

What to Expect During the University of Memphis Formal Sexual Harassment Formal Resolution Process

Once a report is made or a complaint is filed, you can expect to be contacted by the Office of Civil Rights Compliance and Title IX (OCRCTIX) Intake Staff for an intake meeting. During the intake meeting, which is conducted separately for both parties, the intake staff will review the process with you. You may elect to describe the incident during the intake interview, or you may wait to be interviewed by the investigator. Both parties are allowed an advisor at any meeting during the process. The complainant, or person subjected to alleged harassment/misconduct, will be asked to review and sign a written statement that will be drafted based on the intake interview. Alternatively, the complainant may choose to submit their own signed statement. **OCRCTIX cannot pursue a formal grievance process for sexual harassment or sexual/gender-based misconduct without a written complaint signed by the complainant.**

The Respondent, or person accused of alleged harassment/misconduct, can choose to respond to the complainant in writing within 5 business days.

Resources or supportive measures including, but not limited to, issuing No Contact Directives, referrals to the counseling center, alteration of residential hall assignment or course schedules can be arranged if necessary. In emergent situations, some of these needs may be assessed prior to an intake meeting.

If the complainant wishes to pursue criminal charges, Intake Staff will put the complainant in touch with UofM Police Services who, depending on the facts of the case, will conduct a criminal investigation or refer the complainant to the City of Memphis Police Department. The UofM Office of Victim Services can also assist with obtaining Orders of Protection and safety planning. **Any criminal process conducted by police would occur separately from and sometimes simultaneously with the OCRCTIX process and information is typically not shared.**

Based on the nature of the claim as determined during the intake meeting, OCRCTIX will determine if a claim should be administratively closed, informally resolved or move forward to an investigation and formal grievance process. Claims which, even if true, do not present a violation

of UofM Sexual Harassment and Sexual/Gender-Based Misconduct Policy may be administratively closed or referred to an appropriate office. Claims that do not involve allegations of physical violence are eligible for an Informal Resolution Process facilitated by trained OCRCTIX staff. Both parties must agree to participate in and can end the informal resolution and return to the formal grievance process at any time prior to an agreement being reached.

Allegations involving student complainants and employee respondents are NOT eligible for informal resolution.

If the allegations raised in the claim could constitute a violation of UofM's Sexual Harassment and Sexual/Gender-Based Misconduct Policy, the case will be assigned an investigator who will interview both parties and any witnesses they identify. The investigator will serve as the parties' point of contact during the process.

At the completion of the investigation, the parties will receive the final report and all evidence gathered during the investigation. Parties will have 10 days to submit corrections to the report or request additional investigative action be taken. After the report becomes final, a hearing officer (i.e. a trained UofM faculty, staff or external) is designated and the hearing scheduled. The Title IX coordinator or designee will meet with the parties prior to the hearing to review logistics for the hearing and to answer any questions. If you have concerns about being in close proximity with the other party involved, please notify the Title IX coordinator so alternative accommodations can be discussed such as using videoconferencing technology.

Hearings are conducted live, in real time and will be audio or video recorded. Parties must use an advisor to conduct questioning on their behalf. If a party does not have an advisor, OCR will provide one free of charge. If the hearing officer finds that the policy has been violated, they will determine what sanctions should be issued. Sanctions vary and range from written warning to expulsion from the University. Both parties will be informed of the outcome of the hearing within 15 business days.

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Appeals must be filed within 10 business days of the receipt of the hearing outcome. The non-appealing party will be notified of the appeal and the appeal officer hearing the appeal. The appeals process includes a review of the investigative file, hearing transcript/video and documents submitted on appeal. Typically, the parties' presence is not necessary. Decisions on appeal are final and end the adjudication of the claim.

Note: Appeals may be filed based on the following: procedural irregularity, new evidence that was not reasonably available at the time of the determination, or bias or conflict of interest.

Advisors

Both parties to a complaint of sexual harassment or sexual/gender-based misconduct are entitled to the presence of an advisor of their choice during all phases of the formal grievance process. Certain UofM faculty and staff have been specifically trained to serve as advisors, therefore, if a party wishes to use a UofM faculty or staff member as an advisor, they can choose from the list of trained employees. The list can be found under the resources tab at memphis.edu/ocrctix.

Retaliation is Prohibited

UofM policy expressly prohibits retaliation against anyone who chooses to exercise their rights to report or oppose sexual harassment or sexual/gender-based misconduct, or anyone who chooses to participate in an investigation or formal grievance process under the policy. Retaliation includes, but is not limited to, intimidation, harassment, threats or other adverse action or speech against the person who reported the misconduct, the parties or the witnesses.