



ANTI-DISCRIMINATION POLICY AND PROCEDURES

PURPOSE AND PROHIBITED CONDUCT

To preserve an equitable, responsible, and humane atmosphere for study and work, Naropa University affirms the principle that all individuals have a right to achieve their academic and professional aspirations free from discrimination, harassment, and/or related retaliation based upon protected classes.

Further, it is critical to this commitment that anyone who may have been the target of or has experienced discrimination or harassment in the context of university educational programs, activities or employment, to feel free to report their concerns for appropriate investigation and response, without fear of retaliation.

To foster a climate that encourages prevention and reporting of discrimination, harassment, or related retaliation, Naropa University will provide prevention efforts, educate the community, respond to all reports promptly, provide interim protection measures to address safety, and recognize the inherent dignity of all individuals involved.

Committed to equality, Naropa University does not discriminate in offering access to its educational programs and activities or employment practices. For purposes of this Naropa University policy, "protected classes" refers to race/color, religion/creed, national origin/ancestry, age (40 or older), disability, genetic information, veteran status, or any other status protected by applicable Boulder Municipal Code, State of Colorado, or federal law, in any of our educational programs, activities, admissions, or employment policies. Sex (including pregnancy), sexual orientation, gender identity/expression, transgender status are protected classes covered under Title IX and VAWA; these protections are addressed in the university Gender Equity, Sexual Misconduct, and Relationship Violence Policy and Procedures, found [online here](#).

This prohibition applies to all students, faculty, staff, contractors, patients, volunteers, affiliated entities and other third parties. Any violations may be subject to disciplinary action, up to and including, expulsion or termination of employment, as applicable. Naropa University will consider what appropriate potential actions should be taken, including contract termination and/or property exclusion, regarding third party conduct that is alleged to have violated this policy; however those options may be limited depending on the circumstances of the arrangement.

This prohibition applies to conduct that occurs on campus. It also applies to off-campus conduct, including online or electronic conduct, if the conduct (1) occurred in the context of employment or

education program or activity of the University or (2) has continuing adverse effects on campus.

Naropa University takes prompt and effective steps reasonably intended to stop any form of **discrimination, harassment, and/or related retaliation**, eliminate any hostile environment, prevent its recurrence and as appropriate, remedy its effects.

Individuals who believe that they have been discriminated against may seek a resolution of their concern through the complaint procedures adopted as a part of this Anti-Discrimination Policy and Procedures. A Complainant may choose to pursue a matter of discrimination through informal or formal procedures, or both. Naropa strives to respond promptly and equitably to both informal and formal complaints.

Any complaint regarding gender discrimination, sexual misconduct and/or relationship violence should be directed to the Title IX Coordinator. The Gender Equity, Sexual Misconduct and Relationship Violence Policy and Procedure may be found at www.naropa.edu/gender-equity.

LEGAL BASIS

This policy and the Naropa University complaint process and procedures are intended to comply with the related requirements of the following federal laws, their implementing regulations, and related federal agency guidance:

- The Equal Pay Act of 1963;
- Titles IV, VI, and VII of the Civil Rights Act of 1964;
- The Rehabilitation Act of 1973 (Sections 503 and 504)
- The Vietnam Era Veterans Readjustment Assistance Act (1974);
- Age Discrimination Act (1975)
- The Pregnancy Discrimination Act (1978);
- The Age Discrimination in Employment Act of 1976;
- The Americans with Disabilities Act of 1990; Amendments Act of 2008;
- Executive Order 11246;
- Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act of 1991;
- Uniform Services Employment and Reemployment Act (1994);
- Violence Against Women Act of 1994; and

- Violence Against Women Reauthorization Act of 2013

The Anti-Discrimination Policy and Procedures provide the only mechanism by which such claims can be investigated and addressed. In the event that parties have multiple claims against each other, one of which includes a claim under this policy, the procedures and appeals processes contained herein shall control over any other Judicial Procedures. The exception is any potential violations of the Gender Equity, Sexual Misconduct and Relationship Violence will be dealt with utilizing that policy, which can be found at www.naropa.edu/gender-equity.

APPLICATION

This policy and procedure applies to all Naropa University employees (faculty, staff, and student employees), students, and other persons who are contractually obligated to comply with the University's policies, such as contractors, vendors, and those engaged to further the interests of the University. This policy applies to all areas of the University's programs and activities, both on and off premises, including but not limited to classes, internship practicum, on-campus housing, university events, and co-curricular activities. This policy applies to conduct occurring off-campus that has the continuing effect of creating a hostile environment on campus. The University will process a complaint under this policy regardless of where the conduct occurred.

POLICY DEFINITIONS AND GENERAL TERMS

For the purpose of the Anti-Discrimination Policy and Procedure, the following definitions[1] apply:

1. **Complainant.** A party that makes a Complaint related to a Respondent's alleged violation of Policies. The University may serve as Complainant in certain circumstances, refer to "University Need to Take Additional Action" on page 8.
2. **Dean of Students.** The Dean is located in the Office of Student Affairs and designated by Naropa University to be responsible for taking Complaints regarding prohibited conduct under this policy from students, facilitating informal resolution, and administration of sanctions for student violations of this policy.
3. **Discrimination.** Discrimination occurs when adverse action is taken against someone solely based on their membership in a protected class, when members of a protected class are treated differently based solely on their status (disparate treatment) or when policies, practices, rules or other systems that appear to be neutral result in a disproportionate impact on a protected group (disparate impact). Protected classes include race/color, religion/creed, sex (including pregnancy), national origin/ancestry, age (40 or older), disability, genetic information, veteran status, sexual orientation, gender identity/expression, transgender status, or any other status protected by applicable Boulder Municipal Code, State of Colorado, or federal law

Discrimination also includes harassment. Harassment is a form of discrimination which

may occur when a person experiences inappropriate or improper behavior based on a legally protected status that unreasonably interferes with that individual's work or academic performance or creates an intimidating or hostile work or educational environment or violates local, state or federal anti-discrimination or anti-harassment law. Prohibited behavior may include, but is not limited to the following:

- Visual form including cartoons, posters, calendars, notes, letters, offensive screensavers, internet usage, or e-mail;
 - Oral form including comments, jokes, foul or obscene language, derogatory references to a protected characteristic, gossiping, questions about another's personal life or characteristics, or repeated unwanted and unwelcome personal communications including requests to meet off campus and outside of business hours for personal purposes.
4. The definition of sexual harassment which includes harassment based on sex, sexual orientation, and gender identity or expression is explained in detail in the University's Gender Equity, Sexual Misconduct and Relationship Violence Policy and Procedure, found at www.naropa.edu/gender-equity.
 5. **Force.** The use of physical violence and/or imposing on someone physically, including threats, intimidation, and coercion that overcome resistance to produce consent.
 6. **Harassment.** Verbal or physical conduct based upon an individual's protected class status that unreasonably interferes with that individual's work or academic performance or creates an intimidating or hostile work or educational environment.
 7. **Hostile Environment.** Whether a hostile environment exists is determined from both a subjective and an objective perspective. The subjective perspective evaluates whether or not the *Complainant* experienced harassment based on protected class. The objective perspective evaluates whether or not the unwelcome conduct by an individual(s) against another individual based upon their protected class is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Simple teasing, offhand comments and isolated incidents (unless extremely serious) will not amount to hostile environment harassment.
 8. **Investigator.** A party appointed to investigate an alleged breach of this policy. Investigators can be the Dean of Students, the Human Resources Director, the Associate Director for Equity Compliance and Title IX Coordinator or the investigation can be delegated to a third party, including trained CReST members or another individual (either from within the University or from outside the University) to conduct or assist with an investigation. In the event that there are multiple charges of a Respondent violating Policies, the Respondent asserts counterclaims against a Complainant, or there are assertions of Retaliation, the University will make reasonable efforts to assign the same Investigator to all claims that appear to be related. All investigators receive training

regarding this policy and its application.

9. **Policy or Policies.** The written rules and regulations of the University as found in but not limited to, the Anti-Discrimination Policy and Procedure, the Student Handbook, the Community Code of Conduct, Employee Handbook, Faculty handbook, on-campus residential lease agreement and student housing handbook, course catalogs, programmatic handbooks, employment agreements and web pages.
10. **Respondent.** Any person accused of violating this policy.
11. **Responsible Employee.** Any regular full or part-time employee (including staff, faculty and student employees acting within the scope of their employment), unless the employee is authorized or required by law to keep information confidential by virtue of the employee's professional role with the university.
12. **Reasonable Person.** A person with an ordinary degree of reason, prudence, care, foresight, or intelligence whose conduct, conclusion, or expectation in relation to a particular circumstance or fact is used as an objective standard by which to measure or determine something (as the existence of negligence).
13. **Retaliation.** Any adverse action taken against a witness or complainant by an accused individual or third party because they exercised their rights under anti-discrimination laws, spoke out against discrimination, or assisted someone in exercising their rights.
14. **Sanctions.** When a violation of this policy has been found, one or more appropriate sanctions may be imposed at Naropa's sole discretion.

The sanctions that may be imposed on students include, but are not limited to, the following:

- Warning
- Suspension
- Educational Sanctions: Required attendance at an event or interview that is relevant to a specific topic (i.e. anger management).
- Expulsion
- Reflection Paper
- Roommate Agreement
- Room Change

The sanctions that may be imposed on faculty and staff include, but are not limited to, the following:

- Verbal Warning
- Written Warning
- Performance Improvement Plan
- Suspension
- Termination

COMMUNITY REPAIR AND SUPPORT TEAM (CReST)

CReST is a trained university collective committed to supporting and guiding the community towards repair of fractured relationships. In our efforts towards cultural transformation, CReST utilizes a contemplative, integrated anti-oppression, and restorative practices frameworks to support community-conscious responses to complaints, grievances and bias incidents. In reports of discrimination and bias CReST is available to assist and support the informal and formal processes. Either party may request a CReST member as a support person.

Mission

CReST aspires to restore each person's right relationship to the Naropa community with compassion, awareness, and care. As a community, we need to hold awareness of the wounds of cultural conditioning and systemic injustice, and equally, the need for individual and collective accountability. To do this, CReST:

- Collaborates with The Office of Student Affairs, The Office of Academic Affairs, Human Resources, The President's Office, and the Associate Director for Equity Compliance & Title IX Coordinator, among others to coordinate a timely and community-conscious response
- Available to lends to support to all parties in all stages of grievance processes
- Where appropriate, offers informal non-retributive opportunities for repair, communication, learning and growth, such as mediation, facilitated dialogue, coaching or restorative practice circles
- Works broadly with the Naropa community to bring awareness to issues related to bias, discrimination, and conflict resolution, including but not limited to attendance of specific trainings or events offered by the Office for Inclusive Community
- Documents the reported incident as well as feedback from those affected to inform preventative education efforts
- Serves as a check and balance to decrease the potential for bias in conflict resolution processes

Learn more about CReST by here:

https://my.naropa.edu/ICS/Administrative_Depts/Office_for_Inclusive_Community.jnz

INFORMAL COMPLAINT PROCESS

Many times it may be useful to explore an informal resolution of the situation. The intention of handling a complaint informally is to stop any offensive behavior, begin a dialogue, and repair any

harm that has been done as expeditiously as possible.

If you believe that you have experienced discrimination or retaliation at Naropa, you may contact one of the Naropa Representatives listed below to pursue informal resolution of the issue. Naropa University welcomes complaints at any time, in our attempt to maintain a safe and productive educational community; however, you are encouraged to report an incident immediately after it has occurred.

Naropa Representatives

You are encouraged to report your concerns to the following Naropa representatives who will serve to guide you through the informal process.

- Students should discuss their concerns directly with the **Dean of Students**.
- Employees should discuss their concerns directly with the **Director of Human Resources**.
- Faculty may discuss their concerns directly with either the **Director of Human Resources or the Assistant Provost for Faculty**.

You may also submit your concerns directly with the Associate Director for Equity Compliance, Sarah Silvas-Bernstein, ssilvas@naropa.edu.

Concerns related to gender discrimination, sexual misconduct and/or relationship violence should be reported to the **Title IX Coordinator**, Sarah Silvas-Bernstein, ssilvas@naropa.edu.

Informal Resolution Procedures

At any point of an informal resolution process any involved party request the support of a CReST member. To request a CReST member as a support person, please contact Associate Director for Equity Compliance, Sarah Silvas-Bernstein, ssilvas@naropa.edu.

Courses of action to informally resolve an incident include but are not limited to:

1. You may communicate directly, orally or in writing, with the person who has engaged in the allegedly discriminatory or retaliatory conduct, and ask that person to cease the behavior. While it can be difficult to discuss a sensitive issue with someone else, conflict also provides the opportunity to deepen understanding of oneself and others and to potentially increase the mutuality of the relationship. It can be well worth it to create a dialogue that repairs the harm and strengthens the bonds between you and the other person.
2. The above named Naropa Representatives, or a member of CReST, could help in facilitating

communication with the respondent in cases where you are not comfortable, or desire additional support, communicating directly with the person who has engaged in the allegedly discriminatory or retaliatory conduct.

3. You may discuss and attempt to resolve the matter informally with one of the Naropa Representatives named above, or a member of CReST, through coaching, guidance, consultation or support on how to best resolve the issue.

4. Use of other dispute resolution or restorative processes which may be facilitated by the appropriate Naropa Representative named above, a CReST member, or by a specialized facilitator.

If, the informal process is unsatisfactory, and the Associate Director for Equity Compliance determines that the complaint meets a threshold of severe, persistent, pervasive, and/or objectively offensive, you may choose to follow the formal complaint process as outlined below.

You may choose to bypass an informal process altogether and seek resolution of your complaint through the formal process if the Associate Director for Equity Compliance determines that the complaint meets a threshold of severe, persistent, pervasive, and/or objectively offensive. Naropa representatives may determine that a particular incident is not appropriate for the informal resolution process, but instead is sufficiently serious to require immediate interim measures or resolution through the formal complaint procedures.

Matters pertaining to Gender Equity, Sexual Misconduct, or Relationship Violence must be referred to the Title IX Coordinator and should be handled through the procedures set forth in the Gender Equity, Sexual Misconduct and Relationship Violence Policy and Procedure.

University Need to Take Additional Action

All aspects of the informal resolution procedures will remain confidential to the extent possible; however, situations may arise where an individual complaint is handled through the informal channel in a manner that is satisfactory to you yet may require formal investigation by Naropa to prevent future discrimination or retaliation. University officials maintain discretion to formally investigate the substance of a complaint as necessary to prevent future discrimination or retaliation, including but not limited, to address systemic discrimination related to policies and the implementation thereof, where patterns of complaints may be established, or to address personnel issues arising from a complaint. Participation in this process by the person making the initial complaint, while not required, would be helpful.

In making the determination to move forward with an investigation when confidentiality is requested by the Complainant, the Associate Director for Equity Compliance will weigh that request against Naropa's obligation to provide a safe, non-discriminatory environment for all students, faculty, and staff. In making that determination the Associate Director for Equity

Compliance will consider a range of factors, including the following if applicable:

- The increased risk that the alleged perpetrator will commit additional offenses;
- The seriousness of the alleged conduct;
- Whether the alleged conduct was perpetrated with a weapon;
- Whether the alleged victim is a minor;
- Whether Naropa possesses other means to obtain relevant evidence of the alleged conduct (e.g., security cameras, personnel, physical evidence); and
- Whether the alleged conduct reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The Associate Director for Equity Compliance (or authorized designees') decision will be conducted on a case-by-case basis after an individualized review. If Naropa honors the individual's request for privacy or requests that no investigation be conducted or disciplinary action taken, Naropa's ability to meaningfully investigate the incident and pursue disciplinary action, if appropriate, may be limited, but nonetheless may proceed.

FORMAL COMPLAINT PROCESS

If the Complainant has sought resolution via the informal process without satisfactory resolution, if a situation worsens, or if the Complainant would prefer to bypass the informal process, the Complainant may seek resolution through a formal process if the Associate Director for Equity Compliance determines that the complaint meets a threshold of severe, persistent, pervasive, and/or objectively offensive to a reasonable person.

The formal process commences once you write and submit a formal complaint. Written formal complaints may be made through the online portal found online (https://my.naropa.edu/ICS/Administrative_Depts/Office_for_Inclusive_Community.jnz) or directly to the following Naropa representatives:

- Students should submit their written formal complaint directly to the **Dean of Students**.
- Employees should submit their written formal complaint directly to the **Director of Human Resources**.
- Faculty should submit their written formal complaint directly to the **Director of Human Resources or the Assistant Provost for Faculty**.

Any person may submit their written formal complaint directly to the Associate Director for Equity Compliance.

A written complaint should include your name, the name of the person against whom the complaint is being filed (Respondent), the date, time and location of the incident, a detailed description of the incident and should include the names of witnesses and any supporting documentation.

Submitting a formal complaint to one of these individuals should be done as soon as possible after the incident occurred, although we will investigate cases up to 90 after the most recent reported incident.

Once the appropriate Naropa representative receives your written complaint, the complaint will be handed over to the Associate Director for Equity Compliance to be investigated, adjudicated and resolved regardless of whether the Respondent or you (the complainant) leaves the University.

Two investigators will be chosen from a pool of trained investigators and due care will be taken to avoid any foreseeable conflicts of interest.

The Associate Director for Equity Compliance will be responsible for assigning investigators to the matter and overseeing the timely and accurate completion of the investigation.

Timeframe for Completion of an Investigation

Absent extraordinary circumstances, the investigators will complete their investigation as quickly as possible, not to exceed 60 days from the date the formal written complaint was received by the designated Naropa representative. Extenuating circumstances may require an extension of the 60 day investigation period. If an extension is necessary, both Complainant and Respondent will be informed of the extension as well as an updated timeline for the investigation process.

Formal Investigation Procedure

1. The Associate Director for Equity Compliance will meet with the Complainant, referred to as the Initial Inquiry. The purpose of this meeting is to gather all pertinent information regarding the complaint, determine which policies may have been violated, and if implicit or explicit bias may be present.
2. Two investigators will be chosen and assigned from a pool of trained investigators and due care will be taken to avoid any foreseeable conflicts of interest.
3. Notice to Respondent
 - a. If an investigation is initiated, the Associate Director for Equity Compliance will send the

Respondent a written notification via the individual's Naropa email address within five business days.

b. The written notification will include:

- A description of the alleged acts.
- The prohibited conduct alleged to have occurred.
- The requirements for the Respondent to set up a conference within five business days of the date of the notice.

c. The written notification may include a "no contact order" or other interim measures designed to protect the Complainant. If a "no contact" order or other interim measures are detailed in the Written Notification, it is the responsibility of the Respondent to not have any contact with the individual(s) named, directly or through third parties, or via electronic means and to make any modifications identified in the Written Notification. Failure to comply with this request may result in additional disciplinary action.

d. If the Respondent does not schedule a meeting with the Associate Director for Equity Compliance or investigator(s) named in the Written Notification by the date specified in the notice or if the Respondent schedules or does not attend the meeting, the Associate Director for Equity Compliance or Investigator(s) may decide the outcome of the case in the Respondent's absence and shall notify the Respondent of the same within 60 days. The Respondent cannot be found to have violated this policy solely because the Respondent failed to attend the meeting.

4. The investigators will interview all named parties, including witnesses, in an effort to collect facts and documents regarding the complaint. Both the party filing the complaint (Complainant) and the Respondent will be interviewed by the investigating officers regarding their position on the situation. At the beginning of each interview, all parties are notified of the non-retaliation policy of the university and of the need for confidentiality about the substance of the complaint and pending investigation.

5. Both the Complainant and Respondent may choose to bring a support person to their interviews. This support person may be a CReST member. The support person may not be an active participant in the investigatory process. See **Support Persons** below.

6. At the conclusion of all necessary interviews, the investigation notes will be reviewed by the investigators and a recommendation will be made in accordance with the findings. The investigators will develop recommendations for resolution, including possible sanctions, and will provide these recommendations along with an Outcome Summary report to the Associate Director for Equity Compliance.

7. The Associate Director for Equity Compliance will review the investigation Outcome Summary and recommendations prior to submitting the outcome summary to the Dean of Students and/or Director of Human Resources depending on whether the Respondent is a student or employee (including faculty).

8. If the Respondent is a student, the Dean of Students is responsible for reviewing the

investigation findings and determining whether to accept the recommendations of the investigators or to seek additional information necessary to make a determination whether or not to accept the findings. The Dean of Students is responsible for overseeing and implementing any recommendations and/or sanctions that pertain to the student Respondent or student policies.

9. If the Respondent is an employee (including faculty), the Director of Human Resources is responsible for reviewing the investigation findings and determining whether to accept the recommendations of the investigators or to seek additional information necessary to make a determination whether or not to accept the findings. The Director of Human Resources is responsible for overseeing and implementing any recommendations and/or sanctions that pertain to the employee Respondent or employment policies. The Director of Human Resources will defer to the Provost regarding whether to accept the recommendations' of the investigators or to seek additional information as well as the oversight and implementation of recommendations and/or sanctions in situations where the employee is also a faculty member.

10. Each party will be informed in writing that the investigation has been completed and a summary of the investigation findings will be provided. The parties will be notified of the final decision, and if a violation is found to have occurred, the sanction imposed, in the form of a letter issued by the Associate Director for Equity Compliance.

11. All findings are considered confidential for the duration of a person's tenure at the University.

12. The standard of proof used to determine whether a violation of this Policy has occurred is a "preponderance of the evidence" meaning that the evidence shows that it is more likely than not, or more than a 50% likelihood, that the individual is responsible for the violation.

FORMAL COMPLAINT APPEAL PROCESS

Both parties have the opportunity to appeal the complaint outcome, including findings and sanctions, on the basis that new information that was not previously known has surfaced that is relevant to the investigation, that the formal complaint process was not followed, or that the sanctions are disproportionate to the finding. The appeal process may only be initiated when formal complaint procedures have been completed. Both the Complainant and Respondent have the opportunity to appeal the complaint outcome, including findings and sanctions, and must do so in writing within twenty (20) business days of the date of receipt of the written summary of the investigation findings.

The appeal letter must include the basis for the appeal and be submitted to the appropriate Appeals Office, which is the Vice President for Operations if the appealing party is an staff member or the President if the appealing party is a faculty member or a student.

The Appeals Officer will review the information gathered and the decision made by the investigating officer. If the Appeals Officer desires, they may conduct additional interviews of the

complaining party, the person(s) against which the complaint has been lodged and any third parties. The Appeals Officer will make a final ruling on the matter and will put their finding and recommendation in writing to both parties. The Appeals Officer will seek to resolve all appeals within sixty (60) days of receipt of the written appeal. The decision of the Appeals Officer is final.

Post-Decision Follow-Up

Should the Respondent be found to have committed a violation of the Policy, the appropriate Naropa representative will follow-up with the Complainant periodically to ensure that the prohibited conduct has ceased and that no acts of retaliation have occurred.

MISCELLANEOUS

Interim Measures

The University may provide interim protective measures for the Complainant in order to avoid contact with the Respondent and remove the potential for further harm or retaliation. Interim protective measures include, but are not limited to, imposition of no-contact orders and/or employment, transportation, dining, housing, academic or extracurricular modifications as reasonable. The Dean of Students, Provost, or Director of Human Resources, as appropriate, may impose an interim suspension on the Respondent pending the resolution of an investigation if, in their sole discretion, such an action is necessary to protect the safety and wellbeing of the Naropa community. Interim protective measures may be put in place during the course of the judicial process and prior to a final determination. Interim protective measures are meant to address the discriminatory effects on the Complainant and are not dependent on a finding that the Respondent violated this policy or sanctions imposed.

Counterclaims

A situation may arise where a Respondent files a counterclaim against the party who originally filed a formal complaint (Complainant). The allegations arising out of a counter claim shall be investigated at the same time and in the same manner as the allegations arising in the initial complaint. Counterclaims that are not filed in good faith may be deemed retaliation under this policy and sanctions may be assessed.

Student Allegations against Faculty

Situations may arise where an issue subject to a complaint is between a faculty member and a

student. This policy and procedure applies to all members of the Naropa community and is the only manner in which complaints of protected class discrimination will be adjudicated. However, the Assistant Provost for Faculty should be involved in implementing this policy in regards to allegations about faculty conduct in a classroom or other academic setting. In such circumstances, the Assistant Provost will work closely with the Associate Director for Equity Compliance through the formal process in assigning investigators and reviewing recommendations.

Role of Investigators

Investigators are neutral fact finders. As such, investigators do not function as advocates for any of the involved parties. Investigators will, however, inform individuals about other campus offices and resources where they may seek support or advocacy.

Complainant and Respondent Participation in Process

- The Complainant and Respondent will be provided with the following opportunities in connection with the investigation of alleged or suspected violations of this policy:
- The opportunity to speak on their own behalf.
- The opportunity to identify witnesses who can provide information about the alleged conduct at issue.
- The opportunity to submit other evidence on their behalf.
- The opportunity to review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act ("FERPA") or other applicable law).
- The right to be informed of the outcome of the investigation (to the greatest extent possible and consistent with FERPA or other applicable law).
- The opportunity to appeal the outcome of the investigation.

Support Persons

Complainant and Respondent(s) may be accompanied by a support person or an advisor of their choice to any meeting that occurs under these procedures. An advisor or support person may not, however, stand in place of either the Complainant or the Respondent, or otherwise participate in the process. Support persons and advisors are held to the same standards of confidentiality as other participants (see below). Individuals with a real or perceived conflict of interest in a given matter, based on their relationship with any of the involved parties, cannot serve as support persons or advisors (relationships where a conflict of interest will be assumed include, but are not limited to, co-Respondents, potential witnesses, individuals holding supervisory positions over

any participants or other relationships that might suggest an individual's inability to be objective and neutral).

Witness Participation in Process

Witnesses are not allowed to bring support persons or advisors because of the confidential nature of the process. If, over the course of an investigation, the facts and allegations indicate that a witness may have engaged in a violation of the Anti-Discrimination Policy, Nondiscrimination Policy, or Sexual Misconduct Policy, that witness shall be so apprised and allowed to bring a support person, if he or she chooses, to subsequent interviews.

Duty of Cooperation, Confidentiality, and Non-Retaliation

All employees have an obligation to cooperate in investigations of alleged violations of the Anti-Discrimination Policy. Failure to do so may result in disciplinary action.

A Complainant's failure to participate (e.g., by failing to furnish information requested by the investigator or to be available for interview by the investigator) may affect the University's ability to investigate the matter and may result in the complaint being dismissed.

Naropa strives to maintain confidentiality to the greatest extent possible. Thus, all participants (including Complainant, Respondent(s), witnesses, support persons, advisors and administrators) involved in any proceedings held under these Procedural Guidelines are required to refrain from discussing the alleged or suspected violations, particularly when necessary to protect witnesses and the integrity of the investigation process. Complainants are advised, however, that there may be situations where the University's obligation to investigate alleged or suspected violations of this policy will override a Complainant's desire for anonymity.

Retaliation as defined in the Anti-Discrimination Policy in any form will not be tolerated against any person who: reports an alleged violation of this policy, is interviewed or provides testimony about alleged violations of this policy, or who, in any other way, participates in an investigation of or disciplinary hearing regarding alleged violations of this policy. Employees or students who are found to have engaged in retaliation will be subject to disciplinary action.