



Office of Equity and Diversity
1840 Melrose Avenue
Knoxville, TN 37996
865-974-2498

OED Complaint Process
Additional Information for Witnesses

Importance of Witnesses. OED depends on information from witnesses to ensure a thorough and fair investigation for both the Complainant and Respondent. Information provided by witnesses is critically important to OED's responsibility to make informed and accurate findings in an investigation. Witnesses often provide important documentation, confirm information already at hand, or provide a different perspective that can be of great significance to an investigation.

We are neutral. OED is committed to providing a fair and unbiased review. Our investigations are focused on making fact determinations based on evidence. Facts are then reviewed for policy violations. When we are speaking to witnesses in an investigation, it is important to note that OED does not represent any party. We are simply trying to ascertain facts and ask for honesty and candor from witnesses in that process.

Support Person. Although not necessary in most cases, a witness may bring a support person with them to any meetings with OED if having a support person would help put a witness at ease. Please note, however, that support persons who may, themselves, be witnesses in an investigation may be asked to remain outside of the meeting room. Please feel free to contact OED if you have any questions.

Understanding the complaint. Please note that as a witness, OED may not be able to provide witnesses with a great deal of information about a complaint. Out of respect for the privacy of both parties to a complaint, witnesses will only be provided with the information needed to elicit the information required in the investigation. Therefore, questions to a witness may be very narrowly focused on a specific issue or occurrence.

Anonymity. OED cannot guarantee anonymity. Witnesses frequently ask whether their information or identity will be shared with anyone else in the complaint process. Complainants and Respondents will likely be notified of the names and information provided by witnesses; however, OED will handle information as carefully and with as much privacy as possible.

Public Records. Please note, while OED strives to ensure the privacy of all participants in an investigation, citizens of the state of Tennessee may request certain records through the Tennessee Public Records Act. When such requests are received by OED through the university's Public Records Office, OED will make every effort provide only what is required and to attempt notify all parties who may be affected by a release of records.

Gathering other evidence. OED will interview witnesses and review documentation that it considers relevant to a specific complaint. OED may also ask witnesses for documentation if such documentation exists. Additionally, OED may need to follow-up with certain witnesses based on additional information that comes out during an investigation. If such follow-up is necessary, OED will try to minimize the impact on the time of a witness. OED may follow-up via email or phone, if appropriate.

Decision and follow up. If an investigation report is produced, it will be submitted to the relevant administrator for consideration. The Complainant and Respondent will also be offered a copy of the report. Witnesses will likely be named in the report. To respect the privacy of both the Complainant and Respondent, witnesses will NOT be offered a copy of the report. If OED determines that discrimination has occurred, the relevant administrators will, working with Human Resources, identify and take corrective action aimed at addressing the offending behavior. Because personnel matters are confidential, witnesses will not be notified of specific steps that are taken.

Corrective Action. The University takes all allegations of discrimination and sexual harassment very seriously. After OED conducts a fair and equitable timely investigation, the appropriate administrator, working with Human Resources and/or the Office of General Counsel, will identify appropriate disciplinary action. Such action can include, but is not limited to, oral or written warning, demotion, counseling, denial of raise, suspension without pay, or termination.

Retaliation: Retaliation is an act or attempted act taken because of a person's participating in a protected activity (e.g., making or supporting a complaint of discrimination and/or sexual or other discriminatory harassment) that would discourage a reasonable person from engaging in protected activity. Protected activity includes a person's good faith (1) opposition to discrimination and/or sexual or other discriminatory harassment; (2) report of discrimination or sexual or other discriminatory harassment to the university, or a state or federal agency; or (3) participation (or reasonable expectation of participation) in any manner in an investigation or related proceeding.

Retaliation is a violation of university policy regardless of whether the underlying violation of this policy is found to have merit. Retaliation should be reported in the same manner as discrimination and/or sexual and other discriminatory harassment as noted above.

More information. If you have any other questions about the investigation or investigation process, please do not hesitate to contact our office at 865-974-2498. Additional information can be found on our website: <https://oed.utk.edu/complaints>