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

**General Overview**

This outline provides a general overview. A full explanation of the Investigation and Resolution Process for complaints involving students can be found [here](https://eoa.oregonstate.edu/sites/eoa.oregonstate.edu/files/investigation_and_resolution_process.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 the scope of 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. | |
| **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 Code of Student Conduct, 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 (Section K)**   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 notifies the Responding Party, assesses willingness of the Responding Party to participate, and offers appropriate resources. EOA works with both parties toward mutually agreed resolution. 3. EOA documents the Facilitated Resolution.   **Continued on next page** | **Investigation Process (Section L)**   1. Equity Associate sends Responding Party a Notice of Charges, including allegations, alleged Code violations, and a request to meet[[2]](#footnote-2). Reporting Party receives a Notice of Acknowledgement of the alleged Code 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.   **Continued on next page** |
| 1. Upon completion, the matter is considered closed and cannot be appealed or investigated. 2. 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. | 1. Parties have the opportunity to review and submit a written response to the Draft Investigation Report and Investigation Record. 2. Equity Associate considers any new information raised in or requests in parties’ written responses, conducts further investigation as appropriate, and submits Final Investigation Report to the Director of Student Conduct and Community Standards (SCCS Director) for adjudication, with copies to the parties. |
| **Phase Four: Adjudication and Resolution, for complaints that have been investigated (Sections L.8, L.9, and L.10)**   1. The SCCS Director, or designee, serves as Adjudicator. 2. Adjudicator may request clarification or further information from Equity Associate. 3. Adjudicator issues notice of Administrative Conference to the parties, providing access to the Final Investigation Report. 4. Adjudicator holds an Administrative Conference; parties may opt to provide a written statement and individually meet with the Director. 5. Adjudicator determines, by preponderance of evidence, whether Code was violated and, if so, determines appropriate sanction(s). 6. Adjudicator simultaneously sends both parties a Notice of Decision, including appeal rights and identity of appellate authority. | |
| **Phase Five: Appeal, for complaints that have been adjudicated (Section L.11)**   1. Parties have right to appeal Adjudicator’s determination of Code violation and any outcome imposed by the SCCS Director or their designee. Appeals are to be submitted electronically to the SCCS Director within five (5) business days of the date of the Notice of Decision, and can be made on one of three grounds set forth in the Code of Student Conduct. 2. The appeal will be considered in a neutral and impartial manner by the appellate authorities; either the Vice Provost for Student Affairs or the Associate Vice Provost and Dean of Students. 3. The appellate authority has the authority to sustain, alter, or reverse the findings and/or sanctions in part or entirely and provides that in writing to the parties. 4. The decision of the appellate authority serves as the final decision of the university on the matter. | |

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. Responding Party participation is not required; however, the investigation will continue with or without their participation. Updated 3.13.20 [↑](#footnote-ref-2)