

Participant’s Guide to Fact-Finding

UVU recognizes the stress and alarm that many people feel when participating in an “investigation,” “inquiry,” or some other form of fact-finding. This Guide offers information common to all internal fact-finding processes at UVU, and is intended to relieve anxieties about what to expect. You will receive more specific guidance depending on which UVU policy governs the type of fact-finding relevant to you.

Purpose

We care about the experience and well-being of those who file complaints, of those who must respond to complaints, and of others who may be asked to provide information during fact-finding processes. For that reason, we take complaints and the process of resolving them seriously. Our ultimate goal is to cultivate an environment of excellence, safety, and trust.

When UVU receives notice that potential misconduct has occurred, the law requires UVU to (1) verify whether the allegation is true, and, if true, (2) correct the harm and prevent it from happening again. UVU strives for honest, thorough, and timely fact-finding with objective conclusions—always.

How Fact-Finding Starts

Allegations are claims about conduct. Allegations are received via several entry points such as Equal Opportunity/Title IX, Human Resources, EthicsPoint, Academic Affairs. Some allegations claim *misconduct* (i.e., policy violations), and others don’t. Some allegations of misconduct are true, and others are mistaken. UVU must first look to see whether *misconduct* is alleged. Then, to confirm whether allegations of misconduct are true, UVU must engage in fact-finding.



Forms of Fact-Finding

HR, Academic Affairs, EO/Title IX, and Audit are trained to engage in fact-finding for particular types of allegations. The areas work together and in coordination with the Office of General Counsel. Some allegations require highly formal fact-finding (e.g., an investigation or audit) and may result in corrective actions or recommendations for improvement. Others involve simple acts of unkindness or miscommunication but not policy violations, and require much less formal fact-finding (e.g., a conversation or emailed question).

Neutrality

You can expect UVU and individuals conducting investigations to be unbiased. They are gathering information to objectively conclude whether something did, or did not, occur. If you suspect a conflict of interest or bias, you may communicate your concern to the AVP of Human Resources, Director of Equal Opportunity/Title IX, or up through your supervisory line. You can expect respect from UVU; not assumptions, stigma, or gossip.

Safety

The law does not tolerate retaliation, and neither does UVU. In short, retaliation is any action aimed to dissuade a reasonable person from engaging in a protected activity or is done in retribution for engaging in a protected activity. Protected activities include reporting a complaint or participating as a witness in an investigation. The U.S. Department of Justice has described retaliation as a deliberate action used to send a clear message that complaining or honestly participating in an investigation is unwelcome and risky.

If necessary to preserve a safe environment for working and learning, parties may be directed not to contact one another. In rare instances, a party may be temporarily directed to stay away from a certain building or all campus property.

Confidentiality

UVU fact-finders will maintain confidentiality to the greatest degree possible, sharing information only on a need-to-know basis, except as required by public records laws, subpoenas, or court proceedings. UVU strongly encourages parties and witnesses to exercise discretion when discussing allegations, particularly with other parties or potential witnesses for a few reasons.

First, it's not difficult to commit unlawful retaliation (or perceived retaliation), that dissuades a reasonable person under the circumstances from honest participation in an investigation as a witness or party. This is especially true when the communication occurs within an imbalanced power relationship (supervisor-subordinate, instructor-student, coach-player, etc.).

Second, witness tampering is a felony under Utah Code § 76-8-508. Moreover, communicating with witnesses about your case could be perceived as attempting to influence or manipulate their stories. Specifically, when the investigator weighs the credibility of your statements and the statements of witnesses you've talked to, your prior interventions could negatively impact the persuasiveness of your case. This is especially true for imbalanced power relationships.

Third, many cases involve sensitive and potentially embarrassing information. Not only does confidentiality help safeguard yours and others' reputations, but it could also protect you from legal liability for libel, slander, or other privacy torts such as intrusion upon seclusion, publication of private facts, or false light claims.

Bearing these cautions in mind, you should feel free to debrief stressful circumstances or obtain counsel from trusted confidants, family, and mental health or legal professionals. Additionally, faculty may obtain guidance about particular fact-finding processes from UVU's [Faculty Relations Coordinator](#) or [HR Business Partner for Faculty](#). Similarly, staff may seek guidance on processes from the [HR Business Partner for Staff](#). Students may obtain guidance from the [UVU Ombud](#) and may bring a support person of their choosing to any related interviews or meetings. All parties may bring a support person to hearings, if any. Moreover, all benefits-eligible employees may take advantage of Employee Assistance Program resources, including free counseling sessions. Student Health Services offers crisis counseling and therapy. Fact-finding offices can also connect individuals with community resources. The need for self-care and community does not disappear during fact-finding processes, and UVU is committed to the well-being of all.

Communication

You can expect regular communication from the investigator or office responsible for overseeing the investigation. You're welcome to contact them with questions or concerns any time. If you are a person who filed a complaint (*i.e.*, a "complainant") or a person against whom a complaint was filed (*i.e.*, a "respondent"), the relevant office will endeavor to update you regularly on case status, even if there are no significant changes to report. Complainants and respondents will be promptly informed of case closure, whatever the outcome.