

Guideline 1-012

I. Purpose and Scope

This Guideline is intended to clarify certain aspects of Policy 1-012 and its attendant rules related to interim measures, as well as to clarify the timelines for the sanction and hearing process.

II. Definitions

For purposes of University Policy 1-012 and its associated Rules, Procedure, and Guidelines, including this Guideline 1-012, the definitions of prohibited discrimination and other words and phrases are provided in Rule 1-012.

III. Guideline

A. Interim Measures

1. Where appropriate, the University will provide Interim Measures, as described in Rule 1-012B Section III(D), to both Complainants and Respondents.¹

B. Sanctions/Discipline

1. In cases where the OEO Report includes a finding that the Respondent has engaged in conduct in violation of University Policy 1-012, the Complainant and the Respondent will be notified of any proposed sanctions contemporaneous with receipt of the OEO Report.²

C. Scheduling of Hearing or Initial Review

1. Upon receiving a request for a hearing, the OEO/AA Hearing Coordinator will endeavor to schedule the initial review (if applicable) or hearing as soon as practicable. Absent extenuating circumstances, the hearing date shall be not

¹ See, [*Sexual Misconduct Rule 1-012B\(III\)\(D\)*](#)

² See, [*Rule 1-012B\(III\)\(E\)\(7\)*](#)

fewer than 15 calendar days nor more than 40 calendar days from the date the OEO/AA received the request for a hearing, or in cases where an initial review has been held, the date the initial review committee determined that a hearing should be held. Although the OEO/AA Hearing Coordinator may endeavor to find a hearing date that will be convenient for all the parties involved, the Hearing Coordinator and Committee Chair have the final authority for determining the date of the hearing. The OEO/AA Hearing Coordinator shall notify the parties of the date set for the initial review or hearing.³

2. Failure of the party who requested the hearing to attend the hearing, without prior notification and good cause, shall constitute a waiver of the right to a hearing, and a waiver of any appeal rights. In such cases, the OEO Report and any proposed sanctions shall become final and binding. If the party who did not request the hearing fails to attend, the Hearing Committee may proceed with the hearing and take testimony and evidence and reach a decision on the basis of that testimony and evidence.⁴
3. The Complainant and Respondent shall receive a copy of the Committee Report along with notification of the Vice President's decision.⁵

D. Clarification of Ombuds Office Role

1. An ombudsperson, providing services within the scope of their role and pursuant to the ethical standards of the profession is not considered a "responsible employee" as defined by Rule 1-012, and has no duty to report allegations of sexual misconduct or other discrimination pursuant to Rule 1-012(III)(C).

IV. Contacts

³ See, [Rule 1-012\(A\)\(III\)\(C\)](#)

⁴ See, [Procedure 1-012\(III\)\(B\)\(7\)](#)

⁵ See, [Rule 1-012\(A\)\(III\)\(G\)](#)

The designated contact officials for this Policy are

- A. Policy Owner (primary contact person for questions and advice): Office of Equal Opportunity and Affirmative Action.
- B. Policy Officer: General Counsel and Vice President.

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