

**THE UNIVERSITY OF CONNECTICUT & UCONN HEALTH
OFFICE OF INSTITUTIONAL EQUITY (OIE)
COMPLAINT PROCEDURES**

These procedures, effective for all reports made to the Office of Institutional Equity (OIE)¹ on or after October 1, 2021, govern OIE’s investigation process when a University of Connecticut or UConn Health employee or other individual affiliated with the University or UConn Health in one of the capacities set forth below is alleged to have violated any University or UConn Health policy within OIE’s jurisdiction.²

Individuals wanting to report alleged violations of University Policies, as defined below, are encouraged to contact OIE as soon as possible following an incident to allow for internal resolution of their complaints, and to connect employees and students with appropriate resources.

These procedures govern OIE’s investigations of alleged violations of University Policy. Suspected crimes or any behavior that poses an imminent risk to any person or the University community should be reported immediately to law enforcement.

OIE will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed to participate in this complaint process. Such arrangements may include, but are not limited to, providing qualified interpreters or assuring a barrier-free location for the proceedings.

¹ OIE maintains office locations on both the Storrs campus and UConn Health.

² Hereinafter, all references to “University” include UConn Storrs campus, UConn regional campuses (including the School of Law and School of Social Work), and UConn Health (including the School of Medicine and School of Dental Medicine). University policies falling under OIE’s jurisdiction, include but are not limited to the following policies: *Policy Against Discrimination, Harassment, and Related Interpersonal Violence*; *Policy Statement: People with Disabilities*; *Non-Retaliation Policy*; *Policy Statement: Affirmative Action and Equal Employment Opportunity*; *UConn Health Affirmative Action, Non-discrimination and Equal Opportunity (2002-44)*; *UConn Health Persons with Disabilities (2002-46)*; and *UConn Health Non-Retaliation (2003-40)* (individually, “University Policy”; collectively, “University Policies”).

In addition to these procedures, individuals are strongly encouraged to read the relevant University Policies in their entirety. Capitalized terms used within these procedures are given the same meaning as defined in the *Policy Against Discrimination, Harassment, and Related Interpersonal Violence*.

These procedures do not govern reports in which a UConn **student** is alleged to have violated any University Policy (see www.community.uconn.edu).

I. UNIVERSITY POLICIES UNDER OIE’S JURISDICTION

- A. As set forth in the University Policies, the University prohibits unlawful discrimination in education, employment, and the provision of services on the basis of legally protected characteristics (race, color, ethnicity, religious creed, age, sex, marital status, national origin, ancestry, sexual orientation, genetic information, pregnancy, physical or mental disability [including learning disabilities, intellectual disabilities, and past or present history of mental illness], veteran’s status, prior conviction of a crime, workplace hazards to reproductive systems, gender identity or expression, and membership in any other protected classes as set forth in state and federal law). More specifically, the University prohibits discrimination, as well as discriminatory harassment, sexual assault, sexual exploitation, intimate partner violence, stalking, sexual or gender-based harassment, complicity in the commission of any act prohibited by the *Policy Against Discrimination, Harassment, and Related Interpersonal Violence*, and retaliation against a person for the good faith reporting of any of these forms of misconduct or participation in any investigation or proceeding related to any of these forms of misconduct under University Policies (“Prohibited Conduct”).
- B. In accordance with University Policies, all parties who participate in the good-faith reporting, filing, investigation, and/or proceedings related to reports of Prohibited Conduct under these procedures shall be free from retaliation on the basis of their participation in this process.

II. GENERAL PROVISIONS

- A. Who May File a Complaint & Scope of Procedures
 - i. Reports of Prohibited Conduct may be filed by Students, Employees, Patients or Third Parties.
 - 1. “Complainant” means the individual who is the subject of any Prohibited Conduct under University Policies, regardless of whether that person makes a report or seeks action under University Policies.
 - 2. “Respondent” means the individual who has been accused of violating University Policy.
 - 3. These procedures apply to reports of Prohibited Conduct by University and UConn Health Employees, including graduate students when the action complained of was taken in the graduate student’s employment capacity (for example, as a Graduate Assistant, Teaching Assistant or Research Assistant, Resident and/or Fellow); or Third Parties³ when:

³ As set forth in section III.E. of the *Policy Against Discrimination, Harassment and Related Interpersonal Violence*, these procedures may be used in reports of Prohibited Conduct by students enrolled in MD or DMD/DDS degree programs at UConn Health. As set forth in Section III.D. of the *Policy Against Discrimination, Harassment and Related Interpersonal Violence*, the University’s ability to take appropriate corrective action against a Third Party

- a. the conduct occurred on campus or other property owned or controlled by the University;
 - b. the conduct occurred in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or
 - c. the conduct occurred outside the context of a University employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for Students, Employees or Third Parties while on campus or other property owned or controlled by the University or in any University employment or education program or activity.
- ii. Reports of Title IX Sexual Harassment (See Section IX.C. of the *Policy Against Discrimination*) are processed using the procedures provided in Appendix II. In matters containing allegations of both Title IX Sexual Harassment and allegations of other Prohibited Conduct, all allegations may be investigated simultaneously; the allegations of Prohibited Conduct not constituting Title IX Sexual Harassment will be addressed through these Complaint Procedures, and only the allegations of Title IX Sexual Harassment will be addressed through the procedures provided in Appendix II.

B. Support Persons

Complainants, Respondents, and witnesses shall have the right to have one (1) support person (which may be a union representative) accompany them to any meeting with OIE related to a report or investigation under these procedures. An individual who is reasonably likely to participate as a witness in the investigation may not serve as a support person during any substantive interview. The Complainant, Respondent or witness is responsible for arranging their support person's attendance at any OIE meeting. It is within OIE's discretion whether to reschedule a meeting or extend other timelines in the investigation process due to a support person's unavailability.

C. Right to File External Complaint

- i. Complainants shall be advised of their right to file an external complaint with the applicable local, state and/or federal agency that enforces laws concerning non-discrimination and anti-harassment in employment or education such as the Connecticut Commission on Human Rights and Opportunities (CHRO), the Equal Employment Opportunity Commission (EEOC), U.S. Department of Labor, Wage and Hour Division, and the Office for Civil Rights (OCR). See Appendix I for agency contact information.

will be determined by the nature of the relationship of the Third Party to the University. The University will determine the appropriate manner of resolution consistent with its commitment to a prompt and equitable process.

- ii. When an external complaint has been filed, OIE will review the complaint and determine on a case-by-case basis, in consultation with other University offices as appropriate, whether OIE will conduct its own, internal investigation or, if OIE has already commenced an investigation, whether such investigation will be discontinued in light of the external filing.

D. OIE Files

OIE will create and maintain a file related to each report of Prohibited Conduct as described herein. The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report. OIE will take reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate the discrimination, harassment or retaliation; prevent its recurrence; and remedy its effects. To that end, OIE may provide information regarding matters it handles to individuals with a need to know the information.

E. Informal Resolution

Nothing in these procedures precludes an individual from seeking to discuss or resolve concerns independently with the University's Ombudsperson or other appropriate resources at the University.⁴ A Complainant may withdraw a complaint and/or their participation at any point; however, it is within OIE's discretion to determine whether and in what manner a matter may proceed, as noted in Section V.A. below.

III. WHERE AND HOW TO REPORT PROHIBITED CONDUCT

- A. A report of Prohibited Conduct may be made in written or verbal form to OIE:

Storrs Campus, Wood Hall - Unit 4175, 241 Glenbrook Road, Storrs, CT 06269;
Phone: 860-486-2943; Email: equity@uconn.edu; Fax: 860-486-6771.

UConn Health, at 16 Munson Road, 4th Floor, Farmington, CT 06030; Phone:
860-679-3563; Email: equity@uconn.edu; Fax: 860-679-6512.

- B. The following information should be included in reports/complaints (to the extent known): the identities of the Complainant(s) and Respondent(s), the approximate date of the incident(s), a description of the concerning behavior, and, if applicable, the protected characteristic(s) alleged to be the basis of the discrimination or harassment.
- C. A Dean, Department Head, Director or Supervisor who knows or should have known about an incident of Prohibited Conduct must comply with that

⁴ <https://equity.uconn.edu/campus-resources/>

Employee's Reporting Responsibilities as set forth in Section VI ("Employee Reporting Responsibilities") of the *Policy Against Discrimination, Harassment, and Related Interpersonal Violence*.

IV. JURISDICTIONAL REVIEW & ASSESSMENT OF MERITS

- A. OIE will review any report made to its office to determine whether OIE has jurisdiction to investigate. If not, OIE will advise the reporting person and will not investigate the report further. However, OIE may, in its discretion, refer the report to other appropriate University offices for further review.
- B. When OIE receives a report of alleged Prohibited Conduct but a Complainant is not identified or is not engaging in OIE's procedures, it is in OIE's discretion to determine whether to move forward with additional steps, including but not limited to conducting an assessment of merits and/or investigation.
- C. When conducting an assessment of merits, OIE will determine whether the conduct at issue, if it occurred as alleged, would constitute a violation of University Policy. To make this determination, OIE's analysis is guided by state and federal law and regulations. In making this assessment, OIE will consider information provided by Complainant, and may also, in its discretion, review information from other sources as deemed relevant by OIE. If OIE determines that the conduct would not violate University Policy even if all the allegations are credited, OIE will advise the Complainant of its determination and will not undertake further investigation. OIE may notify other individuals (including the Respondent) or offices within the University of the reported allegations in order to mitigate the impacts of any potentially discriminatory conduct and/or to alert management of concerns potentially implicating other policies outside of OIE's jurisdiction.
- D. If, based on the allegations, OIE determines that the alleged conduct does not meet the parameters of the Title IX Sexual Harassment, but may violate other provisions of University Policy under OIE's jurisdiction, the investigation will proceed as described below. Allegations meeting the parameters of Title IX Sexual Harassment will be processed according to the procedures in Appendix II.

V. THE INVESTIGATION

- A. OIE will notify the Complainant (if participating) that their matter will proceed to a full investigation after OIE determines that it will initiate an investigation. OIE will determine the appropriate timing of such notification. OIE may determine an investigation must proceed even in the absence or withdrawal of Complainant participation.
- B. Respondents will be informed of the allegations against them and given an opportunity to respond. OIE will determine the appropriate timing of such

notification. Respondents also will be informed that they may enlist the assistance of their union representative, if applicable, for support throughout this process. As their support person (sec. II(b)), a Respondent's union representative may accompany the Respondent to any meetings with OIE.

- C. The standard of proof utilized in OIE's investigations is Preponderance of the Evidence ("more likely than not").
- D. It is within OIE's discretion to determine appropriate investigative steps, which may include but are not limited to, interviewing witnesses determined in OIE's discretion, to have relevant information, and obtaining and reviewing relevant documents or other evidence. These investigative steps may be taken prior to notification of the Respondent(s) under subsection B.
- E. During the course of the investigation, OIE will provide the Complainant (if participating) and Respondent with the opportunity to review their own respective interview summaries and to provide any additional information. The Complainant and Respondent will have three (3) business days to provide a response to their interview summaries.
- F. OIE strives to complete its investigation process within sixty (60) calendar days and to keep parties reasonably informed as to the status of the investigation, consistent with the need to protect the integrity of the investigative process and the privacy of the participants. Investigations may exceed sixty (60) calendar days for good cause, which includes but is not limited to: investigations where additional time is necessary to ensure the integrity and completeness of the investigation; to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of parties and/or witnesses; to account for University breaks or vacations; to account for complexities of a case, including the number of witnesses and volume of information provided by the parties; or for other legitimate reasons.
- G. OIE will notify the parties in writing at the conclusion of its investigation. OIE will also notify the Office of the President and/or the Executive Vice President of UConn Health, and any other individual or office that may need to know the information.

VI. WRITTEN RESPONSE TO OIE'S FINDINGS AND RECOMMENDATIONS REPORT

- A. Both the Complainant and Respondent may submit a written response to OIE's Findings and Recommendations report in lieu of a request for review (pursuant to Section VII below) no later than 5:00 PM (EST) on the fourteenth (14) calendar day from written receipt of OIE's findings. Written receipt is presumed to be five (5) calendar days after transmittal by U.S. mail and the same day if issued via

email before 5:00 PM (EST). A request for an extension of time beyond fourteen days may be granted at the discretion of OIE's Associate Vice President or designee.

B. All written responses will be added to and maintained with OIE's file.

VII. REVIEW OF OIE'S FINDINGS

A. Panel of Reviewers

- i. OIE will appoint a standing pool of trained faculty, staff, and members of the administration to serve two-year terms on a Panel of Reviewers.
- ii. OIE will select the Chair of the Panel of Reviewers.
- iii. The Panel of Reviewers shall be given an orientation and training by OIE regarding the nature of the review process, OIE's procedures, prohibited forms of discrimination, harassment and retaliation, and other issues related to their roles.

B. Request for Review

- i. Either party may request a review of OIE's findings by submitting a written request for review to the Chair of the Panel of Reviewers, in care of the OIE Associate Vice President, no later than 5:00 PM (EST) on the fourteenth (14) calendar day from written receipt of OIE's findings. Written receipt is presumed to be five (5) calendar days after transmittal by U.S. mail and the same day if issued via email before 5:00 PM (EST). A request for an extension of time beyond fourteen days may be granted at the discretion of OIE's Associate Vice President or designee.
- ii. The grounds for review are limited to: (1) violations of these complaint procedures, which would have had a material effect on the outcome; and/or (2) additional evidence that was not available during the investigation, which would have had a material effect on the outcome. A party's request for review must identify at least one of the two grounds for review and provide sufficient detail to understand the basis for the request. Mere disagreement with OIE's findings is not sufficient grounds for review.
- iii. If the request for review is submitted within the timeframe set forth in sec. VII(B)(i), OIE will forward the request to the Chair of the Panel of Reviewers within two (2) business days of receipt.

C. Review Committee

- i. The Chair of the Panel of Reviewers shall choose three members from the Panel of Reviewers to serve as a Review Committee. The Chair of the Panel of Reviewers may serve as one of the three members of the Review Committee. The Review Committee will first review the request to determine if at least one of the review grounds is identified. The Review Committee has the discretion to deny a request if it is clear that neither of the two permissible grounds for review are identified. The Review

Committee's decision to deny a request for failure to identify either of these two grounds is deemed final.

- ii. If either of the two permissible grounds for review is identified, the role of the Review Committee is to determine whether OIE violated its complaint procedures and/or whether there exists new information that was not available during the investigation, and that such error/new information could have had a material effect on the outcome.
- iii. The proceedings of Review Committees are informal. Review Committees should exercise their discretion not to consider cumulative, repetitious or irrelevant evidence. In discharging their duties, Review Committees may interview the parties and review relevant records. The Review Committees also may interview the OIE investigator(s) with regard to procedural questions. A Review Committee is not obligated to do any or all of those things if the Review Committee deems it unnecessary under the circumstances.
- iv. Once the Review Committee has concluded its evaluation of all relevant evidence, it will make a recommendation to the President and/or the Executive Vice President of UConn Health, which may include accepting or rejecting one or all of OIE's findings, or any other actions deemed necessary or appropriate in the discretion of the Review Committee.
- v. The Review Committee shall make its recommendation in writing and provide it to the President and/or the Executive Vice President of UConn Health within twenty (20) business days of the Committee's receipt of the request for review. Extensions of time may be granted by the President and/or the Executive Vice President of UConn Health or their respective designee on the basis of good cause.

D. Presidential Action

The President or designee and/or the Executive Vice President of UConn Health or designee will notify the parties in writing of their response to the Review Committee's recommendation within ten (10) business days of receipt.

APPENDIX I

MOST COMMONLY USED CIVIL RIGHTS ENFORCEMENT AGENCIES

Connecticut Commission on Human Rights and Opportunities (CHRO)*

CAPITOL REGION OFFICE:

450 Columbus Boulevard
Hartford, CT 06103-1835
PHONE: (860) 566-7710
FAX: (860) 566-1997
TDD: (860) 566-7710
EMAIL: CHRO.Capitol@ct.gov

EASTERN REGION OFFICE

100 Broadway
Norwich, CT 06360
PHONE: (860) 886-5703
FAX: (860) 886-2550
TDD: (860) 886-5707
EMAIL: CHRO.Eastern@ct.gov

WEST CENTRAL REGION OFFICE

Rowland State Government Center
55 West Main Street, Suite 210
Waterbury, CT 06702-2004
PHONE: (203) 805-6530
FAX: (203) 805-6559
TDD: (203) 805-6579
EMAIL: CHRO.WestCentral@ct.gov

SOUTHWEST REGION OFFICE

350 Fairfield Ave., Sixth Floor
Bridgeport, CT 06604
PHONE: (203) 579-6246
FAX: (203) 579-6950
TDD: (203) 579-6246
EMAIL: CHRO.Southwest@ct.gov

*For information on which CHRO field office to utilize, please visit
<https://portal.ct.gov/CHRO/Commission/Commission/Contact-Us> .

U.S. Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building

15 Sudbury Street, Room 475

Boston, MA 02203-0506

PHONE: (800) 669-4000

FAX: (617) 565-3196

TTY: (800) 669-6820

ASL Video Phone: (844) 234-5122

<https://www.eeoc.gov/field-office/boston/location>

U.S. Department of Education

Office for Civil Rights/Boston (OCR)

U.S. Department of Education

Eighth Floor

5 Post Office Square

Boston, MA 02109-3921

PHONE: (617) 289-0111

FAX: (617) 289-0150

TDD: (800) 877-8339

EMAIL: OCR.Boston@ed.gov

<http://www2.ed.gov/about/offices/list/ocr/index.html>

U.S. Department of Labor, Wage and Hour Division

HARTFORD DISTRICT OFFICE

135 High Street, Room 210

Hartford, CT 06103-1111

PHONE: (860) 240-4160; 1-866-4-USWAGE (1-866-487-9243)

TTY: 1-877-889-5627

EMAIL: <https://webapps.dol.gov/contactwhd/Default.aspx>

<https://www.dol.gov/agencies/whd/contact/complaints>

NEW HAVEN AREA OFFICE

150 Court Street, Room 208

New Haven, CT 06510

PHONE: (203) 773-2249; 1-866-4-USWAGE (1-866-487-9243)

<https://www.dol.gov/agencies/whd/contact/complaints>

U.S. Department of Health and Human Services

HHH Building, Room 509F

200 Independence Avenue SW

Washington, D.C. 20201

PHONE: 1-800-368-1019

TDD: 800-537-7697

<http://www.hhs.gov/ocr/office/file/index.html>

<https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>

APPENDIX II

EMPLOYEE-RESPONDENT TITLE IX SEXUAL HARASSMENT PROCEDURES

I. FILING A FORMAL COMPLAINT

The grievance procedures under this Appendix II may be initiated by the filing of a Formal Complaint as follows:

- a. The Complainant signing or acknowledging a written document or electronic submission that contains the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the Formal Complaint, identifying the Complainant and the Respondent(s), and requesting OIE to investigate their allegation(s) of sexual harassment; or
- b. The Title IX Coordinator or designee signing or acknowledging a written document or electronic submission requesting OIE to investigate allegation(s) of sexual harassment regarding the Respondent(s).

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.

Upon receipt of a Formal Complaint, OIE will provide a Notice of Allegations to the parties as set forth in Section III below.

Supportive measures are available to Complainants and Respondents. See Section VIII of the *Policy Against Discrimination*.

II. REQUIRED ELEMENTS OF THE FORMAL COMPLAINT

A Formal Complaint must meet all of the following required elements in order to initiate the investigation procedures under this Appendix II. In determining whether a Formal Complaint meets all the required elements, OIE will apply the provisions of the Title IX regulations, guidance from the U.S. Department of Education, and applicable case law. If the Formal Complaint does not meet the following required elements, it will be dismissed, and OIE will provide written notice of the dismissal and reasons therefor to the parties. If a Formal Complaint is dismissed under this provision, the matter may still be addressed pursuant to other provisions of the *Policy Against Discrimination, Harassment and Related Interpersonal Violence*, and the preceding *OIE Complaint Procedures*. OIE's dismissal of a Formal Complaint under this Appendix II may be appealed through the process set forth in Section VI below.

a. Identity of the Complainant

- i. The Complainant is defined as an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

- ii. The Complainant must be participating in or attempting to participate in a University education program or activity at the time the Complaint is filed. Education Program or Activity includes locations, events, or circumstances within the United States over which the University exercised substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building within the United States that is owned or controlled by a student organization officially recognized by the University.
- iii. A Complainant cannot file a Formal Complaint under this Appendix II anonymously.

b. Identity of the Respondent(s)

- i. The Respondent(s) is defined as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- ii. The identity of the Respondent(s), if known, must be included in the Formal Complaint.

c. Allegations of Sexual Harassment

- i. The Formal Complaint must include allegations of Title IX Sexual Harassment, which is defined as conduct that occurs on the basis of sex in a University education program or activity in the United States that satisfies one or more of the following:
 - 1. An employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo);
 - 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity (i.e., hostile environment); or
 - 3. Sexual assault (as defined by Clery Act), or “dating violence,” “domestic violence,” and “stalking” (as defined by Violence Against Women Act).

d. A request that OIE investigate the allegation of sexual harassment.

III. NOTICE OF ALLEGATIONS

Upon receipt of a Formal Complaint pursuant to Sections I and II above, OIE will provide a written Notice of Allegations to the Complainant (if applicable) and the Respondent(s) regarding the allegations and containing information about the grievance process. If, during the course of the investigation, OIE receives information of additional allegations concerning the Respondent(s), OIE may supplement the Notice of Allegations, or may address the additional allegations through a separate process under the applicable procedures (including these Appendix II procedures or the preceding *OIE Complaint Procedures*). If a Formal Complaint is made but is dismissed pursuant to Section II above, OIE will provide the parties with both the Notice of Allegations, as well as the written notice of dismissal.

IV. INVESTIGATION⁵

- a. **Assignment of Advisors:** Within seven (7) calendar days of OIE's issuance of the Notice of Allegations, the parties may identify an advisor of their choice to accompany them to any meeting or proceeding under these Appendix II procedures. If a party indicates that they want OIE to assign an advisor to them, or if a party does not select an advisor by 5:00 PM (EST) on the seventh day following OIE's issuance of the Notice of Allegations, OIE will assign an advisor.
 - i. **Advisor** is defined as one individual (who may be a union representative or attorney) who is selected by a party, or, if none is selected, who is assigned by OIE to assist the party throughout the proceedings set forth in this Appendix II. The advisor may not participate in the proceedings in lieu of the party; the party must maintain meaningful participation in all proceedings. The advisor must maintain respectful and professional decorum in all proceedings; failure by the advisor to do so may result in OIE excluding the advisor from participation. OIE maintains discretion to determine whether exclusion of an advisor is warranted. If an advisor is excluded from participation in the hearing pursuant to Section V below, OIE will appoint an advisor for the party.
 - ii. **Support Person:** In addition to one advisor as set forth above, parties and witnesses are permitted to have one support person accompany them to any meeting with OIE or proceeding under these Appendix II procedures. An individual who is reasonably likely to participate as a witness in the investigation or hearing may not serve as a support person during any substantive interview or in the hearing pursuant to Section V below. A support person's role is to offer comfort and guidance to a party or witness; a support person may not actively participate in any proceeding under these Appendix II procedures. A support person's failure to maintain respectful and professional decorum and to limit their conduct at any meeting or proceeding to the scope of the role as described herein may result in OIE excluding the support person from any meeting or proceeding. OIE maintains discretion to determine whether exclusion of a support person is warranted. The party or witness is responsible for arranging their support person's attendance at any meeting or proceeding. It is within OIE's discretion whether to reschedule a meeting or proceeding or extend other timelines in the investigation process due to a support person's unavailability.
- b. **Identifying Witnesses and Evidence:** Within fourteen (14) calendar days of OIE's issuance of the Notice of Allegations, the parties may provide to OIE a list of witnesses and other evidence they believe may be relevant to OIE's investigation. It is within OIE's discretion to determine appropriate investigative

⁵All timeframes noted within this Appendix II refer to calendar days, unless otherwise noted. To be considered timely, OIE must receive notice of completion of the procedure on or before 5:00 PM EST on the final day of the designated timeframe. Any requests for extension of these timeframes must be made within the designated timeframe and may be granted for good cause at the discretion of the OIE Associate Vice President or designee.

steps, including identifying which witnesses to interview and which documents to gather during its investigation.

- c. **Parties' Inspection and Review of Evidence:** Upon completion of OIE's investigation, OIE will provide the parties and their respective advisors with an electronic copy of the evidence directly related to the allegations which OIE obtained during the investigation, including a summary of the substantive information provided to OIE during interviews with the parties and witnesses, and any documentation OIE obtained that is directly related to the allegations. Within fourteen (14) calendar days of OIE's provision of the evidence, the parties may provide to OIE a written response to the evidence. After receipt of these responses (if submitted within the applicable timeframe), OIE will consider whether additional investigative steps are warranted or whether OIE's investigation should be concluded.
- d. **Investigative Report:** Upon conclusion of OIE's investigation pursuant to Section IV.c., OIE will provide the parties and their respective advisors with an electronic copy of its Investigative Report, which will summarize the relevant evidence, and may make recommended factual findings, conclusions, and credibility analyses.
- e. **Written Response to Investigative Report:** Within fourteen (14) calendar days of OIE's issuance of the Investigative Report, the parties may submit to OIE a written response to the report.

V. HEARING

- a. Upon completion of the Investigative Report, OIE will appoint a Hearing Chair to conduct a hearing, and two Hearing Officers who will render a decision on the Formal Complaint. OIE will schedule a hearing as soon as practicable, but not earlier than fourteen (14) calendar days following the issuance of the Investigative Report.
- b. After expiration of the fourteen (14) calendar day timeframe in Section IV.e. above, OIE will provide the Investigative Report and the parties' responses to the report to the Hearing Chair and Hearing Officers. OIE will also provide each party's responses to the Investigative Report to the other party.
- c. The hearing will be conducted in person or using video conferencing that allows all individuals participating in the hearing to communicate live. The hearing will be audio recorded, and may be video recorded. OIE will have discretion to permit additional individuals (including, but not limited to representatives from Human Resources and Labor Relations) to observe the hearing.
- d. The Hearing Chair will oversee questioning parties and witnesses who appear for the hearing, and will make decisions regarding the relevancy of evidence offered and questions asked before a party or witness answers.
- e. For allegations of Title IX Sexual Harassment by a UConn Health employee or a student enrolled in an MD or DMD/DDS degree program at UConn Health, a live hearing pursuant to subsections c and d above will not occur; however, each party may submit to the Hearing Chair within fourteen (14) calendar days following issuance of the Investigative Report, written questions to be asked of any party or

witness. The Hearing Chair will then make any relevancy determinations regarding the submitted questions and will promptly provide relevant questions to the party or witness to whom they are directed. Responses from the party or witness must be provided to the Hearing Chair within five (5) calendar days of the party's or witness's receipt of the questions, and the Hearing Chair will promptly provide the responses to the questioning party. Within two (2) calendar days of the questioning party's receipt of the responses, the questioning party may submit to the Hearing Chair additional questions for the party or witness. The Hearing Chair will make any relevancy determinations regarding the additional questions and will promptly provide relevant questions to the party or witness to whom they are directed. The responding party's responses thereto shall be submitted to the Hearing Chair within five (5) calendar days of the party's or witness's receipt of the additional questions, and the Hearing Chair will promptly provide the responses to the questioning party.

- f. If deemed reliable and relevant by the Hearing Officers, and not otherwise subject to exclusion under controlling federal laws and regulations or these procedures, the Hearing Officers may consider the statements of persons who were not present at the hearing, or persons who were present at the hearing but who nevertheless were not subject to cross-examination. This includes, but is not limited to, opinions and statements in police reports or other official reports, medical records, court records and filings, the Investigative Report and the parties' responses to the report, OIE notes and summaries of interviews generated as part of its investigation, responses to written questions, emails, written statements, affidavits, text messages, social media postings, and the like.
- g. Following the hearing or the conclusion of the procedures in subsection e above, the Hearing Officers will issue a written decision regarding Respondent(s)'s responsibility and recommendation regarding sanctions (if applicable). The standard of evidence to be used in determining responsibility is a preponderance of evidence (a determination based on facts that are more likely true than not).
 - i. Possible disciplinary sanctions and remedies may range from counseling to separation from the University.

VI. RESPONSE TO DECISION AND APPEAL PROCESS

- a. **Response to Decision:** Within seven (7) days of the issuance of OIE's decision regarding the dismissal of a Formal Complaint pursuant to Section II above, or the Hearing Officers' decision following the hearing pursuant to Section V.e. above, either party may submit to OIE a written response regarding the decision. The written response should be addressed to the OIE Associate Vice President and sent by email to equity@uconn.edu. The written response will be maintained in OIE's file.
- b. **Appeal:** If a party wishes to appeal OIE's dismissal of a Formal Complaint pursuant to Section II above, or the Hearing Officers' finding as to Respondent's responsibility, their appeal must be made within the timeframe specified in Section VI.a. above and submitted to the OIE Associate Vice President by email to equity@uconn.edu. The party's written submission must specify that they

intend to appeal OIE's dismissal of a Formal Complaint, or the finding as to Respondent's responsibility and must identify at least one of the following grounds: (i) Procedural irregularity that affected the outcome of the matter; (ii) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or (iii) The Title IX Coordinator, investigator(s), Hearing Chair or Hearing Officer(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter. A written submission that does not identify at least one of these grounds for appeal will be considered a written response pursuant to Section VI.a. above and will not be processed through the appeal procedures set forth below.

- i. Within two (2) business days of OIE's receipt of an appeal, OIE will acknowledge receipt of the party's appeal and inform the other party that an appeal has been filed. Within seven (7) calendar days of OIE's acknowledgement or notice that an appeal has been filed, the parties may submit to OIE a statement regarding OIE's dismissal of a Formal Complaint or the outcome of the Hearing Officers' decision.
- ii. After expiration of the seven (7) calendar day timeframe set forth in Section VI.b.i., above, OIE will provide to the Chair of the Panel of Reviewers the following:
 1. For appeals of Hearing Officers' decision: the party's appeal; the Hearing Officers' decision and the parties' responses or statements (if any) regarding the Hearing Officers' decision; the Investigative Report and both parties' responses to the Investigative Report (if any).
 2. For appeals of OIE's dismissal of a Formal Complaint: the party's appeal; the parties' statements regarding OIE's decision (if any); and the written notice of dismissal from OIE.
- iii. The Chair of the Panel of Reviewers shall choose three (3) members from the Panel of Reviewers to serve as a Review Committee. The Chair of the Panel of Reviewers may serve as one of the three members of the Review Committee. The Review Committee will review the appeal to determine if at least one of the appeal grounds is identified. The Review Committee has discretion to deny an appeal if it is clear that none of the permissible grounds for appeal are identified. The Review Committee's decision to deny an appeal is deemed final.
- iv. If the Review Committee finds that an appeal should be granted, the Review Committee will make a recommendation to the President and/or the Executive Vice President of UConn Health, which may include remanding the matter for further investigative or hearing proceedings, accepting or rejecting one or all of the Hearing Officers' findings, or any other actions deemed necessary or appropriate in the discretion of the Review Committee.
- v. The Review Committee shall make its recommendation in writing and provide it to the President and/or the Executive Vice President of UConn

Health within twenty (20) business days of the Committee's receipt of the appeal. Extensions of time may be granted by the President and/or the Executive Vice President of UConn Health or their respective designee on the basis of good cause.

1. The President or designee and/or the Executive Vice President of UConn Health or designee will notify the parties in writing of their response to the Review Committee's recommendation within ten (10) business days of receipt.
- vi. Upon OIE's receipt of the Review Committee's decision, OIE will inform the parties of the decision.

VII. RECORDKEEPING

OIE will maintain records of all proceedings under this Appendix II. Such records will be shared pursuant to these procedures, and may be disclosed to others with a need to know the information or pursuant to state or federal law or regulations.

Revised October 1, 2021