

## **POLICY: Equal Opportunity, Harassment, and Nondiscrimination**

### **1. Glossary**

Some of the definitions listed below are derived from federal regulations and may not be current “terms of art” or differ slightly from similar terms in other University policies.

- *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any. This role may differ from advisors in other processes; for example, advisors do not conduct direct cross-examination in the Student Code of Conduct process.
- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Complaint (formal)* means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the recipient investigate the allegation.
- *Confidential Resource* means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- *Day* means a business day when the University is in normal operation.
- *Directly Related Evidence* is evidence connected to the complaint but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.
- *Education program or activity* means locations, events, or circumstances where UW exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- *Final Determination*: A conclusion by a preponderance of the evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).
- *Finding*: A conclusion by a preponderance of the evidence that the conduct did or did not occur as alleged.
- *Formal Grievance Process* means “Process A,” a method of formal resolution designated by the recipient to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR Part 106.45). See Appendix A (pg. 32)

- *Grievance Process Pool* includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- *Hearing Decision-maker* refers to those who have decision-making and sanctioning authority within the Recipient's Formal Grievance process (Process A).
- *Investigator* means the person or persons charged by UW with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- *Mandated Reporter* means an employee of UW who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.<sup>1</sup>
- *Notice* means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- *Official with Authority (OWA)* means an employee of UW explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the University.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *Process A* means the Formal Grievance Process detailed below and defined above.
- *Process B* means the administrative resolution procedures detailed in [Appendix E \(pg. 73\)](#) that apply only when process A does not, as determined by the Title IX Coordinator.
- *Recipient* means a postsecondary education program that is a recipient of federal funding.
- *Relevant Evidence* is evidence that tends to prove or disprove an issue in the complaint.
- *Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the UW's educational program.

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<sup>1</sup> Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Resolution* means the result of an informal or Formal Grievance Process.
- *Sanction* means a consequence imposed by the University on a Respondent who is found to have violated this policy.
- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. [See Section 17.b.](#), for greater detail.
- *Student Code of Conduct*: The Dean of Students office may have disciplinary authority over student respondents, particularly when cases are dismissed from “Process A.”
- *Title IX Coordinator* is at least one official designated by UW to ensure compliance with Title IX and the University’s Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- *Title IX Team* refers to the Title IX Coordinator, investigators, any deputy coordinators, and any member of the Grievance Process Pool.

## **2. Rationale for Policy**

The University of Wyoming is committed to maintaining a respectful, safe, and non-threatening environment for its faculty, staff, students, contractors, and visitors (“University community”). UW will address and resolve all complaints of discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, UW has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. UW values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

## **3. Applicable Scope**

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. Other times, discrimination takes the form of

harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using Recipient's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the UW community, a complaint may be made regardless of whether the Complainant is a member of the UW community. 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 this policy.

#### **4. Title IX Coordinator**

The Title IX Coordinator oversees implementation of UW's policy on equal opportunity, harassment, and nondiscrimination. The Title IX Coordinator has the primary responsibility for coordinating UW's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

#### **5. Independence and Conflict-of-Interest**

The Title IX Coordinator oversees the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team 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 Title IX Coordinator, contact the Office of General Counsel [Old Main 204, 766-4997]. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the Office of General Counsel [Old Main 204, 766-4997] or designee. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

#### **6. Administrative Contact Information**

The University of Wyoming has identified the Title IX Coordinator as an Official with Authority to address and correct harassment, discrimination, and/or retaliation. Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Jim Osborn

Title IX Coordinator/Manager of Investigations  
Equal Opportunity Report and Response  
1000 East University Avenue, Department 4307  
Bureau of Mines 318  
(307) 766-5200  
Email: [report-it@uwyo.edu](mailto:report-it@uwyo.edu)  
Web: <http://www.uwyo.edu/reportit>

#### Deputy Coordinators

The University of Wyoming has also identified Deputy Title IX Coordinators who will assist with managing the University's Title IX compliance obligations for students, faculty, and staff within their division. The deputy coordinators will serve in a supporting role to the Title IX Coordinator as an initial point of contact for concerns and intake, in conducting a prompt and thorough investigation, and acts as a liaison to the Title IX Coordinator. The Title IX Coordinator will have the ultimate responsibility of overseeing all Title IX complaints.

The following individuals have been named as Deputy Title IX Coordinators:

Libby Thorson  
EEO and Diversity Specialist  
Dean of Students Office  
Knight Hall 128  
(307) 766-3296  
Email: [libby.thorson@uwyo.edu](mailto:libby.thorson@uwyo.edu)

Taylor Stuemky  
Assistant Athletic Director for Internal Operations  
Intercollegiate Athletics Directors Office  
Rochelle Athletics Center 214M  
(307) 766-3863  
Email: [tstuemky1@uwyo.edu](mailto:tstuemky1@uwyo.edu)

UW has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

US. Department of Education Office for Civil Rights (OCR), Denver Office  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582  
Telephone: 303-844-5695

Fax: 303-844-4303; TDD: 877-521-2172  
Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)  
Web: <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

For complaints involving employment:

Equal Employment Opportunity Commission (EEOC), Denver Field Office  
303 E. 17th Avenue, Suite 410  
Denver, CO 80203  
Telephone: 1-800-669-4000  
Fax: 303-866-1085; TTY: 1-800-669-6820  
ASL Video Phone: 844-234-5122  
Email: [info@eeoc.gov](mailto:info@eeoc.gov)  
Web: <https://www.eeoc.gov/field-office/denver/location>

## **7. Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

Reports of discrimination, harassment, and/or retaliation may be made using any of the following options:

- 1) File a report with, or give verbal notice to, the Title IX Coordinator or deputy coordinators. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.
- 2) Report online, using the reporting form posted at [www.uwyo.edu/reportit](http://www.uwyo.edu/reportit). An online report is not considered a Formal Complaint and does not necessarily require a formal investigation. Anonymous reports are accepted. UW tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. UW respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, so the Complainant is largely in control and should not fear a loss of privacy by making a report that allows UW to discuss and/or provide supportive measures.
- 3) Report to any supervisor or University Officer. Any supervisor or University Officer who witnesses or receives a written or verbal report or complaint of discrimination, harassment or related retaliation that occurs in University employment or educational programs and activities, must promptly report such behavior to the Title IX Coordinator.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the University of Wyoming investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this

paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by UW) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint and requests that the University investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

## **8. Supportive Measures**

The University of Wyoming will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. 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 the UW’s education program or activity, including measures designed to protect the safety of all parties or the UW’s educational environment, and/or deter harassment, discrimination, and/or retaliation.

UW promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, UW will inform the Complainant, in writing, that they may file a formal complaint with the University of Wyoming either at that time or in the future, if they have not done so already. The Title IX Team works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

UW will maintain the privacy of the supportive measures, provided that privacy does not impair the University’s ability to provide the supportive measures. UW will act to ensure as minimal an academic/occupational impact on the parties as possible. UW will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts, typically in conjunction with UWPD
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties

- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass orders
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

### **9. Protection orders, no contact orders, trespass orders, and other similar lawful orders**

The University respects the terms of any lawful order issued by a court and will support and assist University community members protected by such an order. University community members are encouraged to provide a copy of the order to UWPD and the University Dean of Students (if the individual is a student) or UWPD and the University Human Resources Department (if the individual is an employee).

#### Types of Orders

- **UW No Contact Order:** An order issued by the Dean of Students office or Equal Opportunity Report and Response, directing an individual to not communicate with another specifically-named person. A UW No Contact Order is reciprocal between parties. A violation of this order could result in a policy violation.
- **UW Trespass Order:** An order issued by UWPD and UW, directing an individual that they cannot be on university property. A violation of this order could result in a criminal charge of trespassing.
- **Protection Order:** an order issued by a civil or criminal court, for the purpose of preventing certain acts against another person, which can include violence, threats, harassment, and sexual violence, as well as preventing contact or communication with another person. These orders are issued in every state in the U.S. and are enforceable in every state in the U.S. regardless of where they were issued. Violation of a protection order could result in a criminal charge.
- **Criminal Bond/Probation No Contact Order:** An order issued by a judge as a term of bond (bail) or probation, directing an individual who has been charged with or convicted of a crime not to have contact with another specifically named person. A violation of this order could result in the revocation of bond or probation, causing the person to go to jail.
- **Law Enforcement Verbal No Contact Order:** A verbal warning issued by a law enforcement officer, directing an individual to not have contact with another specifically-

named person. Disregard for this warning could result in a citation or arrest for harassment, stalking, or other similar crime.

UW No Contact Orders and UW Trespass Orders may be requested by any member of the University community. UW will not be able to issue either order without a disclosure of misconduct or discrimination, but individuals are not required to participate in an investigation or review to obtain such an order. All requests for UW No Contact Orders should be made verbally or in writing to the investigator or member of the Title IX team, who will forward the request to the appropriate parties.

A UW No Contact Order is often granted when requested, as long as the other person is also an employee or a student over whom DOS has jurisdiction. When the UW No Contact Order is issued as part of a discrimination or sexual misconduct investigation, UW will consult with all individuals to work out schedules when two or more affected individuals have overlapping commitments, campus involvement, or share access to campus resources (e.g., Washakie Dining Hall).

UW Trespass Orders are only granted after consultation with UWPD, and when an imminent and credible threat to the campus community or a specific individual is detected. Trespass orders may span any length of time from 24 hours to one year.

- **Non-UW No Contact Orders**

Individuals may also have access to no-contact orders through Albany County. Anyone wishing to pursue any of these no-contact orders is strongly encouraged to speak with an attorney or a victim advocate. Criminal Bond/Probation No-Contact Orders and Law Enforcement Verbal No-Contact Orders are dependent on making a report to law enforcement.

Protection Orders do not require a report to law enforcement, but do require that the incident meet a state definition of family violence, sexual assault, and/or stalking. An attorney or victim advocate can further explain the order of protection application process. Applications (“petitions”) for orders of protection are available for free at the Albany County Circuit Court, the Stop Violence Program, and SAFE Project.

- **Violations of No Contact Orders**

Possible violations of any No Contact Order should be reported to the issuing authority. The issuing authority will review the report of a violation and any related evidence and will enforce the No Contact Order in accordance with the evidentiary standard and enforcement options available, based on the type of order.

## **10. Emergency Removal**

In accordance with established processes, UW can act to remove a student Respondent entirely or partially 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

physical health or safety of any student or other individual justifies removal. This risk analysis is conducted using standard objective violence risk assessment procedures by the Title IX Coordinator and University Police Department, in conjunction with appropriate UW entities such as the UWYO Cares team, Dean of Students, Human Resources, Academic Affairs, and General Counsel.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator and UWPD Police Chief as soon thereafter as reasonably possible to show cause why the action/removal should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator and UWPD Police Chief for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator and UWPD Police Chief have sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

UW will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator and UWPD Police Chief, these actions could include, but are not limited to: removing a student from a residence hall, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator and in consultation with Academic Affairs, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions in the Employees Handbook and UW Regulations for interim action are applicable.

## **11. Promptness**

All allegations are acted upon promptly by UW once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but UW will avoid all undue delays within its control.

If the timeframes for resolution outlined will be delayed, UW will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## **12. Privacy**

Every effort is made by UW to preserve the privacy of reports.<sup>2</sup> UW will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, 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; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

UW reserves the right to determine which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

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<sup>2</sup> For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of UW employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in UW’s response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in UW’s FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. UW has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 26. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

Only a small group of officials who need to know will typically be told about a complaint, including but not limited to: Division of Student Affairs; Office of Diversity, Equity and Inclusion; UW Police Department, Human Resources, the Provost's Office, and UWYO Cares team. Information will be shared as necessary with Investigators, Hearing Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

UW may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk and may sometimes consult with the student first before doing so.

Confidentiality and mandated reporting are addressed in more detail below.

### **13. Jurisdiction**

This policy applies to the education program and activities of the University of Wyoming, to conduct that takes place on the campus or on property owned or controlled by the University, at University-sponsored events, or in buildings owned or controlled by UW's recognized student organizations. The Respondent must be a member of the UW community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to UW's educational program. The recipient may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial University interest. The University may use other policies, including but not limited to, the Student Code of Conduct, to address these notices or complaints.

Regardless of where the conduct occurred, UW will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial University interest includes:

- a. 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;
- b. 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;
- c. Any situation that is detrimental to the educational interests or mission of the University.

If the Respondent is unknown or is not a member of the UW community, the Title IX Team will assist the Complainant in identifying appropriate campus and local resources and

support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the UW community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator, deputy coordinators, or the Albany County SAFE Project ([campus@safeproject.org](mailto:campus@safeproject.org), 24-Hour Hotline: 742-3556)

In addition, UW may take other actions as appropriate to protect the Complainant against individuals who are not members of the UW community, such as barring individuals from UW property and/or events.

This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity. Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.

All vendors serving UW through third-party contracts are subject to the policies and procedures of their employers or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator or Deputy Coordinators 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 Title IX Coordinator may be able to assist a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the University of Wyoming where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

#### **14. Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to UW'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 Title IX Coordinator, 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, UW 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.

## **15. Online Harassment and Misconduct**

The policies of UW are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on UW's education program and activities or use UW networks, technology, or equipment.

Although UW may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to UW, it will engage in a variety of means to address and mitigate the effects.

Members of the UW community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the UW community.

Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of UW's control (e.g., not on UW networks, websites, or between UW email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by UW only when such speech is made in an employee's official or work-related capacity or when such online conduct can be shown to cause a substantial in-program disruption.

## **16. Policy on Nondiscrimination**

UW adheres to all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education.

Pursuant to University Regulations 4-2 (Discrimination and Harassment) and 4-3 (Title IX and Sexual Misconduct), UW does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- Race
- Gender
- Religion
- Color
- National origin

- Disability
- Age
- Protected veteran status
- Sexual orientation
- Gender identity
- Genetic information
- Creed
- Ancestry
- Political belief
- or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the UW community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the UW community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the UW policy on nondiscrimination.

When brought to the attention of UW, any such discrimination will be promptly and fairly addressed and remedied by UW according to the appropriate grievance process described below.

### **17. Policy on Disability Discrimination and Accommodation**

UW is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Grievances related to disability status and/or accommodations will be addressed using the procedures below. For details relating to disability accommodations in UW's resolution process, see page 67.

### **18. Policy on Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. UW's harassment 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 harassment that are also prohibited under UW policy. When speech or conduct is protected by academic freedom

and/or the First Amendment, it will not be considered a violation of UW policy, though supportive measures may be offered to those impacted. All policies encompass actual and/or attempted offenses.

**a. Discriminatory Harassment**

Discriminatory harassment constitutes a form of discrimination that is prohibited by UW policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

UW does not tolerate discriminatory harassment of any employee, student, visitor, or guest. UW will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment.”

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is 1) severe **or** pervasive **and** 2) objectively offensive.

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

UW reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct may not result in the imposition of discipline under UW policy, and may be addressed through respectful conversation, remedial actions, education, effective Alternate Resolution, and/or other informal resolution mechanisms.

For more information about Alternate Resolution and other informal resolution techniques and approaches, please contact the Title IX Coordinator.

**b. Sexual Harassment**

The Department of Education’s Office for Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC) regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

UW has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Formal complaints of behavior that meet the definition of Sexual Harassment must be addressed using specific procedures in accordance with Title IX, specifically Process A.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

- 1) Quid Pro Quo:
  - a. an employee of the University,
  - b. conditions the provision of an aid, benefit, or service of the University,
  - c. on an individual's participation in unwelcome sexual conduct; and/or
  
- 2) Sexual Harassment:
  - a. unwelcome conduct,
  - b. determined by a reasonable person,
  - c. to be so severe, and
  - d. pervasive, and,
  - e. objectively offensive,
  - f. that it effectively denies a person equal access to UW's education program or activity.<sup>3</sup>
  
- 3) Sexual assault, defined as:
  - a) Sex Offenses, Forcible:
    - Any sexual act directed against another person,
    - without the consent of the Complainant,
    - including instances in which the Complainant is incapable of giving consent.
  - b) Sex Offenses, Non-forcible:
    - Incest:
      - 1) Non-forcible sexual intercourse,
      - 2) between persons who are related to each other,
      - 3) within the degrees wherein marriage is prohibited by Wyoming law.
    - Statutory Rape:
      - 1) Non-forcible sexual intercourse,
      - 2) with a person who is under the statutory age of consent in Wyoming.
  
- 4) Dating Violence, defined as:
  - a. violence,

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<sup>3</sup> Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
  - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - iii. Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Wyoming, or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Wyoming.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
  - i. would cause a reasonable person to fear for the person's safety, or
  - ii. the safety of others; or
  - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors,

- observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
  - (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

UW reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

### **c. Force, Coercion, Consent, and Incapacitation**

As used in the offenses above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.>").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Consent:** Consent is sexual permission. In order for individuals to engage in sexual activity of any type with each other there must be clear, affirmative, conscious/known, and voluntary permission prior to and during sexual activity. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous consent does not imply consent to sexual activity in the future. Silence or passivity, without actions demonstrating permission, cannot be assumed to show consent. Consent, once given, can be withdrawn at any time as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time. The following people are unable to give consent:

- Persons who are asleep or unconscious
- Persons who are incapacitated due to the influence of drugs, alcohol, or medication

- Persons who are unable to communicate consent due to a mental or physical condition
- Persons who are under the legal age of consent.

Individuals may experience the same interaction in different ways. It is therefore the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be established by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on UW to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM<sup>4</sup> or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

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<sup>4</sup> Bondage, discipline/dominance, submission/sadism, and masochism.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

#### **d. Other Civil Rights Offenses**

In addition to the forms of sexual harassment described above, which are covered by Title IX, UW additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class. Reports of behavior that meet the following definitions are addressed using Process B.

- **Discrimination:** Occurs when an individual suffers an adverse consequence on the basis of the individual’s Protected Class, including but not limited to failure to be hired or promoted or denial of admission to an academic program.
- **Sexual exploitation of adults:** Taking non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. When a person for any purpose, knowingly:
  - Allows other individuals to observe private sexual activity from a hidden location (ex: a closet) or through electronic means (FaceTime, Snapchat, Skype, etc. or live-streaming of images) without consent of the participant(s);
  - Engages in voyeurism (watching private sexual activity without the consent of the participant(s) or viewing another person’s intimate parts including genitalia, groin, breasts, or buttocks) in a place where that person would have a reasonable expectation of privacy;
  - Non-consensual digital, video, or audio recording of nudity or sexual activity;
  - Unauthorized sharing or distribution of digital, video, or audio recording of nudity or sexual activity, including the making or posting of revenge pornography;
  - Intentionally or recklessly exposing one’s genitals in non-consensual circumstances or inducing another to expose their genitals
  - Prostituting another person or engaging in sex trafficking
  - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity

- Misappropriation of another person’s identity on apps, websites, or other venues designed for dating or sexual connections
- Forcing a person to take an action against that person’s will by threatening to show, post, or share information, video, audio, or an image that depicts the person’s nudity or sexual activity
- Sexual exploitation of minors. When a person for any purpose, knowingly:
  - Causes, induces, entices, coerces or permits a minor to engage in, or be used for, the making of child pornography;
  - Causes, induces, entices or coerces a minor to engage in, or be used for, any explicit sexual conduct;
  - Manufactures, generates, creates, receives, distributes, reproduces, delivers or possesses with the intent to deliver, including through digital or electronic means, whether or not by computer, any child pornography; or
  - Possesses child pornography (except as outlined in Wyoming Statute 6-4-303 (b)(iv)).

**Source:** *Wyoming Statute 6-4-303*

(<http://legisweb.state.wy.us/NXT/gateway.dll?f=templates&fn=default.htm>)

Violation of any other UW policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

### **19. Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. UW will take appropriate and available steps to protect individuals who fear that they may be subjected to retaliation. Retaliation violations will also be referred for resolution in accordance with UW policy and the Student Code of Conduct.

UW and any member of UW’s community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or

participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege provided within Process A that is provided by Process B. Therefore, the University reviews all complaints carefully to ensure this does not happen, and to assure that complaints are referred to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a violation for making a materially false statement in bad faith in the course of a grievance proceeding under this 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.

## **20. Mandated Reporting**

All UW employees except those with statutory privilege (Confidential Resources below) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately. This includes faculty in areas who might otherwise be a confidential resource when acting in their professional capacity outside the University (counselor education, religious studies, nursing, etc.). Reports by Mandated Reporters can be made through any of the reporting options outlined above.

UW employees who also volunteer or work for a non-UW entity that provides information and/or services to students who have experienced sexual misconduct are not considered Mandated Reporters when they receive information about sexual misconduct in the explicit context of their volunteer or non-UW work. Employees who are unclear on if and when they are not Mandated Reporters should consult with the Title IX Coordinator to clarify their role(s).

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator

(and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at UW for a Complainant or third-party (including parents/guardians when appropriate):

#### **a. Confidential Resources**

If a Complainant would like the details of an incident to be kept confidential, they may speak with confidential campus resources. Any disclosure of sexual misconduct to the University Counseling Center, the University Student Health Services (or other UW-employed mental health counselors, medical professionals, or clergy members), or Student Legal Services is confidential by law and will not be reported to the Title IX Coordinator or other entities unless there is concern for the immediate health and safety of any individual or when a minor is involved in an incident of abuse or sexual misconduct. Information about an incident of sexual assault, domestic and dating violence, or stalking does not automatically meet the threshold of “immediate health and safety.”

Confidential resources are also available off-campus who do not work for UW and are not obligated to report information to the University:

- Licensed professional counselors and other medical providers
- Local sexual assault counselors
- Domestic violence/sexual assault resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Campus counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

UW employees who are confidential and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

For more information about campus and community resources, please see Appendix G (pg. 93).

#### **b. Mandated Reporters and Formal Notice/Complaints**

All employees of the University of Wyoming (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the University.

Supportive measures may be offered as the result of such disclosures without formal UW action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of UW policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though the University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

## **21. Preservation of information and materials**

If an individual is unsure about reporting to the University and/or law enforcement, the University strongly encourages the individual to take certain steps to preserve information and materials. These steps include:

- Preserving any materials connected to the incident(s), including but not limited to text messages, emails, voicemails, letters, and photos of injuries or property damage.
- Writing down a complete account of the incident(s). Such accounts can assist in memory recall. This account can be provided as an anonymous or information-only report to law enforcement (see Reporting Options, above).

The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and is particularly time sensitive. UW will inform Complainants of the importance of preserving evidence by taking the following steps:

- Obtaining a sexual assault forensic examination at Iverson Memorial Hospital, ideally within 120 hours of the incident (sooner is better). The cost of the exam is covered by the State, regardless of whether or not the complainant chooses to report to law enforcement.
- Avoiding showering, bathing, washing hands or face, or douching, if possible, but evidence made still be collected even if you do.
- Try not to urinate or defecate if evidence might be present.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container.
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

## **22. When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator, in consultation with appropriate campus authorities, has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision is based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires UW to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence, including cases where behavior has resulted in criminal citations or arrests. Recipients may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and UW's ability to pursue a Formal Grievance Process under Process A fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not include the provision or evidence or testimony.

Note that UW's ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the University to honor that request, UW will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by UW, and to have the incidents investigated and properly resolved through these procedures. Please note that delays may cause limitations on access to evidence or witnesses, or present issues with respect to the status of the parties.

### **23. False Allegations and Evidence**

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under UW policy.

### **24. Health and Safety Exemptions to Policy for Complainants and Witnesses**

The UW community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to UW officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of

the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the UW community that Complainants choose to report misconduct to University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

The health and safety of University of Wyoming students is of the utmost priority. To encourage students to offer help and assistance to others, the University may choose not to pursue minor conduct violations for (1) a student who may be hesitant to report misconduct because they themselves have committed a minor violation at the time of a more serious incident or (2) a student who may have committed a minor violation while actively assisting those who need medical aid or (3) a student who may have committed a minor violation while seeking help for themselves. Consideration will be given to students who act responsibly to aid other persons when determining appropriate sanctions and conduct outcomes.

The Dean of Students or designee will make the determination about when the exemption will be applied. Abuse of health and safety requests can result in a decision by the Dean of Students not to extend amnesty to the same person repeatedly. The University's actions do not have an impact on any legal action as a result of law enforcement responsibilities.

This does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision is not based on sex or gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

## **25. Federal Statistical Reporting Obligations**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) requires the University to disclose crime statistics for certain crimes that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus, and at certain non-campus facilities including Greek housing and remote classrooms.

For purposes of the Clery Act, Campus Security Authorities (CSAs) are required to report suspected violations of this policy to UWPD for statistical purposes. All personally identifiable information is kept private, but statistical information must be shared with to UWPD regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

CSAs include the University President, Vice Presidents, Associate Vice Presidents, Deans of the colleges, Associate Deans of the colleges, Department heads, Chief Diversity Officer and UWPD; Dean of Students, DOS Student Conduct Coordinator, DOS Assistant Dean of

Students, Student Affairs Business Operations, Fraternity and Sorority Life Coordinator, Residence Life and Dining Services Director, RLDS Conduct Officers, and Resident Assistants and Residence Coordinators; the ASUW President; the University Director of Athletics, Assistant AD's (including Senior Women's Administrator), Head Coaches, and Assistant Coaches; Director and Associate Director of the Wyoming Union; Associate Vice President of Human Resources; Title IX Coordinator/Manager of Investigations, Deputy Title IX Coordinators; Director, Student Educational Opportunity and Associate Director, University Disability Support Services; Director, University Counseling Center; Chief Risk Officer; Associate Dean, International Programs; the Registrar; Director of Admissions; Student Health Services Director (unless acting in a clinical role); Directors of off-campus facilities owned, operated, or controlled by the UW; and faculty advisors to active Registered Student Organizations (RSOs) who have been notified by UWPD of their responsibilities.

Questions concerning the Clery Act should be referred to the UWPD Chief of Police (307-766-5179 or [uwpd@uwyo.edu](mailto:uwpd@uwyo.edu)).

## **26. Federal Timely Warning Obligations**

The Clery Act requires all colleges and universities that receive federal funding, including UW, to share information about crimes that occur in or around campus and the University's efforts to improve campus safety. Members of the University community are notified about serious crimes that occur in and around campus so that they are aware and informed and may take precautions regarding their safety. While UW is a safe campus, serious crimes do happen, and dangerous situations can develop.

- Timely Warnings are disseminated when serious crimes occur or the threat of ongoing criminal acts may be repeated on campus – for example, a report of a sexual assault that occurred on campus when known facts suggest a potential risk to others.
- Emergency Notifications are disseminated when a significant emergency or dangerous situation exists on campus – for example, a severe weather emergency such as a tornado warning.

Both notices provide students with guidance to help protect themselves.

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, UW must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The Title IX Team will make every reasonable effort to discuss with the Complainant the likelihood of a timely warning being issued. UW will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

These notices may be received through a UW Alert text message or an email to all members of the UW community. Please be certain that you read emails with the subject, “Timely Warning” or “Emergency Notification,” and that you have registered your cellphone.

The decision to issue a timely warning will be based on all available information, and will be made by the Chief of Police in consultation with the Vice President for Student Affairs, Title IX Coordinator, General Counsel, and/or other appropriate UW officials.

## **27. Reporting options**

Complainants, Reporters, and Respondents have a number of reporting options on and off campus. Individuals should be aware of confidentiality and reporting requirements when discussing their concerns (as described below).

### **Reporting to the University**

- **ReportIt Website**

The University encourages all University community members to utilize the online form to submit reports of discrimination, harassment, and retaliation (see <http://www.uwyo.edu/reportit/make-a-report/>)

- **Equal Opportunity Report and Response**

Equal Opportunity Report and Response responds to reports of suspected violations of (1) Title IX of the Education Amendments of 1972, as amended; (2) Title VII of the Civil Rights Act of 1964, as amended; (3) UW Regulation 4-2 (Discrimination and Harassment); and (4) UW Regulation 4-4 (Violence in the Workplace).

Reports can be made:

- By telephone (307-766-5200);
- In person (Bureau of Mines Building, Room 318) (subject to University business hours);
- By email ([report-it@uwyo.edu](mailto:report-it@uwyo.edu));
- By mail (1000 E Univ Ave, Dept 4307, Laramie WY, 82070); or
- Online ([www.uwyo.edu/reportit](http://www.uwyo.edu/reportit))

- **Dean of Students Office**

The Dean of Students Office responds to reports of suspected violations of the *Student Code of Conduct*, and conducts intakes related to harassment and discrimination.

Reports can be made:

- By telephone (307-766-3296);
- In person (Knight Hall, Room 128) (subject to University business hours);
- By email ([dos@uwyo.edu](mailto:dos@uwyo.edu)); or
- Online ([www.uwyo.edu/reportit](http://www.uwyo.edu/reportit))

- **Residence Life and Dining Services.**

The Office of Residence Life and Dining Services (RLDS) responds to reports of suspected violations of the *Apartments and Residence Halls Policies and Procedures*. Reports to RLDS will be forwarded to the Dean of Students Office and/or Title IX Coordinator.

Reports can be made:

- By telephone (307-766-3175);
- In person (lower level of Washakie Center) (subject to University business hours);
- In person to a Residence Coordinator or a Resident Assistant; or
- By email ([reslife-dining@uwyo.edu](mailto:reslife-dining@uwyo.edu)).

### **Reporting to law enforcement**

In addition to reporting incidents to the University, Complainants and Reporters are strongly encouraged (but not required) to report incidents of sexual misconduct to law enforcement. The SAFE Project Campus Advocate is available to assist students wishing to report to law enforcement, whether anonymously or not. Individuals who would like to speak with law enforcement without initiating a UW investigation may do so either by contacting UWPD Dispatch or with assistance from the SAFE Project. You have the option to speak with a police officer without initiating an investigation. This type of conversation is referred to as an "information only report." The officer will make notes on any information you would like to share and will take your name and some contact information. However, the police will not take any action on the report unless you request it.

There are four law enforcement agencies in Albany County:

- **University of Wyoming Police Department (UWPD)**
  - Phone: Non-emergency Dispatch: 307-766-5179
  - Address: 1426 E. Flint St, Laramie, WY 82071
  - Website: [www.uwyo.edu/uwpd](http://www.uwyo.edu/uwpd)
  - Email: [uwpd@uwyo.edu](mailto:uwpd@uwyo.edu)
- **City of Laramie Police Department (LPD)**
  - Phone: Non-emergency Dispatch: 307-721-2526
  - Address: 620 Plaza Court, Laramie, WY 82073
  - Website: <https://www.cityoflaramie.org/97/Police>
- **Albany County Sheriff's Office (ACSO)**
  - **Phone:** Non-emergency Dispatch: 307-721-2526
  - **Address:** 525 Grand Ave, Suite 101, Laramie, WY 82070
  - **Website:** <http://www.co.albany.wy.us/sheriff.aspx>

- **Wyoming State Highway Patrol**
  - **Phone:** 307-777-4321
  - **Address:** 5300 Bishop Blvd, Cheyenne, WY 82009
  - **Website:** <http://www.whp.dot.state.wy.us/home.html>

There are three ways to file a report with a law enforcement agency:

- Calling the applicable phone number listed above;
- Walking in to the police department and asking to speak to an officer; or
- Submitting information in writing via email (UWPD only).

Individuals unsure about which law enforcement agency they should contact to make a report are encouraged to report to UWPD. UWPD will assist in referring the individual to another agency, if necessary.

In most cases, when UWPD receives a report of sexual misconduct involving a student, they will notify the following University units: the Division of Student Affairs, the Dean of Students Office, Residence Life and Dining Services, Equal Opportunity Report and Response, the Office of General Counsel, and Athletics (if applicable). The notification to these departments will usually include identifiable information about the Complainant, Respondent, and/or Reporter (if applicable).

In most cases, when UWPD receives a report of sexual misconduct involving an employee or third party, they will notify the Office of General Counsel and Equal Opportunity Report and Response. The notification to these departments will usually include identifiable information about the Complainant, Respondent, and/or Reporter (if applicable).

### **Anonymous reporting**

Individuals may submit anonymous reports to UWPD in one of three ways:

- Silent Witness: <http://www.uwyo.edu/uwspd/crimereporting-info/silent-witness.html>
- Confidential Sexual Assault Report Form: <http://www.uwyo.edu/uwspd/crimereporting-info/sexassault-info.html>
- Text Tips to UWPD: Text the keyword UWYO and a message to 847411 (Tip411).

Individuals may also submit anonymous reports to the SAFE Project (766-3434, [campus@safeproject.org](mailto:campus@safeproject.org)), or by completing the online ReportIt form (<http://www.uwyo.edu/reportit/make-a-report/>) and omitting their name and contact information.

## **APPENDIX A – FORMAL GRIEVANCE PROCEDURE (PROCESS A)**

### **INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION (KNOWN AS PROCESS “A”)**

#### **1. Overview**

UW will act on any formal or informal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) that is received by the Title IX Coordinator<sup>5</sup> or any other Official with Authority by applying these procedures, known as “Process A.” Depending on the nature of the allegations, they will be resolved in one of three ways:

- Process A - Applies **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrators, or faculty members.
- Process B – Applies to other protected class harassment or discrimination as described above. Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator. Please see [Appendix E](#) (pg. 73) for a description of the procedures applicable to Process B.
- Referral to other policies/procedures – Applies to all other allegations of misconduct not covered under Process A or Process B. These will be addressed through procedures elaborated in the Student Code of Conduct, Employee Handbook, and UW Regulations.

#### **2. Notice/Report**

Upon receipt of a report or notice to the Title IX Coordinator of an alleged violation of the Policy, UW initiates a prompt initial assessment to determine the next steps the University needs to take. UW will offer supportive measures in all situations, including when a Complainant does not want to proceed. Upon the submission of a formal complaint, the University will either proceed with a formal grievance process including an investigation and a hearing (Process A) or, initiate informal resolution (when appropriate).

The University uses Process A or Process B to determine whether or not the Policy has been violated. If so, UW will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

#### **3. Initial Assessment**

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<sup>5</sup> Anywhere this procedure indicates “Title IX Coordinator,” UW may substitute a trained designee.

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator<sup>6</sup> or Team engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- The Title IX Team reaches out to the person impacted to offer supportive measures and to ensure they are aware of the right to have an Advisor.
- The Title IX Team seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Team determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- The Title IX Team works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Team works with the Complainant to identify their wishes, assess the request, and facilitate implementation accordingly. Process A is not initiated, though the Complainant can elect to initiate it later, if desired.
  - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
  - If a Formal Grievance Process (Process A) is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
    - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
      - an incident, and/or
      - a pattern of alleged misconduct, and/or
      - a culture/climate issue, based on the nature of the complaint.
    - If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply and refers the matter to Process B. **Please note that dismissing a complaint under Title IX is just procedural and does not limit the University’s authority to address a complaint with an appropriate process and remedies.**

#### a. Violence Risk Assessment

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted in conjunction with UYPD, the UWYO Cares team, or other

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<sup>6</sup> If circumstances require, the University will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

appropriate officials as part of the initial assessment. A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, supportive and exacerbating factors, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

The information from a VRA can aid in required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether a Clery Act Timely Warning/Trespass order/etc. is needed.

Where a more detailed VRA is required by the Title IX Coordinator or UWPD, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

More about the University's process for VRA can be found below in Appendix D (pg.71).

#### **b. Dismissal (Mandatory and Discretionary)<sup>7</sup>**

Per Federal regulations UW must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of UW.

The University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by the University; or

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<sup>7</sup> These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.

- 3) Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, UW will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

#### **4. Counterclaims**

UW is obligated to ensure that the grievance process is not abused for retaliatory purposes. UW permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

#### **5. Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.<sup>8</sup>

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

UW may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

##### **a. Who Can Serve as an Advisor**

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<sup>8</sup> “Available” means the party cannot insist on an Advisor who simply doesn’t have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the UW community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the University, the Advisor will be trained by UW and be familiar with UW's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the University, the Advisor may not have been trained by UW and may not be familiar with UW policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

#### **b. Advisors Roles in Meetings and Interviews**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. The University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

#### **c. Advisors in Hearings/UW-Appointed Advisor**

Under U.S. Department of Education Title IX regulations, a form of indirect questioning is required during the hearing under Process A, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

#### **d. Pre-Interview Meetings**

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and UW's policies and procedures.

#### **e. Advisor Violations of UW Policy**

All Advisors are subject to the same UW policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address UW officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

#### **f. Sharing Information with the Advisor**

UW expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

UW also provides a consent form that authorizes the University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before UW is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, the University will comply with that request at the discretion of the Title IX Coordinator.

#### **g. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by UW. UW may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

#### **h. Expectations of an Advisor**

UW generally expects an Advisor to adjust their schedule to allow them to attend meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

#### **i. Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

#### **j. Assistance in Securing an Advisor**

There are a number of organizations or local attorneys who may act as Advisors for either Respondents or Complainants in such matters, including some that may offer discounted or pro-bono services. The University does not make recommendations for any particular service or resource. Individuals may request a referral from an advocate, conduct a web search, or research attorneys through the Wyoming State Bar.

### **6. Resolution Processes**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with UW policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. UW encourages parties to discuss any sharing of information with their Advisors before doing so.

#### **a. Informal Resolution**

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism such as mediation, restorative justice practices, etc.;
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the University can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process (Process A), and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process (Process A).

Prior to implementing Informal Resolution, UW will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

UW will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

#### **b. Alternate Resolution Mechanism**

Alternate Resolution is an informal mechanism, and can include mediation or restorative justice practices, by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

The University may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;

- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator in consultation with appropriate UW authorities. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

### **c. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the University implements the accepted finding that the Respondent is in violation of UW policy and implements agreed-upon sanctions and/or remedies in coordination with other appropriate administrator(s) as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process (Process A) will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

### **d. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties and in consultation with appropriate UW administrators, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. Negotiated Resolutions are not appealable.

## **7. Grievance Process Pool**

The Formal Grievance Process (Process A) relies on a pool of officials (“the Pool”) to carry out the process. UW may also utilize trained individuals from other organizations, such as a

community college Title IX Coordinators, attorneys, or organizations that specialize in investigations/hearings. The list of Pool members and a description of the Pool can be found at [www.uwyo.edu/reportit/WEBSITEORDOCUMENTTOBECREATED](http://www.uwyo.edu/reportit/WEBSITEORDOCUMENTTOBECREATED)

### **a. Pool Member Roles**

Members of the Pool are trained annually, and can serve in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in informal resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices)
- To perform or assist with initial assessment
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

### **b. Pool Member Appointment**

The Title IX Coordinator, in consultation with UW administration, appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the University can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

### **c. Pool Member Training**

The Pool members receive annual training based on their respective roles. This training includes, but is not limited to:

- The scope of the University's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process

- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the recipient with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Specific training is also provided for Decision-makers, Appeal Decision-makers, intake personnel, Advisors (who are UW employees), and Panel Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted here:

[www.uwyo.edu/reportit/WEBSITEORDOCUMENTTOBECREATED](http://www.uwyo.edu/reportit/WEBSITEORDOCUMENTTOBECREATED) or are available for public review by contacting the Title IX Coordinator.

### **8. Formal Grievance Process (Process A): Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process (Process A). This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,

- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about UW's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the UW's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official UW records, or emailed to the parties' UW-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

## **9. Resolution Timeline**

UW will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## **10. Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints an investigator(s) to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

## **11. Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process [including

the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the General Counsel.

The Formal Grievance Process (Process A) involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

UW operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

## **12. Investigation Timeline**

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

UW will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

## **13. Delays in the Investigation Process and Interactions with Law Enforcement**

The University may undertake a short delay in its investigation (several business days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation (typically 10-14 days), the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

UW will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. UW will promptly resume its investigation and resolution process as soon as feasible. During such a delay, UW will implement supportive measures as deemed appropriate.

University action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

#### **14. Steps in the Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. 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 questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
  - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary

- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the Recipient does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

### **15. Role and Participation of Witnesses in the Investigation**

Witnesses (as distinguished from the parties) who are UW employees are expected to cooperate with and participate in the University's investigation, hearing and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation, hearing, or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. UW will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

### **16. Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

### **17. Evidentiary Considerations in the Investigation**

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

### **18. Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker(s) from the Pool.

### **19. Hearing Decision-maker Composition**

The Recipient will designate a single Decision-maker or a three-member panel from the

Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator. For dismissal level offenses, UW will typically contract with an attorney or a third-party firm that specializes in such investigations/hearings to act as a Decision-Maker or Panel.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

## **20. Evidentiary Considerations in the Hearing**

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

## **21. Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Decision-maker/Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
- An invitation to each party to submit to the Decision-maker/Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-90 business day goal for resolution.

## **22. Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Decision-maker(s) at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Decision-maker(s) can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Decision-maker(s) know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

## **23. Pre-Hearing Preparation**

The Decision-maker(s) or Hearing Facilitator, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Decision-maker/Chair agree to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Decision-maker/Chair do not agree to the admission of evidence newly offered at the hearing, the Decision-maker/Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than three business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Decision-maker/Chair at the pre-hearing

meeting or at the hearing and will be exchanged between each party by the Decision-maker/Chair.

#### **24. Pre-Hearing Meetings**

The Decision-maker/Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Decision-maker/Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Decision-maker/Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Decision-maker/Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Decision-maker/Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Decision-maker/Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Decision-maker/Chair may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will be recorded.

#### **25. Hearing Procedures**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing may include the Decision-maker(s), any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations or assistive services.

The Decision-maker/Chair will answer all questions of procedure, but may consult with the Title IX Coordinator and other appropriate administrators/resources for clarification on questions of procedure or rationale if needed. Documentation of all such consultation will be maintained.

Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Decision-maker(s) will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties' Advisors and the witnesses will then be excused.

## **26. Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

## **27. The Order of the Hearing – Introductions and Explanation of Procedure**

The Decision-maker(s) explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Decision-maker/Chair will rule on any such challenge unless they are the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process may be managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, etc.

## **28. Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Decision-maker(s) will disregard it.

### **29. Testimony and Questioning**

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Decision-maker(s). The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Decision-maker/Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Decision-maker(s) upon request if agreed to by all parties and the Decision-maker(s)), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Decision-maker/Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Decision-maker(s) may invite explanations or persuasive statements regarding relevance with the Advisors, if the Decision-maker(s) so chooses. The Decision-maker/Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Decision-maker/Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker/Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision-maker/Chair has final say on all questions and determinations of relevance. Decision-maker(s) may consult with legal counsel on any questions of admissibility. The Decision-maker/Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

### **30. Refusal to Submit to Cross-Examination and Inferences**

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

statement. Evidence provided that is something other than a statement by the party or witness may be considered.

Cross-examination is an all or nothing proposition, meaning that if any question is refused, no statements of that party or witness are admissible. Only if a party or witness is willing to submit to cross-examination, and answers all questions, can their statements prior to or at the hearing be fully admissible.

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

Whether a party or witness does or does not answer questions from the Decision-maker(s), their statements will be admissible as long as they are willing to submit to cross-examination questions, even if they are not asked such questions.

The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the UW's established rules of decorum for the hearing, the University may require the party to use a different Advisor. If an Advisor refuses to comply with the rules of decorum, UW may provide that party with a different Advisor to conduct questioning on behalf of that party.

### **31. Recording Hearings**

Hearings (but not deliberations) are recorded by the University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **32. Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Decision-maker(s) will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding. The Decision-maker(s) will review the statements and any pertinent conduct history provided by the University and will recommend the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Decision-maker(s) will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanction recommendations.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within ten (10) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### **33. Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome, which may be reviewed by legal counsel. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 7 business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official UW records, or emailed to the parties' UW-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site

visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the University is permitted to share such information under state or federal law; any sanctions issued which UW is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to UW's educational or employment program or activity, to the extent the University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

#### **34. Statement of the Rights of the Parties (see Appendix B, pg. 65)**

#### **35. Sanctions**

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous incidents involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The need to ensure sanctions consistent with existing University policies such as the Student Code of Conduct and Employee Handbook.
- The impact on the parties
- Any other information deemed relevant

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

##### **a. Student Sanctions**

The following are the usual sanctions that may be imposed upon students or

organizations singly or in combination:

- *Written Warning*: An official written notice that the student has violated University policies, is on notice that they must correct their behavior, and that more severe conduct action will be taken should the student be involved in other violations while enrolled at the University..
- *Required Counseling/Assessment or Educational Sanctions*: A mandate to meet with and engage in either UW-sponsored or external counseling (ex: alcohol or educational sanctions to better comprehend the misconduct and its effects.
- *Probation*: A specified period of time during which the student or organization is placed on formal notice that they are not in good standing with the University and that further violations of University policies may subject them to suspension or dismissal from the University.
- *Suspension*: Exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed four years and/or until specific criteria are met. A record of the action is maintained in University files. A transcript notation will be made indicating the student has been suspended from the University for conduct violations. This transcript notation may be removed upon graduation by written request of the Dean of Students. Any refund of tuition or fees will be subject to the University's normal withdrawal policy. Students will receive a "W" on all pending course work.
- *University Dismissal*: Permanent termination of student status. A transcript notation will be made indicating the student has been permanently dismissed from the University for conduct violations. Any refund of tuition or fees will be subject to the University's normal withdrawal policy. Students will receive a "W" on all pending course work. Students who are dismissed from the University may be issued a one-year trespass by the University of Wyoming Police Department, pursuant to the University trespass procedures. UWPD can also consider extending the trespass. Trespassed students are not permitted on campus or in University buildings, facilities, or activities at any time for any reason, unless otherwise permitted by UWPD.
- *Revocation of Degree*: The University reserves the right to revoke a degree previously awarded from the University in accordance with UW Regulation 2-120 (Academic and Honorary Degree Revocation).
- *Organizational Sanctions*: Warning, probation, suspension, loss of recognized status, loss of some or all privileges (including UW registration), trespass for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate in accordance with the Student Code of Conduct.

#### **b. Employee Sanctions/Responsive Actions**

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance or Behavioral Improvement Plan/Management Process*
- *Enhanced supervision observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of tenure track progress*
- *Assignment to a new supervisor*
- *Restriction of stipends, research, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, the University may assign any other responsive actions as deemed appropriate.

### **36. Withdrawal or Resignation While Charges Pending**

- a. Students: Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the University, the resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student.

However, the University will also continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the University. Such exclusion applies to all campuses of the University. Admissions will be notified that they cannot be readmitted. They may also be barred from University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to the University unless and until all sanctions have been satisfied.

- b. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as UW no longer has disciplinary jurisdiction over the resigned employee.

However, the University will continue to address and remedy any systemic issues or

concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the University of Wyoming, and the records retained by the Title IX Coordinator will reflect that status.

All UW responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

### **37. Appeals**

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within 5 days of the delivery of the Notice of Outcome. A single Appeal Decision-maker or Appeals Panel will be designated by the Title IX Coordinator. No Appeal Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Decision-maker(s) for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

#### **a. Grounds for Appeal**

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter [a summary of this new evidence and its potential impact must be included]; and
- (C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter. [A summary of the bias/conflict, related evidence, and its potential impact must be included.]

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-maker(s) and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-maker(s) will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators, and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Decision-maker(s) to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this policy by the Appeal Decision-maker(s) and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Decision-maker will render a decision in no more than ten (10) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' UW-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

#### **b. Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

If the original sanctions include separation in any form, the University may place a hold on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal. The Respondent may submit a request to the Title IX Coordinator

for the University to stay these holds within two (2) business days of the notice of the sanctions. The request will be evaluated by the Title IX Coordinator or designee, in consultation with appropriate UW officials, whose determination is final.

**c. Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-maker(s) to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Decision-maker(s) may consult with the Title IX Coordinator and other appropriate administrators/resources on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural or substantive error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to UW or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

**38. Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator and appropriate UW administrators may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services

- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the University, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access. The University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair UW's ability to provide these services.

### **39. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions**

As members of the University community, all Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Decision-maker).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University of Wyoming and may be noted on a student's official transcript.

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

### **40. Recordkeeping**

UW will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to UW's education program or activity;
4. Any appeal and the result therefrom;

5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. UW will make these training materials publicly available on UW's website or available upon request for inspection by members of the public; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to UW's education program or activity; and
  - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

UW will also maintain any and all records in accordance with the [University Records Retention Schedule](#) and applicable state and federal laws.

#### **41. Disabilities Accommodations in the Resolution Process**

UW is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to UW's resolution process.

Anyone needing such accommodations or support should contact the Title IX Coordinator, who will review the request and, in consultation with Disability Support Services/Human Resources and the person requesting the accommodation, determine which accommodations are appropriate and necessary for full participation in the process.

#### **42. Revision of this Policy and Procedures**

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the ReportIt website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 14, 2020.

## **APPENDIX B – STATEMENT OF THE RIGHTS OF THE PARTIES**

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to UW officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by UW officials.
- The right to have UW policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by UW officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by UW officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by UW officials in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by UW law enforcement and/or other UW officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to a UW -implemented no-contact directive or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in

stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.

- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
  - Relocating an on-campus student's housing to a different on-campus location
  - Assistance from UW staff in completing the relocation
  - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
  - Transportation accommodations
  - Visa/immigration assistance
  - Arranging to dissolve a University housing contract and a pro-rated refund
  - Exam, paper, and/or assignment rescheduling or adjustment
  - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
  - Transferring class sections
  - Temporary withdrawal/leave of absence (may be retroactive)
  - Campus safety escorts
  - Alternative course completion options.
- The right to have the University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair UW's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right to have inadmissible prior sexual history or irrelevant character evidence excluded by the Decision-maker.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received at least eight hours of relevant annual training.
- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any UW representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to have the University compel the participation of faculty and staff witnesses.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an

explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.

- The right to be informed in writing of when a decision by the University is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University.
- The right to a fundamentally fair resolution as defined in these procedures.

## APPENDIX C – CONSENSUAL RELATIONSHIPS

The University of Wyoming is committed to the principle that its employees shall carry out their duties in an ethical and objective fashion. So while the University does not interfere with the private choices of its employees, consensual romantic or sexual relationships in which an employee retains a supervisory position over another employee or an evaluative role over a student may hinder this goal. The University must ensure that its operations are conducted with integrity and are free from concerns of bias, unfairness, undue influence or favoritism.

To this end, the University has enacted the below described policy to encourage transparency by employees and provide a framework by which potential conflicts can be identified and appropriately managed.

When a consensual romantic or sexual relationship exists, has existed, or arises between University employees where one employee serves in a directory, advisory or supervisory role over the other, or between an employee and student; the person in the position of greater authority, power, or influence, will bear the responsibility of accountability. This accountability includes the **required** duties to:

1. Report the relationship to supervisors **and**;
2. Work with supervisors and other applicable University personnel to appropriately manage potential conflicts

In developing a plan to manage potential conflicts and mitigate adverse effects between employees, steps shall include the removal of any supervisory, advisory, evaluative function, or influence over the other person in the relationship. This may include establishing alternate supervisory or reporting lines, securing another supervisor for evaluation of work performance, or moving an employee to another position of the same or comparable status and duties. Conflict management plans must be in writing and developed by the applicable employee (with input from and approval by the supervisor). Further, the plan must be approved in writing by the director of the department and maintained in the applicable employee files.

The University prohibits consensual relationships between an individual with supervisory, teaching, evaluation or advisory authority and a student and/or student employee who is directly or indirectly supervised, taught, evaluated or advised by that individual, unless the relationship has been disclosed and a plan to mitigate any conflict has been approved by the applicable department head and documented in writing. Responsibilities such as assigning grades; evaluating classroom performance; serving on the student's graduate committee; or awarding scholarships must be reassigned to other qualified individuals.

Failure to report and make the appropriate efforts to mitigate potential conflicts from these relationships shall be considered a violation of this policy and may subject an employee to discipline. Supervisors and appropriate University personnel shall make every effort possible to preserve confidentiality of reporting employees. They shall be required to share names

and pertinent information only with those individuals necessary to adequately address the potential conflicts. Retaliation against persons who report under this policy is prohibited.

## **APPENDIX D: VIOLENCE RISK ASSESSMENT (VRA)**

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A ***Violence Risk Assessment (VRA)*** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other UWYO Cares team members. A VRA is conducted in conjunction with UWPD, the UWYO Cares team, or other appropriate officials and must be understood as an on-going process, rather than a singular evaluation or meeting.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, supportive and exacerbating factors, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) uses an evidence-based process consisting of:

1. an appraisal of ***risk factors*** that escalate the potential for violence;
2. a determination of ***stabilizing influences*** that reduce the risk of violence;
3. a contextual ***analysis of violence risk*** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence; and
4. the application of ***intervention and management*** approaches to reduce the risk of violence.

The assessment will be conducted by individual(s) trained to perform the assessment, according to the specific nature of the Title IX case. To assess an individual's level of violence risk, the Title IX Coordinator and/or Dean of Students will initiate the violence risk assessment process in conjunction with UWPD, the UWYO Cares team, or other appropriate officials. The assessment team makes a recommendation as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community.

The assessor(s) will rely on a consistent, research-based, reliable system that allows for the operationalization of the risk levels. Some examples of formalized approaches to the VRA process include: The NaBITA Risk Rubric,<sup>9</sup> The Structured Interview for Violence Risk Assessment (SIVRA-35),<sup>10</sup> The Extremist Risk Intervention Scale (ERIS),<sup>11</sup> Looking

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<sup>9</sup> [www.nabita.org/tools](http://www.nabita.org/tools)

<sup>10</sup> [www.nabita.org/resources/assessment-tools/sivra-35/](http://www.nabita.org/resources/assessment-tools/sivra-35/)

<sup>11</sup> [www.nabita.org/resources/assessment-tools/eris/](http://www.nabita.org/resources/assessment-tools/eris/)

Glass,<sup>12</sup> Workplace Assessment of Violence Risk (WAVR-21),<sup>13</sup> Historical Clinical Risk Management (HCR-20),<sup>14</sup> MOSAIC<sup>15</sup>, and the Danger Assessment<sup>16</sup>.

The VRA is conducted independently from the Title IX process, free from outcome pressure, but is informed by it. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The Assessor(s) conduct a VRA process and make a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community.

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<sup>12</sup> [www.nabita.org/looking-glass](http://www.nabita.org/looking-glass)

<sup>13</sup> [www.wavr21.com](http://www.wavr21.com)

<sup>14</sup> [hcr-20.com](http://hcr-20.com)

<sup>15</sup> [www.mosaicmethod.com](http://www.mosaicmethod.com)

<sup>16</sup> <https://www.dangerassessment.org/>

## **APPENDIX E: PROCESS B**

- Process B is applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
- If Process A is applicable, Process A must be applied in lieu of Process B.
- Some provisions of [VAWA Section 304](#) and Title IX may also be applicable to Process B when the offenses meet those regulatory definitions.

### **INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION**

UW will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination that is received by the Title IX Coordinator<sup>17</sup> or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy above.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties to which Process A does not apply.

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 this policy will be addressed through the procedures elaborated in the respective Student Code of Conduct, Employee Handbook, and UW Regulations.

#### **1. Initial Assessment**

Following a report or notice of an alleged violation of the University's nondiscrimination Policy, the Title IX Coordinator<sup>18</sup> or Team engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- The Title IX Team reaches out to the person impacted (Complainant) to offer supportive measures and to ensure they are aware of their right to an Advisor.
- The Title IX Team works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution. If they do not wish to do so, the Title IX Team determines whether the circumstances require that UW initiate Administrative Resolution absent a willing/able Complainant.

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<sup>17</sup> All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.

<sup>18</sup> If circumstances require, the University will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- If a supportive and remedial response is preferred, the Title IX Team works with the Complainant to identify their wishes, assess the request, and facilitate implementation accordingly. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
- If an Informal Resolution option is preferred, the Title IX Team assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
- If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
  - Incident, and/or
  - A potential pattern of misconduct, and/or
  - A culture/climate issue
- In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted in conjunction with UWPD, the CARES team, or other appropriate officials as part of the initial assessment. The information from a VRA can aid in critical and/or required determinations, including:
  - Interim suspension of a Respondent who is a threat to health/safety;
  - Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant;
  - Whether to focus the investigation on incident and/or pattern and/or climate;
  - To help identify potentially predatory conduct;
  - To help assess/identify grooming behaviors;
  - Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful;
  - Whether to permit a voluntary withdrawal by the Respondent;
  - Whether to impose transcript notation or communicate with a transfer Recipient about a Respondent;
  - Assessment of appropriate sanctions/remedies;
  - Whether a Clery Act Timely Warning/Trespass order/etc. is needed.

More about UW's process for VRA can be found in Appendix D (pg.71).

Based on the initial assessment, UW will initiate one of two responses:

- Informal Resolution – typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
- Administrative Resolution – investigation of policy violation(s) and recommended finding, subject to a determination by the Title IX Coordinator/Decision-maker and the opportunity to appeal to an Appeal Decision-maker.

The investigation and the subsequent Administrative Resolution determine whether the nondiscrimination policy has been violated. If so, UW will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects. These remedies can include disciplinary action for students and employees in accordance with the Student Code of Conduct, Employee Handbook, and UW Regulations.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

## **2. Resolution Process Pool**

The resolution processes rely on a pool of officials (“Pool”) to carry out the process. For more complex or egregious cases, UW may also utilize trained individuals from other organizations, such as a community college Title IX Coordinators, attorneys, or organizations that specialize in investigations/hearings. The list of members and a description of the Pool can be found at [www.uwyo.edu/reportit](http://www.uwyo.edu/reportit). Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide sensitive intake for and initial advice pertaining to the allegations
- To act as optional process Advisors to the parties
- To facilitate Informal Resolution
- To serve as a Decision-maker
- To serve as an Appeal Decision Maker or on an Appeal Panel

The Title IX Coordinator, in consultation with UW administration, carefully vets Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training organized by the Title IX Coordinator, including a review of UW policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

The Pool members receive annual training specific to their role. This training includes, but is not limited to:

- The scope of UW’s Discrimination and Harassment Policy and Procedures

- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the recipient with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be use
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations
- Recordkeeping

Specific training is also provided for Decision-makers, Appeal Decision-makers, intake personnel, and Advisors. All Pool members are required to attend annual training.

### **3. Counterclaims**

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. UW is obligated to ensure that any process is not abused for retaliatory purposes.

UW permits the filing of counterclaims, but uses the initial assessment, described above in the Policy section, to assess whether the allegations are made in good faith. If they are, the

allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

#### **4. Advisors**

##### **a. Expectations of an Advisor**

UW generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned, but UW may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

UW may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by UW policies and procedures may face the loss of that Advisor and/or possible Policy violations.

Advisors are expected to consult with their advisees without disrupting UW meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

##### **b. Expectations of the Parties with Respect to Advisors**

Each party may choose an Advisor<sup>19</sup> who is eligible and available<sup>20</sup> to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator if they change Advisors at any time.

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<sup>19</sup> This could include an attorney, advocate, or support person. Witnesses are not entitled to Advisors within the process, though they can be advised externally. If UW allows more than one Advisor for one party, they should do so for all parties.

<sup>20</sup> "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

Upon written request of a party, UW will copy the Advisor on all communications between the University and the party. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

Witnesses are permitted to have Advisors in grievance process interviews or meetings.

At the discretion of the Title IX Coordinator, more than one Advisor may be permitted to the parties, upon request. For equity purposes, if one party is allowed another Advisor, the other party must be allowed one as well.

### **c. Assistance in Securing an Advisor**

There are a number of organizations or local attorneys who may act as Advisors for either Respondents or Complainants in such matters, including some that may offer discounted or pro-bono services. The University does not make recommendations for any particular service or resource. Individuals may request a referral from an advocate, conduct a web search, or research attorneys through the Wyoming State Bar.

## **5. Resolution Options**

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with UW Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose but are encouraged to discuss this with their Advisors before doing so.

### **a. Informal Resolution**

Informal Resolution is applicable when:

- the parties voluntarily agree to resolve the matter through Alternate Resolution (such as mediation, restorative practices, etc.),
- the Respondent accepts responsibility for violating Policy, or
- the University can resolve the matter informally by providing remedies 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.

### **i. Alternate Resolution**

Alternate Resolution is an informal process, such as mediation or restorative practices, by which the parties mutually agree to resolve of an allegation. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Alternate Resolution.

The Title IX Coordinator determines if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution.

In an Alternate Resolution meeting, a trained administrator facilitates a dialogue with the parties to an effective resolution, if possible. The parties may agree to accepted sanctions and/or appropriate remedies.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Administrative Resolution process is completed should the parties and the Title IX Coordinator, in consultation with appropriate UW administrators, believe it could be beneficial. The results of Alternate Resolution are not appealable.

## **ii. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator makes a determination that the individual is in violation of UW Policy.

The Title IX Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator has determined appropriate sanction(s) or responsive actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The parties are still able to seek Alternate Resolution on the remaining allegations, subject to the

stipulations above.

### **iii. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties and in consultation with appropriate UW administrators, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. Negotiated Resolutions are not appealable.

### **b. Administrative Resolution**

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Equal Opportunity, Harassment, and Nondiscrimination Policy at any time during the process. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least 48 hours in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official UW records, or emailed to the parties' UW-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be amended at a later date, in writing, as the investigation progresses, and details become clearer.

UW strives to complete all investigations within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints an investigator(s) to conduct the investigation, usually within two (2) days of determining that an investigation should proceed.

The Title IX Coordinator 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 Title IX Coordinator 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 Title IX Coordinator, concerns should be raised with the General Counsel or their designee.

Investigations are completed expeditiously, normally within 20-30 business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

UW will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

UW may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the Recipient's resolution process are being investigated by law enforcement. UW will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.

University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

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 questions, to provide evidence, and to fully review and respond to all evidence, on the record.

## **6. Investigation**

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator, Dean of Students, HR, UWPD), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action

- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of a process Advisor appointed by the University or other Advisor of their choosing present for all meetings attended by the party
- When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- 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
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Share the report with the Title IX Coordinator or legal counsel for review and feedback.
- Provide the final report to the Title IX Coordinator/Decision-maker. Recommend to the Title IX Coordinator/Decision-maker a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not).

## **7. Determination**

Within two to three days of receiving the Investigator's recommendation, the Title IX Coordinator or a trained, designated Decision-maker from the Pool<sup>21</sup> reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence. Student cases will be referred to a trained Decision-maker in the Dean of Students Office for final determination; this could result in a Conduct Hearing in accordance with the Student Code of Conduct.

If the record is incomplete, the Title IX Coordinator/Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The recommendation of the investigator should be strongly considered but is not binding on the Title IX Coordinator/Decision-maker. The Title IX Coordinator or Decision-maker may invite and consider impact statements from the parties if and when determining appropriate sanction(s), if any.

The Title IX Coordinator/Decision-maker then timely provides the parties with a written Notice of Outcome to include findings, any sanction(s), and a detailed rationale, delivered simultaneously (without undue delay) to the parties.

## **8. Additional Details of the Investigation Process**

### **a. Witness responsibilities**

Witnesses (as distinguished from the parties) who are faculty or staff of the University are expected to cooperate with and participate in the University's investigation and resolution process. Failure of a witness to cooperate with and/or participate in the investigation or resolution process constitutes a violation of Policy and may be subject to discipline.

### **b. Remote processes**

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) or Decision-maker determine that timeliness or efficiency dictates a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. Where remote technologies are used, UW makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

### **c. Recording**

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties

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<sup>21</sup> When the Title IX Coordinator is the Investigator or has been heavily involved in the process prior to determination, a Decision-maker should be designated from the Pool to ensure there is no conflict of interest.

must be made aware of audio and/or video recording.

#### **d. Evidence**

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

#### **e. Sexual history/patterns**

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or (3) the character of the parties.

#### **f. Previous allegations/violations**

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s).

#### **h. Notification of outcome**

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator, in consultation with other administrators as appropriate, determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator informs the parties of the determination within two to three business days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official UW records; or emailed to the parties' UW -issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which the University is permitted to share pursuant to state or

federal law, and the rationale supporting the essential findings to the extent UW is permitted to share under state or federal law.

The notice will detail when the determination is considered final and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found in section [11](#) below.

## **9. Sanctions**

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator/Decision-maker

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

### **a. Student Sanctions**

Student sanctions will be determined by the Dean of Students Office in accordance with the Student Code of Conduct, which includes educational and disciplinary sanctions up to and including dismissal.

### **b. Employee Sanctions**

When a violation is found the applicable Vice President or Dean shall, in consultation with HR and other appropriate University officials, implement corrective actions for the Respondent in accordance with established university rules, policies and procedures. The University will take steps to address and prevent recurrence of harassment or discrimination found to have occurred as well as to remedy its discriminatory effects on

the Complainant (and others, as appropriate).

### **10. Withdrawal or Resignation While Charges are Pending**

Students: In accordance with the Student Code of Conduct, conduct allegations will be resolved even when a student chooses to withdraw before the allegations have been resolved. Official transcripts requested before conduct matters are resolved will include a notation indicating conduct proceedings are in progress. Upon resolution, the transcript notation will be removed. Additional transcription notations may be added upon resolution. Students who are under investigation or otherwise involved in conduct proceedings will not have degrees issued until the conduct processes have been concluded.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as UW no longer has disciplinary jurisdiction over the resigned employee. An employee who resigns with unresolved allegations pending may not be eligible for rehire with the University of Wyoming, and the records retained by the Title IX Coordinator will reflect that status. All UW responses to future inquiries regarding employment references for that individual may include that the former employee resigned during a pending disciplinary matter.

In all cases, the University will also continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

### **11. Appeals**

Any party who disagrees with the information or conclusions of the investigation report may submit a written response to EORR to be included in the file.

For student cases, appeals are handled as detailed in the Student Code of Conduct.

For employee cases, appeals are handled in accordance with the Employee Handbook and relevant UW Regulations.

### **12. Long-Term Remedies/Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services

- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator and appropriate administrators, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by the Recipient to the Respondent.

### **13. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions**

As members of the University community, all Respondents are expected to comply with assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Decision-maker).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/ action(s), including suspension, expulsion, and/or termination from the University of Wyoming and may be noted on a student's official transcript.

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

### **14. Recordkeeping**

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept indefinitely, or as required by state or federal law or institutional policy, by the Title IX Coordinator.

### **15. Statement of the Rights of the Parties (see Appendix B, pg. 65)**

### **16. Disability Accommodation in the Resolution Process**

The University of Wyoming is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to

the resolution process at UW. Anyone needing such accommodations or support should contact the Title IX Coordinator who, in consultation with Disability Support Services and/or Human Resources, will review the request with the person requesting the accommodation and determine which accommodations are appropriate and necessary for full participation in the process.

## **17. Revision**

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The Recipient reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (on the ReportIt website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure.

Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This policy and procedure was implemented in August 2020.

ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL  
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## **APPENDIX F: EDUCATION AND TRAINING**

The University offers education and training to students, faculty, and staff that promotes the prevention and awareness of sexual misconduct.

### **1. Types of educational programs for students and employees**

- **Primary Prevention.** Programming, initiatives and strategies intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
- **Awareness Programs.** Community-wide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.
- **Bystander Intervention Training.** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.
- **Risk Reduction.** Options designed to decrease perpetration and bystander inaction; increase empowerment for victims in order to promote safety; and help individuals and communities address conditions that facilitate violence.

### **2. Training and Programming for Students**

Awareness and prevention programming for students is primarily provided by the Green Dot Program and Stop Violence Program, in collaboration with the Dean of Students Office, Student Affairs, UWPD, RLDS, EORR, and many campus partners. This includes:

- Online training for all incoming freshmen;
- Training for new students at new student orientation, the *Cowboy Connect* transition to college program, and/or within the residence halls during the first half of the fall semester;
- Ongoing campus-wide awareness programming for the University community, including at least one campus-wide program during the fall and spring semesters;
- Green Dot Training
- Ongoing small group programs;
- Step Up! Bystander intervention training
- Escalation Workshop
- Rape Aggression Defense Systems (RADS) Self Defense Training (provided by UWPD);
- UWPD Adopt-A-Cop Program.
- Wellness Ambassadors peer education program
- Primary prevention workshops by request
- Safe Zone
- Sources of Strength

- NO MORE Awareness Week
- Take Back the Night (in partnership with Albany County SAFE Project)
- Outreach workshops discussing reporting and available campus and community resources

Additional prevention programming for students is provided by the Division of Student Affairs and other academic offices, including but not limited to, the Department of Women and Gender Studies, Fraternity and Sorority Life, the University Counseling Center, and the Dean of Students Office. For more information on student training opportunities, contact the Stop Violence Program at 307-766-3475 or [stopviolence@uwyo.edu](mailto:stopviolence@uwyo.edu).

### **3. Training for Employees**

The University provides training in accordance with Title IX of the Education Amendments Act of 1972, as amended and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Campus SaVE Act. All employees receive annual training about recognizing, responding to, and preventing sexual misconduct and discrimination, as well as disabilities and accommodations. For more information on employee training opportunities, contact Equal Opportunity Report and Response at 307-766-5200 or the Human Resources Department at 307-766-5484.

## **APPENDIX G: RESOURCES**

### **1. Immediate assistance**

The following entities are **advocates and counselors** who can provide an immediate confidential response in a crisis situation:

- **University Counseling Center** (on campus)
  - **Phone:** 307-766-2187 and 307-766-8989 (after hours emergencies)
  - **Website:** <http://www.uwyo.edu/ucc/>
- **Albany County SAFE Project** (on and off campus)
  - **Phone:** 307-745-3556 (24 hours) or 307-766-3434 (on campus)
  - **Website:** <http://www.safeproject.org/>
- **Ivinson Memorial Hospital Behavioral Health Unit** (off campus)
  - **Phone:** 307-742-0285 (24 hours)
  - **Website:** <http://www.ivinsonhospital.org/behavioral-health>

The following entities are **campus police, community law enforcement, and other first responders**, who can provide immediate assistance in a crisis situation:

*In all emergency situations, individuals should call 911 for immediate assistance.*

- **University of Wyoming Police Department (UWPD)** (on campus)
  - **Phone:** Non-emergency Dispatch: 307-766-5179
  - **Website:** [www.uwyo.edu/uwprd](http://www.uwyo.edu/uwprd)
- **City of Laramie Police Department (LPD)** (off campus)
  - **Phone:** Non-emergency Dispatch: 307-721-2526
  - **Website:** <https://www.cityoflaramie.org/97/Police>
- **Albany County Sheriff's Office (ACSO)** (off campus)
  - **Phone:** Non-emergency Dispatch: 307-721-2526
  - **Website:** <http://www.co.albany.wy.us/sheriff.aspx>
- **Wyoming Highway Patrol** (off campus)
  - **Phone:** 307-777-4321
  - **Website:** <http://www.whp.dot.state.wy.us/home.html>

The following entities are **health care options** for someone needing immediate medical assistance:

- **Student Health Service** (on campus)
  - **Phone:** 307-766-2130

- **Address:** 1st Floor, Student Health/Cheney International Center Building
- **Website:** <http://www.uwyo.edu/shser/>
- **Email:** [studenthealth@uwyo.edu](mailto:studenthealth@uwyo.edu)
- **Iverson Memorial Hospital** (off campus)
  - **Phone:** 307-742-2142 ext. 3322 or 307-742-0285 (24 hours)
  - **Address:** 255 N. 30th Street, Laramie, Wyoming 82072
  - **Website:** <http://www.iversonhospital.org/behavioral-health>
- **Off-campus walk-in clinics** – Individuals can also seek medical treatment at off-campus walk-in clinics such as Stitches Acute Care Center, Grand Avenue Urgent Care, Laramie Reproductive Health, etc. Forensic medical exams can only be performed at Iverson Memorial Hospital.

## 2. Ongoing assistance

The following entities can provide **ongoing counseling, advocacy and support:**

- **Albany County SAFE Project** (on and off-campus)
  - **Phone:** 307-745-3556 (24 hours) or 307-766-3434 (on-campus)
  - **Campus Address:** Room 115, Knight Hall
  - **Campus email:** [campus@safeproject.org](mailto:campus@safeproject.org)
  - **Website:** <http://www.safeproject.org>
- **University of Wyoming Counseling Center** (on campus)
  - **Phone:** 307-766-2187
  - **Address:** Room 341, Knight Hall
  - **Email:** [uccstaff@uwyo.edu](mailto:uccstaff@uwyo.edu)
  - **Website:** <http://www.uwyo.edu/ucc/>
- **Psychology Clinic** (on campus)
  - **Phone:** 307-766-2149
  - **Address:** Room 307, Biological Sciences Building
  - **Email:** [uwpc@uwyo.edu](mailto:uwpc@uwyo.edu)
  - **Website:** <http://www.uwyo.edu/psychology/clinic.html>
- **Wellspring Counseling Clinic** (on campus)
  - **Phone:** 307-766-6820
  - **Address:** Room 44, Education Building
  - **Email:** [cetc@uwyo.edu](mailto:cetc@uwyo.edu)
  - **Website:** <http://www.uwyo.edu/clad/counseling/wellspring-counseling-clinic.html>
- **University of Wyoming Law School Family and Child Legal Advocacy Clinic** (on campus)
  - **Phone:** 307-766-3747

- **Address:** Law School Annex, Laramie Wyoming 82071
- **Email:** [famlaw@uwyo.edu](mailto:famlaw@uwyo.edu)
- **Website:** <http://www.uwyo.edu/law/experiential/clinics/family-child-adv-clinic.html>
- **Student Health Service** (on campus)
  - **Phone:** 307-766-2130
  - **Address:** 1st Floor, Student Health/Cheney International Center Building
  - **Email:** [studenthealth@uwyo.edu](mailto:studenthealth@uwyo.edu)
  - **Website:** <http://www.uwyo.edu/shser/>
- **Peak Wellness Center** (off campus)
  - **Phone:** 307-745-8915 (24 hours)
  - **Address:** 1263 North 15th Street Laramie, WY 82072
  - **Website:** <http://peakwellnesscenter.org/>
- **Legal Aid of Wyoming, Inc.** (off campus)
  - **Phone:** 877-432-9955
  - **Website:** <http://www.lawyoming.org/>
- **Wyoming Coalition Against Domestic Violence and Sexual Assault Legal Assistance for Victims Program** (off campus)
  - **Phone:** 307-755-0992
  - **Address:** 710 Garfield St., Suite 218, Laramie WY 82073
  - **Email:** [info@wyomingdvsa.org](mailto:info@wyomingdvsa.org)
  - **Website:** <http://www.wyomingdvsa.org>

Equal Opportunity Report and Response and the Dean of Students Office can assist with implementing interim measures to ensure the safety and wellbeing of individuals, such as academic accommodations or changes in University work schedules. These measures are available to individuals regardless of whether the individual reports to law enforcement and without the need to wait for the outcome of a student conduct hearing or Title IX investigation. Students should contact the Dean of Students Office at 307-766-3296. Employees should contact Equal Opportunity Report and Response at 307-766-5200.

### 3. Additional resources

Safe Ride

<http://www.uwyo.edu/tps/transit/saferide.html>

*UW Student Code of Conduct*

<http://www.uwyo.edu/dos/conduct/>

UW Regulation 4-2: Discrimination and Harassment

[http://www.uwyo.edu/reg-policies/\\_files/docs/regulations-july-2018/uw\\_reg\\_4-2\\_effective\\_7-1-18.pdf](http://www.uwyo.edu/reg-policies/_files/docs/regulations-july-2018/uw_reg_4-2_effective_7-1-18.pdf)

UW Regulation 4-4: Violence in the Workplace

[http://www.uwyo.edu/regs-policies/\\_files/docs/regulations-july-2018/uw\\_reg\\_4-4\\_effective\\_7-1-18.pdf](http://www.uwyo.edu/regs-policies/_files/docs/regulations-july-2018/uw_reg_4-4_effective_7-1-18.pdf)

Title II, Americans with Disabilities Act of 1990, as amended

[http://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm#title2regs](http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#title2regs)

Title VII of the Civil Rights Act of 1964, as amended

<http://www.eeoc.gov/laws/statutes/titlevii.cfm>

Title IX of the Education Amendments Act of 1972, as amended

[http://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)