

PARTICIPANTS IN A TITLE IX INVESTIGATION

BYU
Title IX

The following information is provided to increase awareness and knowledge of the investigation process for parties and witnesses, and to address some common questions and concerns regarding participation in the investigation process.

An investigation is part of the administrative process BYU uses to determine whether University policy has been violated. The investigation is not a legal or disciplinary proceeding, and as a result, a Title IX investigation does not determine guilt or innocence relative to any local, state or federal law, and thus does not adhere to the same rules that govern or might be applied in a legal proceeding.

Definitions

Complainant: Individual who is alleged to be the victim of conduct that could constitute Sexual Harassment

Respondent: An individual who is alleged to be the perpetrator of conduct that could constitute Sexual Harassment

Sometimes Complainants and Respondents are referred to individually as “a party” or jointly as “the parties.”

Witness: Individuals who have direct experience with or knowledge of events, issues, or circumstances related to the investigation, or with whom Complainants or Respondents want the investigator to speak.

Investigator: Assigned by the Title IX Coordinator, the investigator is charged with gathering information and evidence. Does not act as an advocate or represent BYU in a legal action or proceeding, and does not provide any legal advice related to the investigation process.

Advisor: All parties are permitted to have an advisor, who may be an attorney, attend all related meetings throughout the investigation process. This advisor may be a friend, family member, or any individual with whom the party is comfortable.

Decision Maker(s): Individuals assigned to make a Determination Regarding Responsibility based on the preponderance of the evidence (more likely than not). Decision makers will be appointed according to University policy. Neither the Title IX Coordinator nor the Investigator may serve as a Decision Maker



QUICK FACTS

A Title IX Investigation is not a legal proceeding

The investigative process is initiated by a Complainant filing a formal complaint

All University personnel who participate in a Title IX investigation will receive annual training

Investigative proceedings are confidential

BYU provides confidential Sexual Assault Survivor advocates and a Respondent Advisor