

November 21, 2008

ACKNOWLEDGEMENT OF COMPLAINT

COMMENCEMENT OF INVESTIGATION

CONFIDENTIAL
TO BE OPENED BY ADDRESSEE ONLY

MEMORANDUM TO: Jane Deer ("Complainant")

FROM: Kim D. Kirkland
Director, Office of Equal Opportunity

SUBJECT: Acknowledgement of Complaint Made Pursuant to the
IUPUI Policy on Sexual Harassment (the "Policy")

This is to acknowledge that the Office of Equal Opportunity (the "Office") has received your complaint regarding the alleged activities of John Doe (the "Respondent").

We have initiated an investigation of the complaint. As required by the Policy, we shall conduct a thorough review of the allegations in an impartial manner and with due regard for the rights of all concerned.

It is our practice that complaints be processed confidentially, to the fullest extent practicable and consistent with the University's need to investigate and take corrective action. We have determined, however, that it is necessary that we now provide a copy of your complaint to the Respondent to afford them an opportunity to respond to the allegations.

We expect that you will cooperate with this Office as we process this complaint. To avoid compromising or appearing to compromise the objectivity of our efforts, it is requested that you avoid conversation with the Respondent about the allegations contained in your complaint and, to the extent practicable, that you avoid contact with the Respondent. If inappropriate behaviors are found to impair/impede the investigatory process, immediate interim action (removal, reassignment, administrative leave, suspension, etc.) will be administered. Therefore, do not attempt to contact any such individual during the investigation regarding a matter related to the investigation.

INVESTIGATION AND DECISION

The complaint will be handled by an Investigator of the Office. The Investigator will examine the factual allegations of the complaint and prepare a Report of Investigation. The "Decisional Authority" is the person who will review our Report of Investigation and who will ultimately communicate whether the Policy has been violated and, if so, what remedial measures are appropriate under the circumstances.

The Decisional Authority in this matter is Dr. Uday Sukhatme, Executive Vice Chancellor/Dean of the Faculties.

Any aggrieved party may request reconsideration of the Decisional Authority's decision only once based on: 1) newly discovered evidence that was previously unknown and that could affect the outcome; or 2) an irregularity in the process that affected the finding of a material fact or that could have otherwise affected the outcome. Such a request must be in writing (hard copy) and addressed to the Office of Equal Opportunity within **ten (10)** calendar days upon issuance of the findings from the investigation. The Decisional Authority will have **ten (10)** calendar days to respond to a request for reconsideration.

The decision of Dr. Sukhatme may be appealed to the Chancellor of the University (Dr. Charles R. Bantz) by any aggrieved party, if the appeal is timely received by the Office of the Chancellor within **ten (10)** calendar days after that party's receipt of the Decisional Authority's determination. The decision of the Chancellor is the final administrative decision of the University and will be subject to no further appeal. If you do not appeal the decision to the Chancellor within the **ten (10)** day time period, the determination of the Decisional Authority will automatically become the final decision of the University.

NOTIFICATION

After the Decisional Authority makes a decision, both you and the Respondent will be notified of that decision. In the event it is determined that the Policy has been violated, you will be informed of the disciplinary and/or remedial measures, if any, planned or taken, but only to the extent necessary to demonstrate that the matter has been appropriately addressed.

YOUR RIGHTS

You may supplement your complaint with additional relevant facts, documents, and the names (with accompanying addresses and telephone numbers) of individuals who may have direct and relevant information about the specific allegations.

In addition to supplementing the complaint, you may also provide a written analysis of whether, in your opinion, the facts support a finding that the Respondent has violated one or more specific standards contained in the Policy.

It is suggested, however, that your written analysis and/or supplement to the complaint, if either or both are prepared, be submitted to the Office at least two workdays prior to the scheduled interview.

RESPONDENT'S RIGHTS

The Respondent is presumed innocent of the charge unless and until there is a final administrative finding of culpability or an admission of culpability by the Respondent that the allegations made in your complaint are true.

The Respondent has the right to be informed of the allegations contained in the complaint and to submit a written response to the allegations. That written response may be as long as the Respondent deems appropriate, but should contain only relevant statements, the names of potential witnesses, and materials that support the Respondent's view of the important facts. The Respondent will be afforded the opportunity to verbally present a defense to the Office during a personal interview.

It is your decision whether to seek the advice and assistance of your own legal counsel to help prepare your position during the investigation. The University will not reimburse you for legal fees or the cost associated with retaining the services of a personal attorney. In addition, it would be inappropriate for University counsel to represent you personally during the investigation, and you should not ask University counsel to do so or to provide you with personal legal advice.

If you elect to have your personal counsel present during your interview, you may do so; however, your counsel will not be permitted to answer questions for you, to make statements on your behalf, or to delay or interrupt the interview. If your counsel elects not to observe these conditions, he/she will be excused from the remaining portions of the interview. Finally, if your counsel is present at the interview, it is likely that University counsel will also be present.

RETALIATION

The University is committed to protecting individuals who come forward to complain of conduct that may violate the Policy. In fact, members of the University community who believe that they have been subjected to conduct in violation of the Policy are urged to come forward and file a complaint. It is a clear violation of our policy to reprimand, retaliate, or discriminate against any person, in any way, for initiating an inquiry or complaint, or for cooperating with any mediation or investigation. Such retaliation constitutes independent grounds for disciplinary action regardless of the merits of the underlying claim of discrimination. Failure to abide by these requirements will result in disciplinary action.

You are requested to inform this Office immediately if you believe that you have been the subject of retaliation because you have filed a complaint or are cooperating with this Office in an attempt to resolve the complaint.

If you believe that the Respondent, or those acting at the Respondent's direction, may present a threat to your safety, please contact this Office and Campus Police immediately and appropriate action will be taken. Conduct that takes place or is threatened in an academic setting (such as a classroom) or that impedes your ability to participate in an academic activity should also be brought to the attention of the Office of Academic Affairs.

Pending completion of the investigation the appropriate University senior manager may decide, after consulting with University counsel that it is in the best interest of all concerned to take certain interim remedial measures to alleviate immediate problems or subsequent conflicts that may arise. Such measures may include a job reassignment, transfer, or mandatory administrative leave (with pay). While such measures are not now deemed appropriate, the issue of interim remedial measures may be reviewed at any time.

ADDITIONAL QUESTIONS

If you have any questions about the investigation process or your rights under the Policy, please contact the Office at (317) 274-2306.

Thank you in advance for your cooperation in this matter.