

Department Chair (if the Respondent is a faculty member), the Provost (if the Respondent is a Dean), or appropriate Supervisor(s).

Complainant – An individual making an allegation of Prohibited Conduct.

Designated Receiving Official – Individual designated to receive, assess, and refer Reports of Prohibited Conduct and oversee Informal Voluntary Resolution and/or Formal Resolution.

Good Faith – An honest, reasonable belief that Prohibited Conduct has occurred or is occurring. A belief does not have to be proven true to be Good Faith.

Formal Complaint – A written document signed by a Complainant alleging Prohibited Conduct by a Respondent and requesting that the University investigate the alleged Prohibited Conduct.

Investigator(s) – Individual(s) appointed by a Designated Receiving Official to investigate the alleged Prohibited Conduct and to draft Investigative Findings that, using a preponderance of the evidence standard, indicate whether the allegations of Prohibited Conduct are substantiated or unsubstantiated.

Preponderance of the Evidence Standard – Whether a reasonable individual would conclude it is more likely than not that Prohibited Conduct occurred.

Prohibited Conduct – Conduct covered under applicable UAH policies and/or federal or state law concerning discrimination or harassment based on a person's race, color, religion, sex (including all forms of sex discrimination, sexual harassment, and sexual violence as defined in the Title IX Policy), national origin, disability, age, veteran status, or genetic information. Also includes any retaliatory action taken against an individual making a Report or Formal Complaint or participating in an investigation.

Report – An allegation of Prohibited Conduct made verbally or in writing by a person. The person making a Report of Prohibited Conduct need not be the alleged victim of the Prohibited Conduct.

Respondent – A UAH Member who has been reported to be the perpetrator of Prohibited Conduct.

Retaliation – Adverse action(s) taken against an individual who makes a Report or Formal Complaint regarding Prohibited Conduct or who participates in an investigation.

UAH Member – Any student, faculty member, staff member, or third party who is on campus and/or over whom the University has some control.

Prompt Reporting to Designated Receiving Officials

Anonymous Ethics Hotline. In situations where an individual prefers to place an anonymous report, the individual is encouraged to use the UAH Ethics hotline, hosted by a third-party provider. The hotline reporting tool is found here: <https://www.uah.edu/compliance/ethics>

However, UAH encourages anyone reporting Prohibited Conduct to identify themselves when making a report and/or provide a means of contact for Investigators to help facilitate the investigation.

Charger 360. This tool provides a centralized way for UAH community members

unsuccessful at resolving the Report. Similarly, a Complainant can request to end an investigation and pursue Informal Voluntary Resolution at any time.

Because the outcome of the Informal Voluntary Resolution process is mutually developed and agreed upon by the parties, an appeal of the process and its result is not permitted.

Formal Resolution

If deemed appropriate based on the Initial Assessment and the Complainant desires to proceed with a Formal Resolution, the Complainant cannot remain anonymous or prevent their identity from being disclosed to the Respondent and must sign a Formal Complaint.

The Complainant may ask to withdraw a request for Formal Resolution at any time. The University reserves the right to determine whether to approve or deny this request, but will strongly consider the Complainant's wishes.

After the Formal Complaint is signed, UAH will initiate a prompt, thorough, and impartial investigation of the Formal Complaint through the appointment of a trained Investigator.

The Investigator will coordinate the gathering of information to determine whether the preponderance of the evidence substantiates the allegations made in the Formal Complaint.

Notice of Investigation

Within seven (7) days of the Complainant signing the Formal Complaint, the

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During the investigation, the Complainant and Respondent will each have an opportunity to be heard, submit information, and identify witnesses who may have relevant information. The Investigator will speak separately with the Complainant, the Respondent, and other individuals who are willing to participate and have information relevant to the allegations of Prohibited Conduct.

As part of the investigation, the Investigator may gather or receive information that is relevant to the determination of an appropriate sanction or remedy, including information about the impact of the alleged incident on parties.

The Investigator will also endeavor to gather any available evidence, including prior statements by the parties or witnesses, any communications between the parties, email messages, social media materials, text messages, audio or video recordings, and other records as appropriate, available, and feasible.

The Investigator has the discretion to determine the relevance of any witness or other evidence to the finding of responsibility and may exclude information if the Investigator determines that the information is irrelevant. The Investigator may also exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty.

Timing of the Investigation

UAH will seek to conclude the investigation within sixty (60) days from the issuance of the Notice of Investigation. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Cooperation in the Investigation

All UAH Members who have relevant information pertaining to Prohibited Conduct are expected to cooperate with an investigation, understanding that they are protected from doing so in Good Faith. Retaliation against a UAH Member who witnesses Prohibited Conduct or cooperates with an investigation is prohibited.

Investigation Findings

The Investigator will prepare Investigation Findings using the preponderance of the evidence.

academic debate, and expression of personal opinions, particularly in the classroom. Nonetheless, speech or conduct of a harassing, sexual, or hostile nature that occurs in the context of educational instruction may exceed the protections of academic freedom and constitute prohibited harassment if it meets the definition of Prohibited Conduct and (1) is reasonably regarded as non-professorial speech (i.e., advances a personal interest of the student or faculty member as opposed to furthering the learning process or legitimate objectives of the course), or (2) lacks an accepted pedagogical purpose or is not germane to the academic subject matter.

NOTICE

This Policy supersedes all other University policies designed to address reports and complaints of unlawful discrimination and harassment (other than those related to sex discrimination, sexual harassment, and sexual violence, which are handled by the University's Title IX Policy) and, in the event of a conflict, this Policy will prevail.

Review The Title IX/EEO Coordin(c)8.9 (r3ar)-5.9 (c 0 T11.2 (anET8)-6 (di)13.2 Tc 0.007 Tw 1.989 0m.)-6 r