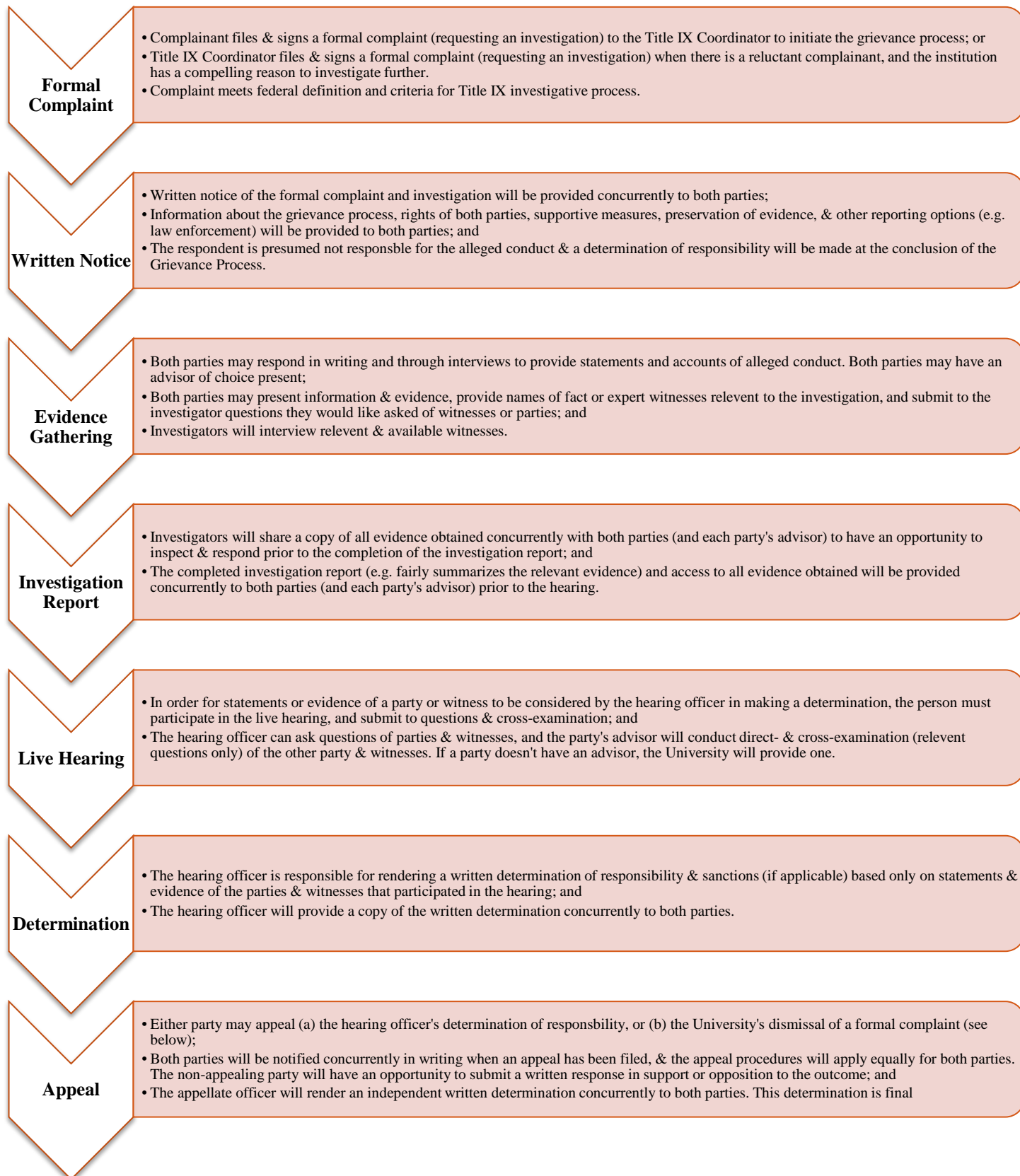


# Investigative Processes

Facts and circumstances of each complaint dictates which investigative process applies

## Investigative Process – Title IX Complaint Sexual Misconduct Under Title IX Policy (ADM3384)



### Formal Complaint Dismissals

MD Anderson may dismiss the formal complaint at any time prior to a determination of responsibility due to requirements under Title IX, non-applicability to the policy, insufficient evidence to make a determination, or a complainant withdraws the formal complaint. Both parties will receive notice if a dismissal is rendered.

The complaint may be referred for investigation through the Sexual Misconduct Prevention Policy investigative/conflict resolution procedures.

### Emergency Removals & Employee Administrative Leave

A respondent may be removed from the University's education program or activity (e.g. interim suspension) on an emergency basis, due to an immediate threat of physical health or safety of a person arising from the allegations. An employee respondent may be placed on administrative leave, during the pendency of the grievance process.

## Investigative Process – Title IX Complaint

### Sexual Misconduct Prevention Policy (ADM0285)

#### Formal Complaint

- Complaint is received that does not meet the federal definition or criteria for Title IX investigative Process
- The Investigator will interview/complete an intake with the complainant to include discussing options for resolution (formal or informal process).
- If informal resolution process is requested by the complainant, the Director, EEO & HR Regulations and Title IX Coordinator will review the request and if approved, the EEO & HR Regulations Office will assist the complainant in methods for informally resolving the concern. If the complainant's request for an informal resolution process is not approved, the investigator will move forward with the formal resolution process.

#### Evidence Gathering/Written Notice

- The Investigator will interview the Complainant, Respondent and all other relevant witnesses.
- Prior to interviewing the Respondent, the EEO and HR Regulations Department will contact and provide written notification to the Respondent as outlined in the policy. The notification will include parties involved, incident date(s), incident location(s) and a description of the incident(s). At least three Business Days after the written notification is provided, the EEO and HR Regulations Department will request a meeting with the Respondent.
- The Investigator will also review and consider all relevant evidence and will consider any interim measures needed.
- If the informal resolution process was initially utilized the EEO & HR Regulations Department may consider information obtained during that process within the course of a formal investigation.

#### Investigation Report

- Upon completion of the investigation, the investigator drafts a report to include findings of facts and a preliminary determination of whether the policy was violated.
- The investigator will present the preliminary investigation report to the Director of the EEO and HR Regulations Department for review.
- The Director, EEO & HR Regulations will: (a) accept the preliminary determination, (b) reject the preliminary determination, (c) amend the preliminary determination, or (d) remand the process back to the investigation stage to address an investigation concern.

#### Determination and Adjudication Process

- After approval of the report, if it is determined that a violation did not occur, the investigator will notify the appropriate administrator with authority over the Respondent (i.e., manager, Department Chairs, SHP Dean, Vice President of Clinical Education) of the no violation finding. The investigator will also provide the Complainant and the Respondent with the determination with any redactions required for compliance with the Family Education Rights and Privacy Act (FERPA) and Texas Education Code, Sec. 51.971.
- If it is determined that a violation of the policy occurred, the Director of the EEO and HR Regulations Department will forward the approved investigation findings to the appropriate administrator over the Respondent for action. Prior to implementing any corrective or remedial actions, the appropriate administrator will consult with the Director of the EEO and HR Regulations Department and provide the Complainant and the Respondent with the investigation findings with any redactions required for compliance with the Family Education Rights and Privacy Act (FERPA) and Texas Education Code, Sec. 51.971.

#### Formal Complaint Dismissals

MD Anderson may administratively close the formal complaint at any time prior to a determination of responsibility due to non-applicability to the policy, insufficient evidence to make a determination, or a complainant withdraws the formal complaint. Both parties will receive notice if a dismissal is rendered.

#### Informal Resolution Option

An alternative to the formal conflict resolution process (outlined above), the complainant may request conflict an informal resolution (if available). All requests are subject to review and approval by the Title IX Coordinator.

#### Administrative Leave

A complainant or respondent may be removed from MD Anderson's education program or activity and/or workplace due to an immediate threat of physical health or safety of a person arising from the allegations.