



INVESTIGATION & RESOLUTION

OIR INVESTIGATIONS INFORMATION FOR RESPONDENTS

IMPARTIALITY

OIR investigators do not represent or advocate for one Complainant or Respondent over any other Complainant or Respondent during an investigation. OIR investigators gather as much evidence as possible to ensure a thorough and impartial review of the allegations in the Report or Complaint.

PRIVACY¹

OIR is not a confidential resource, but information communicated to OIR, and all subsequent OIR documentation, is kept private to the extent possible while resolving the Complaint or Report. OIR may instruct a Complainant, Respondent, and/or Witness not to disclose private information learned through engagement with OIR in order to protect the integrity of an OIR investigation. *See Section 4.5 of OIR's procedures for details.*

OUTCOME DETERMINATION

OIR does not make a determination as to whether a Respondent engaged in conduct in violation of university policy until the conclusion of the investigation process. This means that receipt of a Notice of Investigation letter means only that OIR has received allegations of possible misconduct and is investigating the allegations.

EVIDENTIARY STANDARD

OIR uses the “Preponderance of the Evidence” standard when evaluating whether a Respondent engaged in a violation of campus policy. OIR defines “Preponderance of the Evidence” as “evidence demonstrating that it is more likely than not that a violation [occurred].” *See Section 2.9 of OIR's procedures for details.*

SUPPORT PERSON

A Respondent may bring a support person of their choosing to any meeting with OIR. Please note that if the support person is also a Witness or a direct supervisor, the support person may be asked to remain outside of the meeting room. A support person may not act as a stand-in or representative for the Respondent during any meeting.

INTERIM MEASURES

OIR may implement interim measures after receipt of a Complaint or Report. For OIR's purposes, “interim measures are non-disciplinary actions designed to: (i) restore or preserve access to a non-discriminatory living, learning, and working environment; (ii) promote safety; and/or (iii) deter violations of university policy. Examples of interim measures include, but are not limited to, issuing no contact

¹ Please note that Tennessee citizens may request certain records under the Tennessee Public Records Act. Such requests are reviewed by [UT System Administration](#), and OIR makes every effort to limit responses to only what is required by law.

directives, coordinating changes to an employee's work assignment or schedule, and/or assisting a student in requesting changes to an academic schedule or campus employment assignment." See *Section 3.3.6 of OIR's procedures for details*.

PARTICIPATION IN THE INVESTIGATION

- Notice of Investigation: OIR sends Complainants and Respondents a Notice of Investigation letter confirming that OIR has initiated an investigation.
- Meetings/Interviews: OIR sends Complainants and Respondents notice of all meetings/interviews. During a meeting/interview, a Complainant and/or Respondent may:
 - ask questions about the OIR process;
 - share information about or respond to the allegations;
 - share possible Witness information; and
 - submit other evidence (e.g., documentation, recordings, photographs) for review.
- Review of Statements and Other Evidence: OIR provides Complainants and Respondents the opportunity to review their own statements to OIR and other Relevant Evidence in which they were the original participant (e.g., an email they wrote) before issuing the Investigation Report.
- Receipt of the Investigation Report: OIR sends Complainants and Respondents the final Investigation Report after the conclusion of the investigation.

See Sections 3.4.2 – 3.4.7 of OIR's procedures for details.

APPEALING AN OIR FINDING

Complainants and/or Respondents may appeal an OIR finding to the Chief Campus Compliance Officer. OIR will include appeals information when distributing the Investigation Report. *See Section 3.4.8 of OIR's procedures for details, including the grounds for a valid appeal.*

POSSIBLE DISCIPLINARY ACTION(S)

Any disciplinary actions related to a violation of campus policy are determined by the appropriate vice chancellor or dean and will be implemented in accordance with relevant campus policies and/or procedures. *See Section 3.4.9 of OIR's procedures for details.*

Please note: OIR conducts investigations in light of the campus policies that fall within its limited scope of work. OIR's closure of a case without a finding of responsibility does not preclude a separate unit or department from reviewing or responding to the allegations under a campus policy (e.g., HR0580) within its own jurisdiction.

RETALIATION

OIR's office procedures prohibit Retaliation against any Complainant, Respondent, or Witness engaged in an OIR investigation. Please note that Retaliation is prohibited regardless of whether the original Complaint or Report is substantiated. Contact OIR to report possible Retaliation. *See Section 2.14 of OIR's procedures for details.*

This sheet is a summary of information and serves as a resource for Respondents.
Please see [OIR's office procedures](#) for a complete review of OIR's investigation procedures.