

**POLICY AND PROCEDURES FOR
DISCRIMINATION, HARASSMENT, AND RETALIATION**

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IMPLEMENTATION

The Coordinator coordinates the orientation, dissemination, implementation and supervision of the policy and its compliance.



INTERPRETATION

The University reserves the right to interpret this Policy and Procedure and any vagueness or ambiguity deemed to exist in any part of this document.

EFFECTIVE DATE

This policy becomes effective at the moment of the Board of Trustees approval and the signature of the Secretary of this Board.

AMENDMENTS

The Board of Trustees may amend this policy at any time with or without prior notice.



POLICY ON DISCRIMINATION AND OTHER PROHIBITED CONDUCT

POLICY STATEMENTS

It is the policy of Albizu University (“University” or “Albizu”) to maintain an environment for students, faculty, administrators, staff, patients, and visitors that is free of all forms of discrimination and harassment, including sex-based harassment and other prohibited conduct. The University has published and enacted this Policy and Procedures for Discrimination, Harassment, and Retaliation (hereafter referred to as the “Policy”) to reflect and maintain its adherence to all federal and state civil rights laws prohibiting discrimination and harassment in institutions of higher education and to reflect and maintain its values as an institution.

The purpose of the Policy is to set forth the policy and grievance procedures of the University with respect to alleged conduct involving students that meets the definition of sex-discrimination, sex-based harassment (including sexual harassment), and retaliation under the 2024 revised regulations implementing Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., issued by the U.S. Department of Education (“2024 Title IX Regulations”).

The University is committed to maintaining an educational and work environment free from discrimination and harassment based on actual or perceived race, color, religious belief, national origin, sex, sexual orientation, pregnancy status or related conditions of pregnancy, marital status, gender, gender identity, social condition, political ideas, status as victim of domestic violence, disability, veteran status, genetic information, age, or any other characteristic protected by federal, state or local law in its programs, services and activities. In accordance with Title IX of the Education Amendments of 1972 and 34 C.F.R. Part 106, Albizu does not discriminate on the basis of sex, including in admissions and employment, nor will it permit or not tolerate sex discrimination, sex-based harassment, or retaliation (“Prohibited Conduct”) in its education programs and activities against a student, employee, or other member of the Albizu community.

The University will respond promptly and effectively to a report of Prohibited Conduct pursuant to this Policy. Albizu will treat the parties equitably by offering supportive measures to a Complainant and by following the investigation and resolution process described in this Policy before imposing any sanctions or other disciplinary actions or other measures against a Respondent.

For the purposes of this Policy, the individual who is alleged to have experienced Prohibited Conduct is referred to as the “Complainant.” Complainant also refers to a person other than the individual who is alleged to have been subjected to conduct that could constitute Prohibited Conduct under this Policy and who was participating or attempting to participate in Albizu’s education program or activity at the time of the alleged Prohibited Conduct. The “Respondent” is the individual who is alleged to have committed the Prohibited Conduct. “Parties” collectively



means both the Complainant and the Respondent. In addition, for purposes of this Policy, complaint means an oral or written request to Albizu to investigate and make a determination about alleged Prohibited Conduct under this Policy.

RELATED LOCAL AND FEDERAL LAWS

- Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by recipients of federal financial assistance.
- Title IX of the Education Amendments of 1972 prohibits sex discrimination by recipients of federal financial assistance (“Title IX”).
- Violence Against Women Act of 2013 addresses violent crimes against women.
- Age Discrimination Act of 1975 prohibits discrimination based on age by recipients of federal financial assistance.
- Age Discrimination in Employment Act of 1967 prohibits discrimination based on age in employment.
- Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment on the basis of race, color, national origin, religion or sex.
- Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 prohibit discrimination against individuals with disabilities.
- The Equal Pay Act prohibits discrimination based on sex in the payment of wages.
- The Civil Rights Act of the State of Florida of 1992 which prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or marital status.
- Puerto Rico Law No. 100 of June 30, 1959, as amended, 29 L.P.R.A. 146 et seq.
- Puerto Rico Law No. 44 of July 2, 1985, as amended, 1 L.P.R.A. 501 et seq.
- Puerto Rico Law No. 69 of July 6, 1985, as amended, 29 L.P.R.A. 1321 et seq.
- Puerto Rico Law No. 3 of March 13, 1942, as amended, 29 L.P.R.A. 469, et seq.
- Puerto Rico Law 17 of April 22, 1988, as amended, 29 L.P.R.A. 155 et seq.
- Puerto Rico Law 115 of December 20, 1991, as amended, 29 L.P.R.A. 194 et seq.
- Puerto Rico Law No. 22 of May 29, 2013.
- Puerto Rico Law No. 107 of September 9, 2013, 29 L.P.R.A. §1351.
- Puerto Rico Law No. 90 of August 7, 2020.

AFFECTED ENTITIES AND SCOPE

This Policy addresses Albizu’s responsibilities with sex discrimination, sex-based harassment, and retaliation as defined by the 2024 Title IX regulations and as set forth below. The Policy applies to Prohibited Conduct, defined below, that is alleged to have occurred on or after August 1, 2024.

This Policy covers all education programs and activities and locations of Albizu and conduct that is subject to Albizu’s disciplinary authority. This may include but is not limited to Albizu-sponsored events that occur off-campus; all campuses and/or satellite sites; off-campus incidents



that have an on-campus impact or affect members of the Albizu community regardless of whether such members are on or off campus; and off-campus and/or online speech or conduct, such as social networking sites, which causes a substantial disruption to Albizu's operations and/or mission, or affects students. Albizu will address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the education program or activity or outside the United States.

This Policy applies to Albizu students, employees, applicants, and third-parties. Third parties include visitors, vendors, contractors, suppliers, guests, patients/clients or any other individual not employed by the University that visits the institution, receives services and/or participates in the programs, services and activities made by the University, whether in or outside the campuses. All Albizu students and employees are expected to comply with this Policy. This Policy does not establish contractual rights, in whole or in part, between Albizu and any individuals, including students and/or employees.

Specialized grievance procedures apply to allegations of sex-based harassment when the Complainant(s) and/or Respondent(s) is a student, as detailed in the Policy.

The University will make the Policy available on the University's website. Misconduct outside the scope of this Policy may be addressed as appropriate by other Albizu policies. To the extent that other Albizu policies overlap with this Policy, this Policy will control for cases alleging Prohibited Conduct. Albizu retains the right to revise this Policy in light of any changes to applicable law.

PROHIBITED CONDUCT

This Policy prohibits discrimination and harassment in employment and education on the basis of actual or perceived membership in a protected class (race, color, religious belief, national origin, sex, sexual orientation, pregnancy or related conditions, marital status, gender, gender identity, social condition, political ideas, status as victim of domestic violence, disability, veteran status, genetic information, age, or any other characteristic protected by federal, state, or local law in its programs, services and activities). The University also prohibits retaliation as described below.

Discrimination, harassment, and retaliation in the work and/or learning environment based on an individual's Protected Class, including based on sex, and/or protected activities (as defined by this Policy and collectively referred to as "Prohibited Conduct"), is unlawful, prohibited, and will not be tolerated by the University.

The following conduct is prohibited under this Policy:



Discrimination

Actions that deprive or limit access to education or employment, benefits or other opportunities and/or treat an individual differently on the basis of an individual's actual or perceived membership in a protected class (as listed in the categories noted in this Policy).

Sex Discrimination

Sex discrimination refers to discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, gender expression, and transgender status.

Workplace Harassment under Puerto Rico Law No. 90-2020

Workplace Harassment is defined as malicious, unwanted, repetitive and abusive behavior; arbitrary, unreasonable and/or capricious; verbal, written and/or physical; repeatedly by the employer, its agents, supervisors or employees, outside the legitimate interests of the employer's business, unwanted by the person, which infringes on protected constitutional rights, such as: the inviolability of the dignity of the person, protection against abusive attacks on his or her honor, his or her reputation and his or her private or family life, and the protection of the worker against risks to his or her health or personal integrity in work or employment. This workplace harassment behavior creates an intimidating, humiliating, hostile or offensive work environment, unsuitable for the reasonable person to perform his or her duties or tasks in a normal manner. (See workplace harassment policy and guidelines).

Sex-Based Harassment

Sex-based harassment is a form of sex discrimination and includes sexual harassment. Sex-based harassment is any of the following types of conduct on the basis of sex:

- *Quid Pro Quo Harassment* - This occurs when an employee, agent, or authorized person conditions (either explicitly or impliedly) the provision of an aid, benefit, or service they are authorized to provide under Albizu's education program or activity, on another individual's participation in unwelcome sexual conduct.
- *Hostile Environment* - Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Albizu's education program or activity.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following factors: (i) the degree to which the conduct affected the Complainant's ability to access Albizu's education program or activity;



(ii) the type, frequency, and duration of the conduct; (iii) the parties' ages, roles within Albizu's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other incidents of sex-based harassment in Albizu's education program or activity.

Sex-based harassment does not refer to conduct and/or sexual activity that is consensual between the parties. Albizu is guided by the principles on consent as defined below.

- *Other Specific Offenses -*

Sexual Assault: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI). These sex offenses include rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape. Specifically:

- i. *Rape* is defined as the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- ii. *Sodomy* is defined as oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- iii. *Sexual Assault With An Object* is defined as using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- iv. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- v. *Incest* is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.



- vi. *Statutory Rape* is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on consideration of: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the individuals involved in the relationship.

Domestic Violence: A felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under applicable family or domestic violence laws, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the applicable family or domestic violence laws.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress. This definition incorporates the concept of cyber-stalking, which employs the use of the internet, social media, blogs, texts, cell phones, or other similar devices or forms of communication.

Retaliation

Retaliation refers to intimidation, threats, coercion, or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy or because the individual person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or related proceeding, including in an informal resolution process, in grievance procedures, and in any other actions taken by the University. Retaliation can be committed by or against any individual or group of individuals, including a Respondent or Complainant or their friends, relatives, or other affiliated individuals. Retaliation is still prohibited even when there is a finding of no responsibility for the allegation.

Retaliation does not include good faith actions lawfully pursued in response to alleged Prohibited Conduct, or charging an individual with a code of conduct violation for making a materially or deliberately false statement or accusation in the course of a proceeding under this Policy, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.



Related Definitions

Consent: Words or actions demonstrating a knowing, willful, unambiguous, and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is determined based on the totality of the circumstances. Consent to some sexual contact (such as kissing and fondling) cannot be presumed to be consent for other sexual activity (such as sexual intercourse). A current or previous intimate relationship is not sufficient to constitute consent. Silence, passivity, or the absence of resistance alone is not consent. It is important to not make assumptions regarding whether a person has consented to a sexual act. A person can withdraw consent at any time during sexual activity by expressing in words or actions that she/he no longer wants the act to continue, and, if that happens, the other person must stop immediately. Consent cannot be obtained by force, threat, duress, coercion, misuse of professional authority/status, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another.

Incapacitation: A state where an individual lacks the physical and/or mental ability to make informed, rational judgments and decisions (e.g., to understand the “who, what, when, where, why, or how” of her/his sexual interaction). Incapacity could result from mental disability, involuntary physical restraint, and/or from the consumption of alcohol or other incapacitating drugs. A person can be intoxicated without being incapacitated.

THE INSTITUTIONAL COORDINATOR

The University’s Institutional Coordinator (hereafter referred to as the “Coordinator”) is responsible for coordinating Albizu’s compliance with Title IX and all other federal, state, and local laws, as well as other University policies regarding discrimination, harassment and retaliation. The Coordinator thus serves as the University’s Coordinator, and as the Coordinator for the University’s efforts to comply with the other laws listed in this Policy.

The Coordinator is responsible for coordinating Albizu’s response to all complaints involving possible Prohibited Conduct under this Policy, as well as monitoring and addressing barriers to reporting, assessing the campus climate, coordinating the effective implementation of supportive measures and remedies, as appropriate, along with other responsibilities. References to the “Coordinator,” throughout this Policy include designees of the Coordinator. Any inquiries regarding Title IX or this Policy can be directed to the Coordinator.



The contact information for the Coordinator is as follows:

Dr. Berta Ríos
Chief Academic Officer
Universidad Albizu
205 Calle Luna
San Juan, PR 00901

P.O. BOX 9023711
San Juan, P.R. 00902-3711
brios@albizu.edu
305-301-7997

Reports of conduct prohibited under this Policy by the Coordinator should be reported to the Office of the President at Albizu.

Inquiries regarding this Policy may be made internally to the Coordinator or externally to the Office for Civil Rights (OCR), U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, <https://ocrcas.ed.gov/contact-ocr>.

When notified of conduct that reasonably may constitute sex discrimination under this Policy, the Coordinator will notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the available grievance and the informal resolution process if available and appropriate.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Coordinator will determine whether to initiate a complaint of Prohibited Conduct that complies with the applicable grievance procedures. To make this fact-specific determination, the Coordinator will consider, at a minimum, the following factors:

1. The Complainant's request not to proceed with initiation of a complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a complaint is not initiated;
4. The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another sanction or other disciplinary action to end the Prohibited Conduct and prevent its recurrence;
5. The age and relationship of the parties, including whether the Respondent is an employee



of Albizu;

6. The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether Prohibited Conduct occurred; and
8. Whether Albizu could end the alleged Prohibited Conduct and prevent its recurrence without initiating its applicable grievance procedures.

If, after considering these and other relevant factors, the Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents Albizu from ensuring equal access on the basis of sex to its education program or activity, the Coordinator may initiate a complaint. If initiating a complaint, the Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures. The Coordinator will keep the parties timely informed of the status of any investigation and inform the parties of any extensions of time to complete the process and the reason(s) for the extensions.

Regardless of whether a complaint is initiated, the Coordinator will take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual Complainant, if any, to ensure that Prohibited Conduct does not continue or recur within Albizu's education program or activity.

REPORTING PROHIBITED CONDUCT

Individuals are encouraged to contact the Coordinator to make reports or file complaints of possible Prohibited Conduct under this Policy. The University strongly encourages the prompt reporting of all incidents of Prohibited Conduct under this Policy, including sex discrimination and sex-based harassment. Any person may report alleged Prohibited Conduct (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Prohibited Conduct), at any time, including during non-business hours, by using the telephone number or e-mail address of the Coordinator, or by meeting with or submitting a complaint to the Coordinator, or by any other means that results in the Coordinator receiving the person's verbal or written report.

For emergency or immediate assistance 24-hours a day, 7-days a week, please contact [campus security or applicable department]. The Coordinator and/or the investigator will keep the parties timely informed of the status of any investigation and inform the parties of any extensions of time to complete the process and the reason(s) for the extensions.

A Complainant will be informed that they may pursue a criminal complaint with the appropriate



law enforcement agency, if applicable; pursue a complaint through the grievance procedures of this Policy; or pursue both processes consecutively or concurrently. Any member of the University community may contact law enforcement, as applicable, but no potential Complainant is required



to do so. The University will proceed under this Policy regardless of the outcome of the law enforcement investigation or whether criminal charges are or are not filed. The University's process is separate and distinct from the criminal justice process.

The University strongly encourages all individuals to report any conduct that may be considered criminal to local law enforcement, in addition to reporting to the University, and to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. Reports to the University and criminal reports may be made simultaneously; however, the processes are separate. Upon request, the University will assist an individual in notifying law enforcement authorities.

A Complainant may withdraw a complaint or involvement with the grievance procedures under this Policy at any time. If a Complainant pursues a criminal complaint, the University may temporarily defer the investigation and/or resolution process for a reasonable time to allow law enforcement to complete their factual finding. The University will maintain documentation of the date of deferral. The University may continue its investigation where it has reason to believe that the Respondent may be an imminent threat to the safety of the Complainant and/or other individuals. The University will provide written notice to the Complainant and Respondent when it resumes its investigation and resolution process as appropriate.

Any individual may make an anonymous report. Depending on the extent of information available about the incident or the individuals involved, however, the University's ability to respond to an anonymous Report may be limited. The Coordinator will review and evaluate the anonymous report and determine appropriate steps.

CONFIDENTIAL RESOURCES

Confidential employees are designated Albizu employees who, upon receiving information about Prohibited Conduct do not have reporting obligations to the Coordinator because: (i) federal or state law requires that their communications be privileged or confidential, but only with respect to information received while the employee is functioning within the scope of their duties to which the federal or state privilege or confidentiality applies; (ii) they provide services to individuals related to the Prohibited Conduct and received information about the Prohibited Conduct in connection with providing these services, but only with respect to information received about the Prohibited Conduct in connection with providing those services; or (iii) they are conducting an Institutional Review Board-approved human-subjects research study designed to gather information about the Prohibited Conduct and received information about Prohibited Conduct while conducting the study, but only with respect to information received while conducting the study. Confidential employees will be informed by Albizu of this designation.



If a Complainant or potential Complainant would like the details of an incident to be kept confidential, the Complainant may speak with a confidential employee. Specifically:

- On-campus Victim Advocate
- On-campus licensed professional Counsellors
- On-campus Health Center providers and staff
- Off-campus (non-employees)
- Licensed professional counselors or other health providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Attorneys

A confidential employee must explain to any person who informs the confidential employee of conduct that reasonably may constitute Prohibited Conduct under this Policy of:

- a. The employee's status as confidential for purposes of this Policy, including the circumstances in which the employee is not required to notify the Coordinator about conduct that reasonably may constitute sex discrimination, sex-based harassment or other Prohibited Conduct;
- b. How to contact the Coordinator and how to make a complaint of sex discrimination, sex-based harassment or other Prohibited Conduct; and
- c. That the Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the Grievance Procedures

RESPONSIBILITIES OF NON-CONFIDENTIAL EMPLOYEES TO REPORT, INFORM, AND COOPERATE

All members of Albizu's community who are not confidential employees are expected to assist and cooperate in the application of this Policy, in particular by cooperating in any investigation under this Policy. Any person who knowingly misrepresents the truth, or whose willful action or inaction obstructs the application of this Policy may be subject to sanctions and other disciplinary actions, up to and including termination.

The following employees who are not confidential employees are required to immediately report alleged Prohibited Conduct to the Coordinator upon receiving a complaint or information about alleged Prohibited Conduct, observing what may be Prohibited Conduct, or suspecting for any reason that Prohibited Conduct is occurring:



- Employees with administrative leadership responsibilities, including supervisors and managers;
- Faculty members and other employees with teaching responsibilities; and
- Employees with advising responsibilities.

All other employees who have information about conduct that reasonably may constitute Prohibited Conduct under this Policy, and who are not confidential employees must either: (i) immediately notify the Coordinator, or (ii) provide the reporting individual with the Coordinator's contact information and information about how to make a complaint of Prohibited Conduct with Albizu.

Employees can be disciplined, up to and including termination, if they engage in Prohibited Conduct; fail to notify the Coordinator; or fail to provide appropriate information to any person who provides them with information about conduct that reasonably may constitute Prohibited Conduct under this Policy. All employees have a responsibility to prevent Prohibited Conduct and cooperate in the grievance procedures of this Policy.

ALCOHOL AND/OR DRUG USE AMNESTY FOR STUDENTS

The University strongly encourages students to report alleged Prohibited Conduct to the Coordinator. Albizu recognizes that students who have been drinking and/or using drugs (whether voluntarily or involuntarily) at the time of that Prohibited Conduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Students who disclose Prohibited Conduct to the Coordinator, other Albizu officials, or law enforcement will not be subject to the University's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the alleged Prohibited Conduct.

CONFIDENTIALITY AND PRIVACY

Subject to the University's obligations, every effort will be made to maintain the privacy and confidentiality of those initiating a report. At the beginning of the process, the University will inform the Complainant and Respondent about the University's confidentiality standards and privacy measures. Albizu will take reasonable steps to protect the privacy of the parties and witnesses during the grievance process. These reasonable steps will not restrict the parties' ability to obtain and present evidence (such as speaking to witnesses, consult with their family members, confidential resources, or Advisors), the ability of either party to discuss an investigation with other individuals, or otherwise prepare for or participate in the grievance process.

In all cases, privacy of information about complaints and investigations will be maintained to the extent required by law and to the extent possible given Albizu's obligations under the law and under this Policy. The identity of the parties and any witnesses, as well as information about the



investigation, will only be shared with those involved in the complaint process to the extent possible.

The Complainant may request that the Coordinator not share their name (or other identifiable information) with the Respondent, or that the Coordinator take no action in response to a report or complaint. While absolute confidentiality cannot be promised, Albizu will treat the concerns of the Complainant with sensitivity and respect. A Complainant will be informed that a request for confidentiality may limit Albizu's ability to respond. Albizu will not disclose the identity of the parties, except as necessary to carry out the grievance procedures or as permitted under state or federal law.

EXTERNAL REPORTING

The National Institutes of Health (NIH), the National Science Foundation (NSF), and other agencies and funders have implemented policies requiring institutional reporting of harassment and related misconduct by Principal Investigators, Co-Investigators, and Senior/Key Personnel. Albizu will comply with all applicable institutional reporting requirements.

SUPPORTIVE MEASURES

The University will offer non-punitive and non-disciplinary supportive measures without fee or charge, as appropriate, and to the extent reasonably available to the Complainant and/or to the Respondent upon receipt of a report or complaint alleging Prohibited Conduct under this Policy regardless of where the conduct occurred or whether such conduct occurred outside of an institution's programs or activities. Supportive measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or (2) provide support during Albizu's grievance procedures, including specialized grievance procedures, or during the informal resolution process. The Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include but are not limited to: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures, including a combination of any of these measures.

The Coordinator will coordinate supportive measures and appropriately address reasonable concerns about the party's safety or the safety of others. Both parties will be informed in writing of the applicable supportive measures available to them no later than issuance of notice that an



investigation will be conducted. The University may, as appropriate, choose to extend, modify, or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process. A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

Both the Complainant and Respondent may submit a written request to the Chancellor to seek a modification or reversal of the Coordinator's decision to provide, deny, modify, or terminate an applicable supportive measure that directly affects him or her, and shall be allowed to submit evidence in support of his or her request. The Chancellor will issue a determination if the Coordinator's decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures within five (5) business days of the receipt of such a request.

The University will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, and subject to the following exceptions: (i) when Albizu has obtained prior written consent to the disclosure from the applicable party; (ii) when the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the party; (iii) to carry out this Policy, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX; (iv) as required by Federal law, regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or (v) to the extent such disclosures do not otherwise conflict with Title IX and are permitted or required under Federal, State or local law, such as the Family Educational Rights and Privacy Act, at 20 U.S.C. § 1232g with implementing regulations at 34 CFR Part 99. The Coordinator may consult, as appropriate, with designated officials or offices to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures.

On an emergency basis, Albizu may remove a student Respondent from Albizu's education program or activity, which includes but is not limited to denied access to campus, facilities, events, classes, research laboratories, student housing or dining facilities, and/or all other activities or privileges for which the student-Respondent might otherwise be eligible. Alternative coursework or research options may be offered by the Coordinator to ensure as minimal impact as possible to the Respondent and Complainant. Prior to such removal, Albizu will undertake an individualized safety and risk analysis and determine that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other



persons arising from the allegations of Prohibited Conduct justifies removal. Albizu will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

In the event that a Respondent employee is accused of a violation, which also constitutes grounds for immediate dismissal as defined pursuant to other employee policies, processes, and procedures, the Coordinator may recommend that Human Resources place the employee on unpaid leave until such time as the matter is resolved. In the event that a Respondent employee is accused of a violation which does not constitute grounds for immediate dismissal under other employee policies, processes, and procedures, but the continued presence of the employee is disruptive to the work environment, the Coordinator may recommend to Human Resources that the employee be placed on paid or unpaid leave pending resolution of the matter. During

In the event that a Respondent employee is accused of a violation, which also constitutes grounds for immediate dismissal as defined pursuant to other employee policies, processes, and procedures, Albizu may place the employee on administrative leave paid or unpaid, from employment responsibilities pending the grievance process of this Policy. In the event that a Respondent employee is accused of a violation that does not constitute grounds for immediate dismissal under other employee policies, processes, and procedures, but the continued presence of the employee is disruptive to the work environment, the Coordinator may recommend that the employee be placed on administrative leave pending resolution of the matter. During such leave, an employee may be denied access to Albizu's campus, facilities, or events. At the discretion of the Coordinator in consultation with Human Resources, alternative work options may be pursued to ensure as minimal an impact as possible on the Respondent employee and Complainant or potential Complainant.

The University will provide the Respondent with written notice of an opportunity to appeal the decision to remove a student Respondent on an emergency basis or place an employee Respondent on administrative leave. The Respondent's written appeal request should state the reasons why the Respondent believes the emergency removal should be overturned. The appeal request must be received by the Coordinator within five (5) business days of the notification of the issuance of an emergency removal. The Coordinator will review the appeal to determine whether the decision was supported. The Coordinator's appeal determination shall be sent to the Respondent within five (5) business days of receipt of the initial appeal request. The appeal determination by the Coordinator is final.

The University will promptly address any violation of the emergency removal or administrative leave. The University will take immediate and responsive action to enforce a previously implemented supportive measures if such measure is violated.



GRIEVANCE PROCEDURES

Albizu will promptly and equitably resolve complaints of alleged Prohibited Conduct in accordance with the grievance procedures set forth in this section of the Policy. Consistent with the requirements of the Title IX regulations, the University has also established specialized requirements for complaints of alleged sex-based harassment involving a student Complainant or student Respondent. These specialized requirements are denoted in textboxes within this section.

When Complainant(s) and/or Respondent(s) have dual roles as student-employees, Albizu will make a fact-specific determination and inform the parties of the applicable grievance process in writing. In making this determination, Albizu will consider the student-employee's primary relationship to Albizu and whether the alleged conduct occurred as part of educational- or employment-related work.

BASIC REQUIREMENTS

The University's grievance procedures for resolving complaints of alleged Prohibited Conduct under this Policy ensures the following basic requirements:

1. Equitable treatment of the Complainant and Respondent.
2. Individuals implementing the grievance procedures will be free of any conflict of interest or bias for or against Complainants or Respondents, either generally or individually.
3. The Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the grievance procedures.
4. Major stages of the grievance process will be completed according to reasonably prompt timeframes, which Albizu estimates as follows:
 - Complaint evaluations will be completed within ten (10) business days of the date in which Albizu received the report of alleged conduct;
 - Appeals of an emergency removal, administrative leave, or complaint dismissal will be completed within five (5) business days of the date in which Albizu receives the written request for such appeal.
 - Investigations will be completed within ninety (90) business days of the date in which Albizu received the report of alleged conduct;



- Determinations will be completed within fourteen (14) business days of the date in which the investigation report and evidence is submitted to the decisionmaker;
- Appeals of the determination will be completed within thirty (30) business days after receipt of the written request for an Appeal Officer.
- Informal resolution, if applicable, will be completed within thirty (30) business days.

The time frames for each major stage of the grievance process are subject to reasonable extensions of time for good cause, which Albizu will determine on a case-by-case basis. Albizu will send the parties written notice of any causes or reasons for the delay.

5. The University will take reasonable steps to protect the privacy of the parties and witnesses during the grievance process. These reasonable steps will not restrict the parties' ability to obtain and present evidence (such as speaking to witnesses, consult with their family members, confidential resources, or Advisors) or otherwise prepare for or participate in the grievance process.
6. The University will objectively evaluate all inculpatory and exculpatory evidence that is relevant and not otherwise impermissible in the grievance process. Albizu will exclude evidence, and questions seeking evidence, that are not relevant and that is impermissible regardless of relevance.

Relevant evidence means related to the allegations of Prohibited Conduct under investigation. Evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred.

Impermissible evidence refers to:

- a. Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party's or witness's voluntary, written consent for use in the recipient's grievance procedures; and
- c. Evidence that relates to the Complainant's sexual interests or prior sexual



conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

7. The University will not conduct credibility determinations based on a person's status as a Complainant, Respondent, or witness.
8. The University will use consistent principles for the applicability of the grievance process under this Policy and Albizu's Equal Employment Opportunity and Discrimination, Harassment, and Retaliation Prevention Policy.

COMPLAINT EVALUATION

Upon receipt of a report or complaint, the Coordinator will promptly contact the Complainant for an intake meeting to discuss the availability of supportive measures under this Policy, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a report and explain to the Complainant the process for submitting a complaint. If the potential Complainant is unknown, the Coordinator will make reasonable efforts to identify the potential Complainant and reach out to that person. During the intake meeting, the Coordinator will seek to get a basic understanding of the reported conduct so that the Coordinator can appropriately assess key facts to determine how to proceed. Follow-up intake meetings will be held as deemed necessary by the Coordinator.

The Coordinator will also meet with the Respondent separately to discuss the complaint and the process.

The Coordinator will make an initial determination as to whether the reported conduct, if true, could constitute a violation of the Policy. The Coordinator may dismiss a complaint of Prohibited Conduct if: (i) Albizu is unable to identify the Respondent after taking reasonable steps to do so; (ii) the Respondent is not participating in Albizu's education program or activity and is not employed by Albizu; (iii) the Complainant voluntarily withdraws any or all of the allegations in the complaint, the Coordinator declines to initiate a complaint, and Albizu determines that without the withdrawn allegations, the remaining alleged conduct would not constitute Prohibited Conduct even if proven; and (iv) Albizu determines the alleged conduct in



the complaint, even if proven, would not constitute Prohibited Conduct. The Complainant must submit in writing to the Coordinator any voluntary withdrawal of the complaint or allegations.

In all other instances, if the Coordinator determines that the allegations, if true, could constitute a violation of the Policy, and that an investigation will commence, the matter will proceed to an investigation. The Coordinator or designee will conduct an investigation to determine if the Policy may have been violated.

The parties have the option of using the grievance procedures or the informal resolution procedures described in this Policy. Under both options, the Coordinator will meet with the Complainant and the Respondent separately to discuss the complaint and the process.

The Coordinator will simultaneously provide the Complainant and Respondent with written notice of any decision(s) to dismiss a complaint, in whole or in part, the basis for the dismissal, the availability of supportive measures notwithstanding the complaint dismissal, and each party's opportunity to appeal the dismissal decision. Albizu will make reasonable efforts to clarify the allegations with the Complainant prior to dismissing a complaint, in whole or in part, and the Coordinator will take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur. In circumstances where the Coordinator has reasonable concerns for the safety of any person as a result of providing written notice to the Respondent and has delayed such notice, the Coordinator may forgo issuing written notice to the Respondent of any decision(s) to dismiss a complaint.

The University may consolidate complaints of alleged Prohibited Conduct under this Policy against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. If one of the complaints to be consolidated is a complaint of sex-based harassment involving a student as either Complainant or Respondent, Albizu's specialized grievance procedures will apply.

NOTICE OF ALLEGATIONS

The Coordinator will notify the Complainant and Respondent, if known to Albizu, in writing of its decision to proceed to investigation of any alleged violation of this Policy. Albizu will provide the parties with sufficient time to review the written notice and prepare a response before any initial interview.

The Written Notice of Alleged Prohibited Conduct will provide the following information to the parties whose identities are known:



- a. The grievance process under this Policy and the informal resolution process.
- b. Sufficient information available at the time to allow the parties to respond to the factual allegations. Sufficient information includes the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct under this Policy, and the date(s), location(s), and factual allegation(s) of the alleged incident(s), to the extent that information is available to Albizu.
- c. A statement that retaliation is prohibited.
- d. Information explaining that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence (and the parties' equal opportunity to request access to the relevant and not otherwise impermissible evidence if provided an investigative report).

For sex-based harassment complaints *involving a student Complainant or student Respondent*, the written notice must *also* include:

- e. Information explaining that the Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures and that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- f. Information explaining that the parties may have an advisor of their choice to accompany the party to meetings regarding the investigation, and that the advisor may be, but is not required to be, an attorney; and
- g. Information explaining that Albizu prohibits knowingly making false statements or knowingly submitting false information during the grievance procedure.

If, in the course of an investigation, Albizu decides to investigate additional allegations of Prohibited Conduct, Albizu will provide notice of the additional allegations to the Complainant, Respondent, and other parties whose identities are known.

The Coordinator will notify the Complainant and Respondent, in writing and simultaneously, of its decision to proceed to investigation of any alleged violation of this Policy. Albizu will provide the parties with sufficient time to review the written notice and prepare before any initial interview.

To the extent Albizu has reasonable concerns for the safety of any person as a result of providing written notice, Albizu may reasonably delay providing written notice of the allegations (and forgo any related written notice of a subsequent dismissal of the complaint) in order to address



the safety concern appropriately. Reasonable concerns will be based on an individualized safety and risk analysis and not on mere speculation or stereotypes.

A. Investigation

The University will respond promptly and effectively to reports or complaints of Prohibited Conduct. Albizu will provide an adequate, reliable, and impartial investigation of the alleged Prohibited Conduct. The investigation will include the following steps:

- a. The University will ensure that the burden is on Albizu (not the parties) to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred;
- b. The Coordinator or designee will conduct the investigation;
- c. The University will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
- d. The University will provide a process that enables the Coordinator or designee to question the parties and witnesses to adequately assess credibility to the extent that credibility is in dispute and relevant to evaluating the alleged conduct.
- e. The University will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance;
- f. The University will provide each party with an equal opportunity to access the evidence that is relevant and not otherwise impermissible to the allegations of Prohibited Conduct, and issue to the parties a written investigative report that accurately summarizes this evidence;
- g. The University will provide the parties with a reasonable opportunity to review and respond to the evidence and/or the investigative report prior to the determination whether Prohibited Conduct occurred; and
- h. The University will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance process, which does not include authorized disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of Prohibited Conduct.

For sex-based harassment complaints *involving a student Complainant or student Respondent*, the following provisions apply:



- i. The University will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate;
- j. The University will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the Advisor. Albizu may establish restrictions regarding the extent to which the Advisor may participate in the grievance procedures, and any such restrictions will apply equally to the parties.
- k. The University will provide the parties with the same opportunities, if any, to have persons other than the Advisor of the parties' choice present during the investigations or related meetings;
- l. The University will decide whether the parties may present expert witnesses during the investigation, and this decision will apply equally to the parties;
- m. The University will provide each party and the party's Advisor with an equal opportunity to access and review the evidence or, where applicable, investigative report;
- n. If Albizu provides access to an investigative report, upon request of either party, Albizu will provide the parties with an equal opportunity to access and review the relevant evidence;
- o. The University will provide the parties with a reasonable opportunity to review and respond to the evidence or the investigation report prior to the determination of whether sex-based harassment occurred.

Should a student decide to voluntarily withdraw and/or not participate in the investigation and/or prior to completion of the grievance procedures, the University will proceed and fully complete the grievance procedures in the student's absence.

Should an employee Respondent resign while an investigation is pending, the University's records will reflect that status.

For sex-based harassment cases, the investigation will generally be completed based on the information available. The University's response to any future inquiries regarding employment references for that individual will also reflect that the employee resigned while an investigation was pending. The Coordinator or the investigator will act promptly and appropriate action to address the effects of the Prohibited Conduct, if applicable, upon the Complainant and the University community.

For sex-based harassment complaints involving a student Complainant or student Respondent, to the extent that credibility is in dispute and relevant to evaluating the alleged conduct, the following provisions apply for adequately assessing credibility with respect to the University's process for questioning the parties and witnesses:



- a. The investigator or Coordinator, who also serve as the decisionmaker, will ask relevant and not otherwise impermissible questions during individual meetings with a party or witness;
- b. The University will allow each party to propose relevant and not otherwise impermissible questions that the party wants asked of any party or witness, and have those questions asked by the investigator or Coordinator during one or more individual and follow-up meetings with a party or witness;
- c. Prior to a question being posed to a party or witness, the investigator or Coordinator will determine if a proposed question is relevant and not otherwise impermissible. The investigator or Coordinator will provide an explanation for any decision to exclude a question as not relevant or otherwise impermissible. The investigator or Coordinator will not permit questions that are unclear or harassing to a party or witness. The investigator or Coordinator will give a party an opportunity to clarify or revise a question that the investigator or Coordinator has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, the question will be asked;
- d. The investigator or Coordinator may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The investigator or Coordinator will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to relevant and not impermissible questions;
- e. The University may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties; and
- f. The University will provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

B. Written Determination

The University will use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred following an investigation and evaluation of all relevant and not otherwise impermissible evidence.

For all cases of alleged Prohibited Conduct (including sex-based harassment involving student Complainants or student Respondents), the investigator or Coordinator or designee will make the determination.

The University will simultaneously notify the parties in writing of:

- a. The determination of whether the preponderance of the evidence establishes a



- violation of the Policy,
- b. Any applicable sanctions, other disciplinary actions, and/or remedies,
- c. The rationale supporting the determination and any applicable sanctions, disciplinary actions and/or remedies, and
- d. The procedures and permissible bases for appeal available to both parties.

For sex-based harassment complaints involving a student Complainant or student Respondent, the written determination will *also* include:

- e. A description of the alleged sex-based harassment;
- f. Information about the policies and procedures that Albizu used to evaluate the allegations;
- g. The investigator or Coordinator's evaluation of the relevant and not otherwise impermissible evidence, the findings of fact, determination whether sex-based harassment occurred and rationale for the determination as applicable;
- h. When the investigator or Coordinator finds that sex-based harassment occurred, any sanctions or other disciplinary actions Albizu will impose on the Respondent, whether remedies other than the imposition of sanctions or other disciplinary actions will be provided by Albizu to the Complainant, and, to the extent appropriate, other students identified by Albizu to be experiencing the effects of the sex-based harassment; and
- i. Albizu's procedures for the Complainant and Respondent to appeal.

The determination regarding responsibility becomes final either on the date that Albizu provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

C. Appeals

The Respondent and/or the Complainant may appeal the written determination of responsibility by the decisionmaker (as applicable, the investigator or the Coordinator or designee), or Albizu's closure or dismissal of a complaint or allegations therein to an Appeal Officer as the appeal decisionmaker. Either party may also appeal before the Appeal Officer the sanctions or discipline imposed by the applicable decisionmaker. The Appeal Officer will not be the same person as the decisionmaker that reached the determination regarding dismissal, the investigator(s), or the Coordinator.

The University will implement appeal procedures equally for both parties and use the preponderance of the evidence standard for its determination. A request for an appeal must be



submitted in writing to the Chancellor or other designee for consideration by an Appeal Officer within two (2) calendar days of the issuance of the written determination. Upon notice of the assignment of the Appeal Officer, the parties will have two (2) calendar days to raise any objections to the Chancellor or other designee regarding the ability of the Appeal Officer to conduct an impartial appeal. When an appeal is filed by one party, Albizu will notify the other party in writing that an appeal has been filed. Albizu will provide both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

An appeal of the decision may be considered if one of the following grounds is present:

- Procedural Error: A procedural error occurred that affected the outcome, including the findings and/or sanctions or discipline. A description of the error and its impact on the outcome of the case must be included in the written appeal. Minor or harmless deviations from the process will not invalidate the proceedings.
- New Evidence: New evidence that was not reasonably available at the time that the determination of responsibility was made and that could affect the outcome, including the findings and/or sanctions. Information that was known to the Complainant or Respondent during the investigation, but which he or she chose not to present, is not new evidence. A summary of this new evidence and its potential impact on the investigation findings and/or sanctions must be included in the written appeal.
- Conflict of Interest or Bias: The Coordinator or Investigator(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Once an appeal request is received, a decision will be issued on eligibility for appeal usually within five (5) business days. If the process is extended beyond five (5) days, the Chancellor or other designee will inform the parties of the extension of time to complete the appeal and the reason(s) for the extension. If the grounds for an appeal are not met, the request for an appeal will be denied and the parties will be simultaneously informed in writing. Regardless of whether all parties request an appeal, the Complainant and Respondent will be informed in writing, and permitted to participate in the appeal and to respond to the information provided by the other party.

The role of the Appeal Officer regarding appeals is limited. Appeals are not intended to be a full rehearing of the complaint and are confined to a review of the statements submitted by the parties to request or respond to the appeal request, materials from the investigative record, and documentation pertinent to the grounds for appeal.



The University strives to complete the appeals process within fourteenth (14) business days after receipt of the written request for an appeal. If the grounds for an appeal are not met, the request for an appeal will be denied and the parties will be simultaneously informed in writing. The Appeal Officer will simultaneously notify both parties in writing of that outcome, including the result of the appeal and the rationale for the result. The decision shall be final.

SANCTIONS, OTHER DISCIPLINARY ACTIONS, AND REMEDIES

If there is a determination that sex discrimination, sex-based harassment, or retaliation occurred in violation of this Policy, the Coordinator will coordinate the provision and implementation of remedies to a complainant and other persons the University identifies as having had equal access to an education program or activity limited or denied by sex discrimination, coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions, and take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within education program or activity. The University may apply other policies with respect to disciplinary actions for discrimination and/or workplace harassment under Puerto Rico Law No. 90-2020.

Sanctions/disciplinary that may be taken against a student-Respondent in response to a finding of a violation of this Policy include, but are not limited to, suspension or expulsion.

Sanctions/disciplinary that may be taken against an employee-Respondent in response to a finding of a violation of this Policy include, but are not limited to, reprimand, reassignment, transfer, disciplinary action, or termination. Sex discrimination, including sex-based harassment, will be deemed to be insubordination and refusal to obey the policies of the University.

The University will not impose discipline on a Respondent for sex discrimination, sex-based harassment, or other Prohibited Conduct under this Policy unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited sex discrimination, sex-based harassment, or other Prohibited Conduct under this Policy.

The University will not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the University's determination whether sex discrimination, sex-based harassment, or other Prohibited Conduct occurred.

All parties are expected to comply with sanctions within the time frame specified by the sanctioning body. Failure to follow or complete the sanctions by the date specified – whether by refusal, neglect, or any other reason – may result in additional sanctions or disciplinary action under University Policy.



INFORMAL RESOLUTION PROCESS

The University recognizes that informal resolution options may, if implemented in concert with Coordinator values and legal obligations, be an appropriate means of addressing some forms of possible Prohibited Conduct reported under this Policy. At any time prior to the issuance of a determining related to alleged Prohibited Conduct, Albizu may offer informal resolution to the parties as alternative procedures to the grievance procedures, subject to Albizu's discretion and applicable federal, state, and local laws. Informal resolution is a voluntary, structured interaction between or among the parties that is designed to reach an effective resolution to a Complaint. These informal procedures may include, but are not limited to, mediation, counseling, and/or any other means of resolving a complaint that does not involve a full investigation and adjudication. The informal resolution process attempts to resolve the issue with the Complainant and Respondent by mutual agreement. If an informal resolution process is used, Albizu strives to resolve the matter through that process within 30 business days.

Informal resolution is not appropriate for all alleged violations of this Policy and the Coordinator retains the discretion to determine which cases are appropriate for informal resolution. Albizu may decline to offer informal resolution when Albizu determines that the alleged conduct would present a future risk of harm to others.

The University will inform the parties in writing of the offer of informal resolution, along with their rights and responsibilities in the informal resolution process. Participation in the informal resolution process is voluntary, and Albizu will not require the parties to participate in an informal resolution process. Both parties must voluntarily consent to the informal resolution process. Albizu does not require the parties to waive the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right. Both a Complainant and a Respondent can request to end this type of resolution and pursue an investigation at any time.

The University must obtain the parties' voluntary, written consent to the informal resolution process. Albizu will provide the parties with written notice disclosing:

1. Information of the allegations;
2. The requirements of the informal resolution process;
3. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the recipient's grievance procedures;
4. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures



arising from the same allegations;

5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
6. What information Albizu will maintain and whether and how the recipient could disclose such information for use in grievance procedures under this Policy, if grievance procedures are initiated or resumed.

The facilitator for the informal resolution process will not be the same person as the investigator or the decisionmaker (as applicable, the investigator or the Coordinator or designee), nor will the facilitator have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

Written notification will promptly be sent by the Coordinator to the Complainant and the Respondent of the conclusion of the informal resolution process. The notification will describe the terms of the approved informal resolution agreement, if any. Potential terms that may be included in an informal resolution agreement include but are not limited to restrictions on contact and restrictions on the Respondent's participation in Albizu's education programs or activities and attendance at specific events, as well as any remedies or sanction and/or other disciplinary actions that could have been imposed at the conclusion of grievance procedures. The Coordinator will keep records of any resolution that is reached, and failure to abide by the resolution may result in appropriate responsive actions.

CONFLICTS OF INTEREST OR BIAS

Both parties have a right to an investigation and resolution process free of conflicts of interest or bias by any University employee involved in the grievance procedures, including the Coordinator, investigator, appeal decisionmaker, board member, or any person designated by the University to evaluate the complaint, conduct the investigation, or facilitate an informal resolution process. Albizu employees involved in the process should disqualify themselves in a matter or proceeding in which the member's impartiality might reasonably be questioned, including but not limited to instances where:

- A. The individual has a personal bias or conflict of interest concerning a party, or a prejudgment of the facts at issue (such as personal knowledge of disputed facts concerning the matter);
- B. The individual has a personal bias or prejudice against Complainants or Respondents generally;
- C. The individual was directly involved in the matter in controversy, or a subordinate whom the individual previously supervised is involved in the matter,
- D. The individual was a witness to the matter; or



- E. The individual or a person in the individual's family is related to a participant in the process.

An employee who fails to disqualify themselves or notify the Coordinator of potential conflicts of interest is subject to disciplinary action, up to and including termination.

A Complainant or potential Complainant and the Respondent have the opportunity to object to the participation of any Albizu official or employee involved in the grievance procedures (including the Coordinator, investigator, or individual(s) designated to facilitate Albizu's informal resolution process) on the grounds of bias or conflict of interest. The investigation or proceeding will be temporarily suspended and the Coordinator or another appropriate official who is not the subject of the objection will evaluate whether the objection is substantiated. The parties will be notified in writing of the findings within five (5) business days of the objection first being raised. If the University employee, official, or other designated individual is found to have a bias or conflict of interest against either party, the individual will be removed from the matter and (when necessary) replaced with an individual free of bias or conflicts. The investigation or proceeding will resume immediately upon a finding of no bias or conflicts, or upon the replacement of the University employee or official, whichever occurs first.

RECORDKEEPING

The University will maintain for seven years or the extent they are required by law:

- Records documenting the informal resolution process or the grievance process under this Policy, as applicable, and the resulting outcome for each complaint of sex-based harassment involving students.
- Records documenting the actions Albizu took to meet its obligations under this Policy for each notification the Coordinator receives of information about conduct that reasonably may violate this Policy.
- All materials used to provide training to officials responsible for implementing this Policy. The materials will be available for public inspection upon request.