

Procedures for Title IX and Disciplinary Report Investigation

Alleged discrimination, harassment, sexual misconduct or other prohibited behaviors are reported via TIPS Reporting, email, or verbal communication.

All University employees who directly witness, or are aware of, discrimination, harassment, sexual misconduct or retaliation are considered Mandatory Reporters and are required to promptly report such incidents to the Title IX officer or a Title IX deputy coordinator. [Policy 1004 Nondiscrimination and Anti-harassment](#) describes prohibited behaviors including discrimination, harassment, retaliation, and sexual misconduct that require mandatory reporting. Reports are made with or without cooperation of the involved individual(s). Confidentiality of reports will be maintained to the extent possible.

In the event of email or verbal reports, a [TIPS Report](#) is also generated as the official investigatory record. Reporters are encouraged to use TIPS for the initial mode of reporting.

Upon receiving the report, within two business days*, the designated university official(s) determine if the complaint is a Title IX complaint and assign the report to the administrator of the involved department unless mitigating factors (e.g. conflict of interest) prohibit such an assignment. Title IX complaints are managed by the Title IX Coordinator in compliance with the process below.

University of Western States utilizes a progressive disciplinary model to address disciplinary issues at the lowest organizational unit. This allows for progressive appeal levels in accordance with Policies [9009-Student Grievance](#) and [3412 Grievance/Compliant \(Employee\)](#), and the [Employee Handbook](#).

When a report is assigned, the recipient, in consultation with designated university personnel, determine if an investigation is necessary and provide notification to the involved parties as described below.

Investigations are conducted when there is sufficient evidence of a policy violation. In some cases, reports may be referred back to the reporting party for resolution. Investigations are impartial, thorough, timely, and confidential and in compliance with:

[Policy 3412 Employee Grievance](#)
[Policy 3114 Whistleblower Protection](#)
[Policy 9009 Student Grievance and Appeal](#)
[UWS Employee Handbook](#)

<p align="center">Disciplinary Incident Report (Non-Title IX) Investigation Process:</p>	<p align="center">Title IX Incident Report Investigation Process (Completed within 60 Days):</p>
<p>1. Within four business days*, the investigator(s) provides formal, written notice to the reporting party, responding party, and any other relevant parties (e.g. Human Resources, Collective Bargaining Unit, witnesses, etc.) that an investigation is in process.</p>	<p>1. Within four business days, the investigator(s) provides formal, written notice to the reporting party, responding party, and any other relevant parties (e.g. Human Resources, Collective Bargaining Unit, witnesses, etc.) that an investigation is in process.</p>
<p>2. The assigned investigator(s) interviews the reporting and responding parties and any relevant witnesses and creates a formal written report of findings.</p> <p>Both the reporting party and the responding party are entitled to up to two advocates during the interview process. The advocate may not speak for or on the behalf of the interviewee.</p> <p>If the reporting party and/or the responding party are unresponsive or uncooperative with the investigation, the investigator submits a report based on the available evidence and testimony.</p> <p>The investigation is normally completed in 10-14 days*. An extension may be granted by the designated senior administrator with written notice to all parties.</p>	<p>2. The assigned investigator(s) interviews the reporting and responding parties and any relevant witnesses and creates a formal written report of findings.</p> <p>Both the reporting party and the responding party are entitled to up to two advocates during the interview process. The advocates may not speak for or on the behalf of the interviewee.</p> <p>If the reporting party and/or the responding party are unresponsive or uncooperative with the investigation, the investigator submits a report based on the available evidence and testimony.</p> <p>The investigation is normally completed in 10-14 days. An extension may be granted by the by the designated senior administrator with written notice to all parties.</p>
<p>3. The investigator(s) provides a summary investigation report for review by the designated senior administrator.</p>	<p>3. The investigator(s) provides a summary investigation report to a Title IX Investigation Review Panel, assigned by the Title IX Coordinator.</p>
<p>4. Within 1-3 business days*, using the preponderance of evidence standard (50% + 1), the designated senior administrator renders a decision based on the investigation report and provides a formal, written ruling to the involved parties regarding the outcome of the matter.</p>	<p>4. Within 1-3 business days, using the preponderance of evidence standard (50% + 1), the panel renders a decision based on the investigation report and provides a formal, written ruling to the involved parties regarding the outcome of the matter.</p>

Corrective Action

Corrective action is implemented in accordance with the severity and circumstances of the particular situation. The designated university administrator applies action(s) appropriate to the situation, which may include:

- Verbal counseling, confirmed in writing and placed in the employee's personnel/student's academic file.
- Written warning, placed in the employee/student file.
- Suspension, confirmed in writing and placed in the employee/student file. Suspension may be used to remove an employee or student from university premises during an investigation, or imposed as a corrective action. Suspensions may be paid or unpaid, at the sole discretion of the designated senior administrator.
- Termination/dismissal, documented in the employee/student file.

The corrective action process need not commence with verbal counseling or include every step described above. The above options do not represent a linear progression in which one step follows another. Some acts, particularly those that are intentional, unlawful or otherwise deemed more serious, may warrant more severe corrective action than other acts.

When determining appropriate corrective action, the designated senior administrator considers the seriousness of the offense, the intent and motivation of an individual, whether the offense was isolated or repeated, and the environment in which the offense took place.

Appeals

A written request for appeal must be filed within five (5) business days* of the date on the written ruling of outcome, in accordance with the following:

[Policy 1211 Grade Appeal](#)

[Policy 9009 Student Grievance and Appeal](#)

[Policy 3412 Employee Grievance](#)

* Typically days when class is in session.