

Equal Opportunity, Harassment, and

Nondiscrimination. Questions may be directed internally to:

Kelly Hermann, Vice President, Accessibility, Equity & Inclusion &
Policy on Nondiscrimination

504 Coordinator
The University of Phoenix provides harassment and retaliation
complaints can be filed with the 504 Coordinator on campus or
4025 S. Riverpoint Parkway, University
Mail Stop, GE 5907
Phoenix, AZ 85040
602-381-9936

Section 504 Coordinator@phoenix.edu
Resolution Services oversees implementation of the University's
policy on Equal Opportunity, Harassment, and Nondiscrimination.

Inquiries may be made externally to:
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: <http://www.ed.gov/ocr>

Education Program or Activity: Locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the harassment or discrimination occurs.

Formal Complaint: A document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting an investigation of the allegations.

Mandated Reporter: Any University employee obligated by policy to share knowledge, notice, and/or reports of actual or suspected harassment, discrimination, and/or retaliation with the Title IX Coordinator.

Preponderance of the Evidence: The standard of proof used to determine whether a Respondent is responsible for a violation of this policy, meaning whether a policy violation is more likely than not.

Protected Class: Race, color, religion, creed, sex, pregnancy (including lactation, childbirth, and related medical conditions), sexual orientation, gender, gender identity or expression, familial or marital status, age (40 or older), physical or mental disability, medical condition (any health impairment related to a diagnosis, record, or

- Takes the form of quid pro quo harassment;

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another when submission to such sexual conduct is made either explicitly or implicitly a term or condition of an individual's work or educational development or performance, or evaluation thereof.

- Creates a hostile environment;

A hostile environment is created when sexual harassment is severe, and/or persistent and/or pervasive and objectively offensive, such that it unreasonably interferes with, denies, or limits the ability to participate in or benefit from the University's education program and activities.

- is retaliatory.

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The following offenses are prohibited forms of discrimination when the act is based upon the Complainant's actual or perceived membership in a protected class.

- 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.
- 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;

parties if and when determining appropriate sanction(s), if any. If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator, in consultation with other administrators as appropriate, determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its

cumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. Investigator(s) will complete the following steps (not necessarily in this order):

- Provide each interviewed party and witness an opportunity to verify the Investigator's summary of the relevant evidence/ testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- 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 in the investigation.

The Decision-maker will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision-maker has final say on all questions and determinations of relevance, subject to any appeal. The Decision-maker will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

Hearings (but not deliberations) are recorded 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 recording of the hearing will not be provided to parties or advisors.

The Decision-maker will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question using the preponderance of the evidence standard.

If the Respondent is found responsible, the Decision-maker will review any pertinent conduct history provided and will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Decision-maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions.

This report must be submitted to the Title IX Coordinator within three (3) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

Using the deliberation statement, the Title IX Coordinator will prepare a Notice of Outcome within five (5) business days of receiving the Decision-maker's deliberation statement, which will be shared with the parties simultaneously.

The Notice of Outcome will identify the specific policy reported to have been violated, including the relevant policy section, and 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, methods used to obtain evidence, and hearings held.

The Notice of Outcome will also 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.

The Notice of Outcome will also include information on the rele-

vant procedures and bases for any available appeal.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered after a finding or admission of responsibility.

Factors considered when determining a sanction

The following sanctions may be imposed upon employees singly or in combination:

- Warning - Verbal or Written
- Performance Improvement/Management Process
- Required Training or Education
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, the Decision-maker may assign any other sanctions as deemed appropriate.

All Respondents are expected to comply with the assigned sanctions within the timeframe specified by the final Decision-maker. Failure to abide by the sanction(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s), including suspension, expulsion, and/or termination from the University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

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Either party may file a Request for Appeal, but it must be submitted in writing to the Title IX Coordinator within ten (10) days of the delivery of the Notice of Outcome.

A three-member Appeal Panel comprised of a manager, director, and College Dean or Vice President will be designated by the Title IX Coordinator, oine