

Office of Institutional Equity

Witness Information Sheet

The Role of the Office of Institutional Equity

- We are neutral. OIE's role is to conduct an impartial, fair, and unbiased investigation into allegations of violations of the University's Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Retaliation Policy ("Policy").
- OIE investigators cannot provide advice or suggestions but can provide interim measure support.
- At the conclusion of the investigation, OIE's role is to determine whether or not the Policy was violated. Where OIE concludes a Policy violation occurred, OIE will refer the case to the appropriate office for sanctioning/disciplinary action. If OIE determines that the Policy was not violated, it means that the standard under the Policy was not met or there was insufficient information to establish that the Policy was violated. This should not be mistaken for OIE concluding that an individual did/did not experience an incident.

The Role of a Witness

- A witness is a person believed to have information regarding an incident being investigated, including, but not limited to, someone present when the incident occurred, someone the claimant or respondent communicated with about the incident, and/or someone who may have information relevant to the investigation.
- For Student Witnesses, participation in the OIE investigatory process is voluntary. While MSU encourages Student Witnesses to cooperate with the investigative process, MSU cannot compel or require student witnesses to participate. Participating student witnesses meet or speak with an OIE investigator to provide relevant information and evidence.
- For Employee Witnesses, OIE encourages you to participate in the investigative process. Generally, an Employee Witness will meet with an OIE investigator and talk about what you know. Please know that Employee Witnesses may be compelled to meet with OIE about the information they possess.
- In general, OIE will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait, including honesty or chastity.
- Where OIE identifies multiple witnesses with the same information, OIE may determine that it is not necessary to interview all witnesses identified by the parties if information was sufficiently corroborated by others or if a witness does not have information relevant to the investigation (e.g. character witness).
- Both the complainant and the respondent may suggest witnesses; however, OIE may identify additional witnesses throughout the course of the investigation. The number of witnesses presented by a party is not determinative of the outcome.
- The Policy prohibits retaliation against individuals participating in the investigation process, including witnesses. Witnesses should notify OIE of any retaliation concerns as soon as possible. If OIE is not provided information about the retaliation, OIE may not know it is occurring and cannot act to stop the alleged retaliatory behavior.

Collection and Sharing of Information

Both the complainant and the respondent will have the opportunity to provide a statement, submit evidence, and identify potential witnesses. All information must be submitted by the deadline for review of the preliminary factual report of findings. Information provided is not confidential, and may be disclosed to the other party and included in the Final Report of Findings. In instances of employee investigations, information collected by OIE may be used in other University processes. Information provided may also be disclosed in response to subpoenas by law enforcement agencies and Freedom of Information Act Requests received by the University.

Summary of the Investigation Process

An investigation typically involves the following:

- Interviews of the complainant (the individual who experienced the alleged behavior), the respondent (the individual responding to the complaint), and any relevant witnesses;
- Collection of any relevant documentary evidence;
- Preparation of a preliminary factual report of findings that provides a summary and analysis of all evidence collected. The complainant and respondent will both have an opportunity to review the Preliminary Factual Report of Findings and provide feedback prior to the issuance of the Final Report of Findings; and
- Preparation of the Final Report of Findings that includes a determination of whether or not there has been a violation of the Policy.
- Every reasonable effort will be made to complete a formal investigation within 60 business days; however, delays are often necessary based on a variety of factors including availability of parties, witnesses, and documents; volume of cases; and the occurrence of academic breaks during the year.
- Witnesses are not notified of the conclusion or outcome of an investigation process.

Student Amnesty for Drug and Alcohol Use

The University strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who provide information about sex-based discrimination, sexual harassment, sexual misconduct, dating violence, domestic violence, or stalking involving students will not be disciplined by the University for any violation of the University's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

Retaliation Prohibited

The Policy prohibits retaliation against individuals who provide information to the University, bring forth a complaint, or who are asked to cooperate in an investigation. Whether or not you participate in the University's investigation process, you have a right to be protected from retaliation related to the information you share with the University. If you are experiencing retaliation, please contact OIE at 406-994-2042 immediately so that we may address it promptly.

Additionally, federal civil rights laws, including Title IX, make it unlawful for the University to retaliate against an individual who brings concerns about possible civil rights violations to its attention. It is also unlawful for the University to retaliate against an individual (such as a witness) for participating in the complaint or investigation process.

If the University is made aware of retaliation against a complainant, witness, or respondent by other students, employees, or third parties, the University can take action to stop the potentially retaliatory behavior, and determine what has occurred.

