Information about the Formal Complaint Process for Complainants and Respondents

Name of Party: __________________________  □ Employee □ Student □ Other:____________________

□ Complainant □ Respondent

Thank you for cooperating with the Office of Compliance and Equity Management (OCEM) as we look into a formal complaint filed with our office. The information below details our protocol and provides helpful guidelines that may be of assistance to you.

Investigation Basics:
• The individual who filed the complaint is the “complainant” and the person who was filed against is the “respondent.”
• The investigator is a neutral fact finder and is not representing or advocating for any of the parties involved.
• As a participant in the University process, your full cooperation with all OCEM inquiries is expected. This means that full, complete, and truthful responses are necessary. It also means we encourage you to comply with any request for materials. If you have related information that is not covered or requested during the meeting, we encourage you to bring that information forward.
• You are welcome to bring an individual with you on visits to OCEM to support you or serve as an advisor, advocate, union representation, or legal counsel. If, however, you choose to bring legal counsel, you must inform OCEM ahead of the meeting so that University Counsel can be scheduled into the meeting as well.
• We value confidentiality. We respect your need to have a confidante but we would like to encourage you not to share details of the investigation with others, particularly those who may be involved in some manner. This assists the investigator in conducting a clean inquiry that is not affected by gossip or hearsay. It also protects the privacy of all parties.

During the Investigation:
• The investigator will take written notes throughout and will be audio recording the meeting. Please inform the investigator if you are planning to record the meeting in some way other than via written notes.
• If you become aware of new details or concerns, it is expected that you will share that information with the investigator in a timely fashion.
• You will be asked to meet with the investigator more than once. The investigator will contact you later to review your transcript, confirm details, and/or gather additional information. It is not uncommon to have multiple meetings and/or conversations. If you receive a call and would rather meet in person, please inform the investigator and a meeting will be scheduled. You are welcome to bring a representative of your choosing.
• The investigator will be interviewing you and all pertinent witnesses. You will be given an opportunity to name witnesses you believe have information relating to the claims. It is important that you not seek to pressure witnesses before, during, or after the
investigation. The investigator reserves the right to determine which witnesses are pertinent.

- The investigator will provide an opportunity for the respondent to respond to the complainant’s allegations. Similarly, the complainant will be allowed to respond to all allegations made by the respondent.
- The investigator will have a series of questions for you and may sometimes need to ask questions that make you uncomfortable. This is not intentional, but you should recognize that the investigator is trained to pose questions that help them better understand the details.
- The investigator will record each interview and transcribe the recording into a document. You will get the chance to read through and verify this transcript during a subsequent interview/meeting. You will not be given a copy of the transcript to keep.
- The investigator will review all pertinent documents, materials, and files. If you have any such materials, you should let the investigator know. Again, the investigator reserves the right to determine which materials are pertinent.
- Retaliation against you because of your cooperation with this process is prohibited by University policy. If you believe you have been retaliated against, you should let our office know immediately. Likewise, please take care not to take retaliatory action against anyone else for their participation in this investigation or lack thereof.
- Questions are welcome at any time during the meeting and you are always welcome to follow up later with questions or concerns to our office. Questions about scheduling meetings or about the investigation should be addressed to the investigator. Questions about the process or outcome should be addressed to Leah Gutknecht, Assistant to the President for Compliance and Equity Management.

After the investigation:
One or both of these processes will be followed, depending on the role of the respondent.

- **Process for determining violations for employees:**
  - The Assistant to the President for Compliance and Equity Management and Title IX Officer will receive a report of the investigation from the investigator. She will render a decision of whether a policy violation occurred using the “preponderance of evidence” standard. Determining that a preponderance of evidence exists is not the same as “guilty,” but essentially indicates that it is more likely than not that the policy was violated. Likewise, finding that there is no preponderance of evidence to determine a violation occurred is not the same as “innocent,” but indicates that the available evidence does not make it possible to determine there was a violation. This determination will be based upon the evidence obtained as a result of the investigation process. Both parties will be notified of the decision in writing. The respondent’s department head/director, dean, vice president, and the president will also be notified.
  - In the event that there is a finding of a violation of University policy, the respondent’s vice president will determine appropriate disciplinary sanctions based on the recommendation from the Title IX Officer and will, in writing, notify the respondent and the Title IX Officer of their decision.
- You may contact the Title IX Officer with any questions about the investigation and final report.

☐ Process for determining violations for students:
  - The Assistant to the President for Compliance and Equity Management and Title IX Officer will review the report written by the investigator.
  - In accordance with policy, the Dean of Students (or a designee) will receive the report from the Title IX Officer and move it forward for an appropriate hearing.
  - Following the hearing, the decision of whether a policy violation has occurred will be made using the “preponderance of evidence” standard. This means that it is more likely than not that a violation occurred. Determining that a preponderance of evidence exists is not the same as “guilty,” but essentially indicates that it is more likely than not that the policy was violated. Likewise, finding that there is no preponderance of evidence to determine a violation occurred is not the same as “innocent,” but indicates that the available evidence does not make it possible to determine there was a violation.
  - If, following the hearing, the decision is that no policy violation has occurred the process will end. Regardless of the outcome, the complainant, the respondent, and the Title IX Officer will be notified of the finding in writing.
  - If, following a hearing, the student is found to have violated University policy, appropriate disciplinary sanctions will be determined in consultation with the Title IX Officer. The Dean of Students (or designee) will notify the respondent, the complainant, and the Title IX Officer in writing of the Dean of Students’ decision.
  - Both parties have the option to appeal the decision to the Title IX Officer.

Please refer to Policy 13.02 for complete details of the policy and procedures.

I hereby verify that I understand the above information regarding OCEM’s process, and my participation in and responsibilities related to that process.

_________________________________ ____________________
Signature Date

☐ Complainant/Respondent has been provided a business card of the investigator and a copy of this form.

_________________________________ ____________________
Signature of Investigator Date