



The University of Vermont

Policy V. 7.12.2

Responsible Official: Vice President  
for Human Resources, Diversity &  
Multicultural Affairs

Effective Date: October 10, 2016

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# Discrimination and Harassment

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## Policy Statement

The University of Vermont strictly prohibits discrimination against, and harassment of, its students, employees, and affiliates on the basis of an individual's membership in a legally protected category as defined in the University's Equal Opportunity in Educational Programs and Activities and Equal Employment Opportunity/Affirmative Action Policies.<sup>1</sup> The University also strictly prohibits retaliation against an individual for making a good faith report of conduct prohibited under this Policy, as well as individuals providing information, participating in the investigation of any such report, or otherwise being involved in the process of responding to, investigating, or addressing allegations of discrimination or harassment.

Individuals are strongly encouraged to report incidents of discrimination and harassment to the University's Office of Affirmative Action and Equal Opportunity (AAEO), and to University Police Services, as appropriate, immediately following their occurrence. The length of time between an incident and making a report will not affect the willingness of the University to investigate the allegations or to provide support and other services to the individual reporting the conduct. However, a prompt report, and the preservation of evidence, will significantly impact the ability of the University to conduct a full investigation.

Campus community members found to be in violation of this Policy will be subject to disciplinary action, up to and including termination of employment, suspension or dismissal from the University, and/or referral for criminal investigation and prosecution under applicable law.

## Reasons for the Policy

The University of Vermont is committed to creating and maintaining a community in which its members are free from all forms of harassment and discrimination, consistent with its obligations under federal and state law. The University of Vermont recognizes the long-lasting and detrimental effects of discrimination and harassment on individuals, on our entire community, and on our mission to prepare UVM students to lead productive, responsible and creative lives.

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<sup>1</sup> Sexual harassment is prohibited by, and addressed in, a separate University policy – Sexual Harassment and Misconduct: [http://www.uvm.edu/policies/general\\_html/sexharass.pdf](http://www.uvm.edu/policies/general_html/sexharass.pdf).

University policy therefore strictly prohibits all forms of discrimination and harassment and is committed to (1) eliminating, preventing, and addressing the effects of discrimination and harassment; (2) cultivating a climate where all individuals are well-informed and supported in reporting incidents of discrimination and harassment; and (3) providing a fair and impartial process for investigation and adjudication of conduct prohibited by this Policy.

## Applicability of the Policy

This policy applies to all University employees, as well as contractors, consultants, and temporary employees; students who are enrolled in coursework, and those who have indicated an intent to do the same, as further defined in the Definitions section of this Policy, at the time the conduct occurs; University-recognized organizations and affiliated entities, and their members; participants in academic, extracurricular, research, occupational training, or other programs and activities sponsored by the University or occurring on University premises, irrespective of whether the behavior occurs on or off-campus<sup>2</sup>.

In addition to the investigation and sanctioning processes set out in this Policy, members of the University community may also be subject to review of the same conduct for (1) violation of professional standards related to an academic program; (2) conduct standards associated with Athletics; (3) conduct standards associated with recognized student organizations; (4) Housing and Meal Plan Contract Terms and Conditions; (5) eligibility to participate in other University sponsored programs.

## Policy Elaboration

See Procedures.

## Definitions

*Advisor:* An individual selected by either party to provide personal support throughout the reporting, investigation, and any resulting disciplinary process under this policy. Advisors may have no other role, such as a witness, in the University process, and may not speak on behalf of or otherwise represent their advisees during investigatory or disciplinary meetings.

*Complainant:* The individual who experienced behaviors or conduct alleged to be in violation of this Policy, irrespective of whether that individual initiated any formal University process, or has otherwise chosen to participate in such a process. The determination as to whether to proceed with an investigation is made by the University's Executive Director of Affirmative Action and Equal Opportunity, as detailed in this Policy and accompanying procedures.

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<sup>2</sup> Jurisdiction for conduct occurring off-campus and not in connection with a University sponsored or affiliated program or event requires a determination that the conduct may: (1) reflect adversely on the Respondent's fitness to remain enrolled in an academic program or employed in his/her position; (2) pose an imminent or continuing threat of harm to the safety of UVM community members; or (3) create or contribute to a hostile environment on campus.

*Discrimination:* Adverse treatment based on an individual's membership in a legally protected category that is sufficiently serious to unreasonably interfere with or limit an individual's opportunity to participate in or benefit from a University program or activity, or that otherwise adversely affects a term or condition of the individual's employment or education. There are two types of discrimination:

- *Disparate treatment* refers to intentional differential treatment of an individual or group protected by federal and/or state law.
- *Disparate impact* refers to policies, practices, rules, or other systems that appear to be neutral, but result in a disproportionate negative impact on protected groups, if the policies or practices at issue are not related to bona fide qualifications to a position of employment or to participation in an academic program.

*Harassment:* A form of discrimination (defined above) that encompasses an incident or incidents of verbal, written, visual, or physical communications and/or conduct based on or motivated by an individual's membership in a legally protected category that is sufficiently severe, pervasive, persistent or patently offensive that it has the effect of unreasonably interfering with that individual's work or academic performance, or that creates a hostile working, educational or living environment. Harassment may include the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display or circulation of written or visual material, taunts, and negative references related to any of these protected categories. There are two types of Harassment:

- *Hostile Environment:* A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's educational or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:
  - The frequency, nature and severity of the conduct;
  - Whether the conduct was physically threatening;
  - The effect of the conduct on the Complainant's mental or emotional state;
  - Whether the conduct was directed at more than one person;
  - Whether the conduct arose in the context of other discriminatory conduct;
  - Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; and
  - Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment.

- *Quid Pro Quo*: a Latin phrase meaning “This for That”, where an employee or student's submission to or rejection of unwelcome treatment based on a protected category is made, either explicitly or implicitly, a term or condition of their employment, academic standing, or participation in any University programs or activities, or is used as the basis for University decisions affecting the individual.

*Legally Protected Category*: Identities or characteristics on the basis of which discrimination and harassment are prohibited by state and/or federal law, as defined in the University’s Equal Opportunity in Educational Programs and Activities

(<http://www.uvm.edu/policies/student/equaledu.pdf>) and Equal Employment Opportunity/Affirmative Action ([http://www.uvm.edu/policies/general\\_html/affirm.pdf](http://www.uvm.edu/policies/general_html/affirm.pdf)) Policies. Please note, however, that discrimination or harassment based on “sex” as a legally protected category are separately addressed by the University’s Sexual Harassment and Misconduct Policy ([http://www.uvm.edu/policies/general\\_html/sexharass.pdf](http://www.uvm.edu/policies/general_html/sexharass.pdf)).

*Preponderance of the Evidence*: The evidentiary standard used in campus investigation and disciplinary processes to determine whether or not a Respondent is responsible for a violation of this Policy. A preponderance of the evidence is found when the alleged actions are more likely to have occurred than not.

*Respondent*: An individual who has been accused of violating this Policy.

*Responsible Employee*: Responsible Employees are individuals with legally required reporting responsibilities related to incidents of Discrimination and Harassment that involve a member of the University community (e.g. faculty, staff, student, or affiliate), as detailed in this Policy.<sup>3</sup> Responsible Employees include, but are not limited to, members of UVM Police Services and contract security personnel; a supervisor, manager or higher level employee; a chair, director or dean of an academic unit; full and part-time faculty members; personnel with oversight responsibilities for students or student employees; advisors to recognized student organizations; coaches and coaching staff. Responsible Employees necessarily include individuals identified as Campus Security Authorities (“CSAs”) under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) and University policy ([Campus Security Authority Operating Procedure](#)). For purposes of this Policy, employees who have a legally recognized confidential relationship with the Complainant (“Confidential Employees”), such as licensed health care providers in the Center for Health and Well Being or the Employee Assistance Program, and the Campus Victim’s Advocate, do not constitute Responsible Employees.<sup>4</sup>

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<sup>3</sup> Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g. “Take Back the Night,” candlelight vigils, protests, or “survivor speak-outs”); or (2) during participation as a subject in an Institutional Review Board approved human subjects research protocol. The University may provide information about this Policy and available resources to participants at Public Awareness Events and through its IRB protocols.

<sup>4</sup> While Confidential Employees are exempt from the definition of a Responsible Employee under federal law, they nevertheless are required by University policy to report de-identified statistical information of discrimination and harassment incidents (including the nature, date/time, and general location) to AAEO, and at all times comply with their obligations as Campus Security Authorities under the Clery Act, as applicable.

Individuals should contact the General Counsel’s Office if they have any questions about whether they or another member of the campus community is a “Responsible Employee”.

*Retaliation:* Any adverse action taken against a person for making a good faith report of prohibited conduct, or participating in any proceeding, under this policy. Acts of retaliation may include, but are not limited to, intimidation, threats, harassment, coercion, discrimination, or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct. Retaliation may be undertaken or attempted either directly or by someone acting on behalf of another.

*Sanctioning Official:* A professional staff member designated by the Center for Student Conduct to render disciplinary sanctions for Student Respondents under this Policy.

*Student:* Any person registered for, enrolled in or auditing any course(s) at the University of Vermont. Examples include, but are not limited to, students who are enrolled but not taking classes due to an academic break, medical leave, suspension, or other personal leave; students who were enrolled at the time of the incident; persons who demonstrate an intent to enroll by registering for courses; and students participating in study abroad programs.

## Procedures

### Inquiries and Confidential Resources

Staff members in the Office of Affirmative Action and Equal Opportunity (AAEO) are available to provide general information about harassment and discrimination investigation procedures upon request. However, if an individual wishes to discuss a specific incident confidentially without filing a report for institutional review and response, that individual should directly contact:

UVM Counseling & Psychiatry Services ( <i>confidential</i> )	(802) 656-3340
<i>*For after-hours assistance, select voicemail #2.</i>	
Student Health Center ( <i>confidential</i> )	(802) 656-3350
Employee Assistance Program ( <i>confidential</i> )	(802) 864-3276
Campus Victim’s Advocate ( <i>confidential</i> )	(802) 656-7892 <i>or</i> (802) 656-9538 (direct)

### Obtaining Remedial and Protective Measures

The University will offer reasonable and appropriate measures to protect a Complainant and the campus community as a whole, as well as facilitate the Complainant’s continued access to University employment or education programs and activities. These measures may be remedial (designed to address a Complainant’s safety and well-being and continued access to educational and employment opportunities) or protective (involving action against a Respondent). Remedial and protective measures, which may be temporary or permanent, may include issuance of no-

contact directives, residence modifications, academic modifications and support, work schedule modifications, interim disciplinary suspension, suspension from employment, and pre-disciplinary leave (with or without pay). Remedial measures are available regardless of whether a Complainant pursues a complaint or investigation under this Policy. The University will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable, and will promptly address any violation of the protective measures.

The University will also provide reasonable remedial and protective measures to third parties, as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the University.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed as a protective measure to UVM Police Services and AAEO. The University will take immediate and responsive action to enforce a previously implemented measure.

Please contact AAEO for assistance with obtaining remedial or protective measures, and note that the Executive Director of Human Resources and Affirmative Action, or designee, has the discretion to impose and/or modify any imposed measure based on all available information, and is available to meet with a Complainant or Respondent to address any concerns about the provision of such measures.

### **Options for Making a Report**

Any individual who has experienced acts of discrimination or harassment may request an internal University investigation, and have the right to participate in any such investigation and resulting disciplinary process, as detailed herein.

***Individuals may contact AAEO directly to initiate an internal (non-criminal) investigation:***

In Person:	428 Waterman Building
By Phone:	(802) 656-3368
Online:	Bias, Discrimination & Harassment Incident Reporting Form ( <a href="https://publicdocs.maxient.com/reportingform.php?UnivofVermontAAEO&amp;layout_id=5">https://publicdocs.maxient.com/reportingform.php?UnivofVermontAAEO&amp;layout_id=5</a> )

If such a disclosure is made to a Responsible Employee, necessitating a report to AAEO, the Complainant will be provided written information about the University's complaint and resolution processes by AAEO and invited to make a report.

In the event that a complaint is not made to AAEO for investigation, but UVM nevertheless receives actual notice and adequate documentation of the facts and outcome of an external judicial proceeding (criminal or civil) in which a UVM community member has been found guilty of, or responsible for, conduct that violates this Policy, the matter will be reviewed by AAEO in consultation with the appropriate University offices. The University will implement any action deemed appropriate following that review.

*For those cases that may also constitute violations of criminal law*, AAEO will inform the Complainant of their option to pursue a criminal investigation and can facilitate contact with UVM Police Services to initiate such an investigation. Individuals may also contact UVM Police Services directly at (802) 656-3473 or by completing a “Report a Crime Form” at <http://www.uvm.edu/police/?Page=reportcrime/index.php>.

*Note*, except in cases of emergency or an imminent or continuing threat of harm, the University must respect the decision of an individual not to report an incident to law enforcement, unless otherwise required by law<sup>5</sup>.

### **Disclosures to, and Required Reporting by, Responsible Employees**

**Call 9-1-1 immediately if a crime or other emergency is in progress, or if there is an imminent or continuing threat of harm to persons or property.**

*In all other cases*, upon receipt of information that an incident of discrimination or harassment occurred involving members of the University community<sup>6</sup>, the Responsible Employee **MUST**:

- 1. Immediately complete a Bias, Discrimination, & Harassment Incident Reporting Form** on the Affirmative Action & Equal Opportunity website ([https://publicdocs.maxient.com/reportingform.php?UnivofVermontAAEO&layout\\_id=5](https://publicdocs.maxient.com/reportingform.php?UnivofVermontAAEO&layout_id=5)) with all information the individual knows, including names of the reporting party, alleged

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<sup>5</sup> Vermont law **requires** that certain professionals report to the Vermont Department for Children and Families (DCF) any incident arising as to which there is reasonable cause to believe a minor has been sexually abused or neglected. In addition, to protect optimally the safety of minors who are participating in University programs and activities, the University **requires** any employee who has reasonable cause to believe that a minor participating in such program or activity has been abused or neglected to report the concern promptly to DCF and UVM Police Services. You need not have proof that abuse or neglect has occurred. Any uncertainty in deciding whether to report suspected abuse or neglect should be resolved in favor of making a good faith report. *Please see* the Minors; Reporting Abuse or Neglect of and Crime University Operating Procedure at [http://www.uvm.edu/policies/general\\_html/abuse\\_minors.pdf](http://www.uvm.edu/policies/general_html/abuse_minors.pdf).

**DCF Child Abuse Hotline: 1-800-649-5285**      **UVM Police Services: (802) 656-3473**

Vermont law further **requires** that certain professionals listed in 33 V.S.A. § 6903 report within 48 hours to the Vermont Department of Disability, Aging, and Independent Living any incident arising as to which there is reasonable cause to believe a vulnerable adult has been abused or neglected by calling the Abuse Reporting Hotline at 1-800-564-1612. In addition, to protect optimally the safety of vulnerable adults who are participating in University programs and activities, the University **requires** any employee who has reasonable cause to believe that a vulnerable adult participating in such program or activity has been abused or neglected to report the concern promptly to the Department of Disability, Aging, and Independent Living and UVM Police Services. You need not have proof that abuse or neglect has occurred. Any uncertainty in deciding whether to report suspected abuse or neglect should be resolved in favor of making a good faith report. *Please see* the Vulnerable Adults; Reporting Abuse, Neglect or Exploitation of, and Crimes University Operating Procedure at [http://www.uvm.edu/policies/general\\_html/vulnerableadults.pdf](http://www.uvm.edu/policies/general_html/vulnerableadults.pdf).

**Abuse Hotline: 1-800-564-1612**      **UVM Police Services: (802) 656-3473**

<sup>6</sup> Responsible Employees must also report information about any incident of sexual assault, stalking, relationship violence, and/or sexual exploitation that occurred on University property or property owned or controlled by the University, regardless of whether members of the University community are involved. Those obligations are detailed in the University Operating Procedure for Campus Security Authorities and Responsible Employees under Federal Law (<http://www.uvm.edu/policies/riskmgm/campussecurity.pdf>).

Respondent, subject of the conduct, and witnesses, if known, location, and description of the incident; **and**

2. **Fill out a CSA form** at [www.uvm.edu/police/csa](http://www.uvm.edu/police/csa) in accordance with the University's Campus Security Authority (CSA) and Responsible Employee Operating Procedure (<http://www.uvm.edu/policies/riskmgm/campussecuruity.pdf>) if the conduct reported may constitute a crime, regardless of whether a member of the University community was involved.

*The name of the alleged victim(s) should not be included on the CSA Form unless:*

- Disclosure is required by law (e.g. abuse or neglect of minors or vulnerable adults);
- The incident presents an “imminent or continuing threat of harm”<sup>7</sup>; or
- The CSA/Responsible Employee is given permission to do so.

3. **Make the individual with whom they are in contact aware of their option to report the incident to local law enforcement** (UVM Police Services: 284 East Avenue; (802) 656-3473) **and that UVM makes confidential and non-confidential resources available** to the campus community that may be helpful to individuals who have experienced or witnessed discriminatory or harassing behavior. Information on confidential and non-confidential resources is set out in the Contacts section of this Policy.

**Non-affiliated persons and members of the University community who are not Responsible Employees are strongly urged** to notify AAEO when they receive information that incidents of discrimination or harassment prohibited by this Policy have occurred.

### **Statement on Privacy; Requests for Anonymity**

With respect to any report made under this Policy, the University cannot guarantee confidentiality, but will make all 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 any discrimination or harassment, prevent its recurrence, and remedy its effects.

Privacy and confidentiality have distinct meanings under this Policy:

**Privacy:** Privacy means that information related to a report of discrimination or harassment will be shared with a limited circle of University Employees who “need to know” in order to assist in the provision of appropriate support, as well as the assessment, investigation, and resolution of the report. All Employees who are involved in the University’s response to reports of conduct prohibited by this Policy receive training and guidance about sharing and safeguarding private information in accordance with state and federal law.

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<sup>7</sup> The University presumes as a matter of policy that incidents of relationship violence and stalking constitute a continuing threat of harm to the targeted individual, thereby requiring notification of UVM Police Services, including names of the individuals involved, to maximize both personal and campus safety, unless such notification by the Responsible Employee is constrained by law (e.g. doctor-patient confidentiality).

Further, both parties and witnesses have reasonable expectations of privacy in the investigation and resolution of matters subject to this Policy. It is anticipated and expected that the parties to a complaint will observe the same standard of strict privacy, which is in their mutual best interest. Failure to maintain the privacy of information may, in some circumstances, be regarded as retaliation under applicable UVM policy and itself subject the violator to disciplinary action.

**Confidentiality:** Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers, and those who provide administrative services related to the provision of medical and clinical care, mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Vermont law when a report is made to them while serving in that capacity. Collectively, these individuals are referred to as “Confidential Employees.” When information is shared by an individual with a Confidential Employee, or a community professional with the same legal protections, the Confidential Employee cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information, or they have been provided permission by the individual that disclosed the information. In any event, if disclosure is required as described above, the Confidential Employee will notify the individual they are working with.

If a Complainant does not want to participate in an investigation, or expresses a desire to AAEO for their identity not to be shared (e.g. remain anonymous), the University reserves the right to investigate and/or take other appropriate action as may be necessary to protect the safety of both parties and the campus community, as further described in AAEO’s Procedural Guidelines for Investigating and Resolving Discrimination Complaints (<http://www.uvm.edu/sites/default/files/discrimination.pdf>). The decision as to whether the University will proceed with an investigation or pursue other appropriate action under these circumstances ultimately rests with the University’s Executive Director for Human Resource Operations and Affirmative Action. In the event this request cannot be honored, AAEO will contact the Complainant about this decision.

### **Investigation and Disciplinary Process**

When a report is made to AAEO by a Complainant, or an investigation is otherwise initiated by the University, AAEO will conduct a thorough, prompt, and impartial investigation and generate a report which includes a determination of whether or not the Respondent violated this and/or other related University policies, based on a preponderance of the evidence standard, consistent with AAEO’s Procedural Guidelines for Investigating and Resolving Discrimination Complaints (<http://www.uvm.edu/sites/default/files/discrimination.pdf>).

Following issuance of a Final Investigation Report by AAEO, the applicable disciplinary procedures are based on the status of the Respondent, as detailed below. Each set of procedures is guided by the principles of fairness and respect for Complainants and Respondents. Where a Respondent is both a Student and an Employee, (a) the Student-Respondent procedures will apply if the Respondent is a full-time Student but not a full-time Employee, (b) the Employee-

Respondent Procedures will apply if the Respondent is a full-time Employee but not a full-time Student, or (c) the Executive Director will determine which of the procedures applies based on the relevant facts and circumstances, such as which role predominates and the role most applicable in the incident. However, irrespective of which procedures apply in such cases, either or both of the disciplinary actions applicable to Students or Employees can be imposed.

**If the Respondent is a Student<sup>8</sup> and:**

- ***Is Found Responsible:*** AAEO will make available its report to both the Respondent and the Complainant (collectively the “parties”), as well as the University’s Center for Student Conduct (“CSC”). CSC will appoint a Sanctioning Official to determine the appropriate sanction(s), the full range of which are detailed in the University’s Discrimination and Harassment Sanctioning Procedures for Students at [forthcoming]. To the extent permitted by law, both parties will be informed, simultaneously and in writing, of the sanctioning determination and appeal procedures. The Sanctioning Procedures further specify the timeline for all steps in the sanctioning process, starting with receipt of a report from AAEO to issuance of a sanctioning determination letter.

Either party may appeal the final AAEO decision and/or any resulting sanction(s) imposed by the Sanctioning Official. Appeals must be submitted to the Dean of Students, or designee, in writing, within five (5) business days of the Sanctioning Official’s final determination. The decision may be appealed for the following reasons:

- 1) a procedural error unfairly and materially affected the outcome of the case;
- 2) material evidence has been discovered that was not reasonably available at the time of the investigation or sanctioning determination, as applicable; or
- 3) there was a clear abuse of discretion on the part of the Investigator or Sanctioning Official.

When submitting an appeal, the appealing party must provide a rationale for the appeal, and adequate information, including documentation, in support thereof. Provided sufficient information has been submitted to support an appeal on one of the above listed bases, the Dean of Students, or designee, shall then provide a copy of the written appeal and any supporting documentation to the other party. The other party may submit a written response to the appeal to the Dean of Students, or designee, within five (5) business days of the date the appeal was sent to that party. A copy of this response, if any, will be sent to the appealing party from the Dean of Students or designee. The Dean of Students or designee will thereafter review all submitted materials, and the pertinent case documents, and render a written decision within ten (10) business days, absent extenuating circumstances. Should additional time be required, the Dean of Students or Designee will promptly notify both parties of the revised (expected) timeframe. The Dean of Students or designee will issue a copy of the written appeal decision to both parties, in accordance with federal law. The appeal decision may uphold, modify, or

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<sup>8</sup> If a student Respondent withdraws from the University before a matter is fully resolved, the University will proceed in accordance with the terms of this Policy and accompanying procedures. The Respondent will be provided all notice and communication at the contact information provided upon withdrawal.

overturn the original investigative and/or sanctioning decision, or, in appropriate cases, refer the matter back to AAEO.

- ***No policy violation is found following investigation:*** AAEO will forward its report to both parties and the Dean of Students. The investigator's conclusion that no policy violation occurred may be appealed by both the Complainant and Respondent. Appeals must be submitted to the Dean of Students, or designee, in writing, within five (5) business days of the Report's issuance, as detailed in the above section: "*If the Respondent is a student and is found responsible.*"
- ***Additionally, if the Respondent is a student in a program with established professional standards:*** At the conclusion of the applicable appeal period outlined above, the Dean of Students shall send a copy of the case file, including investigation report, sanctioning decision letter, and any appeal/appeal determination to the program's applicable Dean or Director for student services. While the decision of AAEO, CSC, and the Appellate Official shall be considered final following expiration of the applicable appeal period, the Respondent's program may also, in its discretion, review conduct under the program's established professional standards to determine whether any additional, program-specific disciplinary action is needed.

**If the Respondent is an Employee:**

- ***AAEO has concluded its investigation:*** AAEO will forward its report to the Respondent and the Complainant (collectively the "parties"), as well as notify the Vice President for Human Resources, Diversity, and Multicultural Affairs ("VP HRDMA").

Either party may appeal the investigator's conclusion that a policy violation did or did not occur to the VP HRDMA, in writing, within five (5) business days of the Report's issuance. The decision may be appealed for the following reasons only:

- 1) a procedural error unfairly and materially affected the outcome of the case;
- 2) material evidence has been discovered that was not reasonably available at the time of the investigation; or
- 3) there was a clear abuse of discretion on the part of the AAEO Investigator.

When submitting an appeal, the appealing party must provide a rationale for the appeal and adequate information, including documentation, in support thereof. If an acceptable basis for appeal is stated, the VP HRDMA, or designee, shall then provide a copy of the written appeal and any supporting documentation to the other party. The other party may submit a written response to the appeal to the VP HRDMA, or designee, within five (5) business days of the date the appeal was sent to that party. A copy of this response will be sent to the appealing party by the VP HRDMA. The VP HRDMA, or designee, will thereafter review all submitted materials, and the pertinent case documents, and render a written decision within ten (10) business days, absent extenuating circumstances. Should additional time be required, the VP HRDMA, or designee, will promptly notify both parties of the revised (expected) timeframe. The VP HRDMA, or designee, will issue a copy of the written appeal decision to both parties, in accordance with federal law. The

appeal decision may uphold, modify, or overturn the original investigative decision, or, in appropriate cases, refer the matter back to AAEO.

- ***The investigation's appeal period has expired, or an appeal decision has been rendered by the VP HRDMA (if applicable):*** AAEO shall send a copy of the case file, including investigation report and any appeal/appeal determination, to the administrative official immediately responsible for the Respondent's supervision, and to the appropriate Vice President, Dean or Director for the unit or college in which the Respondent works. The immediate administrative official shall determine any appropriate discipline in accordance with applicable University practices, policies, and collective bargaining agreements, including applicable grievance procedures, as detailed at <http://www.uvm.edu/hrs/?Page=info/general/handbooksandpolicies.html&SM=info/infomenu.html>.

The Executive Director of Human Resource Operations and Affirmative Action must also notify the Complainant of the final outcome, and rationale therefore, of that disciplinary process in accordance with federal law.

#### **If the Respondent is a Non-Affiliate:**

In cases where the Respondent is not affiliated with the University through academic enrollment, employment, or other affiliation, the University's ability to take direct action against that individual may be limited. However, the University is committed to conducting an inquiry into what occurred, and taking steps to provide appropriate remedies and support, as appropriate.

#### **If the Complainant is a Non-Affiliate:**

To the extent that a non-affiliate discloses to AAEO that they have experienced acts of Discrimination or Harassment by a University community member, and the University determines that it has jurisdiction to initiate charges under this Policy, the non-affiliate will be provided notice of the final outcome of any investigation and resultant disciplinary process, in accordance with federal law.

#### **Investigation and Disciplinary Records**

Investigation and disciplinary records for cases involving student respondents are maintained by AAEO. Records of dismissal from the University are permanent. When a student receives a sanction of suspension, their records will be sealed upon the earlier of either graduation or four consecutive years of absence from the University. Records of all other sanctions imposed under this Policy will be sealed upon the earlier of either the student's graduation or two consecutive years of absence from the University.

Investigation records for cases involving employee respondents are maintained by AAEO. Disciplinary records of the same are maintained in accordance with the terms of applicable University practices, policies, and collective bargaining agreements, as detailed at <http://www.uvm.edu/hrs/?Page=info/general/handbooksandpolicies.html&SM=info/infomenu.html>.

## Forms

Bias, Discrimination, and Harassment Reporting Form

[https://publicdocs.maxient.com/reportingform.php?UnivofVermontAAEO&layout\\_id=5](https://publicdocs.maxient.com/reportingform.php?UnivofVermontAAEO&layout_id=5)

CSA Report Form

[www.uvm.edu/police/csa](http://www.uvm.edu/police/csa)

Report a Crime Link

<http://www.uvm.edu/~police/?Page=reportcrime/index.php>

## Contacts

**To report an incident of Discrimination or Harassment, please contact the Office of Affirmative Action and Equal Opportunity at (802) 656-3368 (428 Waterman Building), or complete an online [Bias, Discrimination, & Harassment Incident Reporting Form](#).**

For questions related to the daily operational interpretation of this policy, please contact:

Affirmative Action and Equal Opportunity  
428 Waterman  
(802) 656-3368

The Vice President for Human Resources, Diversity, and Multicultural Affairs is the University official responsible for the interpretation and administration of this policy.

### Other Campus Resources

UVM Police Services	(802) 656-3473 <i>or</i> 911(for emergencies)
Dean of Students Office	(802) 656-3380
Campus Victim's Advocate ( <i>confidential</i> )	(802) 656-7892 <i>or</i> (802) 656-9538 (direct)
UVM Counseling & Psychiatry Services ( <i>confidential</i> ) <i>*For after-hours assistance, select voicemail #2.</i>	(802) 656-3340
Student Health Center ( <i>confidential</i> )	(802) 656-3350
Employee Assistance Program ( <i>confidential</i> )	(802) 864-EAPØ <i>or</i> (866) 660-9533

Persons seeking assistance or information regarding their rights with respect to discrimination and harassment claims may also contact a private lawyer, at their own expense. Names and telephone numbers of lawyers may be obtained from the Vermont Bar Association Lawyer Referral Service at 1-800-639-7036. Additionally, Student Legal Services (SLS) is a student-run

organization, funded by the Student Government Association, which aids students in locating counsel to provide representation. SLS can be contacted at (802) 656-4379.

**Additional Public Agencies Enforcing Federal and State Laws Prohibiting Discrimination and Harassment**

***U.S. Department of Education***

Individuals seeking further information or guidance on the application of federal discrimination law to the University and the behaviors outlined in this Policy may also contact the Office for Civil Rights of the U.S. Department of Education (OCR). Individuals who believe their rights under federal law have been violated may file a complaint with OCR's Boston Office (serving Vermont) or National Headquarters:

US Department of Education  
Office for Civil Rights - Boston Office  
8th Floor 5 Post Office Square  
Boston, MA 02109-3921

Telephone: (617) 289-0111  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

U.S. Department of Education  
Office of Civil Rights  
Lyndon Baines Johnson Dept. of Ed. Bldg.  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Telephone: (800) 421-3481  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

***U.S. Equal Employment Opportunity Commission***

Employees seeking further information or guidance on the application of Title VII to the University and the behaviors outlined in this Policy may also contact the U.S. Equal Employment Opportunity Commission. Employees who believe their rights under Title VII have been violated may file a complaint with either the EEOC's Boston Office (serving Vermont) or National Headquarters:

U.S. Equal Employment Opportunity  
Commission – Headquarters  
131 M Street, NE  
Washington, DC 20507  
(202) 663-4900 / (TTY) (202) 663-4494

Website: <http://www.eeoc.gov/>  
Telephone: (202) 663-4900

U.S. Equal Employment Opportunity  
Commission – Boston Area Office  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203

Website: <http://www.eeoc.gov/>  
Telephone: (800) 669-4000

***Vermont Attorney General's Office, Public Protection Division***

Employees may also contact the Vermont Attorney General's Office to request an investigation of discrimination, harassment, or retaliation:

Vermont Attorney General's Office  
Public Protection Division  
109 State Street  
Montpelier, VT 05609-1001

Website: <http://ago.vermont.gov/>  
Telephone: (888) 745-9195; (802) 828-3657

### ***Vermont Human Rights Commission***

Students may also contact the Vermont Human Rights Commission to request an investigation of discrimination, harassment, or retaliation:

Vermont Human Rights Commission  
14-16 Baldwin Street  
Montpelier, VT 05633-6301

Website: <http://hrc.vermont.gov/>  
Telephone: (800) 416-2010

## **Related Documents/Policies**

AAEO Procedural Guidelines for Investigating and Resolving Discrimination Complaints

<http://www.uvm.edu/sites/default/files/discrimination.pdf>

Annual Security Report and Crime Statistics (Clery Act)

<http://www.uvm.edu/police/?Page=reports/index.php&SM=reports/nav.html>

Bias Response Program

[http://www.uvm.edu/deanofstudents/bias\\_response](http://www.uvm.edu/deanofstudents/bias_response)

Campus Security Authorities (CSAs) and Responsible Employees under Federal Law –  
Designation of and Reporting by – Procedure

<http://www.uvm.edu/policies/riskmgm/campussecuruity.pdf>

Discrimination and Harassment Sanctioning Procedures for Students

<http://www.uvm.edu/sconduct/?Page=ProcDiscrimHarass.html&SM=menu-student.html>

Equal Employment Opportunity/Affirmative Action Policy Statement

[http://www.uvm.edu/policies/general\\_html/affirm.pdf](http://www.uvm.edu/policies/general_html/affirm.pdf)

Equal Opportunity in Educational Programs and Activities and Non-Harassment Policy

<http://www.uvm.edu/policies/student/equaledu.pdf>

Minors; Reporting Abuse or Neglect of and Crimes Procedure

[http://www.uvm.edu/policies/general\\_html/abuse\\_minors.pdf](http://www.uvm.edu/policies/general_html/abuse_minors.pdf)

Personal Safety and Security Policy

[http://www.uvm.edu/policies/general\\_html/personalsafety.pdf](http://www.uvm.edu/policies/general_html/personalsafety.pdf)

Sexual Harassment and Misconduct Policy

[http://www.uvm.edu/policies/general\\_html/sexharass.pdf](http://www.uvm.edu/policies/general_html/sexharass.pdf)

Student Organization Misconduct Investigation and Resolution Procedure

[http://www.uvm.edu/policies/general\\_html/studentorg.pdf](http://www.uvm.edu/policies/general_html/studentorg.pdf)

Vulnerable Adults; Reporting Abuse, Neglect or Exploitation of, and Crimes Procedure

[http://www.uvm.edu/policies/general\\_html/vulnerableadults.pdf](http://www.uvm.edu/policies/general_html/vulnerableadults.pdf)

## **Effective Date**

Approved by the President October 28, 2016