

## Non-disclosure Agreement (NDA)

### Complainant

#### **Interview Complainant**

- Identify – who, what, when, and where regarding the sexual harassment
- Give me a specific description of incident(s)
- Have you had similar experiences in the past?
- Determine what offended the Complainant. What specifically offended you about this situation?
- What impact did this situation have on you?
- How did you respond to this situation?
- Were there any witnesses who observed what happened?
- What relief is being requested? What would you like me to do?

#### **Potential witnesses named by Complainant**

- Explain the purpose for interview – I am investigating allegations against {Individual}
- The complainant indicated you might have information about this situation
- Tell me the who/when/why/how of what you did or did not witness or hear regarding the situation
- Ask that they not discuss the interview (NDA)
- Explain that there will be no retaliation for telling the truth

#### **In closing**

- Any other information you would like to provide?
- Contact me if you remember anything, or if you observe anything relevant after this interview.

### Respondent

#### **Respondent Interview**

- Define the allegation(s) made against the respondent that are at issue
- Ask the respondent to identify situations where he/she harassed others or engaged in behavior in violation of rule
- Confront with general allegations. Here are the general allegations made by the complainant
- Confront with more specifics. Here are some more specific examples examples of allegations made by the complainant
- **Note responses (take good notes - be specific)**
- Permit him/her to offer evidence/witnesses. Do you have any evidence that you can provide or any witnesses I can talk to about this situation?
- Ask that they not discuss the interview (NDA)
- Explain that there will be no retaliation against complainant

### **Potential witnesses named by Respondent**

- Same general questions as other witnesses
- Ask that they not discuss the interview (NDA)
- Explain no retaliation against complainant

### **Complainant and/or Respondent (Follow Up)**

- If necessary
- Clarify allegations and inconsistencies
- Gather additional information

### **Investigative Report**

Create an investigative report that fairly summarizes relevant evidence and, at least **10 days prior** to a hearing (No hearing in G-CCSC Policy) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, **for their review and written response.**"

### **Submission of Written Questions**

After the recipient has sent the investigative report to the parties pursuant to paragraph (b)(5)(vii) of this section and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

### **Determination**

- Identification of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the recipient's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- The recipient's procedures and permissible bases for the complainant and respondent to appeal.