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 Respondents**

**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: a friend, family member, Dean of Students Respondent Support Advisor, attorney, etc. Please note that any individual who may be a witness 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.

**Initiating an investigative resolution.** The first step the investigator takes in an investigation is to gather information about the concern at issue. This usually involves interviewing the Claimant and asking them for documentation and names of witnesses, if any. You are not present during the Claimant’s interview and vice versa. After the interview, OIE drafts a written statement for the Claimant, who is given five calendar days to review the draft for accuracy and completeness (if the Claimant is participating in the investigation and to provide feedback, including suggested questions.
Your statement. After OIE understands the nature and scope of the concerns, it contacts you to inform you of the investigation, provide a copy of the policy and investigative resolution procedures, and share general information about the allegations. OIE also requests two meetings with you. During the first meeting, OIE discusses the policy and investigative resolution process and answers any questions you may have about them. OIE also then provides you with detailed information about the allegations. Specifically, you are provided enough information about the allegations to allow you a full and fair opportunity to respond. The purpose of the second meeting is for you to respond to the allegations. During this interview, OIE will ask about the allegations, as well as any documentation and witnesses. If you prefer to respond to the allegations in the first meeting, you may do so rather than wait for the second meeting; however, this is entirely up to you. You are not required to participate in any aspect of the investigative resolution, but you are strongly encouraged to share all information you have regarding the matter. The Complainant is not present during your interview and vice versa. OIE then drafts a written statement summarizing your interview, and you are given five calendar days to review the draft for accuracy and completeness (if you are participating in the investigation). You may submit any comments you wish regarding the draft. OIE reviews all comments and will attach your comments to the investigation report. During your interview and while providing feedback, please identify any questions you wish to be asked of Claimant and witnesses. OIE will ask all relevant questions and pose them in a manner designed to obtain relevant information.

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 Claimant 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 Claimant 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 (Claimant, witnesses, and you) and other relevant information. The preliminary investigation report does not include a finding or recommendations. You and the Claimant 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 Claimant, 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 Claimant 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 Claimant 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 you have 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 Claimant 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.

**Retaliation.** The University policy prohibits retaliation. Claimants and witnesses are protected from retaliation for engaging and/or participating in the investigation/hearing process. Anybody who experiences retaliation is strongly encouraged to report retaliation to OIE. As the Respondent, you must not take direct or indirect retaliatory action against the Claimant, witnesses or any other individual who has participated in the investigative resolution. Individuals who engage in retaliatory behavior, either directly or through others, are subject to discipline in accordance with the Policy. If you have questions about retaliation, you are strongly encouraged to ask OIE.

**Resources for support.** The University offers a variety of services to support to students, a short list of which is included below. The OIE investigator can provide additional information about the resources, as requested.

- Respondent Support, Dean of Students Office 734/764-7420
- Counseling and Psychology Services 734/764-8312 or [www.umich.edu/~caps](http://www.umich.edu/~caps)
- University Health Service (UHS) 734/764-8320, including Wolverine Wellness 734/763-1320 or [www.uhs.umich.edu/wolverine-wellness](http://www.uhs.umich.edu/wolverine-wellness)
- After hours UM Psychiatric 734/996-4747
- 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](http://www.crisischat.org)
More information. If you have any other questions about the investigative resolution process, please do not hesitate to contact the OIE staff member investigating your case at 734/763-0235.

This information has been 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 respond to the allegations.

________________________________________________________
Respondent’s Name (please print)                                 Signature

________________________________________________________
Date

Revised 12/10/2018