



Policy Against Harassment, Discrimination, and Sexual Misconduct

The Center for Cultural and Technical Interchange Between East and West, Inc., a Hawai'i nonprofit corporation, dba the East-West Center ("EWC or Center") is committed to fostering an environment for individuals to study, learn and work that is free from unlawful harassment and discrimination.

I. PURPOSE AND SCOPE

This Policy prohibits harassment and discrimination on the basis of race, color, religion, age, disability, sex, gender, gender-identity or expression, sexual orientation, pregnancy, marital status, national origin, ancestry, genetic information, military/veteran's status, citizenship, arrest and court record, credit history, income assignment for child support, domestic or sexual violence victim status, engagement in protected activity (e.g., opposition to prohibited discrimination or participation in the statutory complaint process), or any other category protected by law. This policy further prohibits sexual harassment, sexual assault, dating violence, domestic violence, and stalking on the basis of sex.

This Policy applies to students, participants, staff (including regular, limited, temporary, and casual hires paid directly by the EWC), board members, alumni, and others participating in or attempting to participate in EWC programs and activities. This Policy also applies to those visiting the EWC campus(es) or any property owned or leased by EWC. EWC expects that all individuals who are part of, or interacting with, the EWC community respect and adhere to Center policies and codes, thus, this Policy also applies to conduct within the EWC community by third parties (including visitors, guests, vendors, and contractors) who are affiliated with EWC, or accessing, or attempting to access, an EWC program or activity. EWC programs and activities do not include leasing space on EWC premises for a separate business entity's programs or activities. While all third parties shall be expected to adhere to the behavioral expectations set forth in this Policy, they may not be eligible for the procedural protections provided within this Policy. Complaints against third parties may be handled in accordance with existing contracts and agreements.

[Appendix A](#) of this policy applies to complaints of sexual harassment, sexual assault, dating violence, domestic violence and stalking on the basis of sex or gender, that occurred on or after August 14, 2020, to adhere to the U.S. Department of Education's Title IX Regulations, published May 19, 2020. Complaints of sexual harassment, sexual assault, dating violence, domestic violence and stalking that occurred prior to August 14, 2020, or are dismissed from consideration under Appendix A by the Title IX Coordinator

will be referred for consideration under Section II of this Policy.

The Title IX Coordinator shall have the authority to delegate duties to a trained administrator, when appropriate. Any reference to duties assigned to the Title IX Coordinator may be delegated by the Title IX Coordinator to a trained administrator.

EWC shall have the discretion to refer complaints of misconduct not covered by this Policy to any other appropriate office for handling under any other applicable Center policy or code.

EWC reserves the right to make changes to this document as necessary, and once those changes are posted online and an email is sent to the general EWC community, they are in effect.

II. PROHIBITED CONDUCT

A. Harassment and Discrimination

The Center strictly prohibits and does not tolerate harassment or discrimination based on race, color, religion, age, disability, sex, gender, gender-identity or expression, sexual orientation, pregnancy, marital status, national origin, ancestry, genetic information, military/veteran's status, citizenship, arrest and court record, credit history, income assignment for child support, domestic or sexual violence victim status, or any other classification protected under state or federal law.

Any abusive, intimidating, hostile, offensive, or other unwelcome verbal, nonverbal, or physical conduct based on any of these is prohibited in the workplace, even if the conduct is not sufficiently severe or pervasive to constitute unlawful discrimination or harassment. For example, even if a stray remark regarding an individual's protected status might not constitute unlawful harassment, such a remark could still constitute a violation of this policy. When such conduct is so severe or pervasive that it creates an intimidating, hostile, or offensive work environment or unreasonably interferes with an individual's work performance, the conduct may violate not only Center policy, but also federal and/or state law. Because reasonable people may have differing views of what constitutes harassment and what behavior may be unwelcome, employees should avoid any conduct that may reasonably be perceived as a violation of this policy.

All use of Center equipment, including computers, e-mail, and telephones, must be in accordance with this policy.

Examples of prohibited harassment include, but are not limited to:

- Directly or indirectly conditioning a term of employment upon an individual's participation or acquiescence in conduct related to a protected category (e.g., requesting or suggesting that an employee obtain a divorce in exchange for job benefits).
- Unwelcome or offensive jokes or innuendoes about or concerning an individual's

protected category (e.g., jokes about racial stereotypes).

- Unwelcome or offensive discussion about or concerning a protected category (e.g., discussion of stereotypes about age in the workplace).

B. Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or online conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a program or activity, *or*
- Submission to or rejection of such conduct is used as the basis for employment or other decisions affecting such individual, *or*
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work, educational, or research environment.

Sexual harassment may include, but is not limited to:

- Physical conduct of a sexual nature (coerced sexual intercourse, kissing, touching, pinching, hugging, massaging, cornering, brushing up against the body of another);
- Verbal conduct of a sexual nature (propositions, lewd comments, threats, sexual insults, unwelcome advances, sexual banter, sexual jokes, sexual innuendoes, sexual comments about another individual's appearance);
- Non-verbal conduct of a sexual nature (leering, whistling, suggestive sounds or gestures, display of sexually suggestive, sexually denigrating or pornographic material); *or*
- Displays of offensive objects or pictures, including the use of electronic technology to send derogatory, demeaning, threatening, or hostile materials based on sex.

Conduct may be unwelcome and may violate this policy if it is offensive, unwanted, or undesirable to any person who observes, hears, or experiences it, whether or not that person is the intended recipient.

C. Sexual Harassment Under Title IX

For prohibited sexual harassment (including sexual assault, dating violence, domestic violence or stalking based on sex) that occurred on or after August 14, 2020, refer to [Appendix A](#).

D. Retaliation

The Center expressly prohibits retaliation against an individual who has complained of harassment relative to the protected categories. In addition, retaliation against parties directly or indirectly involved in a harassment complaint or individuals who have cooperated or will

cooperate with a harassment investigation is prohibited and will not be tolerated. Any individual who violates this policy prohibiting retaliation is subject to disciplinary action up to and including termination.

Retaliation is defined as any materially adverse action against a person who reports, complains about, or who otherwise engages in protected activity under this policy, which includes making a good faith report (internally or externally) of Prohibited Conduct, assisting others in making such a report, participating in a grievance process under this Policy, acting in good faith to oppose conduct that constitutes a violation of this Policy, or otherwise assisting in an investigation or proceeding related to an alleged violation of this Policy. Materially adverse action includes conduct that threatens, coerces, harasses or otherwise discourages participation in or activity under this policy. Retaliation does not include good-faith actions lawfully pursued in response to a report of Prohibited Conduct. Any person who believes they have experienced retaliation under this policy should contact the Title IX Coordinator or the Director of Human Resources.

III. KEY DEFINITIONS

- 1. Advisor:** All persons who are a Complainant or a Respondent are permitted to bring an Advisor of their own choosing to any meeting or interview to provide support. The Advisor may be any person, including a family member or an attorney. The Advisor may accompany the individual to any and all portions of the grievance process. The Advisor may not participate directly in, represent, or interfere with the investigation or hearing. The Title IX Coordinator or the Director of Human Resources shall have the discretion to remove the Advisor from investigation and hearing proceedings if the Advisor interferes with the proceedings. Although reasonable attempts will be made to schedule proceedings consistent with an Advisor's availability, the process will not be delayed to schedule the proceedings at the convenience of the Advisor.
- 2. Complainant:** An individual who is the victim of, or alleged to be the victim of, conduct that may constitute Prohibited Conduct as defined in this Policy.
- 3. Confidential Resource(s):** an organization or other entity that can provide assistance related to issues of sexual harassment in a confidential manner, meaning that the information is protected from disclosure with certain limited exceptions (such as when a report of child abuse must be forwarded to child protective services). A report to a confidential resource is not a report to EWC.
- 4. Confidentiality and Privacy:** Confidentiality and Privacy have distinct meanings under this Policy.

“**Confidentiality**” generally means that information shared with a licensed confidential resource cannot be revealed to any other person or office, unless written permission is granted by the individual to share their information.

“**Privacy**” generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who “need to know” in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

While there are certain limitations on privacy, EWC generally will not release the names of the Complainant or Respondent to the general public without express written consent or absent another exception consistent with the law.

In addition, no information shall be released from a proceeding to enforce this Policy except as required or permitted by law and EWC Policy.

5. **Days:** Any reference to days within this Policy shall be counted as EWC business days unless otherwise specified.
6. **Participant:** For the purpose of this policy, a participant refers to an individual selected for, or who has gained admission to and participates in, a Program or Activity operated by the EWC including students, interns, and short-term program participants or attendees. This is not limited to participants who are on award, but encompasses a broader definition of participant as any individual who is participating in a Program or Activity (example: attending a public event hosted by the Arts Program). While all participants are expected to adhere to the behavioral expectations set forth in this Policy, they may not be eligible for the procedural protections provided within this Policy depending on the context of their participation with the EWC.
7. **Party:** A Complainant or Respondent in a case.
8. **Preponderance of Evidence:** Means “more likely than not”. It is the standard of evidence used during the investigation to determine whether the alleged conduct occurred and/or this Policy was violated.
9. **Program or Activity:** Refers to locations, events, or circumstances where the EWC exercises substantial control over both the Respondent and the context in which the alleged harassment, discrimination, or sexual misconduct occurs.
10. **Respondent:** An individual who is reported to have engaged in Prohibited Conduct.
11. **Supportive Measures:** Non-disciplinary, non-punitive, free of charge individualized services offered to a Complainant and/or the Respondent by EWC as appropriate and reasonably available. Such measures are designed to restore or preserve equal access to EWC’s education program or activity or work environment without unreasonably burdening the other party. Supportive measures are also available whether or not a Formal Complaint has been filed. Supportive measures may include, but are not limited to: academic support, class and work schedule changes, housing room changes, mutual

ban on contact (no-contact directive), increased security, or other measures as determined on a case-by-case basis.

Note: Any Supportive Measures put in place will be kept confidential, except when doing so impairs the ability of the institution to provide the Supportive Measures.

12. Third-Party Reporter: A person other than the Complainant who reports an incident or allegation of Prohibited Conduct.

13. Title IX Coordinator: The EWC official charged with ensuring the Center's overall compliance with Title IX and related EWC Policy and procedures.

14. Deputy Title IX Coordinator(s): The EWC officials who assist the Title IX Coordinator with ensuring the Center's overall compliance with Title IX and related EWC Policy and procedures. These officials may serve as a temporary designee for the Title IX Coordinator upon appointment by the Title IX Coordinator.

IV. MAKING A REPORT

EWC encourages individuals to report incidents involving all forms of conduct prohibited within this policy, including [Appendix A](#) Prohibited Conduct, whether or not the individual reporting is the person alleged to have experienced the conduct. EWC does not limit the timeframe for reporting an incident regardless of when the incident occurred. However, EWC encourages individuals to report as soon as practical, as memories may fade and evidence may be lost over time.

Reports may be made to:

- Director of Human Resources for matters involving staff.
- Dean of Education for matters involving students.
- Department Director or Program Contact for matters involving participants.
- Title IX Coordinator

The Title IX Coordinator will work with the Director of Human Resources for any issues involving staff, the Dean of Education for any issues involving students, and the respective Department Director or Program Contact for any issues involving participants.

Reports of potential violations of this Policy may be made in-person during business hours or at any time including during non-business hours by mail, by telephone, or by email, using the contact information listed below.

Title IX Coordinator
Sabrina Nasir
1601 East-West Road

Honolulu, HI 96848
Phone: (808) 944-7596
Email: titleix@EastWestCenter.org

Director of Human Resources

Paul Adrians
1601 East-West Road
Honolulu, HI 96848
Phone: (808) 944-7209
Email: AdriansP@EastWestCenter.org

Carly Iwamoto
1601 East-West Road
Honolulu, HI 96848
Phone: (808) 944-7213
Email: IwamotoC@EastWestCenter.org

Dean of Education Program

Ann Hartman
1601 East-West Road
Honolulu, HI 96848
Phone: (808) 944-7619
Email: HartmanA@EastWestCenter.org

Reports of potential violations of this policy will be kept private to the extent possible for EWC to respond to the report.

All complaints alleging Sexual Harassment, or Appendix A Prohibited Conduct, shall promptly be forwarded to the Title IX Coordinator.

Responsibility to Report: EWC encourages all members of the EWC community to make EWC a safe and supportive environment for everyone including calling 911 or campus police in an emergency situation or to report a crime or other incident that poses a risk of harm to the EWC community. However, EWC employees have a particular duty to report safety or security concerns and crimes or Policy violations, including potential violations of this Policy. **Any** EWC employee who witnesses, is advised of, or learns about, an alleged violation of this Policy **must promptly notify** the Title IX Coordinator or the Director of Human Resources of the incident. The employee must report all relevant details about the alleged misconduct known to the employee or shared with them.

Any individual who feels that they have been subjected to conduct that violates this policy should report the incident to the appropriate contact person listed above. They need not—and should not—wait to report such conduct until they believe it has become severe or pervasive or a violation of law.

An individual who believes that she or he is being harassed may wish to inform the

individual whose conduct is viewed to be harassing, that the behavior is unwelcome and ask that individual to stop such conduct, if they feel comfortable doing so. An individual should make it clear that the conduct is unwelcome.

V. OUTREACH AND INITIAL ASSESSMENT

Intake Interview

Upon receipt of information alleging a potential violation of this Policy, the Title IX Coordinator or the Director of Human Resources shall contact the Complainant to schedule and conduct an intake or informational interview with the Complainant. The Complainant will be provided with a copy of this policy and the following information:

- Availability of Supportive Measures;
- How to file a Formal Complaint under [Appendix A](#), if appropriate;
- Resources for counseling, health care, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other available services; and,
- Right to an Advisor of choice.

The Complainant will be provided with an overview of their rights and options, and the Title IX Coordinator (matters involving students or participants), or the Director of Human Resources (matters involving employees) will also assess for, and provide, appropriate Supportive Measures.

The respective intake authority (Title IX Coordinator or Human Resources) will assess the facts as presented to determine whether the information provided suggests a potential violation of this Policy, and if so, discuss with Complainant the options to resolve the complaint including those offered under this Policy (alternative resolution or investigation and, when required, hearing). The Title IX Coordinator or the Director of Human Resources shall have the discretion to determine whether a Complainant may choose to receive Supportive Measures only and not proceed with any other resolution of their complaint.

Emergency Removal Provisions

If at any time EWC determines that the conduct, as alleged, poses a risk of physical harm to one or more members of the EWC community or to EWC's educational, research, scholarly, or work environment, EWC may instruct that: (a) a student or participant Respondent be suspended, on an interim basis, from specific programs or activities and removed from shared housing facilities; or (b) an employee may be placed on paid administrative leave pending the outcome of an investigation and hearing. Any such assessment will be made on a case-by-case basis, based on an individualized safety and risk analysis. The decision to enact an interim suspension, removal or leave will be provided to Respondent in writing with a rationale for the decision, and an explanation of the process for challenging the emergency removal decision.

The decision to place any Respondent on an interim suspension, removal or leave shall not be

considered as evidence that any determination has been made regarding potential responsibility for violating this Policy.

Consolidation of Cases

In the event that the allegations under this Policy also involve allegations of a violation of a separate policy, the Title IX Coordinator and/or the Director of Human Resources shall have sole discretion to consolidate those other allegations within one investigation and/or hearing. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this Policy.

VI. RESOLUTION METHODS

For resolution of Appendix A Prohibited Conduct, please refer to Section VIII of [Appendix A](#).

For all other conduct prohibited under this policy, there are two methods for resolution; Alternative Resolution, or Investigation.

Respecting Privacy

EWC is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. With respect to any report under this Policy, EWC will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. All EWC employees who are involved in EWC's resolution processes under this Policy will receive specific instruction about respecting and safeguarding private information.

Alternative Resolution

Participation in the Alternative Resolution process is a voluntary process for both Complainant and Respondent to arrive at mutually agreeable terms to address the alleged conduct. As such, both parties and the Title IX Coordinator (matters involving students or participants), or the Director of Human Resources (matters involving employees) must agree to the use of Alternative Resolution to resolve a complaint. Allegations that an employee has engaged in Prohibited Conduct toward a student are not permitted to be handled through the Alternative Resolution process.

The Complainant may request that the Alternative Resolution method be used to resolve the complaint by submitting a request in writing to the Title IX Coordinator or the Director of Human Resources. If an Alternative Resolution option is preferred, the Title IX Coordinator or Director of Human Resources will assess whether the complaint is suitable for Alternative Resolution and will then take steps to determine if the Respondent is also willing to engage in Alternative Resolution. Both parties must agree, in writing, to an Alternative Resolution.

When the Complainant requests an Alternative Resolution, the Title IX Coordinator or the Director of Human Resources will provide the Complainant and Respondent written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The requirements of the Alternative Resolution process;
- Any consequences resulting from participating in the Alternative Resolution process, including the records that will be maintained or could be shared;
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible for violating this policy as a result of participating in the alternative resolution process, unless Respondent admits to violations of this policy;
- An explanation that each party may be accompanied by an Advisor and a support person) of their choice, who may be a parent, friend, or attorney;
- The date and time of the initial meeting with the Title IX Coordinator or Director of Human Resources with a minimum of 2 days' notice;
- Information regarding Supportive Measures, which are available equally to the Respondent and to the Complainant.

If either party does not voluntarily agree in writing to pursue an Alternative Resolution, or if the Complainant, Respondent, or Title IX Coordinator or the Director of Human Resources, at any time, determines that Alternative Resolution is no longer appropriate, the Title IX Coordinator or the Director of Human Resources will promptly inform the Complainant and Respondent in writing that the complaint may be resolved through the Investigation Process.

Once the final terms of an Alternative Resolution have been agreed upon by both parties, in writing, the matter shall be considered closed, and no further action shall be taken.

The Alternative Resolution process is generally expected to be completed within thirty (30) days and may be extended for good cause by the Title IX Coordinator or the Director of Human Resources. Both parties will be notified, in writing, of any extension and the reason for the extension.

Records of any Alternative Resolution will be maintained and can be shared with other offices as appropriate.

Investigation Process

EWC expects that all individuals who participate in the investigation process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the investigation process do so fairly and without prejudice or bias.

During the investigation process, a Respondent in the process will not have supervisory authority over the person(s) conducting the investigation and will not have any direct or indirect control over the investigation. Every effort will be made to make sure that the complainant is not involuntarily transferred or otherwise burdened.

Notice of Investigation, and Investigation Process

Prior to the start of an investigation, the Respondent and Complainant shall be provided a written Notice of Investigation communicating the initiation of an investigation. Such notice shall

include:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The identity of the Complainant;
- The date and location (if known) of the conduct that is alleged to have occurred;
- A copy of this Policy, which contains the process that will be followed, including an explanation that each party shall have the right to offer relevant witnesses and evidence, and inspect and review all evidence prior to the completion of the investigation;
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible, unless and until, at the conclusion of the process below, there is a determination of responsibility;
- An explanation that each party may be accompanied by an Advisor of their choice, who may be a parent, friend, attorney, or union representative;
- The date and time of the initial interview with the investigator, with a minimum of five (5) days' notice;
- The name and contact information for the assigned investigator;
- Information regarding Supportive Measures.

Should additional allegations be brought forward, a revised Notice of Investigation shall be provided to both parties, in writing.

Timeline

EWC strives to complete the investigation process, up to evidence review, within 40 days, which may be extended for good cause by the Title IX Coordinator or the Director of Human Resources. Both parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension and the new anticipated date of conclusion of the investigation.

Interviews

The investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. The investigator shall make the interview notes available to the person interviewed for review. The interviewee will have three (3) days to correct or comment on any statements in the interview notes. The deadline may be extended for good cause, upon request to the investigator. If the interviewee has corrections or comments to the notes, the interviewee may submit a written response within three (3) days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee's statement. If no response is received from the interviewee by the deadline, their interview notes will be presumed to be accurate.

Evidence Review

Once all interviews have been conducted and evidence gathered, the investigator will provide each party, and their Advisor, the opportunity to review all relevant evidence. This shall include both inculpatory and exculpatory evidence. Given the sensitive nature of the information provided, the information will be provided in a secure manner (e.g., by providing digital copies

of the materials through a protected, “read-only” web portal). Neither the Complainant nor the Respondent (nor their Advisors) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided or forward, post or otherwise make available the information to any individual, group, organization or agency. Any individual who fails to abide by this Policy may be subject to discipline. Any Advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process.

Each party may provide written response to the evidence gathered. Each party shall have a minimum of five (5) days in which to provide written response to the investigator. Along with their response to the evidence, each party may also submit new witnesses or other new evidence, a request for additional investigation, such as a requests for a follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the investigator to pose to witnesses or to the other party. This response may include written, relevant questions that a party would like the investigator to ask of any party or witness.

Upon receipt of each party’s response to the evidence reviewed, the investigator will determine if any additional investigation is needed. The investigator will also determine if any of the questions posed by a party will be excluded as not relevant, or not likely to lead to relevant information.

If new relevant evidence is provided by either party, or gathered by the investigator, the newly-gathered evidence (including answers to clarifying questions) will be made available for review by each party. The Title IX Coordinator or the Director of Human Resources shall determine an appropriate length of time for any additional review period. Each may provide a response in writing to the investigator.

Investigation Report

The investigator shall prepare a written report summarizing all of the relevant evidence gathered, all steps taken during the investigation process, an analysis of the evidence and factual findings and a recommendation as to whether this Policy has been violated.

All investigations shall be overseen by a Decision-Maker. The appropriate Decision-Maker shall be: the Director of Human Resources for matters involving staff; the Director of Human Resources in collaboration with the Department Director for program participants; or the Director of Human Resources in collaboration with the Dean of Education for matters involving students.

For those cases in which there are allegations that other EWC policies may have been violated, the investigator shall also make preliminary factual findings on those allegations if requested to do so by the appropriate Decision-Maker. The Decision-Maker will review the final Investigation Report, and may require that the investigator conduct additional investigation in order to fully address the allegations under investigation.

Once the Investigation Report is final, the report shall be forwarded to the appropriate Decision-Maker who shall determine whether this Policy was violated.

The Complainant and Respondent will be informed, in writing, of the factual findings and the determination as to whether or not the Policy was violated. If it is determined that this policy has been violated, immediate corrective and remedial action, which may include discipline, will be taken. Remedial measures will not adversely affect the complainant. The Center will take action reasonably calculated to end the prohibited conduct and prevent its recurrence.

VII. APPEALS

If either the Complainant or the Respondent is dissatisfied with the result of the investigation, that individual may appeal the decision to the Director of Management Operations at the East-West Center. Such appeal must be in writing and must be received by the Director of Management Operations within 10 working days of the date of issuance of the decision.

When an appeal is filed, the other party shall be notified, in writing, within one business day, and shall then have five (5) days to respond to the appeal. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal. Each party shall be allowed to meet with the appeals officer.

Union Grievance Process

If discipline or sanction is imposed upon a union member, and following an appeal under this Policy, the Respondent has a right to challenge that sanction pursuant to the grievance and arbitration provisions of the appropriate collective bargaining agreement. The arbitrator shall not have the right to change the underlying findings of the Hearing Officer or the appeals officer.

Appeals May be Filed Only on the Following Three Grounds:

1. ***Procedural Error***: A procedural error occurred that significantly impacted the outcome of the investigation or hearing. A description of the error and its impact on the outcome of the case must be included in the written appeal; or,
2. ***New Evidence***: New evidence or information has arisen that was not available or known to the party during the investigation or hearing, and that could significantly impact the findings. Information that was known to the Appellant during the investigation or hearing but which they chose not to present is not new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal; or,
3. ***Actual Conflict of Interest or Demonstrated Bias***: The Title IX Coordinator, Director of Human Resources, investigator, or decision-maker had an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.

The written decision of the Appeals Officer which communicates the decision of the appeals officer including the rationale for the decision shall be sent simultaneously to both parties. The decision of the appeals officer is final.

VIII. SANCTIONS AND REMEDIES

Upon conclusion of the adjudicating process, when there is a finding of responsibility, the Complainant will be offered such remedies designed to restore or preserve equal access to the institution's education program or activity or work environment, and put the Complainant in the position he or she would have been in had the conduct not occurred.

Some examples are academic support and/or opportunity to resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations.

Persons who violate one or more of EWC's policies will be disciplined. The particular form of discipline or sanction will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable EWC rules, policies, and procedures. A person against whom such discipline or sanction is imposed will have the right to contest the imposition of a discipline or sanction.

One or more of the sanctions or disciplinary steps listed here may be imposed on a Respondent who is found responsible for a violation of EWC's policies. Sanctions or disciplinary steps not listed here may be imposed. Sanction and discipline are assessed in response to the specific violation(s) and any prior sanction or discipline of the Respondent.

Possible sanctions and disciplinary steps include, but are not limited to:

Warning: Verbal Notice, with documentation in the participant or personnel file, that continuation or repetition of Prohibited Conduct may be cause for additional disciplinary action.

Censure: A written reprimand for violating EWC Policy. This conduct status specifies a period of time during which the Respondent's good standing with EWC may be in jeopardy. The Respondent is officially warned that continuation or repetition of Prohibited Conduct may be cause for additional conduct action including probation, suspension, expulsion or termination from EWC.

Behavioral Contract: Formal, written notice that the Respondent will be expected to adhere to EWC expectations regarding their conduct as may be set forth in a behavior contract. Any violation of that contract may result in further disciplinary action.

Demotion or Change in Employment Status: Temporary or permanent changes or demotions in employment position, status or title which may or may not include an adjustment in salary.

Changes in Award Status: Temporary or permanent changes in participants' EWC Award, such as a leave of absence, change of housing, or other terms.

Restrictions on Access or Duties: Conditions which specifically dictate and limit the Respondent's presence on campus, restrict employment duties, and/or participation in EWC sponsored or related activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus.

Restitution: Repayment to EWC or to an affected party for damages (amount to be determined by the EWC) resulting from a violation of this Policy. To enforce this sanction, EWC reserves the right to withhold its certificates of completion or to deny a student or participant participation in graduation/closing ceremonies, alumni activities/privileges and privileged events.

Probation: Formal, written notice that the Respondent is in violation of EWC's policies and an expectation that the Respondent exhibit good behavior for a defined period of time. Any violation during the probationary period may result in further disciplinary action.

Termination of Employment: Permanent separation of the employee from EWC.

Expulsion/Termination of Award: Permanent separation from EWC effective immediately. Any promised Award provisions will be null and void, including scholarship funding supporting degree study. Award provisions already provided for participation that has not yet occurred may need to be returned to the EWC in accordance with applicable policies. Participants may be removed from housing and visa sponsorship may be revoked. Programs inclusive of airfare to home country or city will arrange for immediate return.

Withholding Degree: EWC may withhold awarding a certificate of completion until the completion of the process set forth in this Policy, including the completion of all sanctions imposed, if any.

Other: Other sanctions may be imposed instead of, or in addition to, those specified here.

Multiple Disciplinary Actions: More than one of the actions listed above may be imposed for any single violation.

No Conflict of Interest or Bias

Any individual carrying out this Policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of this matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the Director of Human Resources, who will take or designate the role of Acting Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should the Director of Human Resources have a conflict of interest, the Director of Human Resources is to immediately notify the Title IX Coordinator, who will take or designate the role of Acting Director of Human Resources for purposes of carrying out the handling and finalization of the

matter at issue. Should any investigator, hearing officer (for matters under Appendix A processes) or appeal officer have a conflict of interest, the investigator, hearing officer or appeal officer is to notify the Title IX Coordinator or Director of Human Resources upon discovery of the conflict.

Presumption of Non-Responsibility

The decision to proceed with an investigation is not in and of itself a determination that the Respondent has engaged in the conduct as alleged. Any Respondent is presumed not responsible for the conduct that is the subject of the investigation, unless and until a decision of responsibility has been made upon the completion of the adjudication process.

Requests for Delays, and Extensions of Time

The Title IX Coordinator or Director of Human Resources may extend any deadlines within this Policy, for good cause. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.

IX. RESOURCES

Domestic Violence Action Center

The Domestic Violence Action Center provides legal services, information, and resources to survivors of domestic violence.

(808) 531-3711

Domesticviolenceactioncenter.org

National Domestic Violence Hotline

This 24/7 national hotline provides free and confidential support and crisis intervention information, education, and referral services in over 200 languages.

(800) 799-7233

Thehotline.org/about

Sex Abuse Treatment Center of Hawai'i

The Sex Abuse Treatment Center at Kapi'olani Medical Center for Women and Children provides counseling advice, medical care, and other services for victims of sexual assault. A medical forensic examination is available for any victim to ensure proper medical attention and to preserve evidence. Crisis counseling is also available as well as long-term clinical therapy.

24-hour hotline: (808) 524-7273

National Sexual Assault Hotline

This national hotline provides confidential support for survivors of sexual assault by connecting callers to resources and support services.

(800) 656-4673

<https://www.rainn.org/about-national-sexual-assault-telephone-hotline>