PROCEDURE FOR INVESTIGATING CLAIMS OF HARASSMENT OR SEXUAL MISCONDUCT

Reporting

Anyone may seek advice, information, or counseling on matters related to harassment or sexual misconduct without having decided on a course of action. Some persons who are targets of prohibited conduct are also able to confront the behavior directly by discussing it with the person engaging in the behavior. Employees who have experienced harassment, sexual harassment, sexual assault, dating violence, or stalking have multiple options for seeking advice or reporting an incident or a potential violation of this policy, which include contacting the following persons or offices:

- Rice’s Ethics Line (EthicsPoint)
- Director of Equal Employment Opportunity Programs and Affirmative Action (EEOP/AA)
- Title IX Coordinator or Deputy Title IX Coordinators
- Office of Sexual Violence Prevention and Title IX Support
- Human Resources
- Office of the Provost
- Management and supervisory faculty and staff, including deans, department chairs, directors of undergraduate and graduate studies, Magisters and residential teams
- Rice University Police Department

All of these approaches are acceptable and encouraged. Contact information for the above offices is found at the end of these Procedures. All persons who exercise these options in good faith are protected by the University from retaliation. Persons can also consult https://safe.rice.edu/contact-us

A copy of the University's Policy on Harassment and Sexual Misconduct may be obtained in another language for non-native English speakers. In addition, interpretation services in another language will be provided upon request for meetings with the Director of EEOP/AA and Title IX Coordinators.

After reporting an alleged violation of the University’s Policy on Harassment and Sexual Misconduct, the reporting person will have a meeting with the appropriate university official (Director of EEOP/AA or one of the Title IX officials), who will explain this policy, potential supportive measures, the procedures for investigation, options for complaint resolution, resources, and referrals.

With or without filing a formal complaint with the Director of EEOP/AA, individuals may discuss issues relating to harassment, sexual harassment, sexual assault, dating violence, or stalking with the Director of EEOP/AA. However, by contacting this office, the individual places the University on notice of potentially unlawful conduct. The University will try to honor an individual’s request for confidentiality, including discontinuing action on a consultation or report, if requested. However, depending on the circumstances that have been revealed, the University may not be able to keep the information confidential and may be obligated to act. The University also reserves the right to pursue a complaint on its own. If a reporting person’s insistence on anonymity prevents the University from taking disciplinary action against a respondent, Rice will attempt to pursue steps to limit the effects of the alleged misconduct and attempt to prevent its recurrence.

Investigation Process

Employee. If the alleged harassment or sexual misconduct was committed by a faculty or staff member, the steps of the investigation are generally as follows:

- An investigator from the Office of EEOP/AA will conduct a fact-finding review by gathering information from all sources judged necessary for a fair resolution of the concern.
• If the case is appropriate for mutual and voluntary "Informal Problem Resolution" or "Mediation" under Section E of the policy, the investigator may offer the parties these options at any appropriate point during the investigation.

• Evidence will be gathered throughout the investigation. The investigator will hear the reporting person, the respondent, and any witnesses that the investigator reasonably deems necessary, including those identified by each party. The respondent will have the opportunity to respond to the investigator regarding the allegations.

• At the conclusion of the investigation, the investigator will present a written final report to the respondent's supervisor or appropriate school or division administrator and Human Resources (if the respondent is staff), or to the respondent's Dean and the Provost or its designee (if the respondent is faculty). The report will include a description of the reported behavior, the scope of the investigation, a summary of the findings, and any recommendations, including those for any disciplinary sanctions or corrective action.

• Human Resources (if the respondent is staff) or the Provost or its designee (if the respondent is faculty) will determine what actions will be taken.

• The investigator will present to the reporting person and the respondent a written final report explaining the reported behavior, the investigation, the findings, and any sanctions or remedies. The investigator remains available to answer any questions that the reporting person or the respondent may have about the matter.

Student. If the alleged harassment or sexual misconduct was committed by a student, the investigation will usually be led by, and any sanctions and remedies will be imposed by, Title IX officials (including Student Judicial Programs) in consultation with the Director of EEOP/AA and consistent with the University’s policies and procedures related to student conduct. If the case is investigated by Student Judicial Programs, a decision will be made under the Code of Student Conduct. If investigated by the Office of EEOP/AA, a report and any recommendations will be made to Student Judicial Programs for a resolution of the matter.

Senior Administrator. If the alleged harassment or sexual misconduct was committed by the Director of EEOP/AA or a member of their staff, or a senior administrator (President, Provost, Dean, Vice President, Vice Provost, Institute Director, or Athletic Director), the investigation will be led by an appointed investigator.

General Principles of Investigation and Adjudication

Procedural protections

During the process outlined in this policy and these procedures, both the reporting person and the respondent are provided the following procedural protections:

• an explanation of procedural protections, options, investigation procedures, and if available, avenues of appeal

• a fair, thorough, reliable, and impartial investigation by a trained and experienced investigator

• respect for confidentiality to the extent possible: the facts will be made available only to those who have a need to know for purposes of resolving the matter

• the opportunity to provide relevant information and names of potential witnesses

• weekly updates about the progress of the investigation

• a timely written final report explaining the allegations, the investigation, the findings, and the sanctions or remedies if any.

Presumption of good faith reporting and non-violation
Reports are presumed to be made in good faith. Respondents are presumed not to have violated Policy 830 until such time as a preponderance of the evidence establishes that the respondent engaged in conduct that violates Policy 830.

**Standard of proof**

The standard of proof to find a violation of this policy is a preponderance of the evidence. "Preponderance of the evidence" means that the greater weight of the evidence and reasonable inferences drawn on that evidence supports the finding (either that a violation occurred or did not occur). In other words, the evidence supporting the investigatory finding, when weighed against the evidence opposed to it, has the more convincing force and the greater probability of truth.

**Supportive measures during an investigation**

Supportive measures may be requested by either party and will be decided on a case by case basis, considering the rights and obligations of all parties. Some factors that may merit supportive measures include but are not limited to: an alleged use or threat of violence, other reports of other prohibited conduct, or an alleged pattern of misconduct. Examples of supportive measures include but are not limited to: “no contact” orders, workplace relocation, exclusion from all or part of campus, exclusion from all or specified University activities, prohibition from representing the University such as serving in a role off campus, or interim suspension or work leave.

**Civil or criminal proceedings**

An individual who believes that they have been subjected to unlawful harassment, sexual harassment, sexual assault, dating violence, or stalking has the right to file a complaint with an appropriate local, state, or federal agency, such as the Department of Education Office of Civil Rights (OCR) or the Equal Employment Opportunity Commission (EEOC) within applicable time limits. For cases in which civil or criminal investigations are pursued, the University will proceed independently. The existence of an outside legal investigation is not grounds for delay.

**Timing**

It is the University's goal to complete harassment or sexual harassment investigations within 60 calendar days. In some cases, however, more than 60 days may be needed to conduct a fair and thorough investigation. If more than 60 days is needed, a notice of extension will be shared with the parties in writing, including the reason for the delay and the anticipated timing of completion.

**Problem Resolution and Sanctions**

There are generally two types of findings that result from investigations:

1. Allegations are considered *founded* if the preponderance of the evidence indicates that a respondent violated the policy against harassment or sexual misconduct.
2. Allegations are considered *unfounded* if there is insufficient evidence to prove misconduct or if the preponderance of the evidence indicates that the allegation is unfounded.

In some situations an investigation may reveal conduct that does not rise to a policy violation but raises University concerns. These situations will be explained in the investigative report and may be addressed through other resolutions such as training or counseling.

Sanctions are decided on the basis of the gravity of a respondent's actions, as well as the respondent's conduct record, and the effect of the respondent's actions on others. Sanctions are designed to end the
offending behavior, to provide a harassment-free and safe work or education environment, to hold persons accountable, to comply with applicable law, and to protect the safety and well-being of the University community.

Sanctions may include, but are not limited to: dismissal/termination, suspension, demotion, including removal of honorary titles, disciplinary probation, mandated counseling or training, work or education restrictions, removal from specific activities, and salary reduction or limitation.

If there is a finding of a violation of this policy by a staff member, Human Resources will implement any responses or sanctions, in consultation with the respondent's supervisor or appropriate school or division administrator and with the Director of EEOP/AA and consistent with the University’s policies and procedures related to employee discipline.

If there is a finding of a violation of this policy by a faculty member, the Provost will implement any responses or sanctions, in consultation with the respondent's Dean and with the Director of EEOP/AA and consistent with the University’s policies and procedures related to faculty discipline.

Under Rice policy, the President may initiate proceedings under Policy No. 201 Section 8 to consider dismissal of or severe sanction against a faculty member found in violation of this policy. If the President decides on this course, the procedures outlined in the "Faculty Senate Procedure for Investigating Accusations Warranting Severe Sanctions, including Dismissal, Against Faculty Members" will be followed. If the process in Policy No. 201, Section 8, is invoked, a final report detailing the results of the Faculty Senate procedure must be reported back to the Director of EEOP/AA, who will keep records of all outcomes. Sanctions that are not severe are handled as faculty personnel matters outside of Section 8.

Should a respondent resign from the University while an investigation regarding this policy is pending, the investigation will continue to a conclusion. If the investigation concludes that a preponderance of the evidence shows a violation of this policy, a status of "not eligible for rehire" may be placed in the respondent's Human Resources file. If upon a finding of a violation, a respondent is dismissed or terminated from employment, a status of "not eligible for rehire" will be placed in the respondent's Human Resources file.

Recordkeeping

Regardless of whether there has been a finding of violation of this policy, the Office of EEOP/AA will maintain indefinitely a record of all harassment and sexual misconduct allegations and their dispositions, whether the cases are handled through mediation, informal process, formal process, or never proceed beyond fact-finding. These files will include a written final report of the case or a statement of its final disposition.

In cases that conclude that a violation of this policy occurred, a one-page summary of the violation will be kept indefinitely in the staff or faculty member's employment file in Human Resources.

In complaints against students, Student Judicial Programs, typically maintains the records on file for up to ten years.