## POLICY 604: Equity RESOLUTION Process (ERP)

Category: Student Affairs

Covered Individuals: All CEI Students and Employees

Approved: 05/27/2025

**604.1 Policy**

CEI will act on any formal or informal allegation or notice of violation of “Policy 601: Title IX, Equal Opportunity, Harassment, Hazing and Non-Discrimination,” that is received by an appropriate college designee or a member of the administration, faculty, or other employee. The process for this is called the Equity Resolution Process (ERP).

The procedures described below apply to all allegations of harassment or discrimination of a protected class that is not covered by Title IX, allegations of hazing involving students, staff, or faculty members. These procedures may also be used to address collateral misconduct occurring in conjunction with harassing, hazing, or discriminatory conduct (e.g. vandalism, physical abuse of another, etc.). All other allegations of misconduct unrelated to incidents covered by Policy 602 will be addressed in Policy 603. Please see Policy 602 for all definitions relevant to this policy.

**604.2 Purpose**

This policy is to be used for allegations of harassment, hazing, and other forms of discrimination not covered by Title IX. All Title IX complaints are governed by Policy 601 and subject to oversight and final approval by the College President in accordance with Idaho Code § 33-3732.

**604.3 Procedures**

Upon notice to an appropriate college designee, this resolution process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe Policy 602 has been violated. If so, the college will initiate a confidential investigation that is thorough, reliable, impartial, prompt, and fair. The investigation and the subsequent resolution process determine whether Policy 602 has been violated. If so, the college will promptly implement effective remedies designed to resolve the violation, prevent its recurrence, and address its effects. The appropriate college designee has the discretion to determine whether or not a report warrants further investigation after the preliminary inquiry.

**Equity Resolution Process (ERP)**

Allegations under Policy 602 are resolved using the ERP. College designees are trained in all aspects of the resolution process and can serve in any of the following roles:

* Provide intake for an initial advice pertaining to allegations
* Investigate allegations
* Serve as decision-maker

College designees also recommend proactive policies and serve in an educative role for the campus community. The college will regularly review CEI policies and procedures as well as applicable federal and state laws and regulations to ensure compliance.

**Reporting Misconduct**

Any member of the campus community or visitor who believes that Policy 602: Title IX, Equal Opportunity, Harassment, Hazing, and Non-Discrimination, has been violated should contact the appropriate college designee. If preferred, a reporting employee may notify a supervisor and a reporting student may notify a member of staff or faculty. Any member of the community may contact Campus Safety to file a report. Campus Safety will, in turn, notify the appropriate college designee. The CEI website also includes a process to report a concern which may be used to initiate a resolution process.

Any employee who receives a report of a potential violation of Policy 602 is expected to promptly contact the appropriate college designee within one (1) business day of becoming aware of a report or incident and provide all relevant information. All initial contacts will be kept confidential. CEI reserves the right, when necessary, to protect the campus community by investigating and pursuing a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

**Retaliation Protections**

CEI strictly prohibits retaliation against any individual who reports a violation of this policy or who participates in the investigation, resolution, or hearing process. This protection extends equally to all parties involved, including the reporting party, the responding party, witnesses, and any employee or student participating in the Equity Resolution Process in good faith. Acts of retaliation are subject to discipline, up to and including termination or expulsion, regardless of the outcome of the underlying report.

**Preliminary Inquiry**

Following receipt of notice or a report of misconduct, the appropriate college designee engages in a preliminary inquiry to determine if there is reasonable cause to believe policy 602 has been violated. The preliminary inquiry is typically 5 business days in duration. This inquiry may also serve to help the appropriate college designee determine if the allegations show evidence of violence, threat, pattern, predation, and/or use of a weapon. In any case, where violence, threat, pattern, predation, and/or use of a weapon is not evidenced, the appropriate college designee may respect a reporting party’s request for no action and will investigate only so far as necessary to determine appropriate remedies. As necessary, the college reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

If, during the preliminary inquiry or at any point during the formal investigation, the appropriate college designee determines that there is no reasonable cause to believe that policy has been violated, the process will end. The process may continue if the appropriate college designee determines extenuating circumstances exist and may re-open the investigation. This decision is at the discretion of the appropriate college designee.

**Interim Remedies/Actions**

The appropriate college designee may provide interim remedies intended to address the short-term effects of harassment, hazing, discrimination, and/or retaliation. These remedies may include, but are not limited to:

* Referral to the Employee Assistance Program
* Referral to campus and community resources
* Education for the campus community
* Altering work arrangements for employees
* Providing a chaperone
* Implementing limitation of contact between the parties
* Offering adjustments to academic deadlines, course schedules, etc. with appropriate approval

In the interim, CEI may suspend a student, employee, contractor, or student organization pending the completion of the ERP investigations and procedures. This is particularly relevant when the appropriate college designee discerns that the safety or well-being of any member(s) of the campus community may be jeopardized by the on-campus presence of the responding party or the ongoing activity of a student, employee, contractor, or student organization whose behavior is in question. In all cases in which a suspension is imposed, the party(s) will be given the option to meet with the appropriate college designee prior to the suspension being imposed, or as soon as possible, to allow the party to show cause as to why suspension should not be implemented. In the event suspension is imposed on a student or student organization, Procedure 907 will be followed. In the event the suspension is imposed on an employee or contractor the appropriate college designee has discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During suspension or administrative leave, a student or employee may be denied access to campus resources which may include, but are not limited to, facilities, email, online learning, events, etc. An employee may receive paid leave until and unless the allegations are substantiated. For students, this may include restrictions to classes and/or all other CEI activities or privileges for which students are eligible. At the discretion of the appropriate college designee, alternative coursework options may be pursued to ensure the most minimal impact - possible on the involved party or parties.

The institution will maintain the confidentiality of any interim actions or protective measures, provided confidentiality does not impair the institution’s ability to provide such measures.

**Investigation**

CEI aims to complete the entire resolution process within sixty (60) business days, which can be extended, as necessary, for appropriate cause by the appropriate college designee with notice to the parties as appropriate.

Once the decision is made to commence a formal investigation, the appropriate college designee will conduct the investigation or appoint an investigator within a reasonable timeline. Investigations are completed expeditiously, within ten (10) business days, if possible, though some investigations can take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

CEI may undertake a short delay in its investigation, several days to weeks, as needed, to allow evidence collection when criminal charges are being investigated. The college will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. College action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable, impartial, prompt, and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence, and identifying sources of expert information, as necessary.

The investigation will take the following steps, (not necessarily in order):

* In coordination with campus partners (e.g. the appropriate college designee), initiate or assist with any necessary interim remedies/actions.
* Determine the identity and contact information of the reporting party.
* Identify all policies allegedly violated.
* Meet with the reporting party to finalize their statement.
* Commence a thorough, reliable, and impartial investigation.
* Complete the investigation promptly, and without unreasonable deviation from the intended timeline.
* Provide regular updates to the parties throughout the investigation as appropriate.
* Determine findings, based on a preponderance of the evidence (whether a policy violation is more likely than not).
* Compile all relevant information and store securely within the reporting system,

At any point during the investigation, if it is determined there is no reasonable cause to believe that CEI policy has been violated, the appropriate college designee has the authority to terminate the investigation and end resolution proceedings.

Witnesses are expected to cooperate with and participate in, the college’s investigation and the Equity Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Equity Resolution Process constitutes a violation of policy (for employees Policy 204 and for students Procedure 907) and may subject the witness to disciplinary action. Witnesses may be interviewed remotely if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictates a need for a remote interview. Witnesses do have the right to request accommodations prior to the scheduled interview through the Student Accessibility Office or Human Resources Office. Requests must follow current college procedures.

Parties who elect not to participate in the investigation or withhold information from the investigation will not have the opportunity to offer evidence during the appeal stages of the process that could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

No unauthorized audio or video recording of any kind by any party is permitted during investigation meetings or other Equity Resolution Process proceedings.

Any evidence that the investigatorbelieves is relevant and credible may be considered, including history and pattern evidence. The investigatormay exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the investigator determines it is appropriate, the investigation and the finding will not consider incidents not directly related to the possible violation, unless they show a pattern. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigator may consider information about previous good faith allegations and/or findings as evidence of pattern and/or predatory conduct.

The investigator will not meet with character witnesses, but the investigator will accept up to two (2) letters supporting the character of each of the parties.

At the conclusion of the investigation, the appropriate college designee will determine if Policy 602 has been violated and if so, determine the next steps. If it is determined that Policy 602 has not been violated, conflict resolution may be considered or the case may be dismissed.

**Resolution Processes**

All proceedings are confidential. All persons present at any time during the investigation and meetings are expected to maintain the privacy of the proceedings in accordance with CEI procedure and policy. While the contents of the investigation are private, the parties have the discretion to share their own experiences.

Conflict Resolution

Conflict Resolution may only occur if the formal investigation determines that the policy has not been violated. Conflict Resolution will be used to remedy a professional relationship between parties and ensure a quality educational environment. The appropriate college designee will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. It is CEI’s procedure that all conflict resolution meetings occur virtually unless there are extenuating circumstances as determined by the appropriate college designee and agreed upon by both parties. In a conflict resolution meeting, an appropriate college designee will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The appropriate college designee will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Resolution:

Resolution will be pursued for any violation that falls within Policy 602.

In Resolution, the appropriate college designee has the authority to address all collateral misconduct, meaning that they hear all allegations of discrimination, harassment, hazing, and retaliation. They also may address any additional alleged policy violations that have occurred in concert with the discrimination, harassment, hazing, or retaliation, even though those collateral allegations may not specifically fall within Policy 602. Accordingly, investigations should be conducted with as wide a scope as necessary.

Typically, within ten (10) business days of the close of an investigation, which has determined that a responding party is in violation of policy, the appropriate college designee will meet with the responding party to explain the finding(s) of the investigation and issue the appropriate resolution.

The appropriate college designee, in consultation as appropriate, will determine an appropriate sanction or responsive action. The appropriate college designee will implement the resolution and sanction. They will act promptly and effectively to stop the harassment, hazing, or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct. An appeal is permitted when sanctions are issued.

Notification will be made in writing and will be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official CEI records; or emailed to the parties’ CEI-issued email account. Once mailed, emailed, and/or received in person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation; any sanctions that may result which CEI is permitted to share according to state or federal law; and the rationale supporting the essential findings to the extent CEI is permitted to share under state or federal law. The notice will also include information about when the results will be considered final and any appeal options that are available.

In cases involving employees, all findings and responsive actions will be determined by the Vice President of Human Resources, based on the results of the investigation. Human Resources may consult with an additional appropriate college designee if needed.

Decisions

The appropriate college designee will determine whether the responding party is responsible or not responsible for the policy violation(s) in question. The appropriate college designee will base its determination(s) on a preponderance of the evidence (i.e., whether it is more likely than not that the responding party committed each alleged violation). If a responding party or student organization is found responsible the appropriate college designee will issue sanctions.

The appropriate college designee will prepare a written document outlining the policy violation(s), sanctions, and any appeal options that may be available.

Notification will be made in writing and may be delivered by one or more of the following methods: in person; USPS mail to the local or permanent address of the parties as indicated in official CEI records; or emailed to the parties’ CEI-issued email account. Once mailed, emailed, or received in person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the college is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent CEI is permitted to share under state or federal law. The notice will also include information on when the results are considered by CEI to be final, any changes that occur prior to finalization, and any appeal options that are available.

**Sanctions**

The appropriate college designee will determine sanctions. Sanctions will be based on factors relevant to the case. Factors may include, but are not limited to:

* The nature, severity of, and circumstances surrounding the violation
* An individual’s or college organization’s disciplinary history
* Previous allegations or allegations involving similar conduct
* Any other information deemed relevant as a result of the investigation
* The need for sanctions/responsive actions to bring an end to the discrimination, harassment, hazing, and/or retaliation
* The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, hazing, and/or retaliation
* The need to remedy the effects of the discrimination, harassment, hazing, and/or retaliation on the reporting party and the community

Student Sanctions

Any imposed sanctions may be listed on the student’s official transcript. The following are standard CEI sanctions that may be imposed upon students or student organizations singly or in combination:

* *Warning:* A formal statement verbally or in writing that the behavior was unacceptable and a warning that further infractions of any CEI policy, procedure, or directive will result in more severe sanctions/responsive actions.
* *Probation:* A written reprimand for violation of the Student Code of Conduct (Procedure 907), providing for more severe disciplinary sanctions in the event that the student or student organization is found in viola­tion of any CEI policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-­curricular activities, exclusion from classes and/or course work, and/or other measures deemed appropriate.
* *Non-contact order:* College order that prohibits a person from contacting or coming near another person on college property or at college-sanctioned events. Non-contact orders are intended to protect all parties from harm, harassment, hazing, intimidation, and/or retaliation.
* *Suspension:* Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension may be issued a warning for the remainder of their tenure at CEI. This sanction may be noted as a Conduct Suspension on the student’s official transcript, at the discretion of the appropriate college designee.
* *Expulsion:* Permanent termination of student status (trespassed), revocation of rights to be on campus for any reason, or attending CEI-sponsored events. This sanction may be noted as a Conduct Expulsion on the student’s official transcript.
* *Withholding Diploma*: The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
* *Revocation of Degree:* The College reserves the right to revoke a degree awarded for serious violations of CEI policies, procedures, or directives in obtaining the degree. Revocation may also occur for other serious violations committed by a student prior to degree being awarded.
* *Student Organizational Sanctions*: The College reserves the right to impose any of the following actions for a specified period of time: Deactivation, de-recognition, loss of funding, or repayment of past funding.
* *Other Actions:* In addition to, or in place of, the above sanctions, the College may assign any other sanctions as deemed appropriate.

Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, hazing, and/or retaliation may include:

* *Warning – Verbal or Written*
* *Performance Improvement/Management Process*
* *Required Counseling*
* *Required Training or Education*
* *Probation*
* *Loss of Annual Pay Increase*
* *Loss of Oversight or Supervisory Responsibility*
* *Demotion*
* *Suspension with pay*
* *Suspension without pay*
* *Termination*
* *Other Actions:* In addition to or in place of the above sanctions, the college may assign any other sanctions as deemed appropriate.

**Withdrawal or Resignation While Charges Pending**

Students:Should a student decide to leave and/or not participate in the ERP, the process will nonetheless proceed in the student’s absence to a reasonable resolution and that student will not be permitted to return to CEI unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

Employees: Should an employee resign with unresolved allegations pending, the ERP will proceed to a reasonable resolution regardless of whether the employee chooses to participate or not. The records of the appropriate college designee will reflect the status of the ERP resolution. CEI responses to future inquiries regarding employment references for that individual may indicate the former employee is ineligible for rehire.

**Appeals**

All requests for appeal consideration must be submitted in writing as outlined in the decision notification within five business (5) days. A different appropriate college designee not previously involved in the process will review the appeal. Any party may appeal. Reasons for an appeal may include, but are not limited to the following:

* A procedural error or omission occurred that significantly impacted the outcome of the investigation (e.g. substantiated bias, deviation from established procedures, etc.)
* To consider new evidence, unknown or unavailable during the original investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
* The sanctions imposed fall outside the range of sanctions the College has designated for this offense and the cumulative record of the responding party.

The original finding and sanction/responsive actions will stand if the appeal is not timely. Only one appeal will be considered by each party involved in the case. Any decision made on an appeal will be considered final.

**Long-Term Remedies/Actions**

Following the conclusion of the Equity Resolution Process, and in addition to any sanctions implemented, the appropriate college designee may utilize long-term remedies or actions to stop the harassment, hazing, or discrimination, remedy its effects, and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

* Referral to counseling and community resources
* Referral to the Employee Assistance Program
* Education for the campus community
* Permanently altering work arrangements for employees
* Providing chaperones
* Policy modification
* Implementing long-term contact limitations between the parties
* Offering adjustments to academic deadlines, course schedules, etc.

At the discretion of the appropriate college designee, long-term remedies may also be provided even when the responding party is found not responsible. CEI will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair CEI’s ability to provide the actions or protective measures.

**Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions**

All parties are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the appropriate college designee. Failure to abide by these conduct sanctions, responsive actions, and corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions, responsive or corrective actions, and/or suspension, expulsion, and/or termination from the college and may be noted on a student’s official transcript or an employee’s personnel record. A suspension will only be lifted when compliance is achieved to the satisfaction of the appropriate college designee.

**Records**

In implementing this policy, records of all allegations, investigations, and resolutions, will be kept by the appropriate college designee indefinitely in the relevant confidential database.

**Statement of the Rights of the Parties**

Statement of the Reporting Party’s Rights:

* The right to prompt investigation and appropriate resolution of all allegations of harassment, hazing, or discrimination made in good faith to CEI officials;
* The right to be informed in advance of any public release of information regarding the incident;
* The right to preservation of privacy and not to have any personally identifiable information released to the public, without consent;
* The right to be treated with respect by CEI officials;
* The right not to be discouraged by CEI officials from reporting harassment, hazing, or discrimination to both on-campus and off-campus authorities;
* The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community;
* The right to a campus non-contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing, hazing, or other improper behavior that presents a danger to the welfare of the reporting party or others;
* The right to notification of options for, and available assistance in, changing academic situations after an alleged incident, if so requested by the reporting party and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need to occur before this option is available). Accommodations may include:
	+ Exam (paper, assignment) rescheduling
	+ Taking an incomplete in a class
	+ Transferring class sections
	+ Temporary withdrawal
	+ Alternative course completion options
* The right to have CEI maintain such accommodations for as long as is necessary as determined by the college, and for protective measures to remain confidential, provided confidentiality does not impair the institution’s ability to provide the accommodations or protective measures;
* The right to regular updates on the status of the investigation and/or resolution.
* The right to petition that any CEI representative in the process be recused on the basis of demonstrated bias and/or conflict of interest;

Statement of the Responding Party’s Rights:

The rights of the responding party include:

* The right to prompt investigation and appropriate resolution of all reports of harassment, hazing, and/or discrimination made in good faith to CEI administrators;
* The right to be informed in advance, when possible, of any public release of information regarding the report;
* The right to be treated with respect by CEI officials;
* The right to have CEI policies and procedures followed without material deviation;
* The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa, and immigration assistance, or other student services, both on campus and in the community; The right to timely notice of all alleged violations, including the nature of the violation(s), the applicable policies and procedures and possible sanctions;
* The right to petition that any CEI representative be recused from the resolution process on the basis of demonstrated bias and/or conflict of interest;
* The right to a fundamentally fair resolution, as defined in these procedures;
* The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;

**Accessibility Accommodation in the Equity Resolution Process**

CEI is committed to providing qualified students, employees, or others with disabilities with reasonable accommodations and the support needed to ensure equal access to the Equity Resolution Process. Anyone needing accommodations or support should contact Student Accessibility Services. The request will be reviewed by a Student Accessibility staff member and an appropriate college designee, to determine which accommodations are appropriate and necessary for full participation.

**Revision**

These procedures will be reviewed and updated regularly by the appropriate college designee. CEI reserves the right to make changes to the procedures of this document as necessary and once those changes are posted online, they are in effect. The appropriate college designee may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The appropriate college designee may also vary procedures materially with notice (on the institutional website, with the appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to the resolution of incidents, regardless of when the incident occurred. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.