

## **Participating as a Witness in Investigations Conducted by the Office of Compliance and Ethics or the Title IX Office**

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**This information provided below is intended to:**

- *Increase awareness and knowledge of the investigation process; and*
- *Address frequent questions regarding participation in the investigation process.*

### **The Investigative Parties and Interview Process**

In Title IX (TIX) and Office of Compliance and Ethics (OCE) investigations, the term “Complainant” is used in reference to the individual bringing forward allegations of conduct violations that they’ve personally experienced. The “Respondent” is the term used for the individual against whom a complaint is brought. Collectively, the two individuals are referred to as “the parties.”

The term “Witness” is used in to refer to individuals who have direct experience with or knowledge of events, issues, or circumstances related to the investigation, or whom one of the parties request that the investigator interview. If you receive communication from TIX or OCE about an active investigation, and are not the Complainant or Respondent, you are identified as someone who might have information related to allegations under investigation.

The investigation itself is part of the administrative process RIT uses to determine if there is a violation of university policy. The investigator gathers information and evidence, which may include witness interviews and documents. When a witness meets with the investigator, the investigator 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 and may record conversations. An investigator will not record an interview without giving notice to the individual interviewee. Other than the investigator, no one participating in the investigation process, including Complainants, Respondents, Witnesses, and Advisors or Advocates, can record an interview.

When all information and evidence is gathered, the investigator determines what is relevant to the allegations, conducts an analysis of the relevant information, and

completes a Final Investigation Report that is provided to the university decision-makers who make the final determination regarding alleged policy violations.

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

### **Participating in the Title IX and/or OCE Investigation Processes**

By sharing information with the investigator, a witness gets an opportunity to participate in promoting an environment that is free from discrimination and harassment for RIT's students and employees. The two applicable RIT 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 noted below:

#### **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. RIT expects employees to participate and provide truthful information as part of any internal investigation. The university protects the privacy of individuals who participate in the investigation process, including witnesses, and the investigation of a complaint is confidential. The TIX Office and OCE does its best to keep the information shared as part of an investigation confidential but cannot guarantee complete confidentiality or anonymity, as certain information may need to be disclosed to others to get a better understanding of and ultimately resolve the

complaint. OCE and Title IX encourage all participants in an investigation to keep information learned during the investigation confidential and should not share information with any third party.

If you recall additional information that might be helpful after meeting with the investigator, or if more information comes to your attention, please contact them as soon as possible to add to your statement. The university recognizes that participating in an investigation may be difficult, and that witnesses may have concerns regarding how their participation may affect their professional life, and personal and professional relationships. If you have concerns, you are encouraged to contact either the Title IX Office or OCE to discuss how the university prevents and responds to retaliation, and/or works with witnesses to provide appropriate and reasonable solutions to alleviate related concerns.

Thank you for participating in the investigation process.

### **Questions and Clarification**

If you have questions or would like additional clarification regarding the investigation process, please contact the Office of Compliance and Ethics, at 585-475-4648 or [complianceandethics@rit.edu](mailto:complianceandethics@rit.edu).