

**VITERBO UNIVERSITY
NONDISCRIMINATION POLICY AND GRIEVANCE PROCEDURES**

NOTICE OF NON-DISCRIMINATION

Viterbo University is committed to establishing and maintaining an environment free from all forms of discrimination including unlawful harassment. Discrimination includes conduct that adversely affects any aspect of an individual's University employment, education, or participation in activities or programs, or has the effect of denying equal privileges or treatment to an individual on the basis of one or more characteristics of that individual's protected status.

No student may be denied admission to, or participation in or the benefits of, or be discriminated against in any service, program, course or facility of the University on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity or expression, national origin, ancestry, disability, pregnancy, marital or parental status, or any other category protected by law.

No University employee may be discriminated against on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity or expression, national origin, ancestry, disability, pregnancy, marital or parental status, genetic information, arrest record, conviction record, military service, veteran status, use or nonuse of lawful products off the employer's premises during nonworking hours, declining to attend a meeting or participate in any communication about religious matters or political matters, or any other category protected by law.

SCOPE OF POLICY

This policy prohibits discrimination against administrators, faculty, and other University employees; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the University's educational programs and activities, including third-party visitors on campus (the "University Community"), on the basis of a legally protected status. The University's prohibition on discrimination extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, athletics, housing, and student services.

Except for complaints of sexual harassment under Title IX (which will be processed in accordance with the grievance process set forth in the Title IX: Prohibition of Sexual Harassment policy), complaints regarding discrimination based on a protected status will be processed in accordance with the grievance procedures in this policy.

Individuals who believe they have been discriminated against in an education program or activity of the University or wish to report discrimination against another individual, should contact the appropriate Conduct Officer. The Conduct Officers designated by the University to coordinate compliance with state and federal laws prohibiting discrimination on the basis of a protected class are listed below.

Conduct Officer for Discrimination Based on a Protected Class other than Sex:

For employees:

Sarah Jackson

Equity and Compliance Specialist, Human Resources
Nursing Center 424
916 10th Street S.
La Crosse, WI 54601
608-796-3933
syackson@viterbo.edu

For students:

Kirsten Gabriel

Vice President, Student Life
226 Murphy Center
LaCrosse, WI 54601
608-796-3840
kkgabriel@viterbo.edu

Compliance Officer for Discrimination Based on Sex:

Title IX Coordinator:

Sarah Jackson

Equity and Compliance Specialist, Human Resources
Nursing Center 424
916 10th Street S.
La Crosse, WI 54601
608-796-3933
syackson@viterbo.edu

Deputy Title IX Coordinators:

Sarah Jackson – Deputy Title IX Coordinator

Equity and Compliance Specialist, Human Resources
Nursing Center 424
916 10th Street S.
LaCrosse, WI 54601
608-796-3933
syackson@viterbo.edu

Kirsten Gabriel – Deputy Title IX Coordinator Vice President, Student Life

226 Murphy Center
LaCrosse, WI 54601
608-796-3840
kkgabriel@viterbo.edu

A Compliance Officer may direct the matter to other institutional disciplinary procedures. This referral option will generally be used when: (1) the type of behavior that is alleged to have occurred does not constitute a violation of this policy, or (2) the behavior that is alleged to have occurred is better handled under another disciplinary procedure.

Nothing contained in this policy or the grievance procedures herein limits any rights of the University or in any way restricts the University from investigating or taking immediate action in appropriate circumstances. Nothing in this policy precludes an individual or the University from contacting criminal authorities under any circumstances deemed appropriate.

Provisions Specific to Title IX

As mandated by Title IX of the Education Amendments Act of 1972 and the implementing regulations set forth in Chapter 106 of Title 34 of the Code of Federal Regulations, the University prohibits discrimination on the basis of sex, including sexual harassment.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Sexual harassment under Title IX will be addressed in the Title IX Sexual Harassment Policy which can be found here: <https://www.viterbo.edu/sexual-misconduct/policy-procedures-and-training>

The University's Title IX Coordinator, identified above, is the designated University representative with primary responsibility for coordinating the University's compliance with state and federal laws prohibiting discrimination on the basis of sex. The Title IX Coordinator is the University agent who is charged with the responsibility to implement and oversee the grievance procedure herein and the Title IX Sexual Harassment grievance process for complaints of sex discrimination and sexual harassment, provide training for the University Community, and monitor all other aspects of the University's compliance with state and federal laws.

If an individual prefers not to contact one of the Title IX Coordinators with questions and concerns regarding sex discrimination at the University, they may contact the U.S. Department of Education's Office for Civil Rights, which can be reached in person or by mail at Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544, by phone at 312-730-1560 or TDD 877-521-2172, or by email at OCR.Chicago@ed.gov or the Educational Opportunities

CONFIDENTIALITY AND REPORTING OPTIONS/CONSIDERATIONS

A. All Complaints Will Be Treated With Consideration to Their Sensitive Nature

1. Complaints will be considered confidential to the extent requested by the complainant, if possible. However, certain disclosures may be necessary for the University to conduct a thorough investigation, comply with state and federal law, and comply with its own procedures and regulations. Records pertaining to students may be subject to the Family Educational Rights and Privacy Act (FERPA).
2. Viterbo University completes publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of identifying information about the complainant, to the extent permissible by law.
3. Viterbo University will maintain as confidential any accommodations or protective measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
4. **Confidential Employees:** Students seeking a confidential source of support should contact one of these confidential employees: All staff in Counseling Services, the Director of Health Services, or the University Chaplain. These are the only Viterbo University employees with the ability to ensure confidentiality of information provided by students subject to applicable law.
 - a. Confidential communications are those communications that legally cannot be disclosed to another person without the consent of the individual who originally provided the information, except under very limited circumstances, such as allegations involving the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person.
 - b. The University recognizes that some individuals may wish to keep their concerns confidential. As a result, the University has designated specific persons as confidential resources for individuals who prefer to talk with someone confidentially about their concerns. These confidential resources include the following:
 1. **All staff in Counseling Services**, Viterbo University, 370 Murphy Center, 608-796-3808 or 608-796-3825 (Wisconsin Statute 905.04).

2. **Director of Health Services**, Viterbo University, 340 Murphy Center, 608-796-3806 (Wisconsin Statute 905.04).
 3. **University Chaplain**, Viterbo University, Campus Ministry House (936 Franciscan Way), 608-796-3804 (Wisconsin Statute 905.06).
- c. Individuals may discuss concerns in complete confidence with a confidential resource, so long as the allegations do not involve the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person. In addition, the University's Counseling Services staff can assist individuals with obtaining medical, emotional, and other support resources whether or not they decide to report their concerns to the University. Confidential resources may submit non-identifying information about violations of this Policy to Viterbo Campus Safety for purposes of anonymous statistical reporting under the Clery Act.
- d. Confidential Employees are not required to report any information regarding an incident to a Compliance/Conduct Officer. Confidential Employees should inform complainants of their right to file complaint with the school and/or a separate complaint with local law enforcement. In addition, to informing students about campus resources for counseling, medical and academic support, Confidential Employees should also indicate that they are available to assist complainants in filing such complaints. They should also explain that the University prohibits discrimination and officials will not only take steps to prevent retaliation but also take responsive action if it occurs.

B. Employee Duty to Report

1. All employees of the University have a duty to report discrimination, including harassment, to the appropriate Compliance/Conduct Officer.
2. The University strongly encourages all students and other individuals participating in an education program or activity of the University to report discrimination, including harassment, to the appropriate Compliance/Conduct Officer.
3. A report to a Compliance/Conduct Officer does not automatically trigger a formal complaint or the initiation of a complaint process. Upon receiving a report of discrimination based on a protected class, the Compliance/Conduct Officer will work with administration to determine the appropriate response.

C. Reporting to University or Police

A student or employee has the right to report conduct to the police and/or to the University. It is the student or employee's choice to report to both, just the police, just the University, or to neither.

D. **Making a Report**

1. Reports of Discrimination Based on Sex.

Reports of discrimination based on sex may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

2. Reports of All Other Discrimination.

Reports of discrimination based on a protected class other than sex, may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the appropriate Conduct Officer listed above. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the appropriate Conduct Officer.

Additionally, students, employees, and family members can make a report through our online [Viterbo Speaks Up](#) form. Viterbo University is committed to providing a safe, educational environment for all members of our community, and by speaking up, you're helping make that happen.

E. **Filing a Report with the Police**

While University support services are available to an individual whether or not they file a report with the police, the University encourages the reporting of incidents that constitute a violation of law to the police or other appropriate authority. There are three ways to contact law enforcement to file a report:

1. **Call 911** if an emergency, or if not emergent, call the police department dispatch where the crime occurred. In La Crosse, the **non-emergency number** is 608-785-5962.
2. **Go to the police station** in the jurisdiction where the assault occurred to file a police report. The La Crosse Police Department is located on the first floor of the City building at 400 La Crosse Street, La Crosse, WI 54601. Lobby hours are weekdays from 8:30 am to 5 pm.

3. **Go to the Hospital.** The hospital will contact police in matters involving sexual misconduct.

A report to law enforcement is not necessary for the University to proceed with an investigation under the grievance procedures in this policy.

F. **Anonymous Reports**

The University will accept anonymous reports of conduct alleged to violate this policy made to a Compliance/Conduct Officer. The individual making the report is encouraged to provide as much detailed information as possible to permit the University to investigate and respond as appropriate. The University may be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the University to conduct a meaningful and fair investigation. Anonymous reporting also limits an individual's ability to request accommodations or re-mediations against an offender and the University's ability to meet such requests.

G. **Amnesty for Complainants and Witnesses.**

Viterbo University encourages reporting of discrimination and seeks to remove any barriers to an individual/group making a report. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct.

1. An individual (group) who (that) reports conduct that violates this policy, either as a complainant or a third-party witness, will not be subject to disciplinary action by the University for their (its) own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk.
2. The University may, however, initiate an educational discussion, pursue other educational interventions regarding alcohol or other drugs, or require counseling or training.
3. Amnesty will not be extended for any violations of University policy other than alcohol/drug use. In addition, amnesty does not preclude or prevent action by police or other legal authorities.

GENERAL PROVISIONS APPLICABLE TO GRIEVANCE PROCEDURES

The University is committed to ensuring that all reports are referred to the appropriate Conduct Officer who will ensure prompt, fair, and impartial investigation and resolution, and consistent application of the policy.

Generally, complaints involving a student respondent will be processed by the Vice President for Student Affairs. Complaints involving a faculty respondent will be processed by the Vice President for Academic Affairs and complaints involving a non-faculty employee respondent will be processed by the Director of Human Resources.

A. Treatment of Parties

The University will strive to treat all parties involved in a complaint procedure with dignity and to provide nonjudgmental support to students, faculty, staff, and third parties who are engaged in a complaint procedure. Upon request, personal counseling services are available to students and the [Employee Assistance Program](#) is available to University employees.

B. Conflict of Interest

If a complainant or respondent has any concern that an individual acting for the University under this Policy has a conflict of interest, such concern should be reported to the Conduct Officer no later than two (2) business days after receiving the notice of the identity of the individual(s) assigned to the matter. The Conduct Officer will review the concerns and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone investigating or resolving a complaint under this Policy.

C. Complainant Request for Confidentiality or Not to Proceed

1. The University will seek action consistent with the complainant's request where possible. Where a complainant makes a report but requests that a name or other identifiable information not be shared with the respondent or that no formal action be taken, the University will balance this request with its obligation to provide a safe and non-discriminatory environment for all Viterbo University community members and to remain true to just procedures that require notice and an opportunity to respond before action is taken against a respondent.
2. In the event that a complainant does not wish to proceed with an investigation or possible sanctions, the Title IX Coordinator will determine, based on the available information, including any investigative report, whether the investigation or sanction proceedings should nonetheless go forward. In making this determination, the University will consider these, among other factors:
 - a. The ability to conduct an investigation without revealing identifiable information.
 - b. The seriousness of the alleged conduct.
 - c. The extent of the threat to the University community.
 - d. The respondent is likely to commit additional acts of sexual or other violence.

- e. Whether there have been other discrimination, harassment, sexual misconduct or retaliation complaints about the same respondent.
 - f. Whether the respondent has a history of arrests or records from a prior school indicating a history of violence.
 - g. Whether the respondent threatened further sexual misconduct against the complainant or others.
 - h. Whether the sexual misconduct was committed by multiple respondents.
 - i. Whether the sexual misconduct was perpetrated with a weapon.
 - j. Whether the complainant is a minor.
 - k. The respondent is a Viterbo University employee.
 - l. Whether the University possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence).
 - m. Knowledge of a pattern of perpetration (e.g. via illicit use of drugs or alcohol) at a given location or by a particular person or group.
3. If a Conduct Officer determines that Viterbo University cannot maintain a complainant's confidentiality, a request for no investigation, and/or a request that disciplinary action is not pursued, the Conduct Officer will attempt to inform the complainant and will, to the extent possible, only share information with those responsible for handling the University's response. In such a situation, Viterbo will remain mindful of complainant's well-being, and will take ongoing steps to protect the complainant from retaliation or harm.

D. Non-Participation and Silence

If, at any time during the grievance procedure, a party decides not to participate, the University may will proceed with the complaint process and make a determination based upon the information available. Silence in response to an allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant's allegations undisputed.

E. Reservation of Flexibility

The procedures set forth in this section reflect the University's desire to respond to complaints promptly and impartially. The University recognizes that each case is unique and that circumstances may arise which require that the University reserve some flexibility in responding to the particular circumstances of the matter. Where it is not possible or practical to follow these procedures, the University reserves the right to modify the procedure or to take other administrative action as appropriate under the circumstances.

F. Time Frames

The University will seek to resolve reports filed pursuant to this policy within sixty (60) days of receiving an initial report, but this time frame may be extended if necessary.

1. Once a report is made, the University will typically determine the appropriate procedure for resolution within five (5) business days of the submission of the report. The determination on procedure will be communicated to the complainant and respondent in writing.
2. Typically, and as appropriate, the investigator(s) will begin an investigation within ten (10) business days of submission of the report.
3. Investigation is typically completed within twenty (20) business days after it begins.
4. Notice of outcome is typically issued within ten (10) business days of the close of the investigation.
5. Time frames may vary depending on the details of the case and/or during certain times of the year (e.g. during breaks or final exams).
6. The University may extend any time frame for good cause, with a written explanation to the complainant and respondent.
7. If the parties and the University agree in writing to the terms and conditions of a recommended resolution within five (5) business days, the case will be resolved without further process under this procedure. If the parties and the University do not agree in writing to the terms and conditions of the recommended resolution within (5) business days, the complaint will be referred to the formal resolution process.

G. Interim Measures

At any time after a report of conduct that violates this policy has been received by the University, the University may take immediate steps as it finds appropriate to meet its obligations to maintain a safe, nondiscriminatory environment for students and employees. The University may take such steps even when a complainant asks that the University keep a reported violation of this policy confidential and that it not investigate the matter, and regardless of whether a complainant chooses to report to local law enforcement. In addition, the University will make accommodations and provide protective measures for a complainant if requested and reasonably available. Such measures will vary based on the particular facts and circumstances and based on a complainant's confidentiality preferences, but may include:

1. Adjusting class, work, or other schedules, in consultation with appropriate administrator(s).
2. Adjusting housing or transportation arrangements, in consultation with appropriate administrator(s).
3. Adjusting a student's or employee's status, in consultation with appropriate administrator(s).
4. Establishing a no contact directive between individuals.
5. Providing escorts.
6. Restricting an individual from being on campus or at University events.

Academic accommodations may include:

1. Accessing academic support such as tutoring, testing in the Academic Resource Center, or extended time tests.
2. Adjusting academic requirements or providing assistance with academic issues.
3. Arranging for incompletes, a leave of absence, or withdrawal from campus.
4. Preserving eligibility for academic, athletic, or other scholarships, financial aid, internships, study abroad, or foreign student visas.
5. Rescheduling an academic assignment or test.
6. Transferring to another section of a lecture or laboratory.

To request an accommodation or protective measure, complainants should contact the appropriate Conduct Officer or the Vice President for Student Affairs. The University will maintain as confidential any accommodations or protective measures provided to the extent that maintaining such confidentiality will not impair the ability of the University to provide the accommodations or protective measures. The University will also solicit feedback from the complainant as to the effectiveness of the accommodations or protective measures, and adjust the arrangements if necessary to enhance effectiveness.

H. Informal Resolution

1. Complaints made pursuant to this policy may be resolved through an informal resolution process. All parties must agree to informal resolution and will maintain the right to end the informal resolution process and proceed to the formal grievance procedures at any time.
2. If an informal resolution is pursued, the Conduct Officer will attempt to facilitate a resolution through an informal process involving the parties. (For example, the parties may agree that education and training are an appropriate and sufficient response to a case).
3. An informal resolution may take place during an investigation or after its conclusion.
4. Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the University to stop, remedy, and prevent policy violations. To facilitate such a resolution, the Conduct Officer will make a recommended resolution that may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, change in housing or office location, restrictions, loss of privileges, restitution, required attendance at educational programs, required assessment or counseling, the respondent's education or employment record including a finding that this Policy was violated, and/or probation.
5. If all parties to the complaint and the University agree in writing to the terms and conditions of a recommended resolution within five (5) business days, the case will be resolved without further process under this procedure. If all parties to the complaint do not agree in writing to the terms and conditions of the recommended

resolution within five (5) business days, the complaint will be referred to the formal grievance procedures.

GRIEVANCE PROCEDURES

If a complaint is not processed or resolved through informal resolution, the complaint shall be processed according to the grievance procedures outlined below.

A. Investigation

1. The investigator(s) will coordinate the gathering of information from the parties and any other individuals who may have information relevant to the determination.
2. The investigator(s) may request and review other evidence of relevance to the alleged conduct, such as video recordings, photographs, text messages, documents, communications between the parties, and other artifacts.
3. In gathering the facts, the investigator(s) may consider prior allegations of, or findings of responsibility for, similar conduct to the extent such information is relevant.
4. The parties will have an equal opportunity to be heard, to submit and review information, and to identify witnesses who may have relevant information.
5. Witnesses must have information relevant to the incident and cannot be participating solely to speak about an individual's character.
6. The investigator(s) will determine the relevancy of any offered information, and will not consider file of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait, including honesty.
7. The investigator(s) will provide timely updates, as appropriate or requested, about the timing and status of the investigation.
8. At any point during the investigation, if it is determined there is no reasonable cause to believe that this policy has been violated, the Conduct Officer or the Title IX Coordinator has the authority to terminate the investigation and end resolution proceedings.
9. The investigator(s) will prepare a written report to guide the adjudicator in their review of the information gathered during the investigation.

B. Adjudication

The University will strive to complete a thorough, fair, impartial, and timely adjudication process.

1. Upon completion of the investigation, an adjudicator appointed by the Conduct Officer will review the investigation report file, and any response submitted by the parties and any other information the adjudicator(s) may deem appropriate and which is made available to the parties.
2. While the Conduct Officer is available for consultation, they will not participate in making a decision.
3. The adjudicator(s) will use a preponderance of the evidence (or “more likely than not”) standard in determining whether a violation of this policy has occurred.
4. If the decision is made that there is not sufficient basis to believe that it is more likely than not that this policy was violated, the parties will be notified in writing of that determination as set forth below.
5. If the decision is made that it is more likely than not that this policy was violated, the adjudicator(s) shall determine appropriate remedies and/or sanctions and notify the parties in writing of the determination as set forth below. The determination will include steps to take to prevent recurrence of any such violations, and as appropriate, remedies for the complainant.

C. Remedies/Sanctions for Students

1. If the decision is made that it is more likely than not that the alleged conduct violated this Policy, the adjudicator(s) shall determine appropriate remedies, and if appropriate, sanction(s) against the respondent.
2. The determination will include steps to take to prevent recurrence of any such violations.
3. Possible sanctions for Viterbo students include counseling or education on appropriate behavior, a requirement of behavioral changes, a written warning and/or other disciplinary actions, up to and including suspension or expulsion.

D. Remedies/Sanctions for Employees

1. If the adjudicator(s) determines that it is more likely than not that a Viterbo faculty, staff, or administrator has violated this Policy, sanctions include, but are not limited to a disciplinary warning, unpaid suspensions, suspension of promotion and salary increments, loss of prospective benefits, major fines, reduction in salary, suspension from service, suspension or withdrawal of

privileges, demotion and/or termination of employment, or any other available sanctions as specified by the Viterbo Personnel Policies Handbook.

2. If the adjudicator determines that dismissal may be an appropriate sanction, the matter will be referred to the President, or the President's designee, for appropriate process and decision, which shall be determined and administered in a manner consistent with the Viterbo Personnel Policies Handbook.
3. In such cases, dismissal for cause may only be effectuated in accordance with Viterbo Personnel Policies Handbook, including use of the preponderance of the evidence standard. The adjudicator(s), or the adjudicator's designee, may impose appropriate sanctions short of dismissal, in a manner consistent with the Viterbo Personnel Policies Handbook.

C. Notification of Determination

1. The parties shall receive a simultaneous written notice of the determination which will include: the determination of the adjudicator(s); where a violation is deemed to have occurred, in the respondent's notice, any imposition of sanctions, and in the complainant's notice, any imposition of sanctions that directly relates to the complainant; any other steps the University has taken to eliminate the conduct and prevent its recurrence; and, in the complainant's notice, remedies offered or provided to the complainant.
2. University-issued email is the primary means of communication used by the University. The Conduct Officer may deliver notice by one or more of the following methods: (a) In person by the Conduct Officer; (b) Mailed to the local or permanent address of the individual as indicated in official University records; or (c) Emailed to the individual's University-issued email account. Notice sent via email will be presumed to have been received by the respondent. In all other circumstances, the respondent must make confirmation of receipt to the Conduct Officer within three (3) business days. If a respondent fails to confirm receipt of the notice of outcome, the Conduct Officer may initiate a complaint for failure to comply with the directives of a university official and give notice of this violation.

D. Appeal

The determination of the adjudicator(s) may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final.

1. Following the communication of the decision by the adjudicator(s), the parties may request an appeal of the decision.
2. The request for an appeal must be submitted in writing to the Conduct Officer within five (5) business days of receiving the notice of outcome. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

3. The basis for an appeal will be limited to the following: New or newly-discovered evidence which may substantially affect the outcome of the adjudication; or a procedural error, which substantially affected the outcome of the adjudication.
4. Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the parties. In an appeal, the burden of proof is on the appealing party to show by a preponderance of evidence that one or more of the above grounds for appeal are satisfied.
5. If the Conduct Officer determines that the appealing party has demonstrated that it is more likely than not that one of the above grounds for appeal is satisfied, the matter will be returned for further review of the investigation report by a new adjudicator(s). If the grounds for appeal relate to the investigation, or warrant additional investigation, the new adjudicator(s) may refer the matter to further investigation before proceeding. Upon further review, the new adjudicator(s) shall utilize the same process as required for all adjudications under this policy.
6. If there is not adequate reason to believe that one or more grounds for appeal has been satisfied, the Conduct Officer may dismiss the appeal. This decision is final and is not appealable.
7. The Compliance Officer will notify the parties to the complaint in writing of his/her determination within ten (10) business days of the filing of the appeal.

PROCEDURE FOR COMPLAINTS INVOLVING THIRD PARTIES

When the University receives a complaint of a violation of this Policy that involve allegations of sex discrimination by a third party (an individual who is not a student, faculty, or staff member), the University, in consultation with the Compliance Officer, may exercise discretion to determine an appropriate investigative and adjudication process based on the facts and circumstances. The University will document the report received, the process used, and the outcome and will submit such information to the Compliance Officer. If it is determined that it is more likely than not that a third party violated this Policy, appropriate sanction(s) may include but are not limited to: conditions upon presence on campus or at University events, no trespass and no contact orders, or other steps deemed necessary to protect the complainant and the campus community. The University will notify the parties of the outcome of the complaint. Any party with concerns about the process or outcome should consult with the Compliance Officer.

ALTERNATIVE PROCEDURES

Nothing in this Policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but are not limited to, filing a complaint with the United

States Department of Education's Office for Civil Rights (OCR). The OCR office for institutions located in Wisconsin is:

U.S. Department of Education Office for Civil Rights Citigroup Center
500 W. Madison Street, Suite 1475 Chicago, IL 60661-4544 Tel:
312.730.1560 TDD: 877.521.2172 Email: OCR.Chicago@ed.gov

RETALIATION PROHIBITED

Neither the University nor any person may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by this 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.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve discrimination but arise out of the same facts or circumstances as a report or complaint of discrimination, or a report or complaint of discrimination, for the purpose of interfering with any right or privilege secured by law constitutes retaliation.

Complaints alleging retaliation may be filed according to the grievance procedures herein.

The University will take appropriate action, up to and including termination for employees, or dismissal for students, against any individual who retaliates against another person in violation of this Policy.

REVIEW OF POLICY

This policy will be reviewed on a periodic basis to incorporate evolving law and guidance, evaluate the supports and resources available to the parties, and assess the effectiveness of the investigation and resolution.