APPENDIX A

ANTI-HARASSMENT AND DISCRIMINATION POLICY: GRIEVANCE RESOLUTION PROCEDURES FOR REPORTS OF POLICY VIOLATIONS AGAINST STAFF/ADMINISTRATORS[1]

I. KEY DEFINITIONS, PROCEDURAL INFORMATION, ROLE DESCRIPTIONS

A. Advisor. Complainants and Respondents may each identify one Advisor, who is a member of the staff or faculty, for support and consultation during any related meetings or proceedings. The parties will be provided with a list of trained advisors; however, parties may choose another member of the faculty or staff as an advisor. The Advisor's role is limited to providing support and consultation. The Advisor may not speak on behalf of a party nor actively participate in an investigation or proceeding; however, the Advisor may ask for procedural clarifications before, during, or after meetings or proceedings, and the Advisor may ask for a brief break for the benefit of the advisee. The College reserves the right to remove any individual whose actions are disruptive to a meeting or proceeding. A party should select as an Advisor a person whose schedule allows attendance at the scheduled date and time of the meeting or proceeding because, normally, delays will not be allowed due to the scheduling conflict of an Advisor. All communications regarding the case, including notices about meetings and proceedings, will take place between the College and each party. It is the choice and responsibility of each party to notify an Advisor of any communications.

B. Appeals Committee and Challenges. The Appeals Committee consists of three (3) trained employees (staff/administrators) who will hear an appeal filed by the respondent-staff/administrator. The respondent may file a written challenge to a Committee member(s) based on a conflict of interest or bias (this challenge must be substantiated and factual). The Title VI Coordinator, or Case Coordinator, in consultation with the deputy coordinator(s) assigned to the case, will decide whether or not a challenge has merit and then communicate the decision in writing to the respondent. To help assure that there are three (3) employees available at any given time and in the event that a challenge is made and granted, a pool of six (6) employees will receive training and be prepared to serve. One member of the Committee shall serve as Chair.

C. Case Coordinator/Deputies – Title VI Coordinator/Deputies. The College officials charged with ensuring the College's overall compliance with this Policy and for identifying and addressing any pattern or systemic issues. Coordinators are available to meet with any student, employee, or third party to discuss the College's Policy and grievance resolution procedures. Coordinators are assisted by Deputy Coordinators.

[1] These procedures describe the process for resolving complaints filed pursuant to Providence College's Anti-Harassment and Discrimination Policy and they should be read and interpreted in conjunction with the Policy, including the behavioral standards, definitions, and prohibition against retaliation, which are part of the Policy. References to "this Policy" or "the Policy" in Appendix A refer to the Anti-Harassment and Discrimination Policy.

D. Complainant or Complaining Party. The person who files a claim alleging victimization under this Policy. When an employee believes she/he has been a victim of another person's misconduct, that person will have the same rights under the Policy as are provided to a complainant, even if another member of the College community submitted the actual complaint. When referenced together, the complainant and respondent may be referred to as "the parties."

E. Interim Measures – Availability of Supportive Services. Interim measures are actions the College can take at any point in time in order to help protect the safety and health of a person who has disclosed behavior that would constitute a violation of the Policy. Types of interim supportive and protective measures that may be provided include medical and mental health services and referrals, academic accommodations, living accommodations, campus escort and transportation accommodations, work accommodations, suspension and other disciplinary action, and the issuance of a No-Contact Directive. Depending on the specific circumstances, remedial or protective measures taken on an interim basis may be modified; they also may be temporary or permanent. The College will make every effort to honor requests for interim measures if such changes are reasonably available. The College will promptly address violations of protective measures.

A staff/administrator-respondent may request interim measures. These may involve measures to support the employee's work effectiveness as well as his or her mental and physical health. These measures could involve reasonable workplace adjustments and/or referral to the Employee Assistance Program. Requests will be considered by the employee's supervisor and the Office of Human Resources, who will consult with other College officials as necessary.

An employee-respondent may be placed on interim suspension when: a) the continued presence of the respondent on campus is deemed likely to interfere with the educational process or the orderly operation of the College; b) the continued presence of the respondent on campus is likely to endanger the health, safety, or welfare of the College community, or is objectively intimidating or threatening to another individual within the College community; or, c) the offense allegedly committed by the respondent is of such a serious nature as to adversely affect his/her suitability as a member of the College community. An employee who has been placed on interim suspension has the right to an opportunity to present oral and written arguments to the employee's divisional vice president (or designee) against the imposition of the suspension within five (5) business days of the notice of suspension. If a respondent is placed on interim suspension, the formal resolution process should be completed as quickly as possible.

The decision to place an employee on interim suspension, or to impose alternative restrictions for an interim period, shall be communicated in writing to the respondent, shall be effective immediately, and shall remain in effect until the conclusion of the disciplinary process unless it is revised or rescinded in writing.

F. Member of the College Community. Includes any person who is a student, faculty member, administrator/staff member, or any other person employed by the College. A person's status in a particular situation shall be determined by the Title VI Coordinator or Case Coordinator.

G. No-Contact Directive. A written document that informs the person to whom it is issued that certain conduct directed toward a specific person is prohibited and that violation of the Directive will result in disciplinary action.

H. Privacy and Confidentiality. The College will take reasonable steps to protect the privacy of individuals involved in the matter and will disclose information only to persons with a need for specific information regarding the complaint, its investigation, and/or its resolution. The identity of persons with whom information has been disclosed by the College will be made available to the parties.

Complainants and respondents may seek support and advice from individuals they trust both to protect their privacy and to refrain from taking retaliatory action. These trusted individuals may include family, friends, colleagues, medical and mental health treatment providers, spiritual counselors, attorneys, law enforcement authorities, and advisors (as advisors are defined in this Policy), and other trusted individuals. Otherwise, complainants and respondents will be asked to maintain confidentiality until the matter is finally resolved.

When seeking support and advice, parties should be aware that confidentiality is an important consideration. Disclosures of information about the case prior to resolution not only can interfere with the integrity of the grievance resolution process, but they also can cause serious and lasting harm to persons who are directly involved in the process. At each stage in the process, the complainant, respondent, advisors, and any witnesses will be asked to maintain confidentiality by refraining from making inappropriate disclosures that could compromise the integrity of the process and cause harm to the persons directly involved.

Retaliation at any time – prior to final resolution and after final resolution – is prohibited. For example, if, prior to final resolution, a respondent (or someone acting on the respondent's behalf) contacts the complainant or a witness for the complainant, the complainant may make a retaliation claim. Retaliation of any kind is a severe and separate violation of this Policy and may lead to an additional complaint and consequences.

I. Reporter. A person who informs a College official of a suspected Policy violation. A reporter may be a witness to the incident, a person to whom an alleged victim or an accused person tells about the incident, or a person who otherwise learns about the incident.

J. Respondent or Responding Party. Any employee or third party alleged to have violated this policy and against whom a complaint has been filed. When referenced together, the complainant and respondent may be referred to as "the parties."

K. Student. All persons (other than faculty, staff, or administrators) who pay an acceptance fee, register, or take a course, whether or not for credit, either on a full-time or part-time basis, at Providence College. Persons approved to study in a domestic or foreign program, are students. For purposes of this Policy and its procedures, the following persons are students: persons who are not officially enrolled for a particular term-semester but have a continuing relationship with the College; and, persons who have been accepted to the College and are participants in new/transfer student orientation. If there is a question as to the predominant category of the complainant or

respondent, the Title VI Coordinator, or Case Coordinator, will determine which procedures apply based on the facts and circumstances.

L. Title VI of the Civil Rights Act of 1964. Title VI is a Federal non-discrimination law that Providence College must enforce. Title VI states: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

M. Witness. A person who has relevant information about an alleged violation of this Policy.

II. RESOLUTION DECISIONS AND PROCEDURES

A. Option #1: Independent Course of Action

The reporter-complainant will be assigned a Deputy Coordinator who will have a meeting with the reporter before any other meeting takes place. In addition to an informal or formal resolution option, there sometimes is a possible alternative, and first, option for resolving an issue. Option #1 is referred to as an "Independent Course of Action." Generally, sometimes persons who believe they are targets of behavior that is not objectively severe or pervasive, but relatively minor and infrequent in nature, feel comfortable and safe addressing the behavior directly. Depending on the type and nature of the behavior reported, persons may decide to clearly communicate to the other person the specific nature of the unwelcome behavior and describe the impact of the behavior. The Deputy Coordinator can assist persons with language, talking points, and strategies for such communication.

We recognize that for a variety of reasons, reporters may reject Option #1, and it would not be raised as a possible option when the behavior reported is objectively severe or pervasive. Particularly when there is a power differential, reporters may be reluctant to handle the situation themselves and we would not require that they do so. If a reporter chooses Option #1, the Deputy Coordinator would follow-up with the reporter to ask about the interaction. If the reporter is satisfied with the outcome of the interaction, no further action is necessary. If the reporter is not satisfied with the outcome, the reporter is informed by the Deputy Coordinator of the right to file a complaint seeking either an Informal Resolution or a Formal Resolution.

B. Complaint Not Resolved: Subsequent Steps and Assessment

If Option #1 is either not pursued or is not satisfactory in resolving the matter, and the parties represent different populations within the community – i.e., the complainant is a student or a faculty member – two Deputy Coordinators are assigned - 1 for the student and 1 for the employee (staff/administrator), or 1 for the faculty and 1 for the employee. The Deputy Coordinator for the employee will be a member of the staff or administration and chosen from among the pool of trained deputy coordinators. The employee may have good cause to request a Deputy Coordinator other than the one assigned and, whenever reasonably possible, that request will be honored. Once assigned, the Deputy Coordinator(s) will schedule separate meetings with the parties.

At these meetings, the Deputy Coordinator will review options, policy and procedures; provide information about resources and support services, privacy, and no retaliation; and inform the party that the Deputy Coordinator will serve as the primary point of contact, is available to discuss questions and concerns during the process, and will provide periodic status updates. Each party will be provided with a letter that summarizes information provided during their respective meetings. The Deputy Coordinator will gather preliminary information about the complaint from each party. The Deputy Coordinators will provide each party with a list of trained advisors; however, parties may choose another member of the faculty or staff as an advisor. Based on the information gathered at the Intake Meeting, coordinators will assess whether interim measures are appropriate and necessary.

C. Assessment of Informal Resolution as an Appropriate and Desired Option.

Deputy Coordinators, in consultation with other College officials as needed, determine whether an informal resolution may be appropriate; if so, they have a discussion with each party. Informal resolutions provide a path for addressing the situation at the most proximate level and in a non-adversarial manner. Factors relevant to the decision may include: the degree of severity of the reported behavior; whether the key facts are in dispute; an assessment of intent and impact; whether the information gathered thus far suggests that there is no policy violation; and, other key considerations. If the parties are in agreement, the complaint is resolved informally and the matter is concluded. The parties will receive written confirmation of the informal resolution.

D. Opportunity to Pursue a Formal Resolution.

If the case is not concluded via the informal resolution process (because it is not pursued or because it is not appropriate), the complainant will be provided with the option of pursuing the formal resolution process. If the complainant decides to proceed, the complaint will be investigated by the Associate Vice President for Human Resources (or designee) and the College's investigator. Either party may file a written challenge to an investigator based on a conflict of interest or bias (any challenge must be substantiated and factual). In the event of a challenge, the Coordinator, in consultation with the deputy coordinators assigned to the case, will decide whether or not a challenge has merit and then communicate the decision in writing to the parties.

The investigation is a neutral fact-gathering and fact-finding process that will include interviewing and obtaining statements, and other relevant information, from the parties and witnesses, if any. The parties will have equal opportunity to submit factual and corroborating information – in any format or medium, including electronic records – and to identify witnesses who may have relevant information. The investigators may visit relevant sites or locations and record observations through written, photographic, or other means. The investigators may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. The College retains authority to investigate a complaint and issue findings against an employee who voluntarily resigns or otherwise leaves the College.

The investigators have discretion to determine the relevance of any information offered by the parties and to include or exclude certain types of information. Generally, investigators will not

consider statements of personal opinion over direct observations or reasonable inferences drawn from the facts, nor statements as to any party's general reputation for any character trait.

A preliminary investigative report will be prepared for review and comment by each party; based on feedback from the parties, the Title VI Coordinator, or Case Coordinator, may ask the Investigators to conduct further inquiry. Once the report is final, it will be submitted to the Title VI Coordinator, or Case Coordinator, and the employee's divisional vice president. If the divisional vice president also is the College's Executive Vice President, then the report will be submitted to the Coordinator and the Provost. The parties will have an opportunity to review the final Investigative Report and any responses they submitted after they reviewed the preliminary report. The divisional vice president (or Provost) will make a decision based on the preponderance of evidence standard. If the employee (staff/administrator) is found "responsible," the divisional vice president (or Provost) will issue appropriate sanctions under the circumstances; a full range of sanctions are available. If the employee is found "not responsible," the decision is final and the matter is concluded. The divisional vice president (or Provost) will provide Outcome Letters to the parties within five (5) business days of receipt of the Final Report.

The College normally will conclude the investigation and communicate the decision via the Outcome Letter to the parties within a sixty (60) business day period of time. The timeframe may be extended for good cause. Although not all-inclusive, examples of circumstances that would support a 'good cause' determination are: (a) law enforcement authorities are conducting a criminal investigation and gathering evidence regarding the incident, and they have formally asked the College to temporarily delay our investigation; (b) additional time is necessary to ensure the integrity and completeness of the investigation; (c) in order to accommodate the availability of witnesses; (d) in order to account for College breaks or vacations; (e) in order to account for complexities of a case (e.g., the number of witnesses and the volume of information provided by the parties); (f) in order to account for other legitimate reasons. In the event of an extension of this timeframe, the Deputy Coordinators will notify each party in writing and provide the reason(s) for such extension.

E. Opportunity, Grounds, and Procedures for Appeal

If found responsible, the employee (staff/administrator) may file an appeal within five (5) business days of receipt of the Outcome Letter from the divisional vice president (or Provost).

Appellate grounds are: 1) new information or relevant facts that would have altered the decision and the information or facts were not reasonably available to the faculty member during the investigation; 2) procedural error such that departure from designated procedures resulted in significant prejudice, thereby adversely affecting the outcome of the investigation; and, 3) excessive or inappropriate sanction.

The clearly-argued appeal letter should be submitted to the Chair of the Appeals Committee. The Appeals Committee will consist of 3 trained members of the staff or administration. The employee-respondent may file a written challenge to a Committee member(s) based on a conflict of interest or bias (this challenge must be substantiated and factual.) The Title VI Coordinator, or Case Coordinator, in consultation with the deputy coordinators assigned to the case, will decide whether or not a challenge has merit and then communicate the decision in writing to the

employee-respondent. To help assure that there are 3 employees available at any given time and in the event that a challenge is made and granted, a pool of six members of the staff or administration will receive training and be prepared to serve.

The Appeals Committee will meet with the divisional vice president (or Provost) and the Committee will meet with the employee-respondent. The Committee will deliberate privately to determine whether sufficient information exists to affirm the decision of, and any sanction imposed by, the divisional vice president (or Provost). The Appeals Committee decision will be communicated to the employee within ten (10) business days of receipt of the appeal.

If the Appeals Committee affirms the decision, the decision is final; however, if there is a sanction of termination, the employee may file a written appeal with the Executive Vice President (EVP) as to sanction only. With respect to appellate grounds 1) and 2), if the Appeals Committee (majority) finds either one has merit, they may remand the case to the divisional vice president (or Provost) for reconsideration; once remanded, the divisional vice president (or Provost) may take actions necessary to assure a fair and adequate process, and such action, if any, shall be communicated to the employee within five (5) days. With respect to the third ground (excessive or inappropriate sanction), the Appeals Committee may remand to the divisional vice president (or Provost) for reconsideration as to the sanction.

If the matter is remanded to the divisional vice president (or Provost), he/she may or may not modify his/her decision based on the recommendation of the Appeals Committee. If the recommendation of the Committee goes to the sanction and the divisional vice president (or Provost) does not adopt the recommendation, the Appeals Committee, by unanimous vote only, and with a detailed rationale, can modify the sanction. Such decision is final and shall be communicated in writing to the employee-respondent within five (5) business days of receipt of the decision to remand. If the recommendation of the Committee goes to the sanction and the divisional vice president (or Provost) adopts the recommendation, that decision is final and shall be communicated in writing to the faculty member within five (5) business days of receipt of the decision to remand.

If a decision to terminate is appealed in writing to the EVP, the EVP (or designee) may decide the case based on a review of the record and written submissions; the EVP also may decide the case based on a meeting with the employee. If a decision to terminate is upheld by the EVP, that decision is final and the sanction shall be imposed. The EVP will notify the employee of the decision within ten (10) business days of receipt of the appeal.

III. RECORDS

Records regarding Informal Resolutions and Formal Resolutions of Title VI matters are securely maintained in the offices of the Title VI Coordinator and Human Resources in accord with the College's Record Retention and Destruction Policy. Records regarding Informal Resolutions and Formal Resolutions of non-Title VI matters covered by this Policy are securely maintained in the Office of Human Resources.