five (5) working days. All responses will be made available in the digital file by the Appeal Chair to all parties for review and comment.

d. Appeal Outcome

Neither party may submit any new requests for appeal after the end of the last 5 working day period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Chair will render a decision in no more than three (3) working days, barring exigent circumstances.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal. If the original determination is upheld, any assigned sanctions will then be implemented.

e. Reconsidering the Case

If the outcome of the appeal is that the case should be reconsidered starting at any point in the process, the Notice of Appeal Outcome will contain any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and will be emailed to the parties' University-issued email or otherwise approved account. Once emailed, notice will be presumptively delivered.

f. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing may be stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above. The OCRA may determine to implement, or not, any sanctions through their justification, and has sole discretion to make this determination.

RMU may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

g. Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are **not** intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is **not** an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Decision-maker may consult with the OCRA on questions of procedure or

rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the OCRA to new Investigator(s) or Decision-maker(s) for further investigation or a new deliberation.
- When appeals result in no change to the finding or sanction, that decision is final.
- When an appeal results in a new Finding or sanction, that Finding or sanction can be appealed one final time on the grounds listed above and in accordance with the Procedures.
- In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

37. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the OCRA may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and related health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc., with the assistance of the Program Directors and Provost.

At the discretion of the OCRA, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the OCRA will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access.

The University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the University's ability to provide these services.

38. Failure to Comply with Sanctions, Interim and Long-term Remedies, or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s), including any Appeal

Chair.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University and may be noted on a student's official transcript or employment record.

A suspension will only be lifted when compliance is achieved to the satisfaction of the OCRA.

39. Recordkeeping

For cases handled under Process A, RMU will maintain for a period of at least seven years records of:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary sanctions imposed on the Respondent;
- Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
- Any appeal and the result therefrom;
- Any Informal Resolution and the result therefrom;
- All materials used to train Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. A link to these training materials can be found on the University website; and
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - The basis for all conclusions that the response was not deliberately indifferent;
 - Any measures designed to restore or preserve equal access to the University's education program or activity; and
 - If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

For cases handled under Process B, the University will keep records as detailed above for a period of 7 years.

The University will also maintain any and all records in accordance with state and federal laws.

40. Disabilities Accommodations in the Resolution Process

Rocky Mountain University of Health Professions is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's resolution process.

Anyone needing such accommodations or support should contact the Office of Civil Rights and Accessibility (OCRA), who will review the request and, in consultation with the person requesting the accommodation and the Committee on Inclusiveness (CoI), determine which accommodations are appropriate and necessary for full participation in the process.

41. Revision of this Handbook and Procedures

This Handbook and procedures supersede any previous Handbooks addressing harassment, sexual misconduct, discrimination, and/or retaliation under Federal Title IX regulations and law and will be reviewed and updated as needed by the OCRA. RMU reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the OCRA may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The OCRA may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require Handbook or procedural alterations not reflected in this Policy and procedures.

If requirements for the resolution process are altered by changes to government laws, regulations, or court decisions in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

In general, this document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes.

GLOSSARY

- *Advisor*: a person chosen by a party or appointed by the University to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct indirect questioning for the party at the hearing, if any.
- *Behavioral intervention team*: 3-4 member team of individuals from the RMU community (consisting of at least one member of the counseling department). Responsible for conducting a risk assessment for Title IX and/or university safety committee. Can also aid in student conduct violations.
- *Caretaking*: caring for and providing for the needs of a child.
- *Civil Rights Team*: includes any Coordinators, Deputy Coordinators, Investigators, Hearing Officers, Appeal Officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- *Complainant*: an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity. May also be referred to at the University as "Reporting Party".
- *Complaint (formal)*: a document submitted or signed by a Complainant or signed by the OCRA alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the University investigate the allegation.
- *Confidential Resource*: an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

- *Consent*: clearly understandable words or actions manifest a knowing, voluntary agreement between parties to engage in specific sexual or intimate contact with each other.
- *Day*: a working day when the University is in normal operation.
- *Directly-related evidence (DRE)*: evidence related to the complaint but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation). DRE will not be relied upon by the investigative report.
- *Education program or activity*: locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- *Employee*: any person in the categories of either staff or faculty (see definitions in this section for each).
- *Faculty*: defined for the purposes of this Handbook as any person at RMU employed as Faculty Staff or Adjunct Faculty hired primarily to teach courses.
- *False Reporting*: providing information in any report or proceeding under this policy that is intentionally false or made maliciously without regard for the truth.
- *Final Determination*: a conclusion, using the preponderance of the evidence standard, that the alleged conduct occurred and whether it did or did not violate policy.
- *Finding*: a conclusion using the preponderance of the evidence standard that the conduct did or did not occur as alleged (as an example, a “finding of fact”).
- *Fondling*: see page 20 for full definition.
- *Formal Complaint*: a document submitted or signed by either the Complainant or the OCRA, alleging a policy violation by a Respondent and requesting that the University investigate the allegation(s).
- *Formal Grievance Process A (or “Process A”)*: the method of formal resolution designated by the University to address conduct that falls **within the purview of Title IX** as detailed in the policies included below beginning on p.57, and which complies with the requirements of the Title IX regulations (34 CFR Part 106.45).
- *Formal Grievance Process B (or “Process B”)*: the method of formal resolution designated by the University to address conduct that falls **outside the purview of Title IX** as detailed in the policies included below beginning on p.31. Process B applies only when Process A does not, as determined by the OCRA.
- *Grievance Process*: protocol for processing complaints of sex-based discrimination/harassment or other civil rights complaints that provides for the prompt and equitable resolution of

complaints alleging discrimination on the basis of sex or other protected identities. May refer to a formal investigation, an informal resolution, or the use of supportive measures only.

- *Hostile Environment*: a hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe and objectively offensive or pervasive and objectively offensive.
- *Incapacitation*: lacking the ability to make informed, rational judgments (e.g. when intoxicated, unconscious, etc.)
- *Incest*: non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Informal resolution*: an informal mechanism, including mediation, conflict resolution, or similar methods, by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Informal Resolution.
- *Investigator*: the person or persons charged by the University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- *Lactation Accommodation*: a reasonable break time and a private, non-bathroom space provided for breastfeeding or expressing breast milk in compliance with federal and state law.
- *Mandated Reporter*: an employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the OCRA.¹⁶ See section 18: Mandated Reporting for a full definition.
- *Medical Necessity*: a determination made by a qualified healthcare provider (of the student's choosing) that a certain course of action is in the patient's best health interests.
- *Notice*: when an employee, student, or third-party informs the OCRA or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- *Office of Civil Rights and Accessibility (OCRA)*: a branch of the office of student engagement and success, comprised of the individuals designated by the University to ensure compliance with federal regulations and University policy and oversee the Formal Grievance Processes by acting as the coordinators for investigations.
- *Official with Authority*: an employee of the University explicitly vested with the responsibility to report allegations of harassment, discrimination, and/or retaliation to the OCRA.

¹⁶ Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

- *Parenting*: the raising of a child by the child’s parents or guardians in the reasonably immediate postpartum period.
- *Parties*: includes the Complainant(s) and Respondent(s), collectively.
- *Pregnancy and Pregnancy-Related Conditions*: include (but are not limited to) pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions.
- *Pregnancy Discrimination*: includes treating an individual affected by pregnancy or a pregnancy-related condition less favorably than similar individuals not so affected, and includes a failure to provide legally mandated leave or accommodations.
- *Pregnant Student/Birth-Parent*: refers to the student who is or was pregnant. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.
- *Pregnancy-Related Disability*: a physical or mental impairment arising from pregnancy that may substantially limit one or more major life activities, as defined under the ADA.
- *Preponderance of the Evidence*: whether it is more likely than not that the Respondent violated the Policy as alleged.
- *Quid Pro Quo*: see page 19 for a full definition.
- *Rape*: see page 20 for a full definition.
- *Reasonable Accommodations (for Pregnancy)*: changes in the academic environment or typical operations that enable pregnant students or students with pregnancy-related conditions to continue to pursue their studies and enjoy the equal benefits of RMU.
- *Recipient*: a postsecondary education program that is a recipient of federal funding.
- *Relevant evidence*: evidence that tends to prove or disprove an issue in a complaint.
- *Remedies*: post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent a recurrence, and restore access to the University’s educational program.
- *Respondent*: an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Resolution*: the result of an informal or Formal Grievance Process.
- *Retaliation*: any adverse action taken against a person for making a good faith report of prohibited conduct or participating in any proceeding under this policy including, but not limited

to, threatening, intimidating, harassing, coercing, or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy.

- *Reporting Party*: The student, employee, or third party who reports suspected prohibited conduct
- *Sanction*: a consequence imposed by the University on a Respondent who is found to have violated this policy.
- *Sexual Assault*: includes rape, fondling, incest, and statutory rape. See page 20 for a full definition of all of these terms.
- *Sexual Exploitation*: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy.
- *Sexual Harassment*: the umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. [See Section 17.b.](#), for greater detail.
- *Sexual Misconduct*: refers to conduct which would not constitute sexual harassment as defined in this handbook if proved, but which is sexual in nature and which is prohibited by RMU's conduct standards. See page 22-23 for more details.
- *Staff*: any employee who does not fall under the definition of faculty, namely, administrative, non-faculty, or regular staff.
- *Statutory Rape*: see page 20 for a full definition.
- *Student-Employee*: student enrolled at RMU who is also employed by the institution, either part- or full-time, including graduate assistants or post-doctoral fellows.
- *Substantial Emotional Distress*: significant mental suffering or anguish that may, but not necessarily, require medical or other professional treatment or counseling.
- *Supportive Measures*: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and 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 or RMU's educational environment, and/or deter harassment, discrimination, and/or retaliation.
- *Third Party*: alumni, contractors, vendors, visitors, or other guests of the university.
- *University*: Rocky Mountain University of Health Professions, a postsecondary higher education institution that is a recipient of federal funding. May also be referred to as "Recipient", "RMU", "or "Rocky Mountain University".
- *Witness*: any individual deemed to have observed relevant behavior of an alleged incident

This Handbook and procedures are based on the federal Title IX regulations effective 14 August 2020.

Based on the ATIXA 2020 ONE POLICY, TWO PROCEDURES

USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED THROUGH A LIMITED LICENSE TO ROCKY MOUNTAIN UNIVERSITY OF HEALTH PROFESSIONS. ALL OTHER RIGHTS RESERVED. ©2020. ATIXA

APPENDIX A: AN ATIXA FRAMEWORK FOR INFORMAL RESOLUTION (IR)

Rocky Mountain University of Health Professions has framed a process for IR that includes:

1. A response based on supportive measures; and/or
2. A response based on a Respondent accepting responsibility; and/or
3. A response based on alternative resolution, which could include various approaches and facilitation of dialogue.

Alternative resolution approaches like mediation, restorative practices, transformative justice, etc., are likely to be used more and more often by colleges and universities. ATIXA does not endorse these approaches as better or worse than other formal or informal approaches.

ATIXA believes that if they are to be used in, and are effective for, sex offenses, they need to be designed and executed carefully and thoughtfully and be facilitated by well-trained administrators who take the necessary time to prepare and lay a foundation for success. Although no approach is a panacea, the framework below can help to lay that foundation, regardless of which approach(es) are used.

Here are the principles to be considered for supporting various approaches to informal resolution:

- IR can be applied in any sex/gender-based interpersonal conflict but may not be appropriate or advisable in cases involving violent incidents (sexual violence, stalking, domestic and dating violence, severe sexual harassment, sexual exploitation, etc.)
- Situations involving dangerous patterns or a significant ongoing threat to the community should not be resolved by IR.
- The determination of whether to permit an IR-based resolution is entirely at the discretion of the Office of Civil Rights and Accessibility (OCRA) and in line with the requirements for IR laid out in the Title IX regulations.
- Any party can end IR early-, mid-, or late-process for any reason or no reason.
- IR can be attempted before and in lieu of formal resolution (although a formal complaint must be filed if you are within Section 106.30, per OCR).
- Alternative approaches can inform formal resolution, as in a formal resolution model infused with restorative practices.
- IR could be deployed after formal resolution, as an adjunct healing/catharsis opportunity (that could potentially mitigate sanctions or be a form of sanction).
- Alternate Resolution approaches to IR must be facilitated by the recipient or a third-party. There may be value in creating clearly agreed-upon ground rules, which the parties must sign in advance and agree to abide by, otherwise the informal resolution process will be deemed to have failed.
- Technology-facilitated IR can be made available, should the parties not be able or willing to meet in person.
- If IR fails, a formal resolution can take place thereafter. No evidence elicited within the “safe space” of the IR facilitation is later admissible in the formal resolution unless all parties consent.
- With cases involving violence, the preferred alternative approach typically involves a minimal number of essential parties and is not a wide restorative circle approach in order to ensure confidentiality.
- Some approaches require a reasonable gesture toward accountability (this could be more than an acknowledgement of harm) and some acceptance, or at least recognition, by the Respondent that catharsis is of value and likely the primary goal of the Complainant. A full admission by the

Respondent is not a prerequisite. This willingness needs to be vetted carefully in advance by the OCRA before determining that an incident is amenable/appropriate for resolution by IR.

- IR can result in an accord or agreement between the parties (Complainant, Respondent, RMU), which is summarized in writing by and enforced by the University. This can be a primary goal of the process.
- IR can result in the voluntary imposition of safety measures, remedies, and/or agreed-upon resolutions by the parties that are enforceable by the University. These can be part of the accord/agreement.
- As a secondary goal, IR can result in the voluntary acceptance of “sanctions,” meaning that a Respondent could agree to withdraw, self-suspend (by taking a leave of absence), or undertake other restrictions/transfers/online course options that would help to ensure the safety/educational access of the Complainant, in lieu of formal sanctions that would create a formal record for the Respondent. These are enforceable by RMU as part of the accord/agreement, as may be terms of mutual release, non-disparagement, and/or non-disclosure.
- Although a non-disclosure agreement (NDA) could result from IR, it would have to be mutually agreed-upon by the parties in an environment of non-coercion verified by the OCRA .
- Institutions must develop clear rules for managing/facilitating the conference/meeting/dialogue of alternative resolution approaches, to ensure they are civil, age-appropriate, culturally-competent, reflective of power imbalances, and maximize the potential for the resolution process to result in catharsis, restoration, remedy, etc., for the harmed party(ies).

APPENDIX B: STATEMENT OF RIGHTS OF THE PARTIES

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to RMU officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by University officials.
- The right to have University Handbooks, policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by University officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by RMU officials of options to notify proper law enforcement authorities, including local police, and the option(s) to be assisted by University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Provo Police and State of Utah law enforcement and/or other University officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to a University-implemented no-contact order [or a no-trespass order against a non-affiliated third party] when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.

- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, is required to occur before this option is available. Such actions may include, but are not limited to:
 - Relocating an on-campus student's housing to a different on-campus location
 - Assistance from University staff in completing the relocation
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation accommodations
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and a pro-rated refund
 - Exam, paper, and/or assignment rescheduling or adjustment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options.

- The right to have RMU maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the University's ability to provide the supportive measures.

- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.

- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.

- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.

- The right not to have irrelevant prior sexual history or character admitted as evidence.

- The right to know the relevant and directly related evidence obtained and to respond to that evidence.

- The right to fair opportunity to provide the Investigator(s) with their own account of the alleged misconduct and have that account be on the record.

- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) working days to review the report prior to the hearing.

- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.

- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, OCRA's, and Decision-maker(s) who have received relevant annual training.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to the use of the appropriate standard of evidence, determined to be a preponderance of the evidence standard at RMU, in the determination of a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by the University is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University.
- The right to a fundamentally fair resolution as defined in these procedures.

APPENDIX C: VIOLENCE RISK ASSESSMENT (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A **Violence Risk Assessment (VRA)** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other team members, including any behavioral intervention team.

A VRA occurs in collaboration with any threat assessment team and must be understood as an on-going process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

1. an appraisal of **risk factors** that escalate the potential for violence;
2. a determination of **stabilizing influences** that reduce the risk of violence;
3. a contextual **analysis of violence risk** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence; and
4. the application of **intervention and management** approaches to reduce the risk of violence.

To assess an individual's level of violence risk, the OCRA will initiate the violence risk assessment process through the appropriate team, who will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor will follow the process for conducting a violence risk assessment and will rely on a consistent, research-based, reliable system that allows for the operationalization of the risk levels.

Some examples of formalized approaches to the VRA process include: The NaBITA Risk Rubric, The Structured Interview for Violence Risk Assessment (SIVRA-35), The Extremist Risk Intervention Scale

(ERIS), Looking Glass, Workplace Assessment of Violence Risk (WAVR-21),¹⁷ Historical Clinical Risk Management (HCR-20),¹⁸ and MOSAIC.¹⁹

The VRA is conducted independently from the Title IX process, free from outcome pressure, but is informed by it. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The team or individual responsible conducts a VRA process and makes a recommendation to the OCRA as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community.

Handbook Review History

Revision	Review Date	Reviewed by
3.0	02/09/2026 02/24/2026 03/03/2026	OCRA Senior Director of Student Affairs Provost

¹⁷ www.wavr21.com

¹⁸ hcr-20.com

¹⁹ www.mosaicmethod.com

