



UNM

OFFICE of EQUAL OPPORTUNITY

Addendum 2:

**Checklist for Formal Investigation Process -
Departmental**

- OEO receives notice of complaint(s) or request from a Dean or Director.
- OEO determines jurisdiction and scope of investigation within five (5) business days of compiling facts that indicate that a departmental investigation is warranted.
- If OEO accepts jurisdiction for a departmental investigation, the University acts as Complainant.
- Upon acceptance of jurisdiction, OEO meets with Respondent(s) and notifies them that a departmental investigation has been opened due to concerns regarding their conduct. "Respondent" may be an individual or multiple individuals. OEO gives them a general overview of the allegations and the name of the assigned investigator(s). Respondent is also notified about the process, the rights and responsibilities of the parties and the University's prohibition against retaliation.
- OEO starts investigation of any early evidence preservation including surveillance video or electronic evidence.
- OEO will determine the scope of the investigation including witnesses, documents and other evidence.
- After gathering all available, relevant information in the investigation, OEO will invite Respondent to discuss the allegations and provide them an opportunity to respond to those allegations via interview.
- Respondent is interviewed and a Confirmation Letter of Response (COR) to allegations is drafted by OEO. Respondent has five (5) business days from the date the COR to review and provide any necessary edits, additions or comments.
- If Respondent edits the Confirmation Letter, OEO has five (5) business days to provide the revised confirmation letter to Respondent and Respondent has two (2) business days to review and sign the confirmation letter.
- If a Respondent does not respond or does not provide signature, OEO consider this to mean that Respondent is choosing not to participate and OEO will move forward with the investigation without their response or participation. An OEO investigation where policy violations have been found may result in disciplinary action even without Respondent participation.

- OEO issues a Draft Report that contains information about the allegations, response from the Respondent and a summary or description of all relevant evidence gathered in the investigation. OEO provides this draft report to the Respondent and appropriate Dean or Director.
- Those who receive the Draft Report have five (5) business days to provide comment, response or new factual information.
- After the parties have provided comments and/or new, factual information, or when the deadline has passed with no response from the parties, OEO writes a Final Report which includes the information from the Draft Report, any new information garnered from the parties, and an analysis and finding of whether or not civil rights policies was violated.
- Respondent has five (5) business days to submit an appeal to the Office of the President.
- After the conclusion of any appeal to the President, OEO closes the investigative file and sends notice to the parties that the investigative file has been closed. If any policy violations have been established or the investigation has discovered information that may be a policy violation not related to civil rights, OEO forwards the pertinent information to the sanctioning body (staff, faculty or student sanctioning bodies) and provides notice of this in the closure letter.
- Parties may submit appeal to the Board of Regents pursuant to Regents Policy Manual Section 1.5.