This is a general description of the investigative resolution process. The process may vary somewhat, in accordance with the Policy and depending upon a variety of factors that arise during investigations. Please contact OIE if you have any questions as the investigation proceeds. In addition, please know that reasonable accommodations are available to individuals with disabilities. You may contact OIE at any time to request such accommodations, as needed.

**Information for Student Claimants**

**We are neutral.** OIE does not take sides. We are committed to providing a fair and unbiased review, and our investigations are focused on the information available. We also help Claimants and Respondents by providing information about support and advocacy services. If you have a concern that the investigator cannot conduct a fair and unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.), please contact the Title IX Coordinator immediately. The Title IX Coordinator may be reached at 734-763-0235 or institutional.equity@umich.edu. The situation will be assessed and a determination made as to whether a different investigator should be assigned to the matter.

**Adviser.** You may bring an adviser with you to any meetings with OIE. Please let us know in advance if you will be doing so. Examples of an adviser include, but are not limited to, friend, family member, SAPAC advocate, attorney, etc. Please note that any individual who may be interviewed as a witness in the investigation or hearing may not be present during your interview and therefore may not serve as your adviser.

**Anonymity and confidentiality.** Information provided to OIE may be shared with other University officials as necessary and appropriate. During an investigative resolution process, all evidence obtained during the investigation will be made available to both parties.

**Interim measures and academic accommodations.** In many cases, interim measures may be appropriate. Such measures may include separation of the Claimant’s and Respondent’s academic, living, and/or dining situations, or such other measures as may be appropriate under the circumstances. Interim measures may also include supportive measures that only impact one party, such as academic support services and accommodations, on-campus counseling, housing assignment or contract modifications, etc. Please let us know if you need any such accommodations. These measures are typically arranged by the Dean of Students Office, but you may also raise this need with OIE, who will inform the Dean of Students of the request.

**Criminal investigations and preservation of evidence.** The University process for addressing sexual misconduct is separate from a criminal investigation. You have the right to file a police report regarding possible criminal behavior. We can connect you with a staff member who can assist you in making a report to law enforcement if you would like. Even if you are not sure that you want to file a police report, it can be helpful to have any available evidence collected in case you decide to file a report with law enforcement at a later date. The University of Michigan Police Department (UMPD) can be reached at (734) 733-1131. If the incident(s) occurred off campus and you wish to file a police report, please contact local police (UMPD is available to assist you with this).

**Intake.** The first step OIE takes is to gather information about your concerns. OIE will ask for information, as well as any documentation and witnesses. If you choose to participate in an
investigation/hearing, you will then receive a written statement, as described below. If you choose to participate in adaptable resolution, the information you provide will be used to determine whether and what type of alternative resolution is available. If adaptable resolution is undertaken, the rest of the process explained below does not apply, except for the “Adaptable Resolution” section and those that follow it.

**Investigative resolution - your statement.** You are strongly encouraged to share all information you have regarding the matter. Based on the information you provide, OIE drafts a written statement summarizing your interview, and you are given five calendar days to review the draft for accuracy and completeness. You may submit any comments you wish. OIE reviews all comments and will attach your comments to the investigation report. During your interview and while providing feedback, please mention any questions you wish to be asked of Respondent and witnesses. OIE will ask all relevant questions and pose them in a manner designed to obtain relevant information.

**Interviewing the Respondent.** After OIE understands the nature and scope of the concerns, the Respondent is informed of the allegations and given a full and fair opportunity to respond. During this process, the Respondent is cautioned against engaging in any retaliation against the witnesses or you. After the interview, OIE drafts a written statement for the Respondent, who is given five calendar days to review the draft for accuracy and completeness and to provide feedback, including suggested questions.

**Gathering other information.** OIE interviews witnesses (if they choose to participate and with the understanding they will be identified by name in the report and asked to participate in a subsequent hearing) and reviews all available documentation deemed relevant to the situation. Witnesses are offered the opportunity to review their statements for accuracy and completeness. Depending upon the information obtained during the investigation, OIE may contact the Respondent and/or you with additional questions or to request additional information. OIE will also gather other evidence of any kind as may be available, relevant, and appropriate for consideration. OIE does not accept the results of polygraph tests and related evidence. Only information that is provided to the OIE investigator or otherwise uncovered by the OIE investigator during the course of the investigation may be considered in the determination of whether a Policy violation occurred. Any and all information for consideration by the hearing officer should be provided to the investigator prior to the hearing and any new information will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably available to the parties at the time of the investigation.

**Review of evidence and preliminary investigation report.** After OIE has gathered all available, relevant evidence, the Respondent and you will typically be provided with an electronic file of all evidence gathered during the investigation, and a preliminary report. The preliminary report is a written summary of the information OIE has gathered. It generally includes the statement of each person interviewed (Respondent, witnesses, and you) and other relevant information. The preliminary investigation report does not include a finding or recommendations. You and the Respondent will each have the opportunity to review the electronic file of evidence and the preliminary report, and provide any comments, feedback and additional documents or evidence, up to 15 pages, within 10 calendar days after they are sent to you. OIE will review all comments submitted by either party and will attach those comments to the final investigation report.

All information/documentation provided by either party, or by a witness interviewed in the course of an investigation, may be included in the electronic file of evidence, preliminary
report, and/or final investigation report and shared with you, the Respondent, the hearing officer, and relevant University officials.

**Final investigation report and pre-hearing meeting.** After attaching both parties’ feedback, if any, following review of the evidence and preliminary report, the investigator will provide both parties and the hearing officer with a copy of OIE’s final investigation report, which will not include any findings or recommendations. There will be a pre-hearing meeting to plan for the hearing, including identifying issues of interest to the hearing officer and parties, and to further describe and review the procedures to be followed at the hearing.

**Hearing.** The hearing officer will subsequently conduct a hearing at which both parties and all witnesses will have the opportunity to answer questions posed by the hearing officer, and by the other party. You and the Respondent will both have the opportunity to have your adviser present at this hearing. You will not have any responsibility for organizing the hearing or ensuring witnesses appear. Both parties will have the opportunity to pose questions to one another and witnesses, and the hearing officer will likely ask questions as well. You and the Respondent will each have an opportunity to offer closing remarks at the end of the hearing.

**Decision and follow up.** Following this hearing, the hearing officer will reach a conclusion as to whether or not the evidence supports the conclusion that the Respondent has violated the Policy. This determination will be made using the preponderance of the evidence standard, meaning that the evidence in support a finding of a violation must be more convincing than the evidence offered against it. The hearing officer will issue a written decision and share that decision with the Office of Student Conflict Resolution (OSCR), which will inform you and the Respondent of the finding, make the hearing report available to both of you, and notify you both of any applicable appeal and/or sanctioning processes. OSCR will not share this information with a party who has asked not to receive this type of follow up.

**Adaptable resolution.** The University offers voluntary adaptable resolution processes as requested and appropriate. Adaptable resolution is a voluntary, remedies-based, structured interaction between or among affected parties that balances support and accountability without formal disciplinary action against a Respondent. Adaptable resolution is generally designed to allow a Respondent to acknowledge harm and accept responsibility for repairing harm (to the extent possible) experienced by the Claimant and/or the University community. Adaptable resolution may take different forms, including practices such as a facilitated dialogue, restorative circles/conference process, shuttle negotiation, or circle of accountability. Adaptable resolution is not appropriate for all forms of conduct, and must be approved by the Title IX Coordinator or designee. It is completely voluntary for all involved parties, and will never be required of you. If you are interested in exploring whether adaptable resolution may be available, please let us know.

**Retaliation.** University policy prohibits retaliation. Claimants and witnesses are protected from retaliation for raising sexual misconduct concerns or participating in the investigation/hearing process. Anybody who experiences retaliation is strongly encouraged to report the matter to OIE. An individual who engages in retaliatory behavior, either directly or through others, is subject to discipline. If you have questions about retaliation or believe you or someone else may have experienced retaliation, please contact OIE.

**Resources for support.** The University offers a variety of services to support to students, a short list of which is included below. OIE can provide additional information about resources, as requested. **If you are concerned for your safety, call 9-1-1 immediately.**
- Sexual Assault Prevention and Awareness Center 734/936-3333
- Counseling and Psychology Services 734/764-8312 or www.umich.edu/~caps
- UM Police Department 734/763-1131; Ann Arbor Police Department 734/794-6900
- University Health Service (UHS) 734/764-8320, including Wolverine Wellness 734/763-1320 or www.uhs.umich.edu/wolverine-wellness
- After hours UM Psychiatric 734/996-4747
- Dean of Students 734/764-7420
- UM Student Legal Services 734/763-9920
- Graduate Student Crisis 800/GRAD-HLP (800/472-3457)
- Crisis Line 800/273-TALK (8255)
- www.crisischat.org
- Office of the Ombuds 734/763-3545

More information. If you have any other questions about the investigation or hearing process, please do not hesitate to contact OIE at 734-763-0235.

This information was reviewed with me and I have been given the opportunity to ask questions about the investigative resolution process, resources and related University policies before proceeding to discuss the allegations.

At this point, I choose: (1) investigative resolution – (2) adaptable resolution – (3) no action wanted – (4) not sure (circle one)

___________________________  ____________________________
Signature                  Claimant’s Name (please print)

___________________________
Date

Revised 12/10/2018