

OFFICE OF NONDISCRIMINATION AND ACCESS

The Office of Nondiscrimination and Access ("ONA") conducts investigations and renders findings on student Complaints of discrimination and non-sexual harassment. Where the respondent in the Complaint is a faculty or staff member, the ONA will conduct investigations and render findings in partnership with the Coaching Resource Center. The Office of Nondiscrimination and Access utilizes a prompt, equitable and impartial process to evaluate student complaints of discrimination and harassment. The ONA will be free from conflicts of interest or bias for or against Complainants or Respondents. The ONA's Investigator(s) will objectively evaluate all relevant evidence and avoid credibility determinations based on a person's status as a Complainant, Respondent, or witness. Complainants and Respondents will receive equal opportunity to provide information, witness statements, evidence and other information that may be necessary to fully evaluate the alleged policy violation. Complainants and Respondents will be afforded equitable rights and access during the grievance process. The grievance process, barring extenuating circumstances, will conclude within 90 calendar days from the date a Formal Complaint is filed.

Standard of Evidence

The Investigator(s) will utilize the preponderance of evidence standard to determine if a violation of the Commitment to Non-Discrimination and Non-Harassment Policy has occurred. The preponderance of evidence standard means that based on all the information available, it is more likely than not that the alleged discrimination or harassment occurred.

Written Determination

Once complete, the parties will be simultaneously informed in writing of the outcome. Notice to both parties will include the written statement detailing the factual findings supporting the determination and the rationale for the sanction/discipline (if any) to the degree possible when the sanction/discipline is directly relevant to that individual. The notice will also include appeal procedures, if applicable, and when the results become final.

Dismissal of a Complaint

Dismissal of a Complaint may occur under several circumstances. The Office of Nondiscrimination and Access shall dismiss a Complaint if the Complainant's allegations do not meet the definition of discrimination or harassment under the Chamberlain Non-Discrimination and Non-Harassment Policy or did not occur in a Chamberlain educational program or activity. The Office of Nondiscrimination and Access may dismiss a Complaint if the Complainant informs the Investigator(s), in writing, that they withdraw the Complaint or allegations therein; the Respondent is no longer enrolled or employed by Chamberlain; or if specific circumstances prevent Chamberlain from gathering sufficient evidence to reach a determination. If a Complaint is dismissed, the parties will be provided written notice of the dismissal outlining the reason(s) for dismissal. A dismissal does not preclude action by Chamberlain under other relevant policies or codes of conduct.

Sanctions for Student Misconduct

If Chamberlain determines that a violation of the Commitment to Non-Discrimination and Non-Harassment policy has occurred, appropriate

disciplinary sanctions for substantiated violations of this Policy by students, up to and including expulsion, will be imposed in accordance with the Code of Conduct applicable to students found in this Handbook. This Policy is a supplement to the community standards that the Code of Conduct applicable to students sets forth. In addition, violations of this Policy may trigger application of sanctions to a student imposed under applicable law.

Sanctions for Colleague Misconduct

Disciplinary sanctions for a colleague's violation of this Policy may include written reprimand, warning, probation, suspension, housing suspension, housing expulsion, limiting order, change in job assignment, office relocation, reduction of awards under the management incentive plan, or termination of employment or contract, and will be imposed in accordance with applicable Chamberlain policies and procedures. Chamberlain reserves the right to impose further and/or different sanctions appropriate to an individual situation. In addition, violations of this Policy may trigger application of sanctions to a colleague imposed under local, state or federal law. Colleagues are also subject to processes and discipline determined by the Human Resources Department. The HR process is separate and apart from the Sexual Misconduct Response process and not constrained by the outcome of the Sexual Misconduct Response process.

Appeal

Both parties have the right to appeal a determination regarding responsibility, Chamberlain's dismissal of a Formal Complaint or any allegations therein if: (1) procedural irregularity affected the outcome of the matter; (2) there is newly discovered evidence that could affect the outcome of the matter; (3) a conflict of interest or bias, that affected the outcome of the matter; and/or (4) the proposed remedy was not reasonable based on the evidence compiled during the investigation. An appeal must be submitted in writing to the program administrator within ten days of the delivery of the Written Determination. The program administrator or their designee shall hear the appeal. Appeal determinations are final.