

Guidelines for Responsible Employee Investigations

Under the SVSH Policy, all University employees who are not Confidential Resources are “Responsible Employees” with the following reporting obligations:

- all Responsible Employees must inform the Title IX office of possible Prohibited Conduct toward any student; and
- designated Responsible Employees¹ must inform the Title IX office of possible Prohibited Conduct toward any other person affiliated with the University,

if the Responsible Employee learns of the conduct in the course of employment (Section II.C.7).

Responsible Employee reporting helps the Title IX Officers respond appropriately to possible Prohibited Conduct, and is critical to the University’s prevention, detection and response efforts. The SVSH Policy provides that non-compliance with the policy, other than Prohibited Conduct, “may result in educational efforts, employment consequences, or educational consequences up to and including informal counseling, adverse performance evaluations, corrective actions, and termination” (Section IV.F).

The Systemwide Title IX Office issues these *Guidelines for Responsible Employee Investigations*, developed in consultation with the location Title IX Officers, to promote consistency in how the University responds to information that a Responsible Employee may have failed to comply with their reporting obligations under the SVSH Policy.

1. Response Options. If they receive information that an employee may have failed to comply with their reporting obligations, the Title IX Officer² may:
 - refer the matter to campus Employee and Labor Relations (ELR) or Academic Personnel (AP), as appropriate, and consult with them on the response; or
 - investigate the matter and reach conclusions about whether the employee failed to comply with their obligations (see 4.b below).
2. Assessment. In determining which option to pursue, the Title IX Officer will consider factors such as:
 - the seriousness of the alleged failure, such as information suggesting it:
 - was knowing or deliberate
 - was intended to deter someone else from reporting to Title IX, had the effect of deterring someone from reporting, or otherwise obstructed the University’s ability to respond
 - resulted in harm to the person who possibly experienced the underlying Prohibited Conduct, or to others
 - whether the employee previously received counseling on their reporting obligations
 - whether the employee failed to fulfill their reporting obligations on other occasions
 - whether the employee failed to take required SVSH training
 - the level of authority and responsibility of the employee, with higher-level employees held to a higher level of accountability

¹ Employees with this responsibility are campus police; human resources administrators; academic personnel administrators; Title IX professionals; managers and supervisors, including deans, department chairs, and directors of organized research units; and faculty members.

² In these Guidelines, “Title IX Officer” may be a member of the Title IX Office staff, such as a deputy or investigator, who the Title IX Officer appropriately designates to carry out the referenced task or function. Other capitalized have the meanings assigned to them in the SVSH Policy.

3. Referral. If the Title IX Officer refers the matter, they will inform ELR or AP of this decision in writing and request that ELR or AP:

- consult with the Title IX Officer on the response,
- work with the employee’s supervisor or other administrative authority to ensure the concern is addressed, *and*
- provide the Title IX Officer documentation of the response, including any corrective action.

The Title IX Officer may be involved in the response as appropriate (for example, by counseling the employee about the SVSH Policy). The Title IX Officer will document the referral and the response in their case management system.

4. Investigation. If the Title IX Officer investigates the matter, they will follow this process:

a. *Notice of Investigation*. The Title IX Officer will send written notice to the employee that includes, at least:

- a summary of the allegation, including that the employee allegedly failed to comply with their Responsible Employee obligations under the SVSH Policy;
- a statement that substantiation of the allegation could result in consequences, such as informal counseling, adverse performance evaluations, corrective actions, or termination;
- a statement that the employee may have an advisor present when they are interviewed and at meetings, and that the advisor is subject to the University’s Rules of Conduct; and
- an admonition against Retaliation.

b. *Coordination with Underlying Investigation*. The Title IX office may conduct the investigation:

- in parallel with its investigation of the Prohibited Conduct the employee allegedly failed to report,
- after that underlying Prohibited Conduct investigation is complete, or
- without an investigation into the underlying Prohibited Conduct.

c. *Written Report*. The investigator assigned by the Title IX Officer will complete an investigation report. The report may incorporate findings of any underlying Prohibited Conduct investigation, if relevant. The investigator’s report will address the following questions:

- Did the employee receive information about possible Prohibited Conduct toward either:
 - a student, or
 - any other person affiliated with University, *if* the employee was campus police, a Human Resources Administrator, an AP Administrator, a Title IX professional, a manager or supervisor, or a faculty member (see Section II.C.7)?
- Was the employee a “Responsible Employee” under the SVSH Policy at the time they received information about possible Prohibited Conduct?
- Did the employee learn of the alleged Prohibited Conduct in the course of their employment?
- Was the alleged Prohibited Conduct covered by the SVSH Policy?
- Did the employee report the information to Title IX?

If relevant, the investigator may also address in their report any of the factors listed above in Section 2: Assessment.

- d. *Notice of Outcome.* The Title IX Officer will send the employee written notice of the investigation outcome and the investigation report, which may be redacted to protect privacy. They will also send these documents to ELR or AP with a request that ELR or AP:
- consult with the Title IX Officer on the response,
 - work with the employee's supervisor or other administrative authority to ensure an appropriate response, *and*
 - provide the Title IX Officer documentation of the response, including any corrective action.
- e. *Timeframe.* The Title IX Office will complete the investigation promptly, typically within 60 business days of sending the Notice of Investigation.
5. Documentation. The Title IX Officer will record the investigation and any responsive action, including any corrective action, in their case management system.

DRAFT