



Office of Compliance and Integrity

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[wisconsin.edu/compliance](http://wisconsin.edu/compliance)

# **Employee Misconduct Investigations**

## **Investigative Services Guidelines & Resources**

**Universities of Wisconsin Administration  
Office of Compliance and Integrity**

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## INTRODUCTION

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The Universities of Wisconsin Administration Office of Compliance (OCI) offers investigative services for UW Administration and the Universities of Wisconsin. Upon request, OCI investigators will conduct fact-finding investigations on a variety of matters, including but not limited to, complaints, disputes, grievances and/or violations of policy, administrative code, or other law that involve allegations of sexual misconduct, harassment, discrimination, retaliation, ethical misconduct, and other types of misconduct.

Utilizing OCI investigative services allows campuses to have a neutral, third-party conduct the investigation and assess the matter. OCI investigators are available to assist campuses and alleviate the burden of lengthy and onerous investigations. OCI investigators work in consultation with System HR, campus HR, and the Office of General Counsel (OGC) throughout the entirety of the investigation. At the end of an investigation a report is provided to the university after it is reviewed by OGC. Depending on the needs of the university, the report may contain a summary of interviews, evidence, any policy or law that may be implicated, and a brief analysis. Investigators are then available to discuss their reports further and provide any necessary testimony.

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Board of Regents. Any decisions made by the Board of Regents in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

## REQUESTING INVESTIGATIVE SERVICES

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### **I. Gather Information and Relevant Documents**

When a situation arises that may warrant an investigation into an employment-related matter, it is necessary for the local university to conduct an initial intake assessment.

The primary purpose of the initial intake assessment is to gather sufficient information to determine whether an investigation by OCI is warranted, for the university to take prompt and remedial measures to ensure the security and safety of persons and property, and for the university to comply with any mandatory reporting and/or notification requirements.

If, at the end of the initial intake assessment, it is determined that an investigation is warranted, an investigation request to OCI may be made.

During an initial intake assessment, the university may provide OCI with relevant documentation. Such documents may include, but are not limited to:

- Written complaint
- Related emails or correspondence
- Employment records, such as tenure letters or past disciplinary records

## **II. Submit Investigation Request Form on OCI website**

To obtain OCI investigative services, please complete the following form: <https://www.wisconsin.edu/compliance/investigative-services/>. This link is also accessible on the OCI website.

After the request is received, OCI Investigators will email the university point of contact as specified in the investigation request within 48 business hours.

OCI Investigators will schedule a scope of investigation meeting and request relevant documents and other information.

Depending on the parties involved in the matter for which an investigation has been requested, the university will inform OCI whether the chancellor or designee will be notified of the matter, if updates will be necessary on an ongoing basis, and if so, who from OCI or the university will be providing that notification and updates. If OCI is asked to communicate directly with the chancellor or designee(s), OGC will be contacted first to consult on any such communication.

# **CONDUCTING THE INVESTIGATION**

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## **I. Overview**

### **a. Dual Investigator Model**

- i. OCI investigators may conduct investigations through a dual-investigator model. This model helps protect against claims of bias against the investigators and in the appeal process. When conducting such an investigation, each case has a designated lead investigator. The lead investigator communicates with the university and is the primary point of contact for all witnesses and parties. Both investigators are active in every investigation and participate in all interviews. Having two investigators present during an interview allows the lead investigator to build rapport with the interviewed party, while the second investigator assists with note

taking, noticing gaps in information, and necessary follow up questions. Additionally, it allows the OCI investigative team the ability to immediately act on a new case once a request for an investigation is made.

## **II. Preparing for the Investigation**

- a. Scope of Investigation
  - i. The scope of the investigation should outline the allegations, the policy and/or law, the parameters of the investigation, and the type of investigative report structure that may be used in the final investigative report.
  - ii. During Investigators' initial meeting with the university, Investigators will work with the university and OGC to determine the scope of the investigation.
  - iii. After the initial meeting, Investigators will provide the university with a written scope of investigation via email. The university can provide input or edits to ensure the scope accurately reflects the initial meeting discussion.
  - iv. If, during the investigation, Investigators receive information outside the scope of investigation that warrant the attention of the university, Investigators will alert the university to determine if the investigation's scope should be expanded.
- b. Relevant Policy, Rule, or Expectation
  - i. The relevant policy, rule, or expectation that may be implicated for the matter will be discussed during the scope of investigation/initial meeting. When the investigation involves a complainant and respondent in the context of a personnel or student conduct investigation, this relevant policy, rule, and/or expectation should be included in the notice of investigation provided to complainants and respondents.
  - ii. If additional policies, rules, or expectation are implicated during the investigation, additional violations will be discussed with OGC and the university.
- c. Standard of Proof
  - i. The standard of proof refers to the minimum level of certainty necessary to reach a conclusion.
  - ii. The most common standard of proof used in employment-related investigations is "preponderance of the evidence," which means it is more probably true than not that a particular conclusion is true. That is, after considering all relevant and available evidence, if you have a greater than 50% certainty that "conclusion X" is true, you can state that, based on a preponderance of the evidence, you have concluded that "conclusion X" is

true. In some circumstances, a different standard of proof may apply in an employment-related investigation.

- iii. The appropriate standard of proof for the specific investigation will be included in the final investigation report.
- d. Decision to Proceed
  - i. During the initial meeting with Investigators, a determination may be made that an investigation is not the most appropriate path forward. This may mean some type of alternative resolution is sought, such as mediation.
- e. Investigation Plan of Action
  - i. During the initial meeting, Investigators will often provide a general plan of action moving forward. Typically, Investigators meet with the complainant first and then any relevant witnesses. Investigators attempt to meet with the respondent(s) last to ensure respondent(s) have the opportunity to respond to all relevant information collected during the investigation.

### **III. Collecting and Preserving Evidence**

- a. It is important to retain all evidence gathered during the investigation, including both evidence that is of great value and evidence that turns out to be of little or no relevance to your conclusion. You should retain emails, time sheets, parking logs, videos, voicemails, and all other documents/records.

### **IV. Conducting Interviews**

- a. Scheduling Interviews and Providing Notice
  - i. Interviewing witnesses is an important means of collecting evidence during investigations. Draft introductory emails to complainants, witnesses, and respondents are attached in the below section titled [Investigative Templates](#). It is important to ensure any necessary accommodations and/or resources are provided, if requested and/or required.
  - ii. Investigators make every reasonable effort to conduct interviews as soon as possible.
  - iii. At times, witnesses do not respond to Investigators' requests to meet. When witnesses are not responding to Investigators' requests, Investigators typically reach out three separate times to ensure due diligence has been taken. In some circumstances, it is necessary to request the university's assistance to contact the witness and assist with scheduling. This is determined on a case-by-case basis.
- b. Drafting Interview Script and Questions
  - i. When you go into an interview, it is important to know what information you hope to gather. Accordingly, drafting questions in advance of each

interview is appropriate. Keep in mind that rigid adherence to the questions is not necessary. It is important to be able to actively listen and participate in the interview and ask appropriate follow up questions based on the witness's response or lack of response during the interview.

c. Conducting the Interview

i. Introduction to Parties

1. Complainant

a. Investigators introduce themselves and provide an outline of the investigation process. Investigators also inform the complainant that a summary of this interview will be included in a final report to the university. Do not promise confidentiality to the complainant, as confidentiality cannot be ensured given the nature of the process. It is important to include the following information in the investigator's introduction:

- i. Name, title, and role
- ii. Introduce anyone else on the call (i.e., the non-lead investigator present)
- iii. The investigation process – complainant interview, witness interviews, respondent interview, any additional witness interviews provided by respondent, and drafting of report
- iv. The complainant and respondent both may have the right to a copy of the investigative report. The investigative report may also be subject to Open Records law. The investigative report will also be provided to appropriate stakeholders within the university.
- v. Advise that retaliation is prohibited and that they are to advise HR immediately if they believe they are being retaliated against due to the fact that they filed the complaint and/or participated in the investigation. Additionally, they should be advised that they are not to retaliate against anyone else involved in the investigation.
- vi. Provide the complainant the opportunity to ask any questions about the investigation. In addition, let them know they are welcome to ask questions at any point.

- vii. At times, the use of a witness key may be necessary. If a witness key is being used, ensure the complainant understands the witness key is a separate document that identifies witness names. The witness key is typically provided to the respondent.

## 2. Witness

- a. At the start of the interview, Investigators introduce themselves and provide background on the purpose of the interview. Investigators also inform the witness that a summary of this interview will be included in a final report to the university. Do not promise confidentiality to the witness, as confidentiality cannot be ensured given the nature of the process. It is important to include following information in your introduction:
  - i. Name, title, and role
  - ii. Introduce anyone else on the call (i.e., the non-lead investigator present)
  - iii. Explain the investigative report may be shared with complainant, respondent, and appropriate stakeholders within the university.
  - iv. Advise that retaliation is prohibited and that they are to advise HR immediately if they believe they are being retaliated against due to their participation in the investigation.
  - v. Provide the witness the opportunity to ask any questions. In addition, let them know they are welcome to ask questions at any point.
  - vi. At times, the use of a witness key may be necessary. If a witness key is being used, ensure the witness understands the witness key is a separate document that identifies witness names. The witness key is typically provided to the respondent.

## 3. Respondent

- a. Investigators introduce themselves and provide an outline of the investigation process. Investigators also inform the respondent that a summary of this interview will be included in a final report to the university. Do not promise confidentiality to the respondent, as confidentiality cannot

be ensured given the nature of the process. It is important to include the following information in your introduction:

- i. Name, title, and role
  - ii. Introduce anyone else on the call (i.e., the non-lead investigator present)
  - iii. The investigation process – complainant interview, witness interviews, respondent interview, any additional witness interviews provided by respondent, and drafting of report
  - iv. The complainant and respondent both may have the right to a copy of the investigative report. The investigative report may also be subject to Open Records law. The investigative report will also be provided to appropriate stakeholders within the university.
  - v. Advise that retaliation is prohibited and that they are to advise HR immediately if they believe they are being retaliated against due to their participation in the investigation. Additionally, they should be advised that they are not to retaliate against anyone else.
  - vi. Provide the respondent the opportunity to ask any questions. In addition, let them know they are welcome to ask questions at any point.
- ii. Initial Questions
1. Two primary goals of the first set of questions are to (1) establish rapport; and (2) get the interviewee in “talking mode.” During this stage, ask simple factual questions about the person.
- iii. Substantive Inquiries
1. The specific content of substantive questions will vary based on the party and the facts of the case. In general, the goal is to actively listen to the party to obtain relevant information. Often it is appropriate to ask unscripted questions based off the information being shared. However, it is important to come to an interview prepared with questions to guide you through the conversation. In particular when interviewing the respondent, it is important to draft questions to allow the respondent to respond to all allegations against them.
  2. Some concepts to consider when drafting questions include the following:



- a. To the extent possible, ask open-ended questions
  - i. You want to give the party the opportunity to use their own words when describing what happened. Open-ended questions are asked with the knowledge that it may be necessary to ask more specific follow-up questions.
  - ii. In some cases, especially if the party may have a motive to hide something, use specific, focused questions to limit evasive answers.
- b. Use words the party will understand. For example, mimic the words the party used when describing what happened.
- c. It is preferable to start with lower-stakes questions and later proceed to those that may be more challenging/unfriendly/embarrassing. Include tough questions, even if they will make the situation uncomfortable.
- d. Avoid compound questions
- e. Avoid leading questions
- f. Be sure to get all relevant details
  - i. Date, time, location, description of incident(s)?
  - ii. Who, what, when, where, why, how?
  - iii. Isolated incident or part of a pattern or recurring issue?
  - iv. How often?
  - v. Who else was there? What was their demeanor?
- g. Ask the party to quote dialogue they heard as close to verbatim as they can.
- h. To the extent possible, avoid questions with legal or policy conclusions embedded in them.
- i. End with two open-ended questions: “is there anything else you think I should know?” and “is there anyone else with whom I should speak about this matter?”

iv. Role of Advisor

1. A party may bring an advisor. Typically, this is limited to a complainant and/or respondent. However, at times witnesses ask for an advisor to be present as well.
2. If necessary, review the role of the advisor prior to beginning the interview. Explain that the advisor is present to take notes, serve as a witness to the conversation, and ask clarifying questions. The

advisor is not there to speak on behalf of or answer questions for the party.

3. Inform the party and the advisor that if needed they can take breaks and/or have private conversations either by putting them in a breakout room for virtual meetings or providing them with a private space for in-person meetings.
4. We request advance notice that an advisor is attending the meeting.
5. If possible, avoid allowing advisors that are key witnesses to the investigation.

v. Credibility Assessment

1. Factors to consider when analyzing the credibility of testimony includes the following:<sup>1</sup>

a. Inherent plausibility

- i. Is the testimony believable on its face? Does it make sense? Is the party's statement consistent with the evidence?
- ii. Plausibility is a function of likeliness. Would a reasonable person in the same scenario do the same things? Why or why not? Are there more likely alternatives based on the evidence?
- iii. Be careful of bias influencing sense of "logical." Consider environmental factors, trauma, relationships.

b. Motive to falsify

- i. Did the person have reason to lie?
- ii. What's at stake if the allegations are true? Think about academic or career implications. Think about personal or relationship consequences.
- iii. What if the allegations are false? What other pressures are there on the complainant? Failing grades, dramatic changes in social/personal life, other implications?

c. Corroboration

- i. This is the strongest indicator of credibility
- ii. Aligned testimony and/or physical evidence. Is there witness testimony (such as testimony by eyewitnesses, people who saw the person soon after the alleged incidents, or people who discussed the incidents with the person at around

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<sup>1</sup> This information comes from Association of Title IX Administrators (ATIXA) training.

the time that they occurred) or physical evidence (such as written documentation) that corroborates the party's testimony?

- iii. Independent, objective authentication such as the party says they went to dinner and provides the receipt, the party describes a text conversation and provides screenshots
- iv. Not simply alignment with "friendly" witnesses
- v. Does what the party said to "outcry witnesses" then line up with what they are saying now?
- vi. Pay attention to allegiances (friends, teammates, group memberships). This can work both ways.

d. Past record

- i. Is there a history of similar behavior? Is there evidence or records of past misconduct?
- ii. Are there determinations of responsibility for substantially similar conduct?
- iii. Check records for past allegations
- iv. Use caution – past violations do not mean current violations

e. Demeanor (use caution!)

- i. Be very careful when using demeanor to assess credibility.
- ii. Do they seem to be lying or telling the truth?
- iii. Is the party uncomfortable, uncooperative, resistant?
- iv. Do certain lines of questioning cause agitation or cause them to become argumentative?
- v. Look for indications of discomfort or resistance

2. Generally, look for consistency of story in substance and chronology of statements. Consider the inherent plausibility of all information given. Question whether the evidence provided is consistent with other credible evidence. Look at the level and type of factual details provided. Pay attention to non-verbal behavior, but do not read too much into it.

vi. Tips for Conducting the Interview

1. Flexibility

- a. Be prepared to go off script if new or unexpected information comes to your attention during questioning. It

is acceptable to and sometimes necessary to go beyond the questions you have outlined in advance.

2. Patience
    - a. Do not rush the interview and ensure you have adequate time scheduled for your meeting.
  3. Listening
    - a. Let the party talk freely, including venting about feelings. Do not interrupt the party or supply a conclusion to a sentence.
  4. Silence
    - a. Use silence to your advantage. Remain silent after party's finish making a statement. This silence may cause them to volunteer more information because they feel compelled to fill the silence or gap.
  5. Neutrality
    - a. Remain neutral, keeping the interview serious and business-like. Do not share your personal views, judgements, or suspicions during the interview. Be sure to avoid any comments that would suggest to the party their claim(s) will be substantiated.
  6. Bias
    - a. It is important to recognize biases can affect how we interpret interpersonal interactions, including interactions that occur during interviews and other parts of the investigatory process.
  7. Contradictory information
    - a. If you notice what you hear contradicts information you have received from others (or contradicts information that a party stated in a different part of the interview), seek clarification by asking additional questions. If parties have different versions of the facts, you will need to address those differences when making credibility determinations in your investigatory report.
- vii. Concluding the interview
1. At the end of the interview, ask parties if they have anything more they would like to add or if there was something they thought would be discussed today that was not.
  2. At the end of interviews with complainants and respondents make sure to ask them if they have any witnesses they would like

- Investigators to meet with. It is appropriate to ask witnesses if there is anyone they think is important that Investigators speak to.
3. Remind parties whether additional information relevant to the investigation is recalled or otherwise comes to light after the interview to contact investigators. If there was physical evidence discussed during the interview inform parties that you will be following up with an email for some of the documents/records/evidence mentioned throughout the interview. A sample follow up email is attached in the section entitled [Investigative Templates](#).

## RECORDS MANAGEMENT

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### I. Investigative Records Organization

- a. Ensure all actions are recorded and documented. Use a time tracker for each investigation. The time tracker documents the date, the action done, who was present, and the amount of time spent. Time is calculated in fifteen minute increments. A sample time tracker is attached in the section entitled [Investigative Templates](#).
- b. Ensure all communications related to the investigation are documented and saved. This should include, but is not limited to:
  - i. Email communications to complainants, respondents, and witnesses
  - ii. Email communications with university stakeholders
  - iii. Investigator meeting notes
  - iv. Investigator research
  - v. All evidence

### II. Records Storage and Retention

- a. Maintain a digital file for all investigations.
- b. Follow legal and organization guidelines for retention periods.<sup>2</sup>

## DRAFTING THE INVESTIGATIVE REPORT

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The culmination of the investigation is the drafting of the investigatory report, in which you tie together all the evidence and articulate a concluding summary and/or analysis. The report should include enough information so that it can be understood by the reader without reference to other documents or materials and without having first-hand or close knowledge to the events giving

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<sup>2</sup> [UWSA Records Schedule](#)

rise to the investigation. The report may be reviewed or used by both internal or external decision makers, including administrative agencies and courts. A sample report outline is attached in the section entitled [Investigative Templates](#).

## **FINALIZING THE INVESTIGATION**

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### **I. Collaboration with OGC prior to Final Report**

After Investigators have completed a draft investigation report, Investigators will send the draft report to the assigned attorney from OGC. OGC attorney(s) will have an opportunity to review the report before it is finalized. After OGC's review, Investigators will finalize the report and send it to the university.

### **II. Post Investigation Follow Up with Campus Stakeholders**

After completing the investigation, Investigators are available to meet with university stakeholders to discuss the investigation. This may include issues that were observed or noted throughout the investigation that were not relevant to the scope of the investigation. Investigators also welcome feedback from the university.

### **III. Testimony**

There are times when Investigators may need to testify about their report. Investigators are available for testimony. If an investigator is needed to testify, we ask that the university or someone from OGC reach out in advance of the hearing.

## **CONCLUSION**

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The process for properly addressing a complaint and conducting a thorough investigation is extensive and sometimes time-consuming. The goal of the investigation is to provide enough information to the university so that decision-makers can proceed with confidence on whether to impose discipline or other corrective action.

## **INVESTIGATIVE TEMPLATES**

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### **I. Notice of Investigation**

Dear [XXX],

On [date], [the Chancellor/Institution/Department] received a formal complaint (Attachment A) against you regarding allegations [describe].

[The Chancellor/Institution/Department] has reviewed these allegations and found that they are substantial, and that if true, are serious enough to lead to the possible [termination/discipline] of your employment under [ UWS Chapter \_/Policy]. Pursuant to [UWS Chapter \_/Policy ] an investigation into the allegations has been initiated.

The University takes seriously the allegations of reported behavior inconsistent with the [campus] policy and expectations as well as the University of Wisconsin System Administrative Policy [XXX].

Investigators Claire Edwards and Haley Hintz of the UW System Administration will be responsible for this investigation. You are requested to meet with the assigned investigators to review the investigative process and discuss the next steps. They will contact you in the next several days.

At this meeting, you may have an advisor or person of support. Should you wish to have someone with you, please communicate the name of that person to the assigned investigator no later than 24 hours prior to the scheduled meeting time. If your advisor is an attorney, please advise us of that as well.

As a result of these allegations and to ensure the best interests of all parties involved, I am directing you to refrain from [XXX]. Below are the specifics of these interim measures: [Details of interim measures].

[Insert language regarding retaliation]

[Insert language regarding employee assistance program]

Please note that throughout this process if more information is found that may represent more serious violations of university policy, additional interim measures may be invoked, up to and including paid administrative leave.

As noted earlier, Investigators Claire Edwards and Haley Hintz of the UW System Administration will be conducting the investigation. You are expected to give them your full cooperation.

Sincerely,

## II. Scope of Investigation

The scope of the investigation is sent to the university contact and OGC attorney assigned after the initial investigation meeting. The scope of investigation should include the following information:

Date Range:

Complainant Name:

Respondent Name:

Allegation(s):

Relevant Policy:

OGC assigned:

Campus Contact:

## III. Introductory Emails

Complainant:

Subject Line: Meeting Request

Dear [Complainant],

I am an investigator with the Universities of Wisconsin Administration. I have been asked to investigate the complaint you filed involving XXX. My colleague, [co-investigator], will be assisting me. I would like to set up a meeting with you to discuss the complaint further. I am happy to meet with you by Zoom or in person, whichever works best for you. Could you please send me a few dates and times that work well for you to meet and indicate whether you would like this meeting to be in person or via Zoom? I anticipate our meeting lasting about an hour.

Please let me know if you need any accommodations for our meeting. Additionally, if you would like to have an advisor present during our meeting, please let me know at least 24 hours prior.

Please let me know if you have any questions or concerns.

Sincerely,

[Lead Investigator]

Respondent:

Subject Line: Investigator Introduction

Dear [Respondent],



I am an investigator with Universities of Wisconsin Administration, and I have been assigned to investigate the complaint filed against you. My colleague, [co-investigator], will be assisting me. I wanted to introduce myself and ensure you have my contact information in case you need to reach me. I will meet with you in the near future to discuss these allegations further. However, I will first meet with the complainant and any relevant witnesses. Then I will set up a meeting with you. I will also provide you with status updates throughout the investigation.

If you have an advisor that you would like me to include in all future communication, please let me know. Please reach out with any questions or concerns.

Sincerely,  
[Lead Investigator]

Follow up email to Respondent:

Subject Line: Meeting Request

Dear [Respondent],

We would like to meet with you to discuss the allegations. I would like to set up a meeting with you by Zoom or in person, whichever works best for you. Could you please send me a few dates and times that work well for you in the next few weeks and indicate whether you would like this meeting to be in person or via Zoom? I anticipate our meeting lasting approximately an hour.

Please let me know if you need any accommodations for our meeting. Also, if you want an advisor present during our meeting, please notify me at least 24 hours prior to our meeting.

Sincerely,  
[Lead Investigator]

Witness:

Subject Line: Meeting Request

Dear [Witness],

I am an investigator with Universities of Wisconsin Administration, and I would like to set up a time to meet with you by Zoom to discuss [brief explanation of issue]. Could you please send me a few dates and times that work well for you in the next couple of weeks? I anticipate our meeting lasting about thirty minutes. Please do not hesitate to contact me with any questions or concerns.

Sincerely,  
[Lead Investigator]

## IV. Investigative Report Types

<p><b><u>Evidence Gatherer:</u></b></p>	<p>The investigative report will include complete witness statements for all interviews conducted. Investigators will highlight disputed and undisputed facts in their analysis. Investigators will also provide an overall credibility assessment of key individuals in their analysis.</p> <p>Investigators will highlight other notable information gathered or observations made during the course of the investigation.</p> <p>Typically, used in Title IX.</p>
<p><b><u>Evidence Synthesizer:</u></b></p>	<p>Investigators will compile a complete, accurate, and fair summary of witness statements. This comprehensive summary will include a credibility assessment for critical conflicting information to determine the validity of claims and contributing factors to the allegations. Complete witness statements may be provided in the appendix and will not be in the body of the report.</p> <p>Investigators will apply relevant facts to policy but will not make a determination as to whether the policy was violated.</p>
<p><b><u>Determination Recommender:</u></b></p>	<p>[Synthesizer] +</p> <p>Investigators will provide a determination of whether relevant policy was violated by the standard of proof.</p>

## V. Time Tracker

DATE	ACTION	HOURS	NOTES	TRAVEL HOURS
xx/xx/xx	Initial case review, meeting with HR	0.5	Claire and Haley	
xx/xx/xx	initial emails to Complainant and Respondent	0.25	Claire	
xx/xx/xx	draft questions for complainant, witnesses	1.25	Claire	
xx/xx/xx	interview with Complainant	1.5	Claire and Haley	3.5
xx/xx/xx	emails to witnesses	0.25	Claire	
xx/xx/xx	Meeting with Witness A	1	Claire and Haley	
xx/xx/xx	Meeting with Witness B	0.75	Claire and Haley	
xx/xx/xx	draft questions for Respondent, email to Respondent	0.75	Claire	
xx/xx/xx	Meeting with Respondent	2	Claire and Haley	3.5
xx/xx/xx	Draft Report	3.5	Claire	
xx/xx/xx	Email to OGC with draft, meeting with OGC	0.5	Claire	
xx/xx/xx	Edits to report	0.5	Claire	
xx/xx/xx	final report emailed to campus	0.25	Claire	
xx/xx/xx	post investigation meeting with campus	0.5	Claire and Haley	
<b>TOTAL HOURS:</b>		20.5	<b>TOTAL TRAVEL HOURS:</b>	7
<b>TOTAL HOURS WITH TRAVEL:</b>		27.5		

## VI. Glossary

**Allegation:** Assertion that an employee engaged in wrongdoing.<sup>3</sup>

**Advisor:** an individual who accompanies an interviewee during an investigatory interview. An advisor's role is limited to take notes, serving as a witness to the conversation, and asking clarifying questions.

**Complainant:** Individual(s) who bring an allegation to the attention of a supervisor, HR representative, or other university official. As used in this document, a "complainant" may, but does not necessarily, refer to the individual who allegedly is suffering harm.

**Evidence:** Every type of proof available to the investigator to make a factual conclusion.<sup>4</sup>

**Notice:** (1) Notification received by the university of possible employee misconduct; (2) Notification provided to employees to inform them of investigation or investigatory interview; or (3) Notification provided to employees of policy, rule, or expectation.

**Preponderance of the Evidence:** Standard of proof according to which the investigation results in the information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than "clear and convincing evidence."<sup>5</sup>

**Record:** Any "material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics... 'Record' includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved."<sup>6</sup>

**Respondent:** Individual against whom an allegation of wrongdoing is claimed.

**Retaliation:** An adverse action taken against an individual in response to, motivated by or in connection with an individual's complaint of discrimination or discriminatory harassment, participation in an investigation of such complaint and/or opposition to discrimination or discriminatory harassment in the educational or workplace setting.<sup>7</sup>

**Standard of Proof:** Degree to which a matter must be proven in order for the investigator to reach a conclusion.<sup>8</sup>

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<sup>3</sup> See <https://www.merriam-webster.com/dictionary/allegation>

<sup>4</sup> See <https://dictionary.law.com/Default.aspx?selected=671>

<sup>5</sup> See WIS. ADMIN. CODE § UWS 4.015(7)

<sup>6</sup> See WIS. STAT. § 19.32(2)

<sup>7</sup> <https://www.wisconsin.edu/regents/policies/discrimination-harassment-and-retaliation/>

**Witness:** Individual who sees, hears, or otherwise experiences an incident or matter under investigation.

## **ACKNOWLEDGEMENTS**

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