

# Complainant's Rights & Resources

*This document contains the information and support resources shared with the Complainant (i.e. reporting party) regarding the resolution processes offered by the University of Kansas Office of Institutional Opportunity and Access (IOA) in response to reported allegations of discrimination, harassment, sexual misconduct, sexual violence and/or retaliation.*

## **Role of the IOA Investigator**

IOA investigators are neutral and unbiased. Their role is to gather information about the allegation in a diplomatic, culturally competent, and sensitive manner that is fair to both you and the Respondent (i.e. responding party).

## **Right to a Representative**

It is permissible for you to bring a support person, such as a parent, friend, colleague, counselor, advisor, or legal representative to all IOA meetings. If you choose to bring a support person with you we ask that you notify the IOA in advance by calling (785) 864-6414 so that we may make the appropriate meeting arrangements.

## **Interim Measures**

The IOA is able to offer or impose a variety of interim measures to assist you and prevent you from harm. These support services are available regardless of whether you choose to file a criminal or IOA complaint and regardless of whether you choose to participate in a criminal or IOA investigation. Examples of interim measures include, but are not limited to, contact restrictions placed on the responding party, academic accommodations, alternative housing placement, alternative work schedules/locations, course schedule changes, legal assistance, student financial aid assistance, health and mental health support, visa and immigration assistance, and course withdrawal/load reductions.

## **Informal Resolution**

If both you and the responding party independently agree, the IOA can assist you in resolving the reported concern informally through mediation, educational conversations, and other forms of dispute resolution. There are circumstances, however, when due to the severity or pervasive nature of the concern informal resolution is not appropriate. Please note mediation is not an alternative resolution for allegations of sexual misconduct or sexual violence.

## **Formal Complaint Investigation Process**

Should you choose to request the IOA conduct a formal investigation you may be asked to complete the IOA complaint form. This is the first step in gathering information about what you experienced. Next, you will be contacted via email by an IOA investigator who will arrange a time to meet with you and allow you to describe what you experienced in detail. Here you may provide witness names (if applicable), and provide emails, text messages, and other documentation about the allegation.

After gathering information from you, the investigator will interview witnesses (if applicable), as well as interview the responding party to gather information regarding the alleged concern. The responding party will also be asked to provide witness names (if applicable), and provide documentation relevant to the concern.

Please note neither you nor the responding party are present during the other party's IOA interview. Additionally, the IOA will only interview relevant witnesses and review relevant documentation provided by both parties before concluding the investigation process.

### **Standard of Evidence**

"Preponderance of the evidence" is the standard used for evaluating information gathered during the investigation of allegations of discrimination, harassment sexual misconduct, sexual violence, and retaliation. When making a factual determination, the preponderance of the evidence means the fact in issue is more probably true or likely to have occurred than not.

### **Investigation Findings & Appeal**

After reviewing all the information provided by you, the responding party, witnesses, and any additional evidence; the IOA investigator will prepare an administrative findings report and determine if university policy was violated based on a preponderance of the evidence standard. A letter detailing the IOA investigator's finding will be shared with you and the responding party. This letter will also include a recommendation of disciplinary action (if applicable), and explain the appropriate avenues of appeal.

### **Timeframe for Investigation**

The IOA has 60 calendar days to complete the investigation and issue the administrative findings report to both parties. The IOA may extend the investigation beyond the 60 calendar day time frame and will notify both parties of the extension.

### **Amnesty**

The IOA recognizes that a student desiring to file an IOA complaint and witnesses who are asked to participate in an IOA investigation may be hesitant to engage in the investigation process for fear of being held responsible for violations of the University's Alcohol and Drug Policy. To eliminate this concern, a student who files a complaint with the IOA or witnesses who participate in an IOA investigation will not be subjected to discipline under the Code of Student Rights and Responsibilities for personal consumption of alcohol and/or drugs.

### **Preserving Evidence**

When sexual violence such as sexual assault, dating violence, domestic violence, or intimate partner violence is alleged, it is important to preserve evidence when possible. Physical evidence is best collected within 72 hours of the assault. Evidence can be preserved by not showering/bathing or laundering your clothing to avoid washing away evidence. You can also preserve evidence by saving text messages, social media communications, and other information that may be useful for the investigator.

### **Confidentiality & Anonymity**

All information shared with the IOA is treated with discretion and tact. Nevertheless, certain information provided to the IOA may need to be disclosed to other University officials. Those who participate in an IOA investigation are only provided with sufficient information to allow them to respond fairly to the alleged concern.

As the reporting party, you are welcome and encouraged to participate in the IOA investigation to your desired level of comfort. Participation in the IOA investigation process is voluntary.



You may also change your mind and decline to participate in the IOA investigation once the investigation process has started.

Please be aware that there are circumstances when the IOA may still choose to move forward with an investigation even if you are no longer interested in providing information or continue to be involved. However, without your involvement, the IOA's response to the alleged concern may be severely limited.

### **Retaliation**

The University of Kansas prohibits retaliation against those who file an IOA complaint and witnesses who participate in an investigation. If you believe you are experiencing retaliation in any form, please let our office know as soon as possible. The IOA will respond promptly to all allegations of retaliation.

### **Campus & Community Support Resources**

Your safety and well-being are very important to us. Below is list of resources available on campus and in the community that may assist you.

#### **Confidential University of Kansas Support Resources**

CARE Coordinator	785-864-9255
Watkins Health Services	785-864-9507
KU Psychological Clinic	785-864-4121
Counseling & Psychological Services	785-864-2277
Legal Services for Students	785-864-5665

#### **Non-Confidential University of Kansas Support Resources**

Emily Taylor Center for Women and Gender Equity	785-864-3552
Department of Student Housing	785-864-4560
Office of the Vice Provost for Student Affairs	785-864-4060

#### **Lawrence & Community-Based Resources**

The Sexual Trauma and Abuse Care Center (24/7)	785-843-8985
Willow Domestic Violence Center (24/7)	800-843-3333
Lawrence Memorial Hospital Emergency Room (24/7)	785-505-6162
Douglas County Legal Aid Society	785-864-5564
Bert Nash Mental Health Center (24/7)	785-843-9192
Headquarters Crisis Counseling Center	785-841-2345
Kansas Legal Services	800-723-6953



## Abuse of the Complaint Resolution Process

The IOA takes all allegations of discrimination, harassment, sexual misconduct, sexual violence, and retaliation very seriously. However, knowingly filing a false complaint to harass another member of the campus community is considered an abuse of the complaint resolution process and may be subject to sanction.

## Criminal Allegation Resolution Resources

The IOA complaint investigation process is independent of any other complaint resolution process. You have the right to file a criminal complaint with the appropriate law enforcement authorities. You may pursue these options in addition to or instead of filing a complaint with the IOA.

University of Kansas Public Safety Office (24/7)	785-864-5900
Lawrence Police Department (24/7)	785-832-7509 or 911
Douglas County Sheriff's Department	785-841-0007 or 911

If you are concerned for your safety, call 911. The IOA can assist you in making a report to law enforcement.

## External Resources

Students may file discrimination, harassment, sexual misconduct, sexual violence, and retaliation allegations with the U.S. Department of Education Office of Civil Rights (1-800-421-3481) or the Kansas Human Rights Commission (785-296-3206).

*I acknowledge that the information identified above was communicated to me by an IOA representative and that I have had the opportunity to ask questions about the information and rights afforded to me by the complaint resolution process. I also acknowledge that I have received a copy of the Discrimination Complaint Resolution Process and list of campus and community support resources.*

- I desire IOA to assist me in resolving my allegation(s) informally without filing a formal complaint;
- I desire to file a formal complaint and for the IOA to conduct a formal investigation;
- I **do not** wish to file a formal complaint and request the IOA take no action at this time.

Printed Name of Complainant: \_\_\_\_\_

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

This information was communicated by and the Complainant's signature was witnessed by the undersigned IOA representative: \_\_\_\_\_

