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Policy on Discrimination and Harassment

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I. Introduction

Fulbright University Vietnam (“Fulbright”) promotes teaching, scholarship and research, and the free and critical discussion of ideas. Fulbright is committed to providing a working and learning environment that allows for the full and free participation of all members of the university community. Discrimination and harassment of any kind that undermine these objectives, violate the fundamental rights, personal dignity and integrity of individuals or groups of individuals are not tolerated and may require remedial action and/or disciplinary sanctions by the University including, where appropriate, dismissal or permanent suspension.

This policy responds to Fulbright's responsibility to prevent discrimination and harassment, to provide procedures to handle complaints, to resolve problems, and to remedy situations when a violation of this policy occurs. Fulbright offers educational and training programs designed to support the administration of this policy and to ensure that all members of the university community are aware of their responsibilities under this policy.

II. Scope

This policy applies to all members of the Fulbright University Vietnam University Community including, but not limited to, faculty members, non-faculty staff members, students, volunteers, contractors, vendors, and board members.

III. Jurisdiction

This Policy applies to faculty, staff, students, volunteers, and third parties, including Board Members, whenever

- 1) They are on Fulbright property, or
- 2) Off Fulbright property, if:
 - a) the conduct was in connection with a University or University-recognized program or activity; or
 - b) the conduct may have the effect of creating a hostile environment for a member of the University community.

This includes conduct that occurs online, including on social media, email, or other electronic or telephonic means. It may also include times when individuals are on leaves of absence such as annual leave or sabbatical leave. It should be read in conjunction with the Code of Conduct, Sexual Misconduct policies, Student Code of Conduct, the Internal Labor Rules and where applicable, the Labor Code of Vietnam.

IV. Violations of law

This policy is distinct and different from criminal and civil court proceedings and administrative sanction measures imposed by Vietnamese State authority. When an offense occurs over which the University has jurisdiction, the University will carry out its obligations consistent with this Policy despite any criminal, civil or administrative sanctions. The University's process may be carried out prior to, concurrently with, or following civil or criminal proceedings or administrative sanction measures at the discretion of the Management Committee of Fulbright University Vietnam.

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V. Definitions

Certain terms are used in this document with specific meanings, as defined in this conform to customary usage.

Term	Definition
University Community	"University Community" means the faculty, staff and students, and any individual formally affiliated with Fulbright, including volunteers, vendors, contractors, and members of the Board of Directors.
Appeal Board	The "Appeal Board" consists of members of the University Community appointed by the Management Committee to hear an appeal of a decision reached after Investigation pursuant to this Policy.
Complainant	A "Complainant" is any person who believes that she/he has experienced discrimination or harassment and/or witnessed violations of this Policy and who reports such alleged violations. Fulbright may also be a Complainant.
Complaint	A "Complaint" is a statement of facts by a Complainant detailing the alleged violations of this Policy and University standards.
Management Committee	The "Management Committee" is comprised of the University's President, Provost, and Chief Operating Officer.
Fulbright Community Safety Committee (FCSC)	<p>The "Fulbright Community Safety Committee" has two functions:</p> <ul style="list-style-type: none"> • Advise the President and Management Committee on initiatives to ensure the safety and security of the University Community; • Receive and act on complaints received under the Discrimination and Harassment Policy and the Sexual Misconduct Policy. <p>The FCSC consists of the Director of HR (the convener), the Dean of Undergraduate Faculty, the Dean of Graduate Faculty, and the Director of Student Life. The FCSC may call on other members of the University Community who have expertise specific to the case being investigated and reviewed.</p>
Investigator	The "Investigator" is a qualified and appropriately trained person assigned by the FCSC to investigate a Complaint. This may include an outside investigator retained by the University and/or FCSC to conduct an investigation.

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Term	Definition
Innate Characteristics	"Innate characteristics" include but are not limited to race, color, religion, national origin, ethnic origin, citizenship, ancestry, age, sex (including pregnancy), disability, marital status, genetic information, sexual orientation, gender identity, gender expression, active military or veteran status, or associational preferences.
Respondent	The "Respondent" is the person(s) whom an allegation of harassment or discrimination has been made about pursuant to this Policy.

VI. Prohibited conduct/behaviors

The following list of behaviors is not exhaustive, and the University reserves the right to amend its rules and policies. Each member of the University Community is expected to abide by this Policy and will be accountable for any inconsistent behavior. Lack of familiarity with the Policy is not a justification for violating any provision of this policy.

1. Discrimination and/or Harassment

"Discrimination and/or harassment" are defined as verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of the individual's race, color, gender, age, religion, creed, national origin, ancestry, sexual orientation, gender identity, disability, veteran status, military service, pregnancy, genetic information, or any other innate characteristic protected under applicable law, and that:

- has the purpose or effect of creating an intimidating, hostile, or offensive environment, or;
- has the purpose or effect of unreasonably interfering with an individual's work or academic performance.

This further includes distinction, whether intentional or not, based on grounds relating to innate characteristics of the individual or group, which has the effect of imposing burdens, obligations or disadvantages on such individuals or groups not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society.

Some examples of such harassment and/or discrimination are using epithets or slurs, making jokes or carrying out pranks that focus on an innate characteristic, and circulating or displaying written or graphic material that denigrates or shows hostility or aversion toward a person or group because of an innate characteristic.

This may also include physical abuse and or written or verbal threats undertaken because of an individual's innate characteristics.

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2. Sexual Harassment

“Sexual Harassment” is unwelcome conduct that is sexual in nature, including unwelcome sexual advances, requests for sexual favors, and verbal, nonverbal, graphic or physical conduct of a sexual nature when:

- a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or academic standing or is used as a basis for employment decisions or academic evaluations, grades, or advancement; or
- b. such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individuals’ work or academic performance by creating an intimidating, hostile, humiliating, or sexually offensive environment.

Harassment can occur whether a person resists and suffers the threatened harm or submits to avoid the threatened harm.

A hostile environment may exist if a single episode is severe. The more severe the conduct, the less need to show a repetitive series of incidents to prove a hostile environment exists.

Staff – Student Relationship: No member of the University's faculty or staff, Board Members may initiate or accept sexual or amorous advances or engage in a sexual or amorous relationship with any student enrolled in any program at the University, visiting students, or any student employee or student volunteer at the University. Such conduct will be deemed a violation of this Policy.

Sexual violence, including rape, sexual assault, and domestic and dating violence as well as the attempt of such acts, and other violations of the Sexual Harassment Policy are forms of sexual harassment and will not be tolerated.

Other examples of Sexual Harassment include, but are not limited to:

- Sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sexual life; comments about an individuals’ body, sexual activity, deficiencies or prowess;
- Observing, photographing, videotaping or making other visual or auditory records of sexual activity or nudity, where there is a reasonable expectation of privacy, without the knowledge or consent of all parties or sharing such content without consent of all parties recorded;
- Unwanted leering, whistling, comments, touching, sexual gestures, suggestive or insulting comments;
- Any form of abusive or threatening behavior specific to current or former intimate partners;
- Stalking.

3. Retaliation

Any form of threat, abuse, intimidation, bullying, coercion, harassment, or attempt to influence or interfere with another individual or group who reports suspected or observed harassment or

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discrimination or cooperates in an investigation into such misconduct. Retaliation will not be tolerated and will be a serious violation of this Policy.

VII. Complaint and Resolution Processes

Persons who believe they have been subjected to or have witnessed discrimination or harassment in violation of this Policy are encouraged to report it, even if they are not certain whether a violation of this Policy has occurred. A complaint that this Policy has been violated may be brought to the Fulbright Community Safety Committee (FCSC) through informal or formal channels by any member of the University Community, including a third party, or by the University itself¹. A complaint must state specific allegations of discrimination to warrant an investigation. There is no time limit for bringing a complaint; however, it may be difficult to substantiate allegations if they are made after significant time has passed. Therefore, prompt reporting of complaints is strongly encouraged.

An employee who wishes to make a complaint may contact their direct manager, HR Director or FCSC and describe the incidents of harassment. The contacted individual/body will explain the various options and processes to the employee. When discussing the complaint, the employee may be represented by another employee, as may the employee alleged to have engaged in harassing or discriminatory conduct.

Representation will be in accordance with FUV's disciplinary procedure and/or local trade union agreement.

1. Informal Complaint

An informal complaint is a request, either oral or written, by a Complainant or a witness that the FCSC seek to reach an informal resolution of the Complainant's concerns. The procedures for such complaints are designed to be flexible to enable the FCSC to address a situation in the most effective and expeditious manner possible. Resolutions of informal complaints are accomplished with the assistance of other offices or administrators on campus in the area relevant to the complaint. Note that the FCSC reserves the right to conduct a formal review and investigation, consistent with the formal complaint processes, depending on the nature of the allegations.

Three separate options for resolution are available. In addition, at any time during the Informal Resolution Process, the parties may request and agree to participate in a Mediation Resolution Process or to move to the Formal Complaint Resolution Process.

2. Informal Resolution

If an informal complaint is filed and the matter is one which, in the opinion of the FCSC, is appropriate for informal resolution, the University will use its reasonable efforts to assist the parties involved in effecting an informal resolution which, if achieved, will be the end of the process.

There are four options that may be considered to facilitate the resolution of an informal concern.

¹ If a complaint is made that involves a member of the FCSC, even as a witness, that member of the FCSC will recuse themselves from this process. In addition, the University reserves the right to refer such matters out of the University for review and resolution.

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- **Option 1: Discussion of the concern between the parties.**

In some cases, it may be appropriate for the FCSC to suggest to the Complainant or reporting witness that they approach the Respondent, making it clear why the behavior was or is viewed as unacceptable. This option is not appropriate if concerns are raised or exist about personal safety or intimidation or if there is a belief that a situation will escalate as a result of any direct communication. Further, this option is unlikely to be appropriate when the complaint is by a student about a professor or an employee/volunteer regarding their supervisor.

- **Option 2: Inform the Respondent of the concern and of the policy and these procedures.**

At the request of the Complainant or reporting witness, the FCSC will advise the Respondent of the concern and explain the University's expectation of appropriate behavior. The FCSC will provide a copy of the policy and these procedures to the Respondent.

- **Option 3: Provide third-party assistance.**

If any party is not comfortable speaking privately with the other, a person who is trained to facilitate the resolution of such concerns, including a Human Resources professional and/or mediator, and who is acceptable to all parties may assist in the conversations discussed in Options 1 and 2 above.

- **Option 4: Conduct informal resolution into the concern.**

In such cases, an Intermediary assigned by the FCSC will conduct an informal review and attempt to resolve the circumstances. Such review will be done in a balanced fashion, which may mean speaking to all those with information relevant to the concern. The FCSC will follow up with all parties to determine whether or not the informal concern was resolved to the satisfaction of all parties and whether or not the resolution was and is consistent with the policy and these procedures.

3. Mediated Resolution

If the Complainant has filed an informal complaint or an investigation was conducted into a formal complaint and the matter is one which, in the opinion of the FCSC, the Complainant and/or reporting witness and the Respondent might be appropriately resolved by mediation, the parties will be referred to mediation. Mediation is voluntary and will only be used when all parties to a complaint agree. Mediation may not be appropriate in circumstances where there have been allegations of physical violence, threats to safety, serious emotional or physical abuse or intimidation or where the relationship between the Respondent and Complainant is that of supervisor and supervisee, this includes student and professor.

Within ten working days of such referral from the FCSC, an appropriately trained and qualified Mediator will be appointed from among a panel of internal mediators agreed upon by Fulbright's leadership team. Within ten working days the Mediator will then coordinate a meeting between the Mediator and the parties involved.

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The FCSC will advise all parties to mediation that information obtained during mediation or an attempted settlement arising from the mediation is confidential “and will not be introduced as evidence in any subsequent fact-finding or hearing unless all parties to the dispute provide their consent to do so or unless required by law. The parties to mediation will also agree before the start of the mediation that the mediator cannot be a witness in any proceeding related to the subject matter of the mediation, unless required by law. Any settlement or resolution must be mutually accepted by the parties to the mediation and approved by the FCSC. The FCSC shall monitor the implementation of any settlement or resolution reached under this section and shall ensure that those involved with the matter are kept fully informed.

The outcome of the mediation will result in one of the following:

- A resolution is reached, written up and signed by all parties to the mediation. The FCSC and each of the parties to the mediation shall receive a copy.
- No resolution is reached. In this instance, the Complainant will be asked whether s/he wants to proceed to the Formal Complaint and Investigation stage. Note the University and FCSC reserve the right to investigate based on information received and proceed through the formal process.

It should be noted that mediation is not a fact-finding process, nor will the mediator make any decision about the resolution of a complaint. Mediation does not lead to disciplinary outcomes unless agreed to by the parties concerned. Mediation offers a structured and controlled environment that will help the parties reach a fair resolution.

4. Formal Complaint

A formal complaint is a written request by a Complainant, witness or the University that alleged harassment or discrimination be investigated and that if founded appropriate remedial actions be taken. A formal complaint of harassment and/or discrimination will include an impartial investigation of the Complainant's or witness's allegations by an Investigator appointed by the FCSC. This may include an outside investigator retained by the FCSC or the University.

The investigation begins when the FCSC meeting with the Complainant or reporting witness to gather additional information. The FCSC investigator will review this information and determine if it were found to be true whether it would constitute a violation of this Policy (or other University policies). If it would constitute a violation of this or other University policies, the investigator will notify the Complainant or reporting witness that a full investigation will be conducted.

The investigator will then provide written notice to the Respondent of the filing of the complaint and the allegations of the complaint. The Respondent is provided ten (10) days to file a written response, after which the Respondent is then interviewed regarding the specifics of the allegations and given an opportunity to respond fully to the allegations. The Investigator may also interview other persons believed to have factual knowledge relevant to the allegations. The purpose of the investigation is to establish whether the FCSC finds a reasonable basis to conclude, by the preponderance of the evidence, that the Respondent violated the Discrimination and Harassment Policy.

The FCSC will issue written findings, outlining the basis for their conclusions. The written finding generally will be issued within sixty days of when the Complaint was filed. When it is not reasonably possible to issue the finding within that time, the FCSC will notify the

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Complainant and the Respondent that the finding will be delayed and indicate the reasons for the delay. The report is provided to the administrative officials responsible for the area in which the Respondent is involved, the Complainant, the Respondent, and the chief administrative officer in the unit (e.g., the Chief Academic Officer in a complaint filed against a faculty member; the Chief Operating Officer for the unit in the case of a staff member; or the Director of Student Life in the case of a student). If a violation of the Policy is found or corrective action is found to necessary even when there has not been a violation of the Policy, the Investigator will provide a recommendation regarding such remedial measures. This process is described in more detail below.

5. Formal Resolution

If a matter is one which, in the opinion of the FCSC, could not or should not be addressed through an informal resolution or mediation, or has not been resolved by either informal resolution or mediation within a reasonable time, the FCSC will upon request assist the Complainant in preparing a formal complaint. A formal complaint will be in writing and signed by the Complainant, witness, or University representative.

The FCSC will decide whether a formal investigation is warranted within fifteen working days of receiving the formal complaint. If so, the FCSC will appoint an Investigator from a list of Fulbright faculty and staff agreed to by Fulbright's leadership team to investigate and report on the facts surrounding the formal complaint. The FCSC may request additional information from the party filing the formal complaint in assessing whether a formal investigation is warranted, if the complaint taken on its face were true and the conduct would constitute a violation of the Policy, then a formal complaint will be appropriate.

VIII. The Investigation

The Investigator shall promptly conduct an investigation of the allegations giving rise to the complaint and compile a draft investigation report (normally within thirty working days). The Investigator will have had no previous involvement with the complaint in any of the processes under this policy prior to the appointment of the Investigator. At all times, members of the University Community alleged to have violated this Policy and any member of the University Community determined by the University to have information relevant to the investigation will cooperate with the University's investigation. The University and FCSC reserve the right to use outside resources to conduct this investigation.

Upon receiving a formal complaint against a member of the University Community, the FCSC will promptly (in consultation with the Complainant and Respondent) decide what remedial action, if any, should take place in the workplace/academic setting while the investigation is taking place. Such measures will be precautionary, not disciplinary.

The Investigator shall apprise the Complainant and Respondent of progress toward completion of the investigation and shall provide a copy of the draft investigation report to each of the Complainant and the Respondent, who shall have ten working days in which to notify the Investigator, in writing, of any errors or omissions in the report and the description of the facts or allegations provided by each of them to the Investigator.

The Investigator shall forthwith after receiving any comment provided for above make such further enquiries, if any, as are necessary and prepare a final investigation report. The Final Report will detail:

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- the allegations giving rise to the formal complaint or counter-complaint if applicable;
- the grounds in the policy that have allegedly been violated;
- any responses of the Respondent and Complainant;
- the nature of the evidence provided by the Complainant, Respondent and witnesses;
- the findings of fact;
- a conclusion: that on a balance of probabilities the policy has been breached or not;
- one of following recommendations:
 - a) If the policy was breached:
 - that procedures be initiated that could lead to remedial action e.g., education;
 - that procedures be initiated that could lead to disciplinary action against the Respondent;
 - that measures be taken to remedy systemic discrimination; and/or
 - if there is sufficient information to assess that a law has been violated, the University reserves the right, to notify the appropriate authorities. Please note that at any time if the Investigator makes such a determination, the Investigator, in consultation with the FCSC and/or University Management Committee may suspend their investigation while contacting local law enforcement. Any resumption of the investigation will be based on assessment by the University whether such investigation should continue or proceed after the criminal investigation and/or hearings are complete.
 - b) If the policy was not breached;
 - that the case be closed on the grounds of insufficient evidence of a breach of the policy.
 - However, even if there has been no breach of this Policy, if the conduct has been found to have occurred and constitutes a breach of other University Codes of Conduct or policies appropriate action shall be taken consistent with those policies.
 - Further, the University reserves the right to take appropriate remedial action even when conduct does not rise to the level of a formal violation of a policy but is inconsistent with University policies. Such remedial measures may include training or other measures deemed appropriate.
 - c) If the Investigator determines that the Complainant was malicious or intentionally false;
 - that procedures be initiated that could result in disciplinary action against the Complainant on the grounds of a malicious or intentionally false Complaint.

A copy of the investigation report will be given to the FCSC, the Complainant, and the Respondent. At this point, the FCSC will determine whether a violation occurred, and any appropriate remedial measures based on the findings in the Final Report.

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IX. The Decision

The FCSC will review the Investigator's report and determine whether a violation of the Policy has occurred. In reaching a decision on whether the policy has been violated, the team will use a standard of proof corresponding to the civil burden of proof on a balance of probabilities. Allegations that could result in suspension, dismissal or permanent suspension require preponderance of the evidence of misconduct.

The FCSC will communicate the decision, with reasons, as to whether the policy has been violated to both parties within thirty days of receiving the report.

If the FCSC find that the complaint was malicious and/or intentionally false, they will consider disciplinary action for the Complainant.

The Remedy

If there is a finding that this Policy has been violated, the FCSC will meet with the Complainant. The Complainant may request that measures be taken to correct damage done to her/his career development, academic progress, physical or emotional health, reputation or finances. The range of remedies may include, but are not limited to:

- 1) an apology;
- 2) compensation for professional or academic losses;
- 3) reinstatement and/or disciplinary actions such as suspension or expulsion.

The FCSC may take these into account but retains ultimate authority in recommending appropriate remedial measures. The FCSC will send a recommendation for remedy and/or disciplinary actions to the Management Committee for decision. In instances in which the Complaint involves a member of the Board, the recommendation and final report will also be sent to the Chairman of the Board, except that if the Chairman has been involved in the investigation either as a Complainant, alleged Respondent, or Witness, then the report shall be sent to the Clerk. The Complainant will be given an opportunity to comment on the proposed remedy before a final decision is made.

In cases where it is determined that there has not been a violation of the policy Fulbright will, if requested to do so by the Respondent, issue a statement to the Respondent that will be maintained in the Respondent's personnel and/or academic file that there was not a finding of a violation of the Policy by the Respondent. Note if there was no technical violation but there was a need for remedial actions, such letter will note this information. Further, if the complaint is found to have been malicious or intentionally false the document will note this as well.

In cases where it is determined that the discrimination provisions of this policy have been breached, the FCSC may recommend to the Management Committee that corrective measures, such as trainings or changes in existing policies, procedures and practices, be put in place to avoid repetition of the breach.

Even in instances where there has not been a violation of the policy, the FCSC may recommend modifications to policies, procedures or practices and/or training in order to prevent future potential violations and may recommend appropriate remedial action for behaviors that fall short of violations of this policy but are in violation of other codes of conduct, policies or University standards.

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Where there is a finding of discrimination or harassment by a member of the University Community, the FCSC will decide on appropriate discipline. Each party will be informed of the final decision. The final decision and the report of the Investigator will be placed in the appropriate personnel file or student file of the party found to have violated the policy. Note: depending on the outcome of the investigation, the type of violation, and/or remedial measures the informal resolution processes may still be relevant, including mediation.

X. Appeals

Both the Complainant and the Respondent have the right to appeal the FCSC's determination(s) based on the Final Report and may do so by submitting a written appeal ("Appeal") to the President. An Appeal must be submitted by the person making the appeal ("Appellant") within thirty days after the Appellant has been notified by the FCSC of the remedial measures that the FCSC has determined should be implemented as a result of the findings made in the Final Report. An Appeal Board of no less than three (3) will be selected by the Management Committee from the University Community. In cases where the Appellant is a student, a Student Representative should also be appointed to the Appeal Board. The Appeal Board will be responsible for conducting the Appeal and making the final decision. When students are involved such decisions shall be undertaken consist with the University's Code of Conduct.

An Appeal must set out the grounds for the Appeal ("Grounds") and, with a reasonable level of analytical detail, the argument made in support of each of the identified Grounds for the appeal. The available Grounds are:

- a) the Investigator erroneously concluded that this Policy was breached given the factual findings made in the Final Report;
- b) the remedial measures determined by the FCSC were unreasonable given the findings made in the Final Report;
- c) the Investigator failed to follow or apply or failed both to follow and apply this Policy during the investigation or while writing the Final Report or both and the failures are sufficiently serious that they are likely to have prejudiced in a material way the course of the investigation or the conclusions reached in the Final Report or both;
- d) new information has become available which is likely to be material to the conclusions reached by the Investigator in the Final Report but only if the new information became available after the Final Report was submitted to the FCSC and it could not reasonably have been provided to them before they determined what remedial measures should be implemented.

The Appeal Board must provide a copy of the Appeal to the other party to the Formal Complaint ("Appeal Respondent") and offer the Appeal Respondent the opportunity to respond to the Appeal by submitting a written response ("Response"). If the Appeal Respondent submits a Response, the Appeal Respondent must do so within thirty days of the receiving the Appeal. The Response must set out with a reasonable level of analytical detail the argument made against the Appeal. The Appeal Respondent may rely upon the Final Report. Opting not to respond to the Appeal will in no way be viewed as agreement with the Appeal.

After the time for filing a Response has passed, the Appeal Board must review the Final Report, the Appeal and, if one has been submitted, the Response and may review any other information gathered during the investigation. Having done so, the Appeal Board must decide whether the appellant has established one of the above grounds for the appeal. If the Appeals Board does not find any such grounds, the FCSC recommendation must be upheld and the Appeal denied. Only

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upon such a finding may the Appeal Board reject or modify any of the remedial measures determined by the FCSC. Only if the Appeals Board finds there was new information available that is likely to be material, may the Appeals Board direct further investigation, whether internal or external, be conducted by a new Investigator.

The Appeal Board must issue a written decision setting out their conclusions and, with a reasonable level of analytical detail, the basis for them including upon which grounds any modifications are made and/or why any recommendations are rejected and/or what additional information has come to light to require new investigation. The Appeal Board's decisions are final.

XI. Protection Against Retaliation

Retaliation against a person as a result of her/his participation in any aspect of a proceeding pursuant to this Policy will be treated as a serious breach of this Policy. A complaint that either the Complainant or Respondent retaliated against a person as a result of her/his participation in any aspect of a proceeding pursuant to this Policy will be treated as a Formal Complaint and investigated and addressed in conformity with the applicable provisions of this Policy. Retaliation will not be tolerated and will be treated as a serious violation if found to occur.

XII. Confidentiality

To empower University Community members to voice concerns and bring complaints, the confidentiality of all parties will be protected to the greatest extent possible. In order to fully investigate and/or if legal actions are taken, confidentiality may not be able to be fully maintained.

Dissemination of documents relating to complaints of Discrimination and Harassment Policy violations and/or to the investigation of such complaints, other than as necessary to pursue an appeal, grievance, or other legal or administrative proceeding or for medical or counseling purposes, is prohibited.

Failure to maintain confidentiality by any party may result in remedial action if such behavior is determined to constitute a violation of this policy, including but not limited to being found to constitute retaliation.

XIII. Policy review

Fulbright will monitor and evaluate this policy and its associated procedures and practices to ensure they are responsive to evolving needs of the University. Should the Law change at any time, Fulbright reserves the right to modify this Policy accordingly. This includes but is not limited to:

- Reporting annually through the President to the Board of Trustees on the implementation of this Policy;
- Periodic reviews of the University's training and educational initiatives related to Harassment and Discrimination;
- Reviewing this Policy at least once every three years, in consultation with Faculty, Management Committee, leadership team and other members of the Fulbright University Community;
- With respect to reviews conducted every three years, the University must: Conduct its initial review at the end of the third full fiscal year which falls after the fiscal year in which the Board adopted this policy;

