

## **INTERIM OFFICE OF EQUITY PROCEDURES FOR ALLEGATIONS UNDER POLICY 407.9/.11 (“CONSENSUAL RELATIONSHIPS”), IN LIGHT OF INTERIM POLICY 339 (AND ITS SUB-POLICIES)**

*Intent of this Standard Operating Procedure:* This Standard Operating Procedure preserves the standards and processes set forth by the Faculty Code at Policy 407.9/.11 while setting forth the expectation that the Office of Equity will utilize its standardized investigatory and referral procedures, as described in Interim Policy 339 and its associated procedures, and as set forth herein.<sup>1</sup>

*Standard Operating Procedure:* Certain core investigatory and referral concepts and provisions are listed below. These concepts and provisions apply to allegations of violations of Policy 407.9 (“Consensual Relationships”). In general, this Standard Operating Procedure requires that the Office of Equity conduct a “Preliminary Inquiry,” as required by Policy 407.11.1, which shall consist of an investigation consistent with the provisions set forth below. Upon the completion of the Preliminary Inquiry, and as reflected in the Final Investigation Report, the Office of Equity shall “decide whether or not an Inquiry” under Policy 407.11.2 “is appropriate.” Where an Inquiry is appropriate, it shall be conducted pursuant to Policy 407.11.2. Where the below-listed provisions are in conflict, the Faculty Code controls.

### **Applicable Provisions of the Faculty Code—**

All Faculty Code provisions apply, including without limitation, **Policy 407.9/.11**.

However, in light of the more detailed provisions set forth below, Policy 407.11.1’s requirement that the Office of Equity “inform those filing the complaint [of the results of the Preliminary Inquiry] within 10 days of receiving the complaint of alleged violation of Policies 407.8 and/or 407.9” is rendered nugatory.

### **Applicable Portions<sup>2</sup> of Interim Policy 339—**

339.2.7 Grievance Process (substituting “Consensual Relationships violation” for “Sexual Misconduct” here and throughout)

339.2.8 Retaliation

### **Applicable Portions of the Interim Procedures 339: Sexual Misconduct in an Employment or Education Program or Activity—**

VIII. RESPONSE TO INCIDENT REPORT (substituting “Consensual Relationships violation” for “Sexual Misconduct”; “Policy 407” for “Policy 339”;

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<sup>1</sup> This Standard Operating Procedure will be retired when and if obviated by changes to Policy 407.

<sup>2</sup> All definitions within Interim Policy 339 and Interim Procedures 339 associated with provisions stated herein also apply.

and, “Preliminary Inquiry” for “Preliminary Investigation”, here and throughout, except where otherwise required)

IX. SUPPORTIVE MEASURES

X. CLAIMANT’S DECISION ON HOW TO PROCEED

XI. SAFETY RISK ASSESSMENTS

XII. EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

XIII. PROCESS ADVISORS AND SUPPORT PERSONS

XIV. SCHEDULING

XV. INTAKE

XVII. GRIEVANCE PROCESS (as modified below)

**J4. Standard of Proof**

The University, through an investigator, has the burden to gather sufficient evidence to determine whether or not an Inquiry” under Policy 407.11.2 “is appropriate.”

**J9. Preliminary Investigation Report**

The investigator will issue a preliminary investigation report within 10 business days of the end of the response to the Record period and at least 10 business days prior to the hearing, to both parties and their Process Advisors, if any, simultaneously.

The preliminary investigation report will outline the procedural history of the case from the Formal Complaint to the preliminary investigation report, including the Formal Complaint, Notice of Allegations, interviews, site visits, methods used to gather evidence, and Responses or other submissions made by the parties. The preliminary investigation report will also fairly summarize the investigation and outline all the relevant evidence gathered during the investigation, both inculpatory and exculpatory, including a summary of the narratives provided by both parties and any witnesses interviewed during the course of the investigation. It will also include descriptions of relevant evidence submitted and received. The preliminary investigation report will include the alleged policy violation(s) and the procedural elements to be applied. The preliminary investigation report shall determine whether or not an Inquiry” under Policy 407.11.2 “is appropriate.”

In drafting the preliminary investigation report, the investigator will consider responses to the Record filed by the parties, if any.

#### **J11. Final Investigation Report**

The investigator will review any responses to the investigation report and will consider them when completing the final investigation report.

Within 10 business days of the deadline for responses to the investigation report, the investigator will issue the final investigation report to the parties and notify them that the new information has been added.

The investigator will also add to the Record, the final investigation report and any responses to the preliminary investigation report, including attachments, and will notify the parties and their Process Advisors that the information has been added to the Record.

Within one business day of issuing the final investigation report, the investigator shall notify the Provost that the investigation is complete. Issuance of a Final Investigation Report concluding whether or not an Inquiry” under Policy 407.11.2 “is appropriate” generally concludes the process to be followed by the Office of Equity.

J14.-J29. Omitted.

XVIII. Good Cause Exceptions and Extensions

XIX. Party Decorum

XX. Communication with Parties

XXI. False Reports

XXIII. Accommodations

XXIV. Amnesty for Drugs and Alcohol

XXIII. Electronic Notice and Filing

XXIV. Deadlines

XXV. Information Sharing

XXVIII. Records Access

XXXII. Record Retention

XXXIII. First Amendment Protections