

Complaint, Investigation, and Disciplinary Procedure for Employees and Students

Reporting Prohibited Discrimination and Harassment

Any employee or student who believes he or she is the victim of prohibited discrimination or harassment should file a complaint with the Title IX Coordinator/EEO Specialist. If, for some reason, an employee or student does not feel comfortable reporting discrimination or prohibited harassment to the Title IX Coordinator/EEO Specialist, he or she may also report it to any senior officer of Sage.

When an employee or student files a report with the Title IX Coordinator/EEO Specialist, he or she will be given a written complaint form to complete. A sample copy of this form is provided below. The Title IX Coordinator/EEO Specialist will also provide the accuser and the accused with copies of this Policy for review.

However, even if an employee or student victim chooses not to file a complaint with Sage, if Sage knows, or reasonably should know, about a suspected incident of discrimination or harassment, Sage will promptly investigate to determine what occurred and then take appropriate steps to resolve the situation.

All employees of Sage are responsible for keeping Sage's environment free from discrimination or prohibited harassment. For that reason, if an employee observes or otherwise learns of conduct which may constitute discrimination or prohibited harassment, the employee must report the conduct to the Title IX Coordinator/EEO Specialist, even if the employee is not the victim of that conduct.

In addition to filing a complaint with Sage, an employee or student who believes he or she is the victim of discrimination or harassment may file a complaint with the United States Department of Education's Office for Civil Rights ("OCR"). Complaints may be filed to OCR by:

Mail or Facsimile: Complainants may mail or send a complaint by facsimile a letter to:

Jacquelyn Pitta
U.S. Department of Education
Financial Square
32 Old Slip, 25th Floor
New York, NY 10005
Telephone: 646-428-3906 | Fax: 646-428-3904

E-mail: Complainants may file a complaint to the following e-mail address: ocr@ed.gov.

Online: Complainants may file a complaint with OCR using OCR's electronic complaint form at the following website: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

Investigation of Complaints

When Sage becomes aware that discrimination or prohibited harassment may exist, it is obligated by law to take prompt and appropriate action. Failure to do so is considered a violation of this Policy.

Once a complaint of discrimination or prohibited harassment has been made either in writing or orally, or observed discrimination or harassment has been reported, the Title IX Coordinator/EEO Specialist will make an initial assessment regarding the validity of the complaint. Unless the complaint is determined to be invalid (e.g. erroneous information, mistaken identity, etc.), the Title IX Coordinator/EEO Specialist, or his or her designee (who must be trained in discrimination and harassment, and this Policy), will promptly conduct a complete, thorough, and impartial investigation.

If the Title IX Coordinator/EEO Specialist or his or her adequately trained designee is involved in the alleged discrimination or harassment, the President will be responsible for choosing an adequately trained designee to conduct the investigation. If it would be inappropriate for the Title IX Coordinator/EEO Specialist or President to choose an adequately trained designee to conduct the investigation, then the Chair of the Board of Trustees will make this designation.

While the investigation is being conducted, interim measures will be available to end or limit contact between the complainant or accuser and the accused. Interim measures may include:

- support services (victim advocacy, housing assistance, academic support, counseling, health and mental health services, legal assistance);
- changing work assignments and situations (for employees);
- changing living arrangements, course schedules, assignments, or test schedules (for students);
- providing increased monitoring, supervision, or security; and
- providing an escort.

No complainant or accuser is required to take advantage of these interim measures, but Sage provides them in an effort to offer help and support. Such interim measures can be requested by a complainant or accuser, by contacting the Title IX Coordinator/EEO Specialist. Sage will protect the confidentiality of accommodations or protective measures provided to a complainant or accuser, to the extent that doing so will not impair Sage's ability to provide the accommodations or protective measures.

The standard of evidence used to evaluate a report of sexual harassment or discrimination is a "preponderance of the evidence." Under this standard, a determination must be made on the basis of whether it is more likely than not that the accused student or employee violated this Policy.

In investigating the complaint, the Title IX Coordinator/EEO Specialist, or designee, shall:

1. Meet with the appropriate individuals and review all appropriate records that bear on the case.
2. Discuss the allegations in the complaint with the accuser and accused at separate meetings, and provide the accuser and accused with equal opportunities to identify witnesses and present evidence supporting their respective positions at these meetings.
3. Provide the accuser and the accused with the same opportunities for a non-attorney support person or non-attorney advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action.
4. Attempt, where appropriate, to resolve the complaint by exploring and suggesting possible solutions to the problem with all involved parties, provided, however, that the complainant or accuser will not be required to participate in mediation with the accused.
5. (If the preceding step does not resolve the problem), make and transmit a preponderance of the evidence determination in the matter of the allegation of discrimination/harassment to the accused, accuser, and, if the accused is an employee, the senior officer for the unit in which the accused is employed (or the President if the accused is a senior officer), or, if the accused is a student, the Vice President for Student Life.

The time necessary to complete an investigation will vary depending upon the facts of a particular case. In most cases, investigations will be completed within seven to ten business days of receipt of a complaint.

Following the Investigation

Once the investigation is complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale therefor. Delivery of this outcome will not be delayed to either party, and should occur as nearly simultaneously as possible, without unnecessarily bringing those in conflict into close proximity to each other.

All parties will be informed of their potential rights to exercise a request for appeal, where applicable, under the Student Code of Conduct, Employee Handbook, Contract, and/or collective bargaining agreement with Sage. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

If the investigation reveals that discrimination and/or prohibited harassment did occur, Sage will take all appropriate remedial measures necessary to end such conduct, prevent any such future conduct, and correct any personnel or academic decisions made which are related to the prohibited conduct. Remedies may include, but are not limited to, continuing or commencing any of the above-listed "interim measures." These remedies are separate from, and in addition to, any interim measures that may have been provided prior to the conclusion of the investigation. Such measures can be requested by a complainant or accuser, by contacting the Director of Human Resources (for employees) or the Vice President of Student Life (for students).

Discipline

Sage takes complaints of discrimination and prohibited harassment with the greatest seriousness. For that reason, if, following the investigation, the Title IX Coordinator/EEO Specialist or other trained investigator concludes that it is more likely than not that the accused student or employee violated this Policy, Sage will pursue strong disciplinary action through its own channels.

Internal disciplinary proceedings for cases of harassment and discrimination are fair and impartial, include timely notice of meetings and timely and equal access to information and evidence that will be used, and are conducted by unbiased decision makers who have no conflict of interest. The proceedings are completed within a reasonably prompt, designated timeframe. Further information regarding internal disciplinary proceedings for students can be found in the Student Code of Conduct. Further information regarding internal disciplinary proceedings for employees can be found in the Employee Handbook and/or in any applicable collective bargaining agreement with Sage.

Following any internal disciplinary proceeding for cases of harassment and discrimination, the complainant or accuser and accused will be provided with simultaneous written notice of the result of the proceeding, including any sanctions imposed that relate directly to the complainant or accuser, and the rationale for the result and complainant or accuser-related sanctions.

Discipline for incidents of discrimination and harassment may take a variety of forms, depending upon the circumstances of a particular case. Among the disciplinary sanctions which may be imposed on students are the following: verbal warning, written reprimand, probation, restrictions, suspension and expulsion. Among the disciplinary sanctions which may be imposed on employees are: verbal warning, written reprimand, suspension without pay, and termination. The full range of student disciplinary penalties is set forth in the Student Code of Conduct. Employee disciplinary penalties are set forth in the Employee Handbook and/or in any applicable collective bargaining agreement with Sage.

All parties will be simultaneously informed of their potential rights to exercise a request for an appeal of the disciplinary determination, where applicable, under the Student Code of Conduct, Employee Handbook, Contract, and/or collective bargaining agreement with Sage. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

Engaging in discrimination, prohibited harassment, or retaliation may also lead to civil and/or criminal action under state or federal law. Any employee who, in violation of this Policy, engages in discrimination, prohibited harassment or retaliation, is acting outside the scope of his or her employment and may be personally liable for such actions and their consequences. In the event legal proceedings are commenced against such an employee, Sage may decline to provide legal, financial or other assistance.