Formal Title IX Administrative Investigation: Investigation into allegations that a student violated Brandeis University sexual misconduct and interpersonal violence policy

Process for Formal Investigation
Process for Informal Investigation
Notes

Process for Formal Investigation

Initial Steps:

1. Formal Title IX Investigation: Special Examiner’s Report (SEP)
2. Informal Title IX Investigation
3. View Informal Title IX Investigation chart for process details

Assessment:

1. Point of Contact (POC) meeting occurs between University administrator and complainant. Discussion includes right to report to criminal law enforcement and/or a University Title IX investigation, interim measures and resources.
2. Complainant informs POC they would like to pursue a Special Examiner’s Process (SEP). In an SEP, formal charges are levied against the respondent and the investigation may result in sanction(s).
3. Complainant meets with Case Manager to determine which policy provisions from Section 3 of the Rights and Responsibility Handbook may have been violated. Case Manager works with complainant throughout the SEP by providing weekly case updates, scheduling meetings with investigators and connecting the complainant to resources.
4. Case Manager meets with respondent to notify them of alleged policy violations and SEP. Respondent is provided a copy of the complainant’s CSR.
5. a. If respondent accepts responsibility, the outcomes administrator will issue an outcome, including disciplinary actions or sanctions. End of Process.
   or
   b. If respondent denies responsibility, SEP moves forward into fact-finding phase. Case manager works with the respondent throughout the SEP process by providing weekly case updates, scheduling meetings with investigators and connecting the respondent to resources.
Fact finding:

1. Fact-finding occurs with both parties having an opportunity to discuss their experiences and present evidence to investigators. Both parties are entitled to utilize an advisor and advocate during SEP. Only advisors may attend meetings with investigators.

2. Upon conclusion of all interviews and collection of all known documents and materials deemed necessary and relevant, Special Examiner’s Report is drafted for Outcomes Administrator. The report summarizes factual findings, offers conclusions about the credibility of testimony, and opinions about whether the respondent is responsible or not responsible for alleged policy violations.

Discussion:

1. Complainant and respondent hold separate meeting with Outcomes Administrator to learn about and respond to the Special Examiner’s Report. Both parties are provided a copy of the report. New, pertinent information or names of witnesses may be submitted for consideration. Outcomes Administrator may present follow-up questions to the investigators. Both parties will receive a copy of any supplemental report.

2. Outcomes Administrator renders final decision as to any findings of responsibility and notifies the parties in writing.

3. Sanctions:

4. 
   a. If there is a finding of responsibility, a sanctioning panel is convened to review the Special Examiner’s Report and make recommendations as to the sanction(s) to be imposed. The panel may interview investigators. The panel will not interview parties, witnesses, or other experts. The Outcomes Administrator will communicate the final sanction(s) decision in writing to the parties. Both parties have a right to appeal the outcome. If no appeal is filed, the process ends.

     or

   b. If there is no finding of responsibility, a sanctioning panel is not convened. Both parties have a right to appeal the outcome. If no appeal is filed, the process ends.

Appeals:

1. Complainant and respondent are entitled to appeal the decision of responsibility findings to the University Appeals Board. Appeal requests must be submitted in writing and based on specific evidence of a procedural error that materially affects the decision or a claim of new evidence not previously available, which would materially affect the decision. The Outcomes Administrator will alert both parties when an appeal has been filed. Apellee(s) are permitted to submit a statement to the Appeals Administrator. Special Examiner will respond in writing to the Appeal Administrator.

2. If Appeal Administrator deems grounds exist for an appeal, a University Appeals Board (UAB) is convened. UAB will consider pertinent documents, notes, or other materials considered by the Outcomes Administrator. UAB will interview investigators.
Outcomes:

1. The Appeals Administrator will receive the UAB’s written report and will retain the discretion to amend, uphold, or reverse the original decision of responsibility findings. Parties will receive written notification of appeals outcome.

Process for Informal Investigation

Initial Steps:

1. Submission of a Community Standards Report (CSR) or Campus Police Report alleging sexual misconduct.
2. Informal Title IX Investigation

Assessment:

1. Point of Contact (POC) meeting occurs between University administrator and complainant. Discussion includes right to report to criminal law enforcement and/or a University Title IX investigation, interim measures and community resources.
2. Complainant informs POC they would like to pursue an informal Title IX investigation. In an informal investigation, formal charges are NOT levied against the respondent. Accordingly, sanctions will not result from an informal investigation, however, protective measures focusing on the safety of the complaining party and community may be applied. Examples of protective measures include, but are not limited to, No Contact Orders, relocation of residence hall room, or restricting the respondent’s movements on, and access to, campus.
3. Complainant meets with Case Manager to determine which policy provisions from Section 3 of the Rights and Responsibility Handbook may have been violated. Case Manager works with complainant throughout the informal investigation by providing weekly case updates, scheduling meetings with the investigator and connecting the complainant to resources.
4. Case Manager meets with respondent to notify them of alleged policy violations and informal investigation. Case Manager works with the respondent throughout the investigation by providing weekly case updates, scheduling meetings with the Investigator and connecting the respondent to resources.
5. 
   a. If respondent accepts responsibility, complainant and respondent hold separate meetings with Outcomes Administrator to discuss what, if any, protective measures will be implemented.
   or
   b. If respondent denies responsibility, informal investigation moves forward into fact-finding phase. Case manager works with the respondent throughout the informal investigation process by providing weekly case updates, scheduling meetings with the investigator and connecting the respondent to resources.

Fact finding:

1. Fact-finding occurs with both parties having an opportunity to discuss their experiences and present evidence to the University Title IX Investigator. Both parties are entitled to utilize an advisor and advocate during the informal investigation. Only advisors may attend meetings with the Investigator.
2. Upon conclusion of all interviews and collection of all known documents and materials deemed necessary and relevant, the Investigator drafts a memorandum of their findings for the Outcomes Administrator. The memorandum summarizes factual findings, offers conclusions about the credibility of testimony, and opinions about whether the respondent is responsible or not responsible for alleged policy violations.

Outcomes:

1. Outcomes Administrator renders final decision as to any findings of responsibility. Complainant and respondent hold separate meetings with the Outcomes Administrator to discuss the findings and what, if any, protective measures will be implemented. Parties are also notified of the outcome in writing.

Notes:

- Brandeis University strives to align with the U.S. Department of Education suggestion that investigations be completed within 60 calendar days following receipt of the complaint. Based on past experiences, investigations may take longer due to the complexity of the investigation and depending on the severity and extent of the allegations.
- The full policy statements enumerated in Rights and Responsibilities take priority.
- This document may be updated to reflect Brandeis University policies and procedures.