

# Attachment D: Guidelines on Good Cause Factors re Extensions of Time

## Employee Investigation & Adjudication – Timeline Factors

### Timeline Factors – Support & Assessment

- Unknown or unidentified parties
  - Anonymous
- Delays in response or non-response to outreach
- Availability of impacted person(s)
- Availability of support resources
  - CARE and/or CAPS
- Implementation of safety measures
- Coordination with law enforcement (in some instances)
- Outreach to impacted person(s)
- Information
  - rights
  - resources
  - reporting options
- Implement safety & supportive measures
- Initial assessment
  - including safety assessment
  - limited factual inquiry to determine next steps
- Interim and support measures
- Information Gathering
  - Party and Witness Interview
  - Documentary and other evidence
- Evidence Review
- Reliable investigation report
  - documents process
  - evidence gathered
  - reasoned conclusion/preliminary conclusions

### Timeline Factors – Investigation

- Complexity of the matter
- Severity and extent of the alleged conduct
- Number of witnesses
- Volume of evidence
  - review
  - redactions to ensure privacy

- Availability of parties
- Availability of advisors/support persons
- Investigator caseload, etc.

## Timeline Factors – TIX Hearing (SVSH cases)

- Whether parties accept preliminary findings
- Availability of external hearing officers
- Willingness of parties and witnesses to participate
- Scope of hearing
- Availability of parties
- Availability of advisors/support persons
- Interim and support measures
- In DOE Grievance Process and anytime the Respondent is a student
- Title IX Officer will inform parties of:
  - their right to contest or not accept the investigator's preliminary determination; and
  - request a hearing to determine whether the SVSH Policy was violated
  - 130 days was the mean time to completion for TIX Hearings Systemwide in 2024.

## Proposed Discipline

## Corrective Action

## Employee Investigation & Adjudication ends

## Conclusion

# Considerations Regarding Timeline Extensions

The University's interest in the timeliness, integrity, and reliability of the investigation and adjudication outcomes is paramount.

Timeline extensions are approved when there are material or unforeseen circumstances directly related to the complaint that impede completion within the policy time frame(s).

- Unavailability of key witnesses/parties
- Interactive process & disability accommodations
- Consideration of the health or emotional well-being of the parties
- Additional time for evidence review
- Serious illness of a party/key witness
- Discovery on new evidence late in the process
- Coordination with law enforcement
- Provide language interpreters

There are limited circumstances under which timelines may justifiably be extended without good cause, for example:

- the assigned investigator is on an approved leave (due to illness, jury duty, adoption of a child, etc.)
- the assigned investigator left the University's employ and the case was transitioned to a new investigator
- the assigned investigator's workload impedes their ability to meet the time frame because they are assigned more than a full caseload.