

NON-DISCRIMINATION PROCEDURES

I. INTRODUCTION

The University is committed to providing equal opportunity and an educational environment free from any discrimination on the basis of race, color, or national origin, including actual or perceived shared ancestry or ethnic characteristics; religion; sex; disability; military status, including veteran status; age; or any other characteristic protected by U.S. federal or, as applicable, state or local law. The University adheres to U.S. federal non-discrimination laws, including, but not limited to, Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; and Title IX of the Education Amendments of 1972, and applicable state and/or local laws. For matters involving sexual harassment as a form of sex discrimination, please refer to the Title IX policy or Sex-Based Misconduct and Prevention Policy.

The University forbids Prohibited Discrimination and Retaliation, as defined in the Non-Discrimination Policy, by a Student or a Third Party. The University will take prompt action to address, eliminate, and remedy Prohibited Discrimination and Retaliation. The Office of Nondiscrimination and Access (ONA) oversees the Policy and these Procedures, which apply to Prohibited Discrimination and Retaliation alleged to have been committed by a Student or a Third party. Acts of Prohibited Discrimination or Retaliation alleged to have been committed by a Colleague that occur within the University's Education Programs or Activities are addressed by a separate policy.

II. REPORTS TO THE UNIVERSITY

The University encourages anyone who has experienced Prohibited Discrimination or Retaliation to report it directly to ONA. Any individual may make a Report of Prohibited Discrimination or Retaliation under the Non-Discrimination Policy regardless of affiliation with the University and regardless of whether the individual reporting is the individual alleged to be the subject of the conduct.

Reports can be made by mail, by telephone, or by electronic mail, or by any other means that result in the Nondiscrimination Coordinator/ONA Director receiving the verbal or written Report, including through Speak Up (speakupcovista.com). A Report may be made at any time (including during non-business hours) using the telephone number, email address, or office mailing address for the Nondiscrimination Coordinator/ONA Director, listed below:

Laura Boedeker
ONA Director
Covista
HQ: 233 S. Wacker Drive, Suite 800, Chicago, IL 60606
Phone: 630-829-0233
ONA@covista.com

Additionally, an individual may anonymously report Prohibited Discrimination or Retaliation using Speak Up speakupcovista.com, the University's secure reporting platform.

Providing personally identifiable information is not required to make a Report. Depending on the amount of information available about the incident and/or the individuals involved, the University's ability to respond to an anonymous Report may be limited.

The University recognizes that deciding whether to make a Report of Prohibited Discrimination or Retaliation is a personal decision. Making a Report is different from filing a Complaint. The University will seek to respect a Complainant's autonomy in making the determination regarding how to proceed to the extent possible. A University Official may file a Complaint for ONA to engage in its Formal Resolution Process even if the Complainant does not wish to do so. The University also reserves the right to pursue resolution of Reports brought to its attention in the absence of a written Complaint and based on the specific circumstances and available information.

III. FILING A COMPLAINT

To request Informal Resolution or Formal Resolution, Complainants must submit a Complaint to ONA. Complainants are not required to attempt Informal Resolution before requesting Formal Resolution.

A Complaint may be filed with ONA by any Student, Colleague, or Third Party. Complaints must be in writing.

When filing a Complaint, the University strongly encourages the use of its online Complaint Form. ONA will also accept Complaints in alternate written form, such as email, where the Complaint includes, at a minimum:

- (1) the Complainant's name and contact information;
- (2) the name of the Respondent(s);
- (3) a detailed description of the conduct believed to constitute Prohibited Discrimination or Retaliation; and
- (4) an explanation about why the Complainant believes that the alleged Prohibited Discrimination or Retaliation at issue is based on one or more protected characteristics (if applicable) or a description of the conduct in which the Complainant engaged that caused the Respondent to retaliate against the Complainant (if applicable).

If a reasonable accommodation or other assistance is needed to file a Complaint, please contact ONA at (630) 829-0233 or ONA@covista.com. ONA will not accept Complaints that are not in writing or have not been reduced to writing with the assistance of an ONA employee.

Complaints may be submitted to ONA in any of the following ways:

- online via the [Online Complaint Form](#);
- email to ONA@covista.com; or

- mail to ONA at 233 S. Wacker Drive, Suite 800, Chicago, IL 60606.

A. RECEIPT OF COMPLAINT, INITIAL ASSESSMENT, & SUPPORTIVE MEASURES

Upon receipt of a complete Complaint, ONA will assess the allegations to determine whether interim, supportive measures pending resolution of the matter are appropriate and required immediately or upon commencement of resolution. Supportive measures may include, but are not limited to, a safety plan, schedule change, temporary removal of the Respondent from the academic program for safety considerations, if warranted, and other academic accommodations. In making this initial assessment, ONA will consider the totality of the circumstances, the nature and severity of the allegations, and whether the allegations implicate a potential ongoing safety threat to the Complainant or the University community. ONA will consult with University administrators, as appropriate.

B. EVALUATION OF COMPLAINT

Following ONA's receipt of a complete Complaint, ONA will evaluate whether the allegations in the Complaint, if true, constitute a potential violation of the Non-Discrimination Policy and will notify the Complainant in writing of its decision.

- If the written Complaint lacks sufficient information for ONA to make this decision, ONA will contact the Complainant to gather additional information. ONA may administratively close the matter due to insufficient information and may re-open the matter if additional information is received.
- If ONA determines that the Complainant's allegations, if true, do not constitute a potential violation of the Non-Discrimination Policy, the written notice of this decision will explain why and may inform the Complainant of other possible avenues of redress within the University.
- If ONA concludes that the allegations of the Complaint, if true, may constitute a potential violation, ONA will notify the Complainant of that determination. If needed, ONA may meet with the Complainant to confirm the specific factual allegations upon which the Complaint is based, discuss the requested form of resolution, and provide an overview of these Non-Discrimination Procedures.

Complaints that also include allegations of conduct that fall within the scope of the Title IX Policy or Sex-Based Misconduct Policy, will generally be investigated together under the Title IX Policy or Sex-Based Misconduct Policy unless ONA determines that doing so would unduly delay resolution of the allegations under the Title IX Policy or Sex-Based Misconduct Policy. In these situations, ONA will notify the Complainant in writing about which policies and procedures apply to the allegations in the Complaint.

C. DISMISSAL OF COMPLAINTS

The ONA may dismiss a Complaint at any stage of the process for good cause. Good cause includes, but is not limited to, the following:

- The Complainant notifies ONA that the Complainant would like to withdraw the Complaint or any of its allegations;
- The Respondent or Complainant is no longer enrolled at the University.
- Specific circumstances, including a Complainant's decision not to respond to ONA outreach or otherwise cooperate in the investigation, prevents ONA from gathering evidence sufficient to reach a determination as to the allegations in the Complaint.
- ONA determines that taking Complainant's allegations as true, there is no violation of the Policy.

D. ADVISOR ROLE

The Complainant and Respondent may have an advisor attend any meeting or interview during the course of the process. An advisor may be any person except that the advisor cannot be any individual who will serve as a potential witness during the investigation. While the advisor may provide support and advice, the advisor may not speak on the Complainant's or Respondent's behalf during an interview, submit written statements or otherwise participate in, or in any manner disrupt, such meetings and/or interviews. In addition, ONA will not unduly delay the scheduling of meetings or proceedings based on the advisor's unavailability.

IV. INFORMAL RESOLUTION

Some allegations of certain types of Prohibited Discrimination or Retaliation may be efficiently resolved through Informal Resolution. If the attempts at Informal Resolution fail to adequately resolve the reported concern, the University may initiate or continue with the Formal Resolution process.

A. EVALUATION OF INFORMAL RESOLUTION

ONA will evaluate the appropriateness of Informal Resolution. Some Complaint allegations, particularly those alleging violence or severe unwelcome conduct, may not be appropriate for Informal Resolution. ONA reserves the right to determine whether to attempt to resolve a Complaint through Informal Resolution.

B. TYPES OF INFORMAL RESOLUTION

Informal Resolution may involve individual and/or community remedies that are designed to address a Complaint of Prohibited Discrimination or Retaliation. Below are three examples.

- Resolution with the Assistance of a Neutral, University-Appointed Facilitator. ONA may appoint a neutral facilitator who may facilitate a meeting between a Complainant and Respondent.
- Shuttle Diplomacy. A member of the ONA team serves as an intermediary who speaks to Complainant and Respondent and relays information from the Complainant to the Respondent and vice versa with the goal of reaching a resolution

without the Complainant and the Respondent having any direct contact with each other during this process.

- Interventions and Remedies. Resolution may also include other interventions and remedies, such as an educational coaching conversation for the Respondent, broad-based educational programming or training for relevant individuals or groups; and/or any other supportive measures, as described above, that can be tailored to the involved individuals.

Any combination of the options mentioned above may be utilized in any order. The resolution reached through an Informal Resolution must be reduced to writing. If resolution of the Complaint of Prohibited Discrimination or Retaliation is reached through one of these forms of Informal Resolution, the matter will be considered closed. There is no appeal from a resolution reached through Informal Resolution. If a resolution is not reached, and ONA determines that further action is necessary, or if a Complainant or Respondent fails to comply with the terms of any resolution, the matter may be referred by ONA for Formal Resolution.

V. FORMAL RESOLUTION

A Formal Resolution is an investigation conducted by a trained investigator who is impartial and free from bias.

A. INVESTIGATION

ONA investigates Complaints in accordance with the procedures outlined below.

- a. Notice of Investigation. As soon as practicable, ONA will provide notice to the Complainant and the Respondent in writing of the investigation. Such notice should: (a) name the Complainant and the Respondent; (b) specify the nature of the alleged Prohibited Discrimination or Retaliation; (c) explain that the Complaint will be investigated in accordance with these Non-Discrimination Procedures; (d) identify the investigator; (e) explain the University's prohibition against Retaliation; and (f) provide a copy of or links to the Non-Discrimination Policy and these accompanying Procedures.
- b. Investigation Overview. The investigator will conduct interviews of the Complainant and the Respondent if they agree to an interview. During the investigation, the Complainant and Respondent will be offered the opportunity to be heard, to submit information and corroborating evidence, and to identify witnesses who may have relevant information. The investigator will gather and review available and relevant evidence.
- c. Timeframe for Investigation. The investigation will normally be concluded within 120 business days, not including weekends or University holidays, from the date of the Notice of Investigation. This timeframe may be extended by the University for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a

case, including the number of witnesses and volume of information, or for other legitimate reasons.

- d. Investigative Report, Recommended Findings, and Standard of Proof. Upon conclusion of the investigation, ONA shall issue a written investigative report to the institutional decisionmaker. The investigative report will include a summary of the evidence gathered during the investigation and a recommended determination of whether, by a preponderance of the evidence, there is sufficient information to support a finding that the Respondent is responsible for the alleged Prohibited Discrimination or Retaliation. The preponderance of the evidence standard means that it is more likely than not that the Respondent is responsible for the alleged Prohibited Discrimination or Retaliation.

If the investigative report contains a recommended determination of responsibility, the investigative report also will include recommended action items, which may include, but are not limited to: (a) a directive to stop any ongoing discriminatory, harassing and/or retaliatory behavior/practices; (b) sanctions or other corrective action to be taken against the Respondent; (c) any relief be granted to the Complainant; and (d) other proactive measures, such as targeted training or education to prevent recurrence of any Prohibited Discrimination or Retaliation.

Sanctions for Student-Respondents may include, but are not limited to, one or more of the following: warning, required education or ethical activity or assignment, counseling, restorative justice, suspension or dismissal from the University. Any of these sanctions may be supplemented with additional required actions by the Respondent.

Sanctions for Third Party Respondents may be limited and determined by the context of the Prohibited Discrimination or Retaliation as well as the relationship between the University and the Third Party Respondent. The University will determine the appropriate manner of resolution, which may include referral to local law enforcement or restriction from access to the University's education programs or facilities.

B. DECISION AND NOTICE TO THE PARTIES

For Student-Respondents, the institutional decisionmaker is the Student Conduct Officer or designee.

For Third Party Respondents, the institutional decisionmaker is the University administrator that oversees the Education Program or Activity at issue or designee.

In very limited circumstances such as where a conflict of interest may exist, ONA reserves the right to identify an alternative institutional decisionmaker who is responsible for reviewing the investigative report and issuing a decision.

Upon receipt of the investigative report, the institutional decisionmaker or designee will review the report and issue a decision that accepts or rejects the recommended determination and the recommended action items, including the recommended sanction(s) in whole or in part.

The institutional decisionmaker or designee will communicate to ONA, in writing, the decision on the determination of responsibility and each of the recommended action items outlined in the investigative report with supporting reasons.

ONA will communicate the institutional decisionmaker's or designee's decision in writing to the Respondent. The decision is final under the Policy and is not subject to further University appeal or grievance except a Student-Respondent may appeal a suspension or expulsion sanction to the individual identified in the decision on the basis the sanction is disproportionate to the violation. The Student-Respondent must submit a written appeal to ONA within ten calendar days of receiving the Student Conduct Officer's or designee's decision. The appeal decision on the sanction is final and not subject to further University appeal or grievance.

VI. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION

All Students and Third Parties are expected to provide truthful information in connection with any Report or Complaint made under the Non-Discrimination Policy and Procedures. Submitting or providing false or misleading information in bad faith or with a view to personal gain or to intentionally harm another in connection with a Report or Complaint is prohibited and may be subject to disciplinary sanction. This provision does not apply to Reports or Complaints made or information provided in good faith, even if the facts alleged in the Report or Complaint are not later substantiated.

VII. COMPLAINTS TO FEDERAL OR STATE AGENCIES

Individuals have the right to file complaints with the federal agency listed below. Please be advised that separate deadlines and time limitations for filing complaints with external agencies may apply, and ONA's Informal or Formal Resolution Process does not toll or otherwise suspend these deadlines or time limitations. Please contact the agency listed below for more information about the applicable deadlines,

[U.S. Department of Education Office for Civil Rights](#)