**Sexual Misconduct and Discrimination Investigation and Resolution Process for Complaints Involving Employees**

**General Overview**

This outline provides a general overview. A full explanation of the Investigation and Resolution Process for complaints involving employees can be found [here](https://eoa.oregonstate.edu/sites/eoa.oregonstate.edu/files/2020.1.17employeeprocess.pdf) or at [eoa.oregonstate.edu](https://eoa.oregonstate.edu/)

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| **Phase One: Receipt of Report**On receipt of a report, EOA:* Responds to any immediate health or safety concerns raised by the report,
* Evaluates whether the reported conduct is within EOA’s jurisdiction, and,
* If so, reaches out to the Reporting Party[[1]](#footnote-1) to provide resources and offer assistance.
* If the reported conduct is not within EOA’s jurisdiction, refers to other appropriate office or closes the reported matter.
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| **Phase Two: Intake and Assessment*** EOA conducts intake with Reporting Party to further assess if the report is within EOA’s jurisdiction and advises Reporting Party of available resources, support measures, and options for resolution, if desired.
* If the reported conduct is within EOA’s jurisdiction and asserts information that, if true, would constitute a violation of the Sexual Misconduct and Discrimination Policy, EOA will consider requests from Reporting Party for a Facilitated Resolution, an Investigation, or no process from EOA.
* EOA determines whether facilitated resolution or investigation is appropriate, or whether a request for no process is an appropriate action and response.
* At times, in order to protect the safety of the campus community, EOA may need to proceed with an investigation or other appropriate action even if Reporting Party specifically requests that the matter not be pursued (see Section H for more information).

**Phase Three: Facilitated Resolution or Investigation Process** |
| **Facilitated Resolution Process[[2]](#footnote-2) (Section I)**1. Intake and Assessment Associate or Equity Associate meets with Reporting Party to explore options for resolution.
2. If Reporting Party’s request for facilitated resolution involves or impacts Responding Party, EOA coordinates with Employee and Labor Relations, and notifies Responding Party, assesses the willingness of Responding Party to participate, and offers appropriate resources. EOA works with both parties toward mutually agreed resolution.

**Continued on next page**1. EOA documents the Facilitated Resolution.
2. Upon completion, the matter is considered closed and cannot be appealed or investigated.
3. Reporting Party, Responding Party, or Equity Associate may at any time, prior to closure of the matter, elect to withdraw from or terminate the Facilitated Resolution process. In this event, the Equity Associate would determine if, absent a successful Facilitated Resolution, investigation is an option or otherwise necessary.
 | **Investigation Process (Section J)** 1. Equity Associate sends Responding Party a Notice of Investigation, including allegations, alleged Policy violations, and a request to meet.[[3]](#footnote-3) Reporting Party receives a Notice of Acknowledgment of the alleged Policy violations.
2. Equity Associate meets with Responding Party to review process and provide information on available resources and assistance, and offers an opportunity to submit a written statement.
3. Equity Associate conducts an investigation by gathering relevant information, which includes reviewing documents and interviewing parties and witnesses.
4. When the investigation is complete, Equity Associate prepares a Draft Investigation Report.

**Continued on next page**1. Parties have the opportunity to review and submit a rebuttal to the Draft Investigation Report.
2. Equity Associate considers any new information raised in or requests in parties’ rebuttal statements, conducts further investigation as appropriate, and submits Final Investigation Report to the Associate Vice Provost and Senior Director of Employee and Labor Relations for adjudication, with copies to the parties.
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| **Phase Four: Adjudication and Resolution, for complaints that have been investigated (Section J.8 and 9)**1. The Associate Vice Provost/Senior Director of Employee and Labor Relations, or designee, serves as Adjudicator.
2. The Adjudicator may request clarification or further information from Equity Associate.
3. The Adjudicator determines, by preponderance of evidence, whether Policy was violated and simultaneously sends both parties a Notice of Decision, including appeal rights and identity of appellate authority.
4. In cases where there has been a violation of policy, the Adjudicator confers with Responding Party’s supervisory unit on what disciplinary action is appropriate, consistent with applicable policy and collective bargaining agreement.
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| **Phase Five: Appeal, for complaints that have been adjudicated (Section J.10)**1. Both parties have the right to appeal the Adjudicator’s decision regarding whether there has been a violation of Policy. Appeals are to be submitted electronically to the Executive Director of EOA/Title IX Coordinator within five (5) business days of the date of the Notice of Decision, and can be made on one of two grounds set forth in the Employee Process.
2. Administrators outside the Office of Equal Opportunity and Access have been designated as Appellate Authorities.
3. The Appellate Authority makes a decision on the appeal and provides that in writing to the parties. The Appellate Authority’s decision is the final decision of OSU.
4. If a party wishes to contest disciplinary action imposed by their supervisory chain, it must be done through the applicable OSU grievance process or collective bargaining agreement.
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1. When the report is submitted by a third party, EOA will treat the reported impacted party as the Reporting Party. [↑](#footnote-ref-1)
2. The facilitated resolution process is typically not used to resolve complaints when a student has reported sexual misconduct against an employee in a position of authority over the student. [↑](#footnote-ref-2)
3. Responding Party participation is not required; however, the investigation will continue with or without their participation. Updated 3.13.2020 [↑](#footnote-ref-3)