



Student Policy on Anti-Discrimination, Anti-Harassment and Anti-Retaliation

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This document sets forth Saybrook University's Student Policy on Discrimination, Harassment, and Retaliation (DHR Policy) and includes definitions of relevant terms, reporting and response procedures, and the right and responsibilities of members of the Saybrook Community who are impacted by discrimination, harassment, or retaliation in relation to the academic environment.

Questions about this Policy may be directed to:

Office of Student Life:

Shaniece McGill, Vice Provost of Student Life and Dean of Students, 626.316.5342
Joseph Strouth, Associate Dean of Students, 626.316.5325

studentaffairs@saybrook.edu

A student may direct questions about Title IX and the Campus SaVE Act to the Title IX Coordinator at saybrooktitleix@saybrook.edu or 626.316.534.

A student may direct questions about discrimination, harassment, retaliation or Title IX to:

United States Department of Education Office of Civil Rights (OCR)

Customer Service Hotline: 800-421-3481
TDD#: 877-521-2172
Website: www.ed.gov/ocr
E-mail: ocr@ed.gov
400 Maryland Avenue SW, Washington, DC 20202-1100

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A. General Introduction

The core purpose of the DHR Policy is to prohibit all forms of discrimination, harassment, and retaliation, to ensure compliance with federal and state civil rights laws and regulations, and to affirm Saybrook University's commitment to promoting the goals of fairness and equity in all aspects of its educational programs and activities. Saybrook prohibits discrimination and harassment against members of its community, including but not limited to its applicants, students, and employees. Discrimination and harassment based on race, ethnicity, color, sex, gender, gender identity, gender expression, genetic information, religion, creed, age (40 years or older), national origin or ancestry, sexual orientation, physical or mental disability, marital status, parental status, pregnancy, military or veteran status, political activities/affiliations, or other impermissible reasons is prohibited in Saybrook's programs. The aforementioned "Protected Categories" are those listed above, but do not include sex, pregnancy or related conditions, gender, gender identity, gender expression, marital status and sexual orientation.

Saybrook also prohibits sex discrimination, including sex-based harassment, as defined by Title IX, and as set forth in Saybrook's Title IX Policy found [here](#).

Saybrook's Non-Discrimination Statement is posted [online](#).

Saybrook's Equal Opportunity policy prohibiting discrimination and harassment involving employees is posted on the employee intranet and in the handbook. Saybrook also bars retaliation against any person who exercises their rights under this DHR Policy, including filing a good faith report of harassment or discrimination, participating in the complaint resolution procedures relating to the same, supporting a Complainant or Respondent, or assisting in providing information relevant to an investigation.

Saybrook has developed this DHR Policy and its procedures to reinforce the prohibition of discrimination against and the harassment of Saybrook students in their education program or activity on campus, on property owned or controlled by Saybrook, or at Saybrook -sponsored events. The primary concern of the DHR Policy is preventing discrimination, compliance with the law, and providing equal opportunity. The procedures provide a prompt, fair, non-adversarial, and impartial process for those involved in an allegation of discrimination or harassment on the basis of any of the Protected Categories (except for sex discrimination and sex-based harassment, which are covered by the Title IX Policy (TIX), as well as for allegations of retaliation. The investigation and adjudication of alleged misconduct under this policy is not an adversarial process between the parties and witnesses, but rather a process for Saybrook to comply with its obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegations of misconduct. Saybrook values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the resolution process during what is often a difficult time for all those involved.

Sex discrimination and sex-based harassment that falls under Title IX will be investigated and resolved through the Title IX Policy.

I. Scope of this Policy

The DHR Policy applies to the education programs and activities of Saybrook and to conduct that takes place on a campus or property owned or controlled by Saybrook or at a Saybrook - sponsored event. The Respondent must be a member of the Saybrook community for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprives someone of access to Saybrook's educational program. Saybrook may also extend jurisdiction to off-campus and/or online conduct when the Vice Provost of Student Life and Dean of Students determines that the conduct affects a substantial Saybrook interest.

Regardless of where the conduct occurred, Saybrook will review complaints to determine whether the conduct occurred in the context of its educational program or activity and/or has continuing effects on a campus or in an off campus sponsored program or activity. A substantial Saybrook interest includes:

- Any action that could contribute to a hostile education environment or otherwise interfere with a student's access to education;
- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests or mission of Saybrook.

If the Respondent is unknown or is not a member of the Saybrook community, the Vice Provost of Student Life and Dean of Students will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local law enforcement, where applicable, if the individual would like to file a police report.

Further, even when the Respondent is not a member of the Saybrook community, or the harassment took place prior to the parties' affiliation with Saybrook, supportive measures, remedies, and resources may be available to the Complainant by contacting the Vice Provost of Student Life and Dean of Students.

In addition, Saybrook may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Saybrook property and/or events. All vendors serving Saybrook through third-party contracts are subject to the policies and procedures of Saybrook.

When the Respondent is enrolled in or employed by another institution, the Vice Provost of Student Life and Dean of Students can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies. Similarly, the Vice Provost of Student Life and Dean of Students may be able to advocate for a Complainant who experiences discrimination at a training site, during a study abroad program, or in another environment external to Saybrook where harassment, retaliation, or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

When the Respondent is a member of the Saybrook community, a resolution process may be available regardless of the status of the Complainant, who may or may not be a member of Saybrook community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, and invitees. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with the DHR Policy.

II. Independence and Conflict of Interest

The Vice Provost of Student Life and Dean of Students acts with independence and authority, free from bias and conflicts of interest. The Vice Provost of Student Life and Dean of Students oversees all resolutions under the DHR Policy and procedures. The individuals who play a role in the processes outlined below are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Vice Provost of Student Life and Dean of Students, contact the Provost and Vice President of Academic Affairs. Concerns of bias or a potential conflict of interest by any other individual involved in the processes outlined below should be raised with the Vice Provost of Student Life and Dean of Students.

Reports of discrimination, harassment, or retaliation committed by the Vice Provost of Student Life and Dean of Students should be reported to the Provost and Vice President of Academic Affairs. Reports of discrimination, harassment, or retaliation committed by any other individual involved in the processes outlined in the DHR Policy should be reported to the Vice Provost of Student Life and Dean of Students.

III. Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Vice Provost of Student Life and Dean of Students. However, if the Respondent is no longer subject to Saybrook's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Vice Provost of Student Life and Dean of Students, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, Saybrook will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

IV. Prohibited Conduct - Discrimination & Harassment

Discrimination is an adverse action taken against or harassment of an individual based on membership in any Protected Category.

Harassment refers to unwelcome behavior based on membership in any Protected Category. Harassment becomes impermissible where 1) enduring the offensive conduct becomes a condition for any academic-related purpose or 2) the conduct is severe or pervasive enough to

create an academic environment that a reasonably prudent person would consider intimidating, hostile, or abusive.

The DHR Policy prohibits discrimination, harassment, and retaliation based on membership in a Protected Category. Sex discrimination, which includes sex-based harassment is governed by TIX Policy.

The DHR Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited discrimination and harassment that are also prohibited under Saybrook policy. Consistent with federal and state law, when speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Saybrook policy, though supportive measures may be offered to those impacted.

Petty slights, annoyances, and isolated incidents will not rise to the level of violation of a Saybrook policy or rule. To be considered a violation, the conduct must create an environment that would be intimidating, hostile, or offensive to a reasonably prudent person.

Offensive conduct may include but is not limited to jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, or interference with academic performance.

When discriminatory harassment rises to the level of creating a hostile environment, Saybrook may also impose sanctions on the Respondent through the application of the appropriate resolution process below.

The DHR Policy prohibits online and cyber manifestations of any conduct prohibited when such conduct occurs in or has an effect on Saybrook's education program and activities or use Saybrook networks, technology, or equipment.

V. Prohibited Conduct – Retaliation

Retaliation is prohibited by law and by Saybrook's DHR Policy, and anyone found to have engaged in retaliation shall be subject to disciplinary action.

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation or resolution of a report of discrimination, harassment or retaliation. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by Saybrook, a student or an employee or other person authorized by Saybrook to provide aid, benefit or services under Saybrook's education program or activity, for the purpose of interfering with any right or privilege secured by the DHR Policy or by law. Adverse action does not include perceived or petty slights or trivial annoyances.

Saybrook bars retaliation against any member of the Saybrook community who exercises any rights or privileges. Charges against an individual for code of conduct violations that do not involve discrimination or harassment but arise out of the same facts or circumstances as a report or complaint of discrimination or harassment for the purpose of interfering with any right or privilege secured by law, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation. Charging a student with a code of conduct violation for making a materially false statement in bad faith in the course of a resolution process under the DHR Policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith. Further, a complaint filed in good faith under this DHR Policy shall not constitute retaliation.

VI. Reporting Discrimination, Harassment, or Retaliation

Saybrook will promptly investigate possible discrimination, harassment, or retaliation whenever it becomes aware of such conduct or otherwise respond if it determines that an investigation is not required. A student who believes that they have been subjected to discrimination, harassment, or retaliation is encouraged to report the conduct immediately to the Vice Provost of Student Life and Dean of Students. An employee who believes that they have been subject to sex discrimination, including sex-based harassment should contact the Title IX Coordinator as those matters are handled under. An employee who believes that they have been subject to harassment, discrimination, or retaliation based on a Protected Category, should contact Human Resources as those matters are handled under Equal Employment Opportunity, Non-Discrimination and Anti-Harassment Policy.

When an alleged violation of the DHR Policy is reported, the allegations are subject to resolution using the appropriate process, as determined by the Vice Provost of Student Life and Dean of Students and as detailed below. The report should include details of the incident or incidents, names of the individuals involved, names of any witnesses, and any documentation supporting the allegation.

VII. Privacy and Requests for Confidentiality

Every effort is made by Saybrook to preserve the privacy of the parties involved in making reports and/or participating in the processes outlined in the DHR Policy. Saybrook will not share the identity of any individual who has made a report or complaint of discrimination, harassment, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; as required by law; or to carry out the purposes of the DHR Policy including conducting any investigation or resolution.

Saybrook reserves the right to designate which Saybrook officials have a legitimate educational interest in being informed about incidents that fall within the DHR Policy, pursuant to FERPA. Information about the incident and investigation will be provided on a need-to-know basis only or as otherwise required or permitted by law.

Anonymous reports will be preliminarily investigated to the extent possible, both to assess the underlying allegation(s) and to determine if remedies can be provided. However, anonymous reports typically limit Saybrook's ability to investigate, respond, and provide remedies, depending on what information is shared.

B. Discrimination, Harassment, and Retaliation Resolution Process

Upon receipt of a student report alleging discrimination, harassment, or retaliation, the Vice Provost of Student Life and Dean of Students will determine the appropriate next steps in accordance with the DHR Policy. The appropriate process depends on the type of allegation. If the allegations involve sex discrimination or sex-based harassment within the Title IX definitions, the Resolution Process outlined in the Title IX policy will be followed. If the allegations involve all other types of discrimination, harassment, or retaliation, the process in the DHR Policy will be followed.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct, e.g., vandalism, physical abuse of another. All other allegations of misconduct unrelated to incidents covered by the DHR Policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

I. Initial Assessment

After reviewing the report, the Vice Provost of Student Life and Dean of Students will conduct an initial assessment. The steps in an initial assessment will include contacting the Complainant to offer supportive measures, including counseling resources, and to determine how the Complainant wishes to proceed in addition to reviewing and/or discussing the information provided in the report with the Complainant. The initial assessment is not intended to be a full investigation interview. The Vice Provost of Student Life and Dean of Students will provide the Complainant with a link to this DHR Policy.

The initial assessment will include a review of whether the reported conduct may reasonably constitute a violation of this DHR Policy and whether Saybrook has jurisdiction over the reported conduct.

At the initial assessment concludes, the Vice Provost of Student Life and Dean of Students will determine the appropriate next steps. If the Complainant does not wish to go forward with an investigation, the Vice Provost of Student Life and Dean of Students has the discretion to take any measures necessary to ensure that discrimination, harassment, or retaliation are remedied. In addition, the Vice Provost of Student Life and Dean of Students will seek to abide by the Complainant's wishes but may have to take an alternative approach depending on their analysis of the situation.

If the allegation cannot be resolved informally, where appropriate, Saybrook will undertake an effective, non-adversarial, thorough, and objective investigation.

If it is determined that unlawful discrimination, harassment, and/or retaliation has occurred, effective remedial action will be taken in accordance with the circumstances of the incident. Appropriate action will also be taken to deter any future unlawful discrimination, harassment, and/or retaliation. An individual who violates the DHR Policy will be subject to disciplinary action up to and including removal from the institution.

II. Supportive Measures

Saybrook will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation and as deemed appropriate by the Vice Provost of Student Life and Dean of Students. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to Saybrook's Education Program or Activity, including measures designed to protect the safety of all parties or Saybrook's educational environment, and/or deter harassment, discrimination, and/or retaliation.

Saybrook will maintain the privacy of the supportive measures, provided that privacy does not impair Saybrook's ability to provide the supportive measures. Saybrook will act to ensure as minimal an academic impact on the parties as possible. Saybrook will implement measures in a way that does not unreasonably burden any party.

Supportive measures may include: referral to counseling, medical, and/or other healthcare services, student financial aid counseling, implementing a no-contact order, academic support, extensions of academic deadlines, or other course/academic program-related adjustments; and class schedule modifications, withdrawals, or leaves of absence. Parties may also consult with an attorney at their own expense at any point in the process.

Supportive measures are also available for incidents of discrimination or harassment that occurred prior to the parties' association with Saybrook where such incidents could contribute to a hostile educational environment or otherwise interfere with a student's access to education where both individuals are, at the time of the request for supportive measures, subject to Saybrook policies.

III. Emergency Removal

Saybrook can act to remove a Respondent partially or entirely from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the health or safety of any student or other individual justifies removal. This risk analysis is performed by Vice Provost of Student Life and Dean of Students.

In all cases in which an emergency removal is imposed on a student, the student will be given notice of the action and the option to request to meet with the Vice Provost of Student Life and Dean of Students prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a review or determination on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. There is no appeal process for emergency removal decisions.

If the Vice Provost of Student Life and Dean of Students determines, in consultation with Human Resources, that it is appropriate, a non-student employee who is a Respondent may be placed on administrative leave while these procedures are pending.

The Vice Provost of Student Life and Dean of Students has sole discretion under the DHR Policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under DHR Policy will be grounds for discipline, which may include dismissal. At the discretion of the Vice Provost of Student Life and Dean of Students,

alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

IV. Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter, when the Respondent accepts responsibility for violating Policy, or when the Vice Provost can resolve the matter informally by providing remedies and/or sanctions to resolve the situation.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the fact, Administrative Resolution may be pursued.

V. Administrative Resolution

If Administrative Resolution is initiated, the Vice Provost of Student Life and Dean of Students will provide written notification of the investigation to the parties via the Saybrook-issued email address. This will occur at an appropriate time during the investigation and include a meaningful summary of the allegations. Typically, notice is given at least 48 hours in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose a support person, if any, to accompany them to the interview. The support person must be a member of the Saybrook community. The Complainant and Respondent must notify the investigator of the identity of the support person at least 24 hours before the meeting.

The support person's role is to advise and support the Complainant or Respondent. The support person can help the parties prepare for meetings, attend meetings with the parties, and review materials both generated by the investigator and provided as evidence.

The support person may not communicate with an investigator on behalf of the Complainant or the Respondent. The parties may consult with attorneys, at their own expense, at any stage in the process. A support person who steps out of their role in any meeting will be warned once and only once. If the support person continues to disrupt or otherwise fails to respect the limits of their role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the investigator will determine how to address the support person's non-compliance and future role and may require the party to use a different support person. If a party's support person of choice refuses to comply with Saybrook's established rules of decorum for the resolution process, Saybrook may require the party to use a different support person.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation. While the support person generally may not speak on behalf of the Complainant or Respondent, the support person may consult with their advisee, either privately or quietly, by sending private messages during any resolution process meeting or interview, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their support persons should ask for breaks to step out of meetings to allow for private consultation.

Saybrook aims to complete all investigations within a 60-business day period, which can be extended as necessary for appropriate cause by the Vice Provost of Student Life and Dean of Students, with notice to the parties as appropriate. The Vice Provost of Student Life and Dean of

Students will vet the assigned investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Vice Provost of Student Life and Dean of Students will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Vice Provost of Student Life and Dean of Students, concerns should be raised to the Provost and Vice President of Academic Affairs.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and to provide evidence.

The investigation will typically include the following steps, if not already completed and not necessarily in this order: identify all policies implicated by the alleged misconduct, develop an investigation plan with a witness list, document/records list and order of interviews of parties and witnesses, provide the parties and witnesses with an opportunity to review and verify the investigator's summary notes from interviews and meetings with that specific party or witness, allow each party the opportunity to suggest questions they wish the investigator(s) to ask of the other party and witnesses, provide regular status updates to the parties throughout the investigation, and preparation of a written investigation report that summarizes the investigation.

The investigation report will conclude with a determination, based on a preponderance of the evidence, of whether the Respondent violated the DHR Policy and a recommendation for a sanction.

If the Respondent is an employee, the matter will be referred to Human Resources to determine appropriate sanctions for a DHR Policy violation. Human Resources will issue its sanctions decision within 10 business days of notification by the Vice Provost of Student Life and Dean of Students.

If the Respondent is a student, a Sanctions Panel will be used, as set forth in the next section.

VI. Determination of Appropriate Sanctions

The sanctions process is intended to provide an equitable procedure to both the Complainant and the Respondent, demonstrating promptness, fairness, and impartiality.

The Vice Provost of Student Life and Dean of Students will convene a Sanctions Panel. The Sanctions Panel will include three members selected from a pool of administrators and faculty members trained in sanctioning violations of the DHR Policy. One panel member shall be designated leader of the proceedings. The Complainant and the Respondent will receive written notice of the Sanctions Panel members and will have an opportunity to request a substitution if the participation of any of the individuals named poses a conflict of interest. The Complainant and Respondent must submit their request for substitution to the Vice Provost of Student Life and Dean of Students, in writing, within 24 hours of receiving panel member names.

After the Sanctions Panel has been convened, members will be provided with the investigator's findings and recommended sanctions.

Within five business days of receipt of materials, the Sanctions Panel shall meet to determine what, if any, sanctions will be issued. In making such a determination, the Sanctions Panel will not reconsider the findings, but will determine what sanctions are appropriate to remedy the violation and maintain or enhance safety from misconduct in Saybrook's learning environment.

If a student fails to comply with sanctions issued by the Sanctions Panel, the matter will be brought back to the Sanctions Panel for a determination of whether additional sanctions should be imposed. If the failure to comply with the sanctions is deemed willful or intentional, additional, more severe sanctions may be imposed. Also, the Sanctions Panel may work with the Vice Provost of Student Life and Dean of Students to address the failure to comply.

All members of a Sanctions Panel must be trained annually on matters related to the DHR Policy.

VII. Appeal Process

Students

Any student who is a Complainant or Respondent under the DHR Policy has the right to appeal the determination of a violation of the DHR Policy and any sanctions decision by submitting a written letter of appeal to the Provost and Vice President of Academic Affairs within five business days of issuance of the investigative determination and sanctions decision.

All appeals must be based on one or more of the following:

- New information that could not be presented at the time of the investigation or sanctions decision that would substantially change the outcome;
- The imposed sanction is disproportionate to the violation; or
- Evidence of improper procedure that may impact the outcome.

The student's written appeal must include:

- A specific statement of the decision that is being appealed;
- The student's desired outcome;
- All information that the student wishes the Provost and Vice President of Academic Affairs to take into account in consideration of the appeal; and
- A statement of the student's views as to how this information justifies the appeal.

The Provost and Vice President of Academic Affairs shall have had no prior involvement in the initial determination and finding and shall have no conflict of interest with either party. If there is a conflict of interest, the appeal will be assigned to another member of the President's Cabinet for review, as selected by the Vice Provost of Student Life and Dean of Students.

If in the opinion of the Provost and Vice President of Academic Affairs the request for an appeal is without merit or does not meet the requirements set forth above, the Provost and Vice President of Academic Affairs will reject the appeal.

If in the judgment of the Provost and Vice President of Academic Affairs the appeal is properly constituted, the Provost and Vice President of Academic Affairs will determine what next steps

are appropriate, which may include but is not limited to remanding the matter to the Vice Provost of Student Life and Dean of Students for further investigation or remanding to the Sanctions Panel for consideration. The Provost and Vice President of Academic Affairs will issue a written decision within five business days of receipt of the written letter of appeal to both the Complainant and Respondent.

Employees

Any employee who is a Respondent under the DHR Policy has the right to appeal the determination of a violation and sanctions by submitting a written letter of appeal to the Human Resources within five business days of issuance of the investigative determination and sanctions decision.

All appeals must be based on one or more of the following:

- New information that could not be presented at the time of the investigation or sanctions decision that would substantially change the outcome;
- The imposed sanction is disproportionate to the violation; or
- Evidence of improper procedure that may impact the outcome.

The employee's written appeal must include:

- A specific statement of the decision that is being appealed;
- The employee's desired outcome;
- All information that the employee wishes Human Resources to take into account in consideration of the appeal; and
- A statement of the employee's views as to how this information justifies the appeal.

Human Resources shall have had no prior involvement in the initial determination and finding and shall have no conflict of interest with either party. If there is a conflict of interest, the appeal will be assigned to another Cabinet-level administrator for review, as selected by the Vice Provost of Student Life and Dean of Students

If in the opinion of Human Resources, the request for an appeal is without merit or does not meet the requirements set forth above, Human Resources will reject the appeal.

If in the judgment of the Human Resources the appeal is properly constituted, Human Resources will determine what next steps are appropriate, which may include but is not limited to remanding the matter to the Vice Provost of Student Life and Dean of Students for further investigation or remanding to Human Resources for consideration. Human Resources will issue a written decision within five business days of receipt of the written letter of appeal to both the Complainant and Respondent.

VII. Cross-Claims

Saybrook is obligated to ensure that the resolution process is not abused for retaliatory purposes. Saybrook permits the filing of cross-claims but uses an initial assessment, described above, to

assess whether the allegations in the cross-claim are made in good faith. Cross-claims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation.

Cross-claims determined to have been reported in good faith will be processed using the resolution procedures above. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur. Cross-claims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Vice Provost of Student Life and Dean of Students. When cross-claims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this policy.

IX. Policy Review and Revision

The DHR Policy will be reviewed and updated regularly by the Vice Provost of Student Life and Dean of Students. The Vice Provost of Student Life and Dean of Students will submit modifications to the DHR Policy in a manner consistent with institutional policy upon determining that changes to law, regulation, or best practices require alterations not reflected in the DHR Policy. The DHR Policy definitions in effect at the time of the conduct will apply even if the DHR Policy is changed subsequently unless the parties provide written consent to be bound by the current policy.

The DHR Policy may be revised at any time without notice. All revisions supersede the prior policy and are effective immediately upon posting to the Saybrook website.

The DHR Policy does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.