

THE PATH OF A REPORT OF EMPLOYEE PROHIBITED CONDUCT

Upon receiving a report of prohibited conduct by an employee of the University, the University will:

INITIAL ASSESSMENT OF REPORT

1 PROVIDE SUPPORT
and assistance in obtaining University and community resources.

2 PROVIDE INFORMATION
about preserving evidence, obtaining medical treatment, contacting police and Title IX process.

THREAT ASSESSMENT OF REPORT

3 CONDUCT THREAT ASSESSMENT

A EVALUATE SAFETY
of individuals and the University community and provide protective measures.

B EVALUATE REPORTING DUTIES
Evaluate if State law requires reporting to law enforcement or other state agency.

ASSESS COMPLAINANT'S PREFERENCE

4 ASCERTAIN COMPLAINANT'S PREFERENCE

A Complainant may request anonymity and that **no further University** action be taken.

*The University will seek to honor this request if it is possible to do so while also **protecting the health and safety of individuals and the University community.***

B Complainant may request one of two forms of **UNIVERSITY RESOLUTION**

- 1. Formal Resolution**, which involves an investigation, and hearing/sanction (if applicable).
- 2. Alternative Resolution**, which (if available) includes a variety of informal options for resolving reports.

DETERMINE UNIVERSITY ACTION

5 ASCERTAIN UNIVERSITY ACTION

If Complainant requested:

- 1. University Resolution:** grant request and initiate appropriate resolution process.
- 2. Anonymity/No Action:** Balance request with health and safety risk factors to determine whether request can be honored.

CONCLUDE OR BEGIN RESOLUTION PROCESS

Process either concludes or moves on to formal or alternative resolution process



The University also offers access to confidential resources for employees who are unsure about whether to report Prohibited Conduct, or any employee seeking counseling or other emotional support throughout this process.

A Report To Law Enforcement May Be Made At Any Point Throughout This Process

Resources And Support Are Available Throughout This Process

FORMAL UNIVERSITY RESOLUTION PROCESS FOR EMPLOYEES

INVESTIGATION

A Report To Law Enforcement May Be Made At Any Point Throughout This Process

Resources And Support Are Available Throughout This Process

At the beginning of the resolution process:

- 1 WRITTEN NOTICE** will be provided by the Title IX Coordinator to the Complainant and Respondent.
- 2 TRAINED INVESTIGATORS** will conduct a prompt, thorough, fair, and impartial investigation. Both parties will have an equal opportunity to be heard, to submit evidence, to identify witnesses, and to submit questions they believe should be directed by the investigator to each other or to any witness.
- 3 ADVISOR OF CHOICE** may accompany, support, and advise each party throughout the investigation and resolution process.

At the conclusion of the investigation:

Investigator will prepare a **DRAFT INVESTIGATION REPORT** summarizing the information gathered without recommended finding(s), for review and response by each party.

Investigator will prepare a **FINAL INVESTIGATIVE REPORT**, which will include a recommendation as to whether or not there is sufficient evidence to support a finding of responsibility for Prohibited Conduct by a Preponderance of the Evidence.

RECOMMENDED FINDING(S)

A Recommended **FINDING(S) OF RESPONSIBILITY:** Respondent may accept or contest. Parties may submit impact and mitigation statements.

B Recommended **FINDING(S) OF NO RESPONSIBILITY:** Complainant may accept or contest. If complainant accepts finding(s), process is concluded.

REVIEW HEARING, APPEALS, AND FINAL OUTCOME

Next steps for contested finding(s) and/or sanction:

REVIEW PANEL HEARING: Trained panelists will determine (1) whether the concerns stated by the contesting party raise substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation; and, if not, whether there is sufficient evidence to support the investigator's recommended finding(s) by a Preponderance of the Evidence.

ADMINISTRATOR REVIEW/SANCTION: If the Review Panel recommends a finding of responsibility and sanction(s), the appropriate Administrator will affirm or reject that recommendation and determine the sanction(s) in accordance with the disciplinary procedures for the type of employee.

The Decision of the Review Panel/Administrator may be **APPEALED** to the **TITLE IX COORDINATOR**, whose decision is **FINAL**. Provided that, an employee may still have a right to file a grievance pursuant to W. VA. Code §§ 6C-2-1, et. seq.

Typically, the period from commencement of an investigation through resolution (finding and sanction, if any) will not exceed 60 calendar days. This time frame may be extended for good cause. Please see Employee Sexual Misconduct Procedures at www.marshall.edu/adminproc/files/2017-5-23-FINAL-Employee-Procedures.pdf for the entire process.