



OFFICE OF
**EQUAL OPPORTUNITY
AND ACCESS**
Illinois State University

310 Hovey Hall
Campus Box 1280
Normal, IL 61790-1280
Phone: (309) 438-3383
Fax: (309) 438-7395

Information for Respondents

We are neutral. The Investigator does not take sides. We are committed to providing a fair and unbiased review, and our investigations are focused on the information available. We also help Complainants and Respondents by providing information about support and advocacy services. If you have a concern that the Investigator cannot conduct a fair and unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.), please contact Mboka Mwilambwe, Interim Director, OEOA, immediately. Mboka may be reached at (309) 438-3383 or mtmwila@ilstu.edu. The situation will be assessed and a determination made as to whether a different investigator should be assigned to the matter.

Support person. The Respondent may bring a support person with them to any meetings with the Investigator. We request that Respondents please let us know at least 48 hours prior to the meeting if they will be bringing a support person. Examples of a support person/advisor may include, but are not limited to: a friend, family member, advocate, attorney, etc. An individual who may be a witness in the investigation may not be present during the Respondent's interview.

Interim measures. In some cases, interim measures may be appropriate. These measures may include separating the parties or such other measures as may be appropriate under the circumstances. OEOA will ask about interim measures, although such measures are sometimes in place before OEOA contacts the Respondent.

Investigation Process. OEOA will determine the most effective method of investigating the concerns raised by the Complainant. In most cases, this will involve conducting a thorough fact-finding investigation, which includes meeting with the Complainant, Respondent, pertinent witnesses, and reviewing and analyzing relevant documents as they relate to each allegation of the complaint. Each Complainant, Respondent and witness will be given a copy of their statement summary for review and comment. Occasionally, a different or less formal response to the complaint may be warranted.

Initiating an Investigation. The first step OEOA takes in an investigation is to gather information about the complaint. This usually involves interviewing the Complainant and gathering all information the Complainant has, including documentation and names of witnesses, if any. The Respondent is not present during the Complainant's interview and vice versa.

Interviewing the Respondent. After OEOA understands the nature and scope of the complaint, the Respondent is asked about the allegations. Respondents are provided enough information about the allegations to allow them a full and fair opportunity to respond. The level of detail necessary to do that depends on the circumstances surrounding the event. The Respondent is also asked to provide any

documentation and identify witnesses relevant to the complaint. Respondents are encouraged to share all information they have regarding the matter.

Gathering other information. OEOA interviews witnesses and reviews documentation that it believes is relevant to the situation. OEOA may also contact the Complainant and Respondent with additional questions or to request additional information.

OEOA Investigation Report. The OEOA Investigator will typically prepare a written report at the conclusion of the investigation. The Complainant and Respondent will be given an opportunity to review the draft OEOA report and have five (5) days to submit comments on that draft to the Investigator. OEOA reviews the comments submitted by the parties, if any, and determines whether the report should be modified. All comments from the parties are considered in reaching a determination on the matter.

Following the receipt of any comments submitted, or after the five (5) day comment period has lapsed without comment, the Investigator will make a determination regarding the merit of the allegations. The Investigator's written report will typically contain (1) a summary of the Complainant's relevant allegations, (2) a summary of the Respondent's relevant statements in response to the allegations, (3) a description of the relevant information provided by witnesses or obtained from documents including comments submitted in response to the draft report, and (4) the Investigator's analysis and findings. The Investigation Report will be provided to the Complainant, the Respondent and the appropriate University official(s).

All information or documentation provided by either party, or by a witness interviewed in the course of an investigation, may be included in the final investigation report and shared with the other party to this matter and relevant University officials.

Decision and follow up. If OEOA determines that inappropriate behavior or discrimination or harassment has occurred, the relevant administrators will follow up with corrective action aimed at addressing the impermissible behavior.

Investigation Time Frame. The Investigator will seek to complete their investigation promptly and within 60 business days from the date the Complainant filed with OEOA. However, OEOA reserves the right to extend this time frame by a reasonable period, depending on the nature and scope of the investigation.

Corrective Action. While OEOA does not impose corrective action, the Respondent should be aware that the University takes all allegations of discrimination and harassment very seriously. After OEOA conducts a fair, equitable and timely investigation, if corrective action is warranted, such action can include, but is not limited to, specialized training, time off work without pay, and other actions up to and including termination or academic suspension or expulsion.

Right of Appeal. Either or both the Complainant and/or Respondent may file a letter of appeal with the President of Illinois State University. **Appeal letters to the President must be made in writing and within 10 business days from the date of the OEOA administrative report of investigation.**

Upon receipt of the appeal, the President will review the OEOA investigation determinations and the information provided in the letter of appeal. The President's decision regarding the appeal will be issued, in writing, to the Complainant, Respondent, and the OEOA no more than 60 business days from

receipt of the appeal letter. The President’s written decision of the appeal will constitute the final step in the University’s administrative process.

Retaliation. The University has a strong policy against retaliation. Respondents who engage in retaliatory behavior, either directly or through others, are subject to discipline, up to and including termination of employment or expulsion. Complainants, witnesses and any other individual who participates in the OEOA investigation are protected from retaliation.

Resources for support. The University offers a variety of services to support faculty, staff and students with discrimination and harassment concerns. The available resources vary somewhat depending upon the nature of the case and whether the Complainant is a student, faculty or staff member. OEOA can assist in identifying appropriate resources. **Any individual who has experienced a crime or is concerned for their safety should call ISUPD at 9-1-1 immediately.** A short list of some available resources include:

- Employee Assistance Program: (309) 438-8311 or <http://hr.illinoisstate.edu/benefits/eap/> (employees)
- Student Counseling Services: (309) 438-3655 or <http://counseling.illinoisstate.edu/> (students)
- Sexual Assault Prevention & Survivor Services: (309) 438-7948 or <http://counseling.illinoisstate.edu/sexual-assault/> (students)
- Quick Reference Guide – Resources and Reporting Options for Sexual Assault, Dating/Domestic Violence, and Stalking: <https://titleix.illinoisstate.edu/downloads/resources/Quick%20Guide%20Interpersonal%20and%20Sexual%20Violence%20Resource%20April%202023.pdf>

More information. If you have any questions about the investigation, investigation process, resources or related matters, do not hesitate to contact the OEOA staff member investigating your case at (309) 438-3383.

This information has been reviewed with me and I have been given the opportunity to ask questions about the investigation process, related University policies and resources.

Respondent’s Name (please print)

Signature

Date