

Options for Proceeding Through University Process

Informal and Formal Complaints

To initiate the UST informal resolution process or formal resolution process, a Complainant must file a Complaint. A Complaint means a written statement filed by a Complainant or signed by the Title IX Coordinator(s) alleging Prohibited Conduct against a Respondent and requesting resolution of the alleged behavior. A complaint may be completed by the Complainant in person or submitted by email, mail or by phone to the Title IX Coordinator(s).

No Complaint

Complainants have the right not to file a complaint, yet they are highly encouraged to seek medical attention and counseling. Complainants, who wish to file a complaint at a later date, may do so by utilizing any of the options outlined in this policy. However, please note that a delay in reporting could create obstacles to the University's process for stopping harassment and/or discrimination, remedying its effects, and preventing recurrence as well as potentially weakening evidence that could be useful in determining whether Prohibited Conduct occurred, in obtaining an order of protection or for the State in being able to proceed with a criminal proceeding.

University-Initiated Complaints

In limited cases, the Title IX Coordinator(s) may initiate a complaint without a request by the Complainant upon receipt of a report of Sexual Misconduct. The Title IX Coordinator(s) will initiate the complaint when the Title IX Coordinator(s), in his or her discretion, determines that a grievance process is warranted given the reported behavior. A Complainant retains standing as a Complainant even in cases where the Title IX Coordinator(s) initiates the complaint. If the Title IX Coordinator(s) initiates a complaint, they will advise the Complainant that they have done so and will provide the rationale to the Complainant regarding why they proceeded.

Dismissals

If the Title IX Coordinator(s) determines that the complaint, even if substantiated, would not rise to the level of a violation of this policy, the Title IX Coordinator(s) may dismiss the complaint or refer the complaint to another office for review. A case may also be dismissed for not meeting the threshold and jurisdictional requirements for Title IX, however, a dismissal of a case for purposes of Title IX, does not preclude the University from utilizing this policy for non-Title IX Sexual Misconduct and referring the matter for Non-Title IX Resolution.

If at any time during the investigation or hearing a Complainant notifies the Title IX Coordinator(s) in writing that the Complainant would like to withdraw the formal resolution process or withdraw any allegations therein; the Respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations, the University may dismiss the complaint and end the formal resolution process. The decision as to whether to dismiss the complaint will be determined by the Title IX Coordinator(s) based on the stated goals of this policy. Upon a dismissal permitted pursuant to this section, the University will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the Parties.

Either party may appeal the University's dismissal of a Complaint or any allegations by submitting a written appeal within five business days of the dismissal. Appeals may follow the grounds outlined in the Appeals section of this policy. If the appeal is denied, the dismissal of the complaint will remain in effect.

Consolidations

The Title IX Coordinator(s) has the discretion to consolidate multiple complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

If a case involves violations of other UST policies, the Title IX Coordinator(s), in consultation with other school officials, will determine which grievance process to use or if different grievance processes would be more appropriate.

Informal Resolution Process

At the time of the filing of a Complaint or at any time prior to a determination of responsibility, either Party may request to proceed under a voluntary Informal Resolution Process that does not involve a full investigation. The Title IX Coordinator(s) will determine, based on the totality of the circumstances, whether an Informal Resolution Process is appropriate given the facts and participants. For example, an Informal Resolution Process is never appropriate for resolving reports alleging sexual harassment of a student by an employee.

Upon request and written agreement by the Parties and the Title IX Coordinator(s) that the Informal Resolution Process is appropriate, the Title IX Coordinator(s) will provide to the parties a written notice disclosing the allegations, and the requirements of the Informal Resolution Process, including when the Parties are precluded from resuming a Formal Resolution Process, any consequences resulting from participating in the Informal Resolution, and the records that will be maintained and shared. Informal Resolutions are not subject to appeal by any Party.

Informal Resolutions may include, but are not limited to;

- Placing a Respondent on notice that, if such behavior has occurred or is occurring, such conduct should cease immediately;
- A written warning;
- Education and/or training for a Respondent and/or department;
- Permanent Supportive Measures for Complainant;
- Mediation or other informal communication between the Complainant and Respondent;
- Messaging to the campus community;
- Events and/or trainings offered to the campus community or particular departments; and/or
- Referral and/or collaboration with another University department in order to address the allegations and eliminate any potential sexual misconduct.

For cases that meet the Title IX threshold, the Parties may withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution and resume the Formal Resolution Process with respect to the Complaint.

Notice of Allegation and Assignment to an Investigator

Upon filing of a complaint requesting a Formal Resolution, the Complainant and Respondent will receive written notice from the Title IX Coordinator(s) of the allegations of sexual harassment, including sufficient details known at the time with sufficient time to prepare before any initial interview. The Parties will receive written simultaneous notification of additional allegations as appropriate.

The Title IX Coordinator(s) will assign one or more Investigators to the case and/or will conduct the investigation personally. The Parties will be provided with the name(s) of the Investigator(s) and allowed five business days to request the removal and replacement of an Investigator based on bias or conflict of interest. Any request for a change in an Investigator must be accompanied by supporting information and the decision to assign a new Investigator will be made to the Title IX Coordinator(s).

Throughout the grievance process, the Title IX Coordinator(s) will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of meetings, investigative interviews, and hearings, with sufficient time for the Party to prepare to participate as well as advise the Party of the opportunity to present evidence and witness information, if applicable.