

What to Expect During the Sexual Misconduct Investigation Process

In accordance to USG 6.7 Sexual Misconduct Policy (SMC) and 4.6.5 Standards for institutional Student Code of Conduct and Disciplinary Proceedings Policy.

What to expect if in a Sexual Misconduct investigation?

The first thing to expect are some terms and words used by the investigator: you are the complainant (because you or someone on your behalf filed the complaint); the other student is respondent (respondent and (the individual responding to a report)). The second thing to expect is that you continue to have choices in this process: you can choose to stop participating at any time. Also, at no point in the Sexual Misconduct investigation process will you be asked to appear for any meeting at which the other party is present. Although the investigation is confidential, it is treated in a private and discreet manner.

How does the investigation start?

In an investigation, the investigator's focus is to gather as much information as possible: from the complainant, respondent, and from any individual who might have relevant information. The investigator will start with the complainant. The complainant will be asked to provide information through a written statement and in-person interview. After the intake interview, the Complainant will receive a Confirmation of Complainant. The Confirmation of Complainant states the alleged allegations.

When is the Respondent notified?

After the Title IX Coordinator has verified that the Confirmation of Complaint is accurate, the Title IX Coordinator will notify the respondent via a Notice of Complainant, which includes the alleged allegations and that an investigation has been initiated. The respondent will be asked to schedule a meeting with an investigator and learn about the investigation process, options, and the nature of allegations.

Additionally, in any investigation involving allegations of sexual misconduct, timely notice of meetings shall be provided to each party of any meeting at which the complainant, respondent or alleged victim may be present. Timely and equal access to information that will be used during the investigation will be provided to the complainant, respondent and alleged victim (where applicable).

Do I have to meet with a Sexual Misconduct Investigator alone?

No. Each party can have a support person of their choosing during any meeting with a Title IX Investigator.

My guardians have questions they want to ask you. Can they speak with you?

Yes, but you need to make sure that you give us permission to speak to them – you have privacy rights under FERPA. You can waive FERPA for anyone that you want the Title IX Investigator to speak with: your parents or other family members, an attorney, an advisor who you are turning to support. If you do not waive your FERPA rights, Title IX Investigator will provide only general information related to our investigation process.

In the meeting, the investigator told me that the Office of Compliance & Title IX may be issuing an accommodation and/or interim measure. What are those?

An accommodation or interim measure is enacted to remedy the impacts of an alleged incident of sexual misconduct. This includes modifications such modifications as; academic, living, or housing **of the party** requesting the modification.

Interim actions are enacted when the information about an incident of sexual misconduct raises concerns about the safety of the community or its members as defined by Sexual Misconduct Policy.

Interim measures may be provided by the institution at any point during an investigation and should be designed to protect the alleged victim and the community. To the extent interim measures are imposed, they should minimize the burden on both the alleged victim and the respondent, where feasible. Interim measures may include, but are not limited to: Change of housing assignment; Issuance of a “no contact” directive; Restrictions or bars to entering certain institution property; Changes to academic or employment arrangements, schedules, or supervision; Interim suspension; and Other measures designed to promote the safety and well-being of the parties and the institution’s community.

If an accommodation and/or interim measure has been issued, it does not mean that an investigation decision has been made, only that the information received so far supports these as an appropriate response. At the conclusion of the investigation, the accommodations/interim measures are revisited to determine if they are still necessary.

Am I entitled to accommodations?

Upon your request of an accommodation the feasibility of such request shall to considered upon approval from the appropriate individual, i.e. your professor, etc. The Title IX Investigator or Coordinator can also assist you.

When will I have an opportunity to share my side of the story?

After you are notified of the allegation and investigation, you will have the opportunity to participate in an in-person interview. The investigator will allow you to review all evidence submitted against you.

What other information is the investigator gathering?

The investigator will identify and speak to other people, either those people that you or the complainant named as being important for the investigator to speak with, or people that we learn about during the course of our investigation. At all times, the investigator is gathering as much information as possible about the incident(s). This includes relevant text messages, phone logs, social media exchanges, emails, investigator visits to the location where incident(s) occurred and more – whatever you or anyone else involved is able to share and whatever the investigator independently is able to gather.

As the investigator is collecting all of this information, he or she may need to return to you, the respondent, or a witness to ask follow-up questions. The investigator will try to minimize the number of times they need to speak to you about your experience, but in the course of the investigation, certain moments or details become very important and additional information may be needed.

Because the investigation process can be stressful, the investigator will continue to refer you to support resources on campus and in the community.

How does the investigator make a charge? And how will I find out about it?

A charge is not a finding of responsibility, but indicates there is sufficient evidence to warrant further consideration and adjudication.

What happens after the conclusion of the investigation?

The Sexual Misconduct investigator will contact the complainant and the respondent separately and given an opportunity to review the investigation summary for accuracy. The final investigation summary will then be forwarded to the Office of Student Conduct, Hearing Officer for consideration in adjudicating the charges brought against the respondent.