

**APPENDIX A: ANTI-DISCRIMINATION,
HARASSMENT, RETALIATION, AND TITLE
IX GRIEVANCE PROCEDURES
PROCESS A (TITLE IX)**

Table of Contents

I. OVERVIEW OF PROCESS A—DISCRIMINATION, HARASSMENT, RETALIATION, AND TITLE IX	2
II. RESOLUTION TIMELINE	2
III. ENSURING IMPARTIALITY	3
IV. INVESTIGATOR APPOINTMENT	3
V. WITNESS ROLE AND PARTICIPATION IN THE INVESTIGATION	3
VI. INTERVIEW RECORD	3
VII. EVIDENTIARY CONSIDERATIONS.....	4
IX. INVESTIGATION COMPONENTS	5
X. DISMISSAL OF FORMAL COMPLAINTS.....	6
XI. PRE-HEARING PROCEDURES AND EXCHANGE OF INFORMATION.....	7
A. OPPORTUNITY TO REVIEW THE DRAFT AND FINAL INVESTIGATIVE REPORT AND INFORMATION	7
B. PRE-HEARING MEETING	7
C. LIVE HEARING	8
D. WITHDRAWAL OR RESIGNATION BEFORE COMPLAINT RESOLUTION (HEREINAFTER REFERENCED AS “SEPARATES”)	9
E. SANCTIONS FOR RESPONSIBLE PARTIES	10
F. NOTICE OF OUTCOME.....	12
XII. APPEALS.....	13
A. APPEAL GROUNDS	13
B. REQUEST FOR APPEAL.....	13
C. APPEAL DETERMINATION PROCESS.....	13
XIII. REMEDIAL MEASURES FOLLOWING RESOLUTION	15

I. OVERVIEW OF PROCESS A—Discrimination, Harassment, Retaliation, and Title IX

The Coordinator will notify the Parties in the Notice of Investigation and Allegations (NOIA) of what Grievance Process will be applied.

The Process A Grievance Procedures will apply when:

1. The alleged conduct meets the regulatory definition of sexual harassment under Title IX;
2. The alleged conduct occurred within the College's education program or activity;
3. The alleged conduct occurred within the United States; and
4. The Complainant was participating in or attempting to participate in the College's education program or activity at the time the complaint was filed.

II. RESOLUTION TIMELINE

The College will make a good faith effort to complete the Resolution Process within sixty to one hundred and twenty (60-120) days, including any appeals, which the Coordinator can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

The College aims to complete investigations as efficiently and expeditiously as possible, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, Witness availability, law enforcement involvement, and other factors.

If a Party or Witness chooses not to participate in the Resolution Process or becomes unresponsive, the College reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Resolution Process.

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require, as outlined in the *Anti-Discrimination, Harassment, Retaliation, and Title IX Policy*. The College will promptly resume its Resolution Process as soon as feasible. During such a delay, the College will implement and maintain supportive measures for the Parties as deemed appropriate.

College 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. Additionally, in most cases, a leave of absence or temporary removal will not delay, pause, or otherwise affect the College's ability to proceed with or provide access to this process.

III. ENSURING IMPARTIALITY

Any individual materially involved in the administration of the Resolution Process, including but not limited to, the 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 Coordinator will vet the assigned Investigator(s), Decision-maker(s), and Appeal Decision-makers for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, a Party may challenge an appointment within the Process based on a conflict of interest or bias (this challenge must be substantiated and factually based on actual versus perceived conflict). A challenge must be made directly to the Coordinator in writing, who will determine whether the concern is reasonable and supportable. If so, a replacement 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 Coordinator, concerns should be raised with the Sr. Associate Vice President for Human Resources.

The Resolution Process involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports whether the Respondent engaged in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or Witness. All Parties have a full and fair opportunity, through the investigation process, to suggest Witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

IV. INVESTIGATOR APPOINTMENT

Once an investigation is initiated, the Coordinator appoints an Investigator(s) to conduct it. These Investigators are properly trained Investigators, whether internal or external to the College's community.

V. WITNESS ROLE AND PARTICIPATION IN THE INVESTIGATION

Employees (not including Complainant and Respondent) are required to cooperate with and participate in the College's investigation and Resolution Process. Student Witnesses and Witnesses from outside the College community cannot be required to participate but are encouraged to cooperate with the investigation and to share what they know about a Formal Complaint.

Interviews may be conducted in person or via online video platforms (e.g., Zoom, Microsoft Teams). The College will take appropriate steps to ensure the security/privacy of remote interviews.

VI. INTERVIEW RECORD

It is standard practice for Investigators to create a record of all interviews pertaining to the Resolution Process. No Party (or respective Advisor) or Witness are permitted to engage in unauthorized audio or video recording of any kind during any aspect of the process.

All interviews are memorialized by the Investigator into an interview summary that will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also summarized and shared with the Parties.

VII. EVIDENTIARY CONSIDERATIONS

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible. Relevant Evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

A Party's health, medical, and treatment records are confidential and are protected from disclosure unless the Party voluntarily provides written consent to release such records. Information that is protected by a legally recognized privilege will not be considered or relied upon by the Investigator unless the privilege is waived.

Impermissible evidence is defined as evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless 1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

The fact that prior consensual sexual conduct occurred between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

The Investigator may visit relevant sites or locations and record observations through written, photographic, or other means. The Investigator may consult medical, forensic, technological, or other experts when expertise on a topic that is needed to achieve a better understanding of the issues under investigation.

If the Reporting Party and/or Complainant is unwilling to participate in one or more stages of the Formal Resolution Process, the College's ability to gather relevant evidence and to pursue a charge may be compromised or severely limited. The College will respect the Complainant's choices and continue to provide support no matter what they decide to do and may continue to investigate to the extent possible. If

the Respondent is unwilling to participate in the investigation and/or a subsequent proceeding, the Formal Resolution Process will continue with the information available. The Investigator will not draw any adverse inference from a decision by either of the parties not to participate during any phase of the process.

VIII. RESPONDENT ADMITS RESPONSIBILITY DURING FORMAL RESOLUTION

Acceptance of responsibility by a Respondent does not conclude the formal resolution process. If at any point in the process, a Respondent elects to admit to the charged violations and waive further participation in the process, the investigation will proceed through all required components. Additionally, the Decision-maker(s) is authorized to accept that admission, adopt it as their final determination, and move the case forward to the Sanction Administer(s). The Parties will still be notified pursuant to the formal resolution process. If the Respondent rejects the final determination and/or sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion. The Complainant retains their right to appeal a determination when a Respondent admits responsibility.

IX. INVESTIGATION COMPONENTS

Providence College seeks to ensure that all investigations are thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant Parties and Witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and Witnesses will be asked to verify the accuracy of the summary of their interview. They may submit changes, edits, or clarifications. If the Parties or Witnesses do not respond within the period designated for verification, objections to the accuracy of the summary will be deemed to have been waived, and no changes will be permitted.

The College may consolidate Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator typically takes the following steps, if not already completed and not necessarily in this order:

- Identify all offenses implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
- 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 the Parties and Witnesses.
- When participation of a Party is expected, provide that Party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify each Party of any meeting or interview involving another Party, in advance when possible.

- Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant Witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed Party and Witness an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings.
- Allow each Party the opportunity to suggest Witnesses and questions they wish the Investigator(s) to ask of another Party and/or Witnesses. Document which questions were asked with a rationale for any changes or omissions in the Investigation Report.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.
- Write a draft Investigation Report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and Party and Witness interviews, and provides all relevant evidence.
- Provide the Parties an electronic copy of the draft Investigation Report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) days so that each Party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- Provide the draft Investigation Report to the Coordinator and/or The Office of General Counsel for their review and feedback.

X. DISMISSAL OF FORMAL COMPLAINTS

At any time during the investigation (or prior to the conclusion of a Hearing), the Coordinator must dismiss the Formal Complaint or any allegations in the Formal Complaint if: (1) the alleged conduct does not reasonably constitute sexual harassment under Title IX; (2) the alleged conduct did not occur in Providence College's education program or activity; and/or (3) the alleged conduct did not occur against a person in the United States.

At any time during the investigation (or prior to the conclusion of a Hearing), the Coordinator may dismiss the Formal Complaint or any allegations in the Formal Complaint if: (1) the College is unable to identify the Respondent after taking reasonable steps to do so; (2) the Respondent is not participating in the College's education program or activity and/or is not employed by the College; or (3) the Complainant voluntarily submits, to the Coordinator, written confirmation of withdrawal of any or all allegations in the Formal Complaint and the Coordinator declines to initiate a Formal Complaint; and/or (4) specific circumstances prevent Providence College from gathering evidence sufficient to initiate a Formal Complaint or make a determination as to whether the allegations contained therein should proceed under a Formal Complaint.

If the Coordinator concludes that the alleged conduct, as submitted in the Formal Complaint, would not constitute sexual harassment under Title IX, the Coordinator will inform the parties that the Formal Complaint will be dismissed and that the matter will be referred to the Office of Equity Compliance, Office

of Community Standards (students) or the Office of Human Resources and respective Division Head (employees) to determine whether the alleged conduct would constitute a violation of other respective College policies.

XI. PRE-HEARING PROCEDURES AND EXCHANGE OF INFORMATION

A. Opportunity to Review the Draft and Final Investigative Report and Information

The Investigator will prepare a draft Investigation Report that fairly summarizes the relevant evidence. After the draft Investigation Report has been drafted, the Parties will be notified in writing of the opportunity to inspect and review the draft report, and any additional information gathered. Parties will have ten (10) days to submit a written response for the Investigator to consider before the final Investigation Report is completed. The typed response may not exceed 10 (double spaced) pages in length.

Within ten (10) days of the scheduled Hearing date the Parties will receive their final Investigative Report, their Hearing notification letter, including all final charges, and any Hearing related information (including, but not limited to, the Hearing date, time, location, Decision-maker(s)/Hearing Coordinator information, etc.). When Parties are informed of their respective Decision-maker(s) and Hearing Coordinator they will be given an opportunity to challenge the designated person(s) based on a conflict of interest or bias (any challenge must be substantiated and factual and based in fact). Either Party may request to participate in the Hearing in a location or space separate from the other Party. The College may determine that the Hearing will be conducted virtually, or that some participants will participate in-person and others will participate virtually.

B. Pre-Hearing Meeting

The Hearing Coordinator will schedule separate meetings with each of the Parties and their respective Advisors to discuss the process, answer questions, and receive input.

Prior to, or at these meetings, the Parties will provide the Hearing Coordinator with a list of Witnesses they would like to attend the Hearing, for the purposes of answering questions. This list should include, next to the respective Witness, a statement of whether a proposed Witness was submitted and/or interviewed by the Investigator, and if not, the reason, and any new and relevant information they would like considered that was not provided to the Investigator (and if not previously provided to the Investigator, the reason).

The Parties and their Advisors will be provided with the guidelines for decorum and notified of whether participation will be in person or remote. At these meetings, or soon thereafter, the Hearing Coordinator will provide the Parties with a final Witness list. The Parties are strongly encouraged to submit Hearing questions for the other Party and/or Witnesses at least two (2) days in advance of the Hearing to the Hearing Coordinator assigned to their case. This may permit the Decision-maker(s) to consider these questions for relevancy and provide feedback to the Parties before the Hearing begins.

Parties and Witnesses are encouraged, if possible, to contact the Coordinator and/or Hearing Coordinator, at least five (5) days prior to the Hearing to arrange for any disability-related accommodations, language assistance, and/or interpretation services that may be needed during the Hearing.

C. Live Hearing

The following procedures apply to allegations involving sexual harassment under Title IX. The Hearing will be live and may be conducted with all Parties physically present (in the same geographic location), or, at the College's discretion, all Parties, Witnesses, and other participants may appear at the live Hearing virtually, with technology enabling participants simultaneously to see and hear each other. There will be a single verbatim record, such as an audio recording or a transcript, of the Hearing (excluding deliberation). The recording will be available to the Parties for inspection and review, upon request. No other recordings of Hearings are allowed, and no other access to the recording is permitted. The recording, and all other records associated with the case, are the property of the College.

The Hearing is closed to persons other than those who are directly involved. The Parties and their respective Advisors may choose to attend the entirety of the Hearing during which information is provided to the Decision-maker(s). Witnesses are permitted to attend the Hearing only when they are answering questions.

Each Party will be provided with the opportunity to provide an opening statement, and may opt to provide a closing statement, of no more than five (5) minutes to the Decision-makers and Hearing Coordinator. Opening statements are optional.

During the Hearing, the Decision-maker(s) are permitted to ask all relevant questions and follow-up questions of Parties and Witnesses, including those challenging credibility. Prior to the Hearing, Parties are encouraged to submit questions they would like asked of any Party and/or Witness, at least two (2) days prior to the Hearing to the Hearing Coordinator.

A party must have an Advisor present at the Hearing. If a Party does not have an Advisor present at the Hearing, PC will provide one. When PC provides an Advisor for a Party for the Hearing, PC will select an Advisor for the respective Party. The Advisor will be provided at no cost to the Party. The role of the Advisor during the Hearing is solely to conduct questioning on a Party's behalf.

During the Hearing, Party Advisors will be given an opportunity to question another Party and Witnesses during what is commonly referred to as cross-examination. Questions should be relevant and directly related to the charge. Questions are allowed at the discretion of the Hearing Coordinator and/or the Decision-maker(s) and may be disallowed as irrelevant, repetitive, or abusive; if warranted, the Coordinator may ask the submitter to rephrase any question.

Either Party may ask that the Hearing be conducted with the Parties located in separate rooms with technology enabling the Hearing Coordinator, Decision-maker(s), and Parties to simultaneously see and hear the Party or Witness answering questions.

The sexual history of either Party will not be referenced during the Hearing to prove character or reputation. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless such question(s) and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct, or if the question(s) and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. (These are referred to as rape-shield protections.)

Records with a legally recognized privilege, such as medical treatment records, may not be used during the Hearing unless the individual or entity holding the privilege waives the privilege. Any waiver must be in writing and should be executed at least two (2) days in advance of the Hearing.

The standard of proof for all determinations regarding whether the Respondent violated the respective Policy is the preponderance of evidence standard. If the Respondent is found responsible, the Sanctioning Administrator(s) shall determine the Respondent's sanction(s) and, in conjunction with the Coordinator, the remedial measures designed to restore or preserve the Complainant's equal access to the College's education program or activity.

Following a determination, the Parties will simultaneously be provided with a Notice of Outcome that includes the following information:

- a description of the alleged conduct;
- a determination of whether sex-based discrimination, sex-based harassment, and/or sex-based retaliation occurred for each applicable charge;
- the policies and procedures used to evaluate the allegations;
- an evaluation and rationale regarding the determination of whether a violation occurred for each applicable charge;
- if there is a finding of responsibility, any disciplinary sanction(s) that will be imposed and whether remedial measures will be provided to the Complainant; and
- the procedures and permissible bases for the Complainant and Respondent to appeal.

The Family Educational Rights and Privacy Act of 1974, as amended (FERPA), permits disclosure of this information.

D. Withdrawal or Resignation Before Complaint Resolution (hereinafter referenced as "separates")

Should a Respondent decide not to participate in the Resolution Process, the process may proceed in their absence. If a Respondent separates from the College, the Resolution Process may continue, or the Coordinator may exercise their discretion to dismiss the Formal Complaint. If the Formal Complaint is dismissed, the College will still provide reasonable supportive or remedial measures as

deemed necessary to address safety and/or remedy any ongoing effects of the alleged sexual harassment.

Regardless of whether the Formal Complaint is dismissed or pursued to completion of the Resolution Process, the College will 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 sex discrimination, sex-based harassment, and/or retaliation.

When a student Respondent withdraws or leaves while the process is pending, the Formal Complaint and corresponding process may resume during their leave, if applicable, or upon their return. If the student indicates they will not return, the Coordinator has the discretion to dismiss the Formal Complaint. If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student may be permitted to return to the College and carry-out the terms of all sanctions if any have not been satisfied.

When an employee resigns or goes on leave the College retains the right to pause a Resolution Process, to continue the process remotely, or to dismiss the Formal Complaint altogether due to a lack of jurisdiction. A note may be placed in the employee's file that they resigned with pending allegations and may not be eligible for rehire with the College until full resolution is reached. The records retained by the Coordinator and appropriate department will reflect that status.

E. Sanctions for Responsible Parties

Parties found responsible for violating this Policy will receive appropriate and timely sanctions, but no sanction will be implemented until after an appeal process, if any, has concluded. Factors the Sanctioning Administrator may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s).
- The Respondent's disciplinary history.
- The need for sanctions/responsive actions to bring an end to the sex-based discrimination, sex-based harassment, and/or sex-based retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination, sex-based discrimination, sex-based harassment, and/or sex-based retaliation.
- The need to remedy the effects of the sex-based discrimination, sex-based harassment, and/or sex-based retaliation on the Complainant and the broader community.
- The impact on the Parties.
- The Respondent's acceptance of responsibility.
- Any other information deemed relevant by the Sanctioning Administrator.

The sanctions will be implemented as soon as it is feasible, once a determination is final, 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.

Additionally, if a Respondent takes a leave of absence, withdraws from, or otherwise leaves the College after an investigation of a Formal Complaint has begun, before the Formal Resolution Process has been resolved, or before an Alternative Resolution is reached, the College reserves the right to place a temporary hold on a diploma and/or transcript until the Formal Complaint can be resolved (students), note that a Formal Complaint was pending at the time of separation, and pause, continue, or resume the process when the College regains jurisdiction over the Respondent or at the College's discretion.

1. Student Sanctions

The following are the common sanctions that may be imposed upon students, in alignment with the Student Code of Conduct, individually or in combination, including but not limited to:

- **Disciplinary Warning:** A written notice to the student that the student is violating or has violated.
- **Loss of Privileges:** A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or holding leadership roles in student organizations.
- **Community Service/Educational Project:** Assignment of community service opportunities, research projects, educational program attendance, or other appropriate learning experiences.
- **Disciplinary Probation:** A written reprimand for violation of Policy. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for policy violations during the probationary period.
- **Deferred Suspension:** A designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the College's expectations of behavior. Will result in a suspension if found responsible for additional violations during the period.
- **Suspension:** Separation of the student from the College for a definite period of time. Conditions for readmission may be specified.
- **Dismissal- Permanent separation of the student from the College.**
- **Withholding Degree:** The College may withhold awarding a degree otherwise earned until the completion of the process set forth in the Policy, including the completion of all sanctions imposed, if any.
- **Revocation of Admission and/or Degree:** Admission to, or a degree awarded from, the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Other Actions:** In addition to, or in place of, the above sanctions, the College may assign any other sanctions as deemed appropriate.

2. Student Group and Organization Sanctions

In addition to the sanctions listed above, one or more of the following additional sanctions may be imposed upon student groups, clubs, or organizations:

- Loss of Some Privileges: Loss of certain privileges for a specified period of time.
- Loss of Official Recognition: Loss of all privileges, including official recognition, for a specified period of time.

3. Employee Sanctions

Employees found responsible for violating this Policy will receive possible sanctions up to and including, but not limited to: termination; suspension; tenure revocation; non-renewal of a contract or non-reappointment; loss or denial of certain privileges; work reassignment or restructuring of position and duties; rescission of committee or other types of special or leadership appointments; administrative withdrawal from a course with or without a refund or credit; and required professional evaluation or assessment with a signed release permitting the College to confirm participation and any follow-up recommendations.

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Alternative Resolution Process terms within the timeframe specified by the final Sanctioning Administrator, including the Appeal Decision-maker or the Alternative Resolution Agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or for any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College.

F. Notice of Outcome

Within ten (10) days of the conclusion of the Resolution Process, the Hearing Coordinator will provide the Parties with a Notice of Outcome (NOO) letter. The NOO will specify the finding for each alleged Policy violation, all applicable sanctions that the College is permitted to share pursuant to state or federal law, a detailed rationale, written by the Decision-maker(s), supporting the findings, and the appeal rights and process.

The Hearing Coordinator will provide the Parties with the NOO simultaneously, or without significant time delay between notifications. The NOO may be delivered by one or more of the following methods: emailed to the Parties' College issued email account (including through the use of Maxient), in person, or mailed to the Parties' local or permanent address as indicated in official College record. Once emailed, received in person, and/or mailed the outcome notification is presumptively delivered.

XII. APPEALS

A. Appeal Grounds

Appeals are limited to the following grounds:

1. A procedural irregularity that would change the outcome- A departure from the designated procedures resulted in an irregularity that affected the outcome.
2. New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility was made.
3. Excessive or Inappropriate Sanction- The sanction imposed is either excessive or not appropriate for the violation.

B. Request for Appeal

Either Party may submit a written Request for Appeal to the Coordinator, via the Office of Equity Compliance [Appeal Request Form](#), within ten (10) days of the delivery of the NOO. Reasonable requests for extensions can be made by contacting the Coordinator.

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

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-maker, and the Parties will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds in this Policy, then the Appeal Decision-maker will notify all Parties, the Coordinator, and, when appropriate, the Investigator and/or the original Decision-maker(s) and Sanctioning Administrator. This notice will include a copy of the Request for Appeal with the approved grounds and then Parties will be given ten (10) days to submit a response to the portion of the Appeal that was approved and involves them. The response to an Appeal is limited to 10 typed pages doubles spaced.

The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

C. Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable.

Appeal decisions are to be deferential to the original determination, 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. An Appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Decision-maker(s) or Sanctioning Administrator merely because they disagree with the finding and/or sanction(s).

The Appeal Decision-maker may consult with the Coordinator, or designee, on questions of procedure or rationale, for clarification, if needed. The Coordinator will maintain documentation of all such consultation.

1. Appeal Outcome

An Appeal may be granted, denied, remanded for further investigation, or modified. Appeals that are granted, in part or fully, should normally be remanded to the original Investigator and/or Decision-maker with corrective instructions for reconsideration.

A Notice of Appeal Outcome letter (Appeal Outcome) will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which the College is permitted to share, and the rationale supporting the essential findings. The Appeal Decision-maker will render a decision within ten (10) days of receiving all relevant and directly related information and documentation.

Once an Appeal is decided, the outcome is final and constitutes the Final Determination¹. Further Appeals are not permitted, even if a sanction is modified and/or changed by an Appeal decision-maker or on remand (except in the case of a new determination). When Appeals result in no change to the finding or sanction, that decision is final. If a remand results in a new determination, regarding responsibility, that is different from the appealed determination, that new determination may be appealed, once, on any of the four (4) available appeal grounds from *Section XII. Appeals, subsection A. Appeal Grounds*.

2. Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are not implemented during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures, detailed in *Anti-Discrimination, Harassment, Retaliation, and Title IX Policy*, must be permitted.

¹ Once a Final Determination is issued, no provision of a Collective Bargaining Agreement (CBA) or Faculty or Staff Handbook or other College Policy or procedure may be used to challenge or re-examine the merits of the case; such processes, in the event they are not preempted by federal or state law, are limited to the scope, rights, and procedures expressly outlined therein so as to not conflict with federal law and College Policy.

XIII. REMEDIAL MEASURES FOLLOWING RESOLUTION

Upon the conclusion of the Resolution Process and in addition to any sanctions implemented or any agreement(s) reached in an Informal Resolution Agreement, the Coordinator may implement additional long-term remedial measures with respect to the Parties and/or the greater Providence College community that are intended to stop the behavior, remedy the effects, and prevent its recurrence.

Providence College will maintain the privacy of any long-term remedial measures provided that privacy does not impair Providence College's ability to provide these services.