

Participating in a Title IX and/or Office of Compliance and Ethics Investigation

The following information is provided to increase awareness and knowledge of the investigation process for witnesses, and to address common questions regarding witness participation in the investigation process.

The Investigative Process

In the Title IX and Office of Compliance and Ethics (OCE) investigation processes, an individual bringing forward allegations of conduct that they've experienced themselves is referred to as a "Complainant," and an individual against whom a complaint is brought is referred to as a "Respondent". Collectively, they are referred to as "the parties." Individuals who have direct experience with or knowledge of events, issues, or circumstances related to the investigation, or to whom Complainants or Respondents request that the Investigator interview, are referred to as "Witnesses". You have been identified during an investigation as someone who might have information related to allegations that were made.

The investigation itself is part of the administrative process RIT uses to determine if university policy has been violated. The investigator will gather information and evidence, which may include witness interviews. When a witness meets with the investigator, the investigator will ask the witness questions related to the allegations in the complaint, and may ask if the witness has any information to submit (*e.g.*, documents, texts, emails, images, etc.) for the investigator to review and consider. In some cases, the investigator may ask to interview a witness more than once if necessary to pursue new information or for clarification purposes.

The investigator will take notes during the interview. However, interviews with the investigator are not recorded, and no recording is permitted by anyone participating in the investigation process, including Complainants, Respondents, Witnesses, and Advisors or Advocates.

When all information and evidence has been gathered, the investigator will determine what is relevant to the allegations, conduct an analysis of the relevant information, and complete a Final Investigation Report/Executive Summary that will be provided to the decision-makers. As a witness you are not entitled to investigation reports for review but may be asked to authenticate evidence submitted for investigation.

Participating in the Title IX and/or OCE Processes

When a witness shares information with the investigator, it is an opportunity to participate in promoting an environment that is free from discrimination and harassment for RIT's students and employees. The two applicable policies are C27.0 Policy on Title IX Sexual Harassment for Faculty, Staff and Students, and C06.0 Policy Prohibiting Discrimination, Harassment and Retaliation. Each of these policies has its own set of procedures. The important differences for

witnesses to be aware of are listed below:

Differences in the Title IX and/or OCE Processes

C.27 Policy on Title IX Sexual Harassment for Faculty, Staff, and Students (TIX Investigations)

- Witnesses will be known to the parties and people involved in the grievance process;
- Witnesses may be asked to participate in a hearing;
- Complainant and Respondent receive a copy of the Final Investigation Report and are entitled to see what information witnesses provided during the investigation.

C06.0 Policy Prohibiting Discrimination, Harassment and Retaliation (OCE Investigations)

- Witnesses' names are not revealed to the Complainant/Respondent;
- Witnesses' names will only be seen by those involved in the investigative and decision-making processes;
- Complainant and Respondent may be entitled to see anecdotal information provided by witnesses;
- There is no hearing;
- Complainant and Respondent do not receive the investigator's Final Investigation Report.

The investigation process relies on the willingness of individuals to participate. However, the decision to participate as a witness in the investigation process is an individual one.

The university protects the privacy of individuals who participate in the investigation process, including witnesses. The university does not guarantee confidentiality or anonymity for anyone participating in the investigative process. However, all participants in an investigation are encouraged to keep information learned during the investigation confidential and should not share information with any third party.

We thank you for your participation in the investigation process. If more information comes to your attention, or you have further recollections after meeting with the investigator, please contact them as soon as possible to add to your statement. The university recognizes the difficulty of participating in an investigation and the concerns that witnesses have for how their participation may influence or impact their professional life and personal and professional relationships. If you have these concerns, you are encouraged to contact the Title IX Office to discuss possible ways the university may help to prevent potential acts of retaliation, respond to acts of retaliation that do occur, and/or work with you to provide appropriate and reasonable solutions that may alleviate your concerns.

As a witness you are not entitled to the outcome of the investigation. Once you have met with an investigator, and unless you are called upon to participate in a hearing, you will not receive additional information related to the case.

Questions and Clarification

If you have any questions or would like additional clarification regarding the investigation process, please contact Stacy DeRooy, Director of Title IX and Clery Compliance, via phone at 585-475-7158 or Stacy.DeRooy@rit.edu.