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1. Introduction

The University of Dayton (“University”) will act on any formal or informal complaint or notice of violation of the Nondiscrimination and Anti-Harassment Policy that is received by the Title IX/504 Coordinator & Equity Compliance Officer (the “Equity Compliance Officer” also serves as the University’s Title IX/504 Coordinator).¹

¹ Terms defined in the Nondiscrimination and Anti-Harassment Policy carry those same definitions in this process; thus, where a term is used in the process but the precise meaning is not known, please consult the Nondiscrimination and Anti-Harassment Policy and refer to the definition there.

Equity Complaint Process, (continued)

Equity Compliance Officer contact information:

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The procedures described below will apply to all complaints involving students, staff or faculty members with two exceptions: First, bargaining unit employees will be subject to the terms of their respective collective bargaining agreements to the extent those agreements do not conflict with federal or state compliance obligations; and second, for faculty, any complaint that the University's Non-Discrimination and Anti-Harassment Policy has been violated that is associated with matters outlined in Section I of the Bylaws and Operating Procedures of the Faculty Hearing Committee on Grievances, or Section I of the Bylaws and Operating Procedures of the Faculty Hearing Committee on Academic Freedom and Tenure, will be addressed in conjunction with those procedures, so long as an adequate remedy for any violation determined under this process remains in place.² Requests for responsive actions for complaints brought against non-members of the University community are also covered by these procedures.

2. Confidentiality

Allegations that the University's Nondiscrimination and Anti-Harassment Policy has been violated cannot be kept confidential if they are reported to the Equity Compliance Officer and his or her deputies, or other University personnel with a duty to report such matters. For a list of confidential sources and further information regarding confidentiality, please consult Section VI, entitled "Confidentiality and Reporting of Offenses Under this Policy," of the Nondiscrimination and Anti-Harassment Policy.

3. Pre-Complaint Resolution Efforts and Information

In the spirit of the Marianist charism of community, before pursuing the complaint process, every reasonable effort should be made to constructively and amicably resolve issues among the parties. Whenever possible and safe, the University encourages anyone experiencing an issue to first attempt discussing the issue with the person

² Note that the processes in this document are not meant to subject a respondent to multiple proceedings.

Equity Complaint Process, (continued)

causing the problem. Such discussions may also help prevent tense situations from escalating to an actual hostile environment. If satisfactory resolution is not reached after discussion with that individual, the University complaint process may be initiated. The University does not require a complainant party to contact the person involved if doing so is impracticable, or if the party believes that the conduct cannot be effectively addressed through informal means. You are encouraged to contact the Equity Compliance Officer if, prior to taking the step of filing a formal complaint, you have questions regarding the process, are uncertain as to whether your problem is appropriate for pre-complaint resolution efforts, are interested in counseling or ways to discuss the issue with the other person, etc.

Please do not wait to contact the Equity Compliance Officer or another University official until behavior becomes sufficiently serious (i.e., severe, pervasive, or persistent) to create a hostile environment. The University will take a proactive approach to preventing and addressing harassment.

Please be advised that the pre-complaint resolution process is completely voluntary and that a complainant has the right to end the process at any time and initiate the formal grievance process. Also note that some reports of discrimination or sexual misconduct – such as cases of assault – may not be appropriate for pre-complaint resolution, and may require use of the University Complaint process.

4. Filing a Complaint and Mandatory Reporting

Any member of the community, guest or visitor who believes that he or she has been the victim of harassment or some other form of discrimination prohibited by the Nondiscrimination and Anti-Harassment policy and wishes to make a complaint should contact the Equity Compliance Officer in person, by email, by phone, or electronically by using the Harassment and Discrimination Complaint Form located at: go.udayton.edu/nondiscrimination.

It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member, or for any member of the community to notify Public Safety or a Deputy Title IX Coordinator of his or her desire to make a complaint.

These individuals will in turn notify the Equity Compliance Officer to initiate the formal complaint process. Note that certain departments of the University may have additional procedures and protocols in place to ensure that harassment or other bias-related conduct is not tolerated. Any member of the community, guest or visitor who believes that the Nondiscrimination and Anti-Harassment policy may have been violated and wishes to file a report on behalf of another person should contact the Equity Compliance Officer.

Equity Complaint Process, (continued)

They may report in person, by email, by phone, or electronically by using the Harassment and Discrimination Incident Report Form located at: go.udayton.edu/nondiscrimination .

Most employees receiving reports of a potential violation of this policy are mandatory reporters and are therefore expected to promptly contact the Equity Compliance Officer, within 1 business day of becoming aware of a report or incident. Only employees with a legal obligation to maintain confidentiality, such as counselors, doctors and clergy acting in those roles, are expected to maintain confidentiality consistent with their professional and legal obligations and therefore exempt from the reporting requirement. All other University employees are mandatory reporters for purposes of the Nondiscrimination and Anti-Harassment Policy and this process; see Mandatory Reporting Policy. Completing a Harassment and Discrimination Incident Report Form fulfills this mandatory reporting obligation.

All reports and complaints will be treated with the maximum possible privacy. Subject to the University's obligation to redress violations, a reasonable effort will be made to maintain the privacy of those initiating a complaint or report of a possible violation. In all cases, the University will give consideration to the reporting party with respect to how a possible violation is pursued, but reserves the right, when necessary to protect the community and University, to investigate and pursue a resolution when the reporting party chooses not to initiate or participate in a formal complaint.

No person shall make an allegation that he or she knows to be untrue or knowingly provide false information during the course of an investigation. Making a false complaint or giving false information is a violation of this Policy and may be a basis for discipline, including expulsion or termination. Evidence of false complaints or false information shall be referred by the Equity Compliance Officer to the Office of Legal Affairs.

5. Complaint Intake

All complaints and reports will be investigated. The scope of the investigation will be at the discretion of the Equity Compliance Officer. Normally, within three business days, an initial investigation in the form of an inquiry or review will be done to determine if the complaint on its face alleges a policy violation, and, if so, what policy violations should be alleged as part of the complaint. If the complaint does allege a possible policy violation, the complainant and respondent (if known) will be notified in writing and informed as to the next steps. If the complaint does not allege a policy violation, the case will be closed with no further action and the complainant and respondent (if known) will be so notified in writing.

Equity Complaint Process, (continued)

Note that the University's ability to move forward in reviewing or investigating any matter depends on a number of factors including, but not limited to, knowledge of the alleged victim's identity and/or the alleged victim's willingness to initiate and pursue a formal investigation. Thus, if the complaint is filed anonymously, the University's ability to investigate will be limited, and an investigatory team likely will not be assigned. Additionally, if the complainant does not wish to proceed, an investigation will not follow unless the safety of the University community or legal compliance is jeopardized.

Typically, the informal complaint and resolution procedure involves a basic fact-finding inquiry (see Section 7(A) of this Equity Complaint Process) while the formal complaint and resolution procedure involves a more extensive inquiry into the facts and circumstances (see Section 7(B) of this Equity Complaint Process).

If a University official has a reasonable belief that a crime has been committed, she or he may be obligated to report that to law enforcement if police have not already been notified. In cases where a police investigation has been conducted or is being conducted, law enforcement may be able to provide some information to the Equity Compliance Officer. The University's investigation may be delayed for a short period of time upon a request from law enforcement, but it will promptly resume the investigation as soon as possible.

The investigation and resolution shall be completed as promptly as possible and in most cases within 60 working days of the date the complaint was received, unless extenuating circumstances interfere with such timely completion. Typically, the formal investigation phase will be completed within 30 days and the disposition/resolution/appeal phase will be completed within 30 days of the completion of the investigation. In the event that an investigation and resolution cannot be completed within 60 working days, the parties shall be notified in writing.

6. Interim Remedies/Actions

At any time during the process, the Equity Compliance Officer may recommend that interim protections or remedies for the complainant, respondent, or witnesses be provided by appropriate university officials. These protections or remedies may include, but are not limited to, separating the parties, placing limitations on contact between the parties, interim suspensions (for students), referral to counseling or health services, referral to Employee Assistance Program (for employees) or making alternative workplace or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the University's Nondiscrimination and Anti-Harassment Policy.

Equity Complaint Process, (continued)

7. Formal and Informal Complaint Resolution Procedures

The University has developed both an informal and formal complaint resolution procedure to respond to alleged violations of the University's Nondiscrimination and Anti-Harassment Policy. The use of the informal complaint and resolution procedure is optional. In instances where parties involved do not wish to engage in the informal procedure, where informal resolution is not appropriate, or in situations where attempts at the informal procedure are unsuccessful, the formal procedure will be followed.

a. Informal Complaint Resolution Procedure

The University encourages informal resolution options when the parties desire to resolve the situation cooperatively and expeditiously. Regardless of whether the informal resolution procedure or formal resolution procedure is chosen, the respondent will be advised of the substance of the allegations made against him or her. Where the parties opt to attempt informal resolution, a formal investigation will begin (to be conducted simultaneously with the ongoing informal process), if the parties have failed to achieve resolution within 10 working days.

Please be advised that the informal resolution process is completely voluntary and that a complainant has the right to end the informal resolution process at any time and initiate the Formal Complaint Resolution Procedure. Also note that some reports of discrimination and sexual misconduct – such as cases of assault – may not be appropriate for informal resolution, but may require use of the Formal Complaint Resolution Procedure described below.

b. Formal Complaint Resolution Procedure

In response to reports of policy violations in cases where the complainant does not wish to engage in informal resolution, where informal resolution is not appropriate, or in cases where attempts at informal resolution are unsuccessful, the Equity Compliance Officer will implement a formal complaint resolution procedure, which will consist of two parts: the investigation and the disposition/resolution.

i. Investigatory Team

The Equity Compliance Officer in consultation with appropriate campus authorities will appoint an investigatory team to conduct an adequate, reliable and impartial investigation of the complaint. The investigators shall be members of the University community who are familiar with the policy prohibiting discrimination and harassment and have specialized training and/or experience in the investigation and resolution of discrimination and harassment complaints, including complaints relating to sexual violence. Any real or perceived conflict of interest between an investigator and a party must be disclosed to the Equity Compliance Officer; whether an investigator

Equity Complaint Process, (continued)

with a real or perceived conflict of interest can nonetheless serve on an investigatory team will be assessed on a case-by-case basis (where appointment as an investigator in such circumstances requires, at a minimum, that protective measures be put in place to ensure fairness in the investigation). The investigatory team will act under the supervision of the Equity Compliance Officer and/or his or her deputy.

- *Student Cases*

In cases in which students are accused of a policy violation, the investigatory team is tasked with recommending whether and what further action by the student conduct system, including a hearing before a Hearing Board, is warranted. In doing so, the investigatory team serves two functions. One, the investigatory team creates the case file, which includes a written investigatory report, to be used by the Hearing Board. Students will not be permitted to submit information (e.g., testimony, witness lists, physical evidence, etc.) to the Hearing Board unless it was first presented to the investigatory team. Two, the investigatory team determines whether, in viewing the facts in a light most favorable to the complainant, probable cause exists to believe that a policy may have been violated. If the investigatory team does not find probable cause, the case will be closed with no further action and the complainant and respondent will be so notified in writing.

Either the complainant or respondent may request to participate in the hearing through a method that limits or does not require their physical presence in the hearing room. Such requests must be reviewed in advance by the Chair of the Hearing Panel to ensure that they do not compromise fairness and equity.

- *All Other Cases*

In cases in which persons other than students (i.e., faculty, staff, visitors) are accused of a policy violation, the investigatory team serves as both the investigatory body and the fact finder. It is tasked with investigating the complaint, preparing a written investigatory report, making findings of fact, determining if University policy has been violated, and, if so, recommending suitable actions to appropriate University officials, including the Provost, the Vice President for Human Resources or Office of Legal Affairs, as appropriate (depending on the identity of the respondent, i.e., whether faculty, staff employee or visitor). Ultimately it is up to those respective officials to determine if and how to implement the investigatory team's recommendations.

Equity Complaint Process, (continued)

ii. The Formal Investigation

The investigation generally will include interviews with the parties, if available, interviews with other witnesses as needed and a review of relevant documents as appropriate. Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation are encouraged to maintain confidentiality so as to protect the integrity of the investigation; however, such is not meant to impinge on any legal rights they may have otherwise.

The respondent shall be provided a copy of the written complaint or otherwise informed of the substance of the allegations. If respondent cannot be located, attempts at notification shall be documented. The complainant shall be provided with a copy of the written response provided by respondent, if any, or otherwise informed of the substance of the response to the allegations.

Both the complainant and the respondent will be asked to provide oral (through an interview) and written statements. A complainant or respondent may opt not to participate at all in the investigation or to provide a written statement in lieu of or in addition to any interview with the investigators. However, it is important to note that any decision by a party not to participate or to limit participation in turn limits the ability of the University to discover facts that may support his or her version of the key events.

Complainants and respondents have a right to be accompanied by one support person of their choosing, including, but not limited to a licensed attorney, during any meeting with investigators. The support person cannot be someone who may be called as a witness. The role of the support person is to serve as an advisor. He/she may be present at interviews, hearings and other proceedings, but is not permitted to speak.

Both the complainant and the respondent will be asked to provide a list of possible witnesses as well as any written or physical evidence (e.g., texts, social media, emails, photos, medical reports, etc.) that they wish to be considered by the investigatory team (and in cases involving student respondents, the Hearing Board, if any).

iii. The Disposition/Resolution

At the conclusion of the investigation, the investigatory team will prepare a written report. The report may be used as evidence in other related procedures, if any, such as student Accountability Hearings before the Student Hearing Board. Copies of the investigative report will be provided to those University administrators, academic leaders, and supervisors who

Equity Complaint Process, (continued)

are directly responsible with respect to the parties involved for implementing measures to correct and prevent discriminatory or harassing conditions.

At a minimum, the report will include a statement of the allegations and issues, a description of the applicable standards, and a summary of the information considered.

- *Student Cases*

In cases in which students are accused of a policy violation, the report will also contain a description of the contested and uncontested facts and a finding as to whether, in viewing the facts in a light most favorable to the complainant, probable cause exists to believe that a policy may have been violated. If the investigatory team does not find probable cause exists, the case will be closed with no further action and the complainant and respondent will be so notified in writing.

If the investigatory team finds probable cause to exist, it will refer the case to the Office of Community Standards and Civility for an Accountability Hearing. The Hearing Board will, by conducting an Accountability Hearing, determine using a preponderance of evidence standard whether a policy violation has occurred and will notify the complainant and respondent in writing of the outcome. The procedures employed by the Office of Community Standards and Civility are set forth in detail in the Student Handbook.

- *All Other Cases*

In cases in which persons other than students (i.e., faculty, staff, and visitors) are accused of a policy violation, the report will also contain findings of fact when necessary, and a determination by the investigatory team as to whether university policy has been violated.

Before making any findings of fact, the investigatory team will first determine whether, in viewing the facts in a light most favorable to the complainant, probable cause exists to believe that policy may have been violated. In other words, it will consider whether the facts alleged by complainant, if true, would be sufficient to establish a violation. If in applying this standard, the investigatory team concludes that no probable cause to believe a violation exists, the investigation will conclude and no findings of fact will be made. If, however, the investigatory team determines that probable cause exists to believe that

Equity Complaint Process, (continued)

policy has been violated, then the investigatory team will proceed to make findings of fact.

In determining whether a policy violation has occurred, the investigatory team will employ a preponderance of the evidence standard. For allegations of discrimination or harassing behavior, the possible findings are:

- A. Substantiated: It is more likely than not that the allegation is true.
- B. Unsubstantiated: It is not possible to determine whether the allegation is true or untrue. There is insufficient evidence to prove or disprove that the allegation is true.
- C. Unfounded: It is more likely than not that the allegation is untrue. A finding that the allegations are unfounded does not establish that the complaint was improper or knowingly false. The University at its sole discretion may address any allegation it believes to have been made in bad faith in a separate process or proceeding.

The report also may contain recommendation for actions to resolve the complaint, including but not limited to, educational programs, counseling/coaching, mediation, remedies for the complainant, and a referral to disciplinary procedures, as appropriate. If the investigators found that the Nondiscrimination and Anti-Harassment Policy was not technically violated but they found that intentionally disruptive, bullying or harassing behavior occurred, or a relationship was harmed that could be mended, they could in their discretion recommend mediation, counseling or other restorative steps be taken, and they could note that another University policy may have been violated such that corrective action may be warranted. The report shall be submitted to the Provost, the Vice President for Human Resources or Office of Legal Affairs, depending on the identity of the respondent (i.e., whether faculty, staff employee or visitor). Each such authority will then determine whether to follow the investigators' recommendations and how, if at all, such recommendations shall be implemented.

The complainant and the respondent shall be informed in writing of the completion of the investigation and the outcome of the investigation by the Equity Compliance Officer or one of his or her designees. The complainant shall be informed of the findings and of actions taken or recommended to resolve the complaint, if any, that are directly related to the complainant, such as a recommendation that the accused not

Equity Complaint Process, (continued)

contact the complainant. The complainant may be notified generally that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the respondent. The respondent shall be informed of the findings and of actions taken or recommended to resolve the complaint and shall be notified of referrals for disciplinary action and recommended disciplinary action. The complainant and respondent will not be provided a copy of the investigatory report.

Any accommodation or remedy will be consistent with the seriousness of the offense and will be designed and imposed in a manner reasonably calculated to end the harassment and to prevent future unlawful conduct. For additional information, consult the Student Handbook, the employee Corrective Action policy and/or the Faculty Handbook, as applicable.

In instances where sexual harassment has been found to have occurred, the Equity Compliance Officer and/or Deputy Title IX Coordinator will document and monitor the implementation of any accommodation or remedy. The Equity Compliance Officer and/or Deputy Title IX Coordinator will also follow-up with the parties to ensure that the accommodation or remedy is effectively preventing recurrence of the harassment and serving as the proper remedy for any discriminatory effects on the complainant and others, as appropriate. All situations are subject to follow-up after a period of time to assure that accommodations, remedies and any other resolution measures have been implemented effectively.

iv. The Appeal Process

- *Student Cases*

The appeals process for student cases decided by an Accountability Hearing before the Hearing Board can be found in the “Student Conduct Procedures” section of the University of Dayton Student Handbook.

- *All Other Cases*

For cases where the respondent is not a student, the complainant and respondent may appeal the findings of the investigatory team. All grounds for appeal shall be based on the emergence of new evidence that was previously unavailable, or based on the grounds that some aspect of the Nondiscrimination and Anti-Harassment Policy or this procedure was not adequately followed. All appeals will be conducted in

Equity Complaint Process, (continued)

an impartial manner by a “Complaint Review Committee” (“CRC”), consisting of (a) a designee from either the Provost’s Office or the Office of Human Resources (depending on whether the respondent is faculty or a staff employee); (b) a designee from the Office of Legal Affairs; and (c) an investigator who was not involved in the investigation. The CRC appeals process is as follows:

- (1) The appealing party must submit the CRC appeal request form and all supporting documentation within 5 business days of receiving notice from the Equity Compliance Officer of the outcome of the investigation. This request form is to be submitted to the Equity Compliance Officer who will appoint the CRC for the particular appeal.
- (2) The investigator appointed to the CRC will undertake an initial review of the appeal. In so doing, this investigator may consult with the original investigators on the case, make other inquiries or consider other information, all as he or she deems relevant. Mere disagreement by the appealing party with a finding of fact by the investigatory team is insufficient to support an appeal. The CRC will not reweigh the evidence. Only those requests that are determined to meet the following criteria will be approved for an appeal to the CRC:
 - a. The appealing party has submitted/presented information that indicates a clear error in the investigation that may have affected the final outcome of the investigation and resulting actions taken. To establish the possibility of a clear error, the appealing party must point to a specific step in the investigatory process that was not undertaken in accordance with the procedure set forth above.
 - b. The appealing party has submitted/presented new evidence or new information that did not exist at the time of the investigation that would have had a bearing on the investigatory team’s findings of fact. Information or witnesses that were known to the appealing party at the time of the investigation will not be considered new evidence for an appeal.
- (3) If the appeal is approved, the CRC will convene to deliberate over the issues presented. The actions that may be taken by the CRC include but are not limited to:
 - a. Determination that no corrective action is needed as the new evidence/information and/or error would not change the original findings in the case.

Equity Complaint Process, (continued)

- b. Determination that the original investigatory team is to be reconvened to consider the new evidence/information. (This process may or may not include the appealing party, at the discretion of the CRC.)
 - c. Determination that the case should be taken up by a new investigatory team or referred back to some other step in the equity complaint process.
 - d. Determination to administratively alter the decision and the associated recommended consequences/ sanctions. In cases where the CRC administratively alters the finding, they may refer the assigning of consequences/sanctions to the investigatory team, with advisement, who in turn will adjust their report (if applicable) and forward such modified report to the University official who received the original report (e.g., the Provost, the Vice President for Human Resources or Office of Legal Affairs, depending on the identity of the respondent).
- (4) Decisions rendered by the CRC or actions taken following the CRC's decision are final and not subject to further appeal. Cases that are sent back to the investigatory team or another step in the equity complaint process are not eligible for a second appeal.
- (5) The appealing party will be notified of the outcome of the appeal, including whether the appeal was eligible for appeal and, if it was eligible, the CRC's determination.

8. Records

In implementing this process as the means of enforcing the University's Nondiscrimination and Anti-Harassment Policy, records of all reports, complaints, investigations, resolutions, and any hearings will be confidentially maintained by the Equity Compliance Officer indefinitely as part of their records. Records of all reported complaints, regardless of whether resolved through formal or informal processes, will be kept by the Equity Compliance Officer.

9. Statement of Rights

- *Complainant's Rights*

- To be treated with respect by University officials.

Equity Complaint Process, (continued)

- To an investigation and appropriate resolution of all complaints of discrimination and/or harassment made in good faith to the appropriate University official(s).
- To receive written notification that the respondent has been officially notified of the allegation of violating the University's Nondiscrimination and Anti-Harassment Policy.
- To be notified of the substance of respondent's response, if any, to the allegations.
- To take advantage of campus support resources (such as Campus Ministry, the University Health and Counseling Centers for students, and Employee Assistance Program services for employees).
- To experience a safe living, educational and work environment.
- To have a support person of his or her choosing, including, but not limited to, a licensed attorney, during any meeting with investigators. The support person cannot be someone who may be called as a witness. The role of the support person is to serve as an advisor. He/she may be present at interviews, hearings and other proceedings, but is not permitted to speak.
- To decline to participate in conflict resolution procedures as the means for resolving an allegation.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To be free from retaliation for complaints made, or otherwise participating in an investigation, in good faith.
- To have complaints heard in substantial accordance with these procedures.
- To full participation in this process, whether the injured party is the actual party or the University has brought the complaint.
- To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible.
- The ability to refer to law enforcement and have assistance in doing so if the individual so chooses.
- For residential students, the ability to request housing and living accommodations, if appropriate.
- A "no contact order," if appropriate. A no contact order is an order from a University Official to have no contact with a particular person or persons. Contact is considered any verbal, written, electronic, non-verbal gesture, third party messages, indirect loud talking in the vicinity of the person and could include indirect actions that appear to the University to be intimidating. The University may add to the terms of no contact within the context of the reported incident that preceded the order or concerns that have arisen during the investigation.

- ***Respondent's Rights***

- To be treated with respect by University officials.

Equity Complaint Process, (continued)

- To an investigation and appropriate resolution of all complaints of discrimination and/or harassment made in good faith to the appropriate University official(s).
- To receive written notification if officially accused of violating the University's Nondiscrimination and Anti-Harassment Policy.
- To take advantage of campus support resources (such as Campus Ministry, the University Health and Counseling Centers for students, and Employee Assistance Program services for employees).
- To experience a safe living, educational and work environment.
- To have a support person of his or her choosing, including, but not limited to, a licensed attorney, during any meeting with investigators. The support person cannot be someone who may be called as a witness. The role of the support person is to serve as an advisor. He/she may be present at interviews, hearings and other proceedings, but is not permitted to speak.
- To decline to participate in conflict resolution procedures as the means for resolving an allegation.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To be free from retaliation for complaints made, or otherwise participating in an investigation, in good faith.
- To have complaints heard in substantial accordance with these procedures.
- To be informed in writing of the outcome/resolution of the complaint and the rationale for the outcome, where permissible.
- The ability to refer to law enforcement and to have assistance in doing so if the individual so chooses.
- For residential students, the ability to request housing and living accommodations, if appropriate.
- A "no contact order," if appropriate. A no contact order is an order from a University Official to have no contact with a particular person or persons. Contact is considered any verbal, written, electronic, non-verbal gesture, third party messages, indirect loud talking in the vicinity of the person and could include indirect actions that appear to the University to be intimidating. The University may add to the terms of no contact within the context of the reported incident that preceded the order or concerns that have arisen during the investigation.

10. Revision

These procedures, along with the Nondiscrimination and Anti-Harassment Policy, will be reviewed and updated annually, if necessary, by the Equity Compliance Officer. The presumption is that such review and update will be concluded each summer, with appropriate input reviewed throughout the preceding academic year. The Equity Compliance Officer may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. However, the Equity Compliance Officer may also vary procedures materially with notice (on the University's website, with

Equity Complaint Process, (continued)

appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

11. Discretion

Where an issue is encountered at any juncture of a case that is not addressed specifically by this Equity Complaint Process or the Nondiscrimination and Anti-Harassment Policy, the University has the discretion to determine, in a good faith effort to comply with applicable legal requirements, how to address such an issue.

12. Conclusion

The University encourages all members of its community, as well as visitors, to embrace and abide by the concepts of fairness reflected in this document. Accordingly, the University encourages honesty and candor on the part of anyone participating in any investigatory process. Further, where the investigatory process finds that no policy violation occurred yet wounds nonetheless are known to exist, the University encourages the parties involved to participate in attempts to bring healing to the fractured relationship, and in so doing, to exercise patience, cooperation and compassion.

Where an issue arises that is outside the scope of this Equity Complaint Process – i.e., an issue not related to misconduct directed at a protected class – staff employees should refer to the employee Dispute Resolution Process; faculty should present the matter to the Faculty Hearing Committee on Grievances; and students should contact the Dean of Students Office at 937-229-1212 or by email at deanofstudents@udayton.edu. Any visitor to campus who experiences perceived misconduct should consult with their contact on campus, or contact the Office of Legal Affairs (legalaffairs@udayton.edu). In any situation where an emergency exists, contact Public Safety at 911 or 937-229-2121.

Ideas for improving this process, as well as any other comments, should be directed to the Equity Compliance Officer.

13. History

These procedures were adopted December 10, 2013, implemented January 1, 2014, amended on October 27, 2014 and August 19, 2015.