

unless it is a Saturday, Sunday or day designated as "university holiday," "university closed" or "spring break" on the UNC Calendar maintained on the University website, in which case the period will end on the next day which is not a Saturday, Sunday or day designated as "university holiday," "university closed" or "spring break."

- (8) "Decision" means the written decision issued by the Decision Maker(s).
- (9) "Decision Maker" means an individual who issues a Decision.
- (10) "Disciplinary Action" means an action described in a Decision or Appeal Decision implemented with respect to a Respondent employee.
- (11) "Discrimination" means acts prohibited under Title VI and Title VII of the Civil Rights Act of 1964,

Harassment and/or Retaliation.

- (22) "Retaliation" means an adverse action against an individual that occurs because they have complained of Discrimination or Harassment in good faith or because they have provided information in good faith in an investigation of alleged or potential Discrimination or Harassment.
- (23) "Sanction" means an action described in a Decision or an Appeal Decision to be implemented with respect to a Respondent student.
- (24) "Standard of review," as it applies to an Appeal Decision under the DCP, means the requirement that the person who appeals a Decision must prove that the Decision was "arbitrary and/or capricious."
- (25) "Title IX Coordinator" means the University employee responsible for overseeing the University's compliance with the provisions of Title IX.
- (26) "University" means the University of Northern Colorado

- (a) The Complainant will provide the following information in the Form:
- (i) The name of the Complainant;
 - (ii) The name of the Respondent(s);
 - (iii) A description of the events that the Complainant believes constitute Discrimination, Harassment and/or Retaliation;
 - (iv) The names of persons who the Complainant believes have information that would support the allegations of Discrimination, Harassment and/or Retaliation;
 - (v) The remedy or outcome requested by the Complainant;
 - (vi) Acknowledgment by the Complainant that the University may have the obligation to
 - (A) disclose the names of the Complainant and Respondent, as well as relevant facts about the alleged events, including date, time and location, to the Title IX

be given a copy of the completed Form subject to redaction of information contained in the form if the University determines that a Complainant's request for confidentiality will be granted.

(f) To the extent Complainant and/or Respondent have rights

- (b) The Complainant, the Respondent and the Decision Maker or Appeal Decision Maker, as the case may be, under the Formal Complaint Procedures, or
- (2) In order to prevent manifest injustice to one or more of the parties or other participants as determined by:
 - (a) The Title IX Coordinator or Dir HR, as the case may be, under the Informal Complaint Procedures, or
 - (b) The Decision Maker or Appeal Decision Maker, as the case may be, under the Formal Complaint Procedures.
- (1) The purpose of the Informal Complaint Procedures is to attempt to resolve the Complaint to the satisfaction of the Complainant and the Respondent by use of voluntary mediation.
- (2) The Complaint may not proceed under the Informal Complaint Procedures if:
 - (a) The Complainant and/or the Respondent do not agree to utilize the Informal Complaint Procedures,
 - (b) The Complaint contains allegations that, if true, would constitute a violation of criminal laws,
 - (c) Criminal or civil judicial, quasi-judicial and/or governmental agency proceedings have been filed based on the allegations of the Complaint, and/or
 - (d) The Complaint contains a request for confidentiality by the Complainant.
- (3) Provided the Complaint is one that is allowed to proceed under the Informal Complaint Procedures, if the Complainant or the Respondent requests that the Informal Complaint Procedures be utilized and the other party does not object to the request, the Informal Complaint Procedures will be utilized.
- (4) At any time, the Complainant or the Respondent may, at their discretion, request that the Informal Complaint Procedures terminate. If either the Complainant or the Respondent so requests, the Informal Complaint Procedures will terminate and the Complaint will proceed under the Formal Complaint Procedures described below.
- (5) The Informal Complaint Procedure will be led and monitored by the:
 - i. Title IX Coordinator if the Complainant is a student or
 - ii. Dir HR where the Complainant is faculty or staff.
- (6) The Title IX Coordinator or Dir HR (or designee), as the case

and expeditiously as possible with due regard for thoroughness and fairness to the Complainant, the Respondent and any other persons who may have relevant information.

(d) The Investigator(s) and Decision Maker(s) will assess the information gathered in the course of the investigation, including the credibility of the Complainant, the Respondent and of any other person who provides information about the Complaint.

(e) When the Investigator(s) is/are not the Decision Maker(s), the Investigator(s) will provide the Decision Maker(s) with a written recommendation regarding the investigation that will contain each of the items described in Section 3-6-133(5)(b)(i) through (iii), below.

(f) The University may, in its sole discretion, hire a consultant(s) not employed by the University to conduct or assist with the investigation of a Complaint.

(5)

(a) Except as otherwise described in the DCP, the Investigator will be the Decision Maker and will issue promptly, with due regard for the nature, scope, and complexity of the investigation, a Decision regarding the Complaint.

(b) The Decision will:

(i) Summarize the matters at issue in the Complaint,

(ii) Describe the Decision Maker's conclusions about whether the Complainant has met their burden of proof that Discrimination, Harassment

- (a) An appeal of the Decision may be filed by either the Complainant or the Respondent.
- (b) An appeal is permitted only with respect to the following matters that may be contained in the Decision:
 - (i) Remedies, and/or
 - (ii) Sanctions (but only to the extent that a student is suspended or expelled from the University) and/or
 - (iii) Disciplinary Action(s) (but only to the extent that the faculty and/or staff suffers termination of employment, demotion or reduction in compensation).
- (c) No appeal may be filed with respect to the conclusion of whether Discrimination, Harassment and/or Retaliation have occurred, except in the case of a tenured faculty member who chooses to avail themselves of 2-3-1101(3), who can appeal any conclusion of whether Discrimination, Harassment and/or Retaliation have occurred.
- (d) The standard of review that shall be applied by the Appeal Decision Maker in any Appeal Decision is whether the Decision is "arbitrary and/or capricious." If the appealing party fails to satisfy that burden, the Appeal Decision Maker must affirm the Decision.
- (e) In order for the Appeal Decision Maker to conclude that the Decision should be reversed or modified, the Appeal Decision Maker must find that the Remedies, Sanctions and/or Disciplinary Action(s) described in the Decision are "arbitrary and/or capricious."
- (f) An appeal must be filed by submitting a written Appeal Form with the Appeal Decision Maker no later than 5 days from the date the Decision is provided simultaneously to the Complainant and the Respondent. No appeal will be allowed as a response to an appeal filed by the other party.
- (g) The Appeal Form shall describe succinctly:

(i) 000012 792 reW*nBT/F5 9.48 Tf1 0 0 1 189.29 384.91 Tm0 g0 Gβ24.93 254.93 Tm0 g0 G()JTJET00.00

- (i) Whether the portions of the Decision that have been appealed should be affirmed or reversed,
- (ii) Whether the relief requested in the appeal should be granted, and
- (iii) The reasons in support of the submitting party's position.

