

OEO FORMAL COMPLAINT PROCESS

NOTICE TO OEO

When OEO receives notice, they will reach out to the individual who experienced the conduct about supportive measures and reporting options. That individual may have the option to choose to become a Complainant and initiate a formal complaint.

FORMAL COMPLAINT INITIATED

Complainant (person bringing the complaint) provides information to OEO and a written complaint is created. University can also initiate an administrative complaint under certain circumstances.



NOTICE TO RESPONDENT

Respondent (person responding to the complaint) receives written Notice of Formal Complaint. Will then have the opportunity to meet with OEO to discuss the process.



OR



Respondent can provide a statement in response to the complaint.

Respondent can accept charges and proceed to question of sanctions.



INFORMAL RESOLUTION PROCESS (optional)

Complainant and Respondent can voluntarily agree to engage in an informal process to reach a resolution. Can result in a final Resolution Agreement that ends the process.



INVESTIGATIVE PROCEDURE

An OEO assigned investigator will conduct a prompt, thorough and impartial investigation into the allegations raised in the Formal Complaint. The investigator will work with the parties to identify relevant information. The investigator will interview parties and witnesses, and review documents relevant to the allegations. At the conclusion of the investigation, an Investigative Report will be prepared. Both parties can review and comment on the report before it is final.

QUESTIONS? Contact the Office of Equal Opportunity (OEO)
781-736-4806 oeo@brandeis.edu

PROCESS DETERMINATION

OEO will determine which process will be used for the adjudication of the Formal Complaint based on information from the investigation. Two options:

TITLE IX GRIEVANCE PROCESS

Used when the conduct falls into the definition of Title IX Sexual Harassment/Violence **AND** meets 3 jurisdictional requirements: (1) occurred in U.S., (2) occurred in a University program or activity, and (3) the Complainant is participating in University program.

- Investigative Report goes to a Decision-Making Panel of three people (staff, faculty or someone from outside the University).
- A live video-conference hearing is held. Panel and the parties can ask questions of the other parties and witnesses (only through their support person/advisor).

OR

FORMAL RESOLUTION PROCESS

Used when the conduct does not fall into the definition of Title IX Sexual Harassment/Violence **OR** does not meet the 3 jurisdictional requirements, but still may be a violation of policy.

- Investigative Report goes to a Decision-Making Panel of two or three people (staff or faculty).
- The Panel reviews the Investigative Report and supporting materials to make their decision (no hearing).

IN BOTH PROCESSES

- Panel decides whether the Respondent violated Brandeis policy.
- If responsible, sanction decided by Dean of Students Office or an employee's supervisor or dean with Human Resources.
- Both parties notified of the outcome in writing.

APPEAL

Both parties have the right to appeal a panel's decision (filed within 5 days of the notice of outcome).