

August 2020

Notice and Assessment of Allegations [TEMPLATE]

This notice contains important information that you should read carefully. The Office of Equal Opportunity (OEO) at Tufts University is writing to inform you that it has received a complaint alleging that _____, respondent, has violated the Policies of Tufts University.

I. Allegations

The Complaint filed in this matter is attached to this Notice.

II. Policies Implicated

University Policies specifically outlined below.

III. Jurisdiction and Process Options

The Complaint alleges sufficient facts to warrant a formal adjudication under the [SMAP-X](#) process for the following reasons: (i) the respondent is a student, employee or affiliate of Tufts over whom the school exercises substantial control, and (ii) the alleged conduct occurred in the context of a Tufts' education program or activity and/or in a location, event or circumstance over which Tufts has substantial control, and (iii) the facts alleged, if true, fall under the Title IX Policy including sections defined as *Sexual Harassment*, under the Title IX Policy. See [Title IX Policy](#) definitions section and see [SMAP-X](#) process definitions.

OR

The Complaint alleges sufficient facts to warrant a formal adjudication under the [SMAP process](#) for the following reasons: (i) the alleged conduct did not occur in the context of a Tufts' education program or activity, and/or in a location, event or circumstance over which Tufts has substantial control, and/or (ii) the incident occurred outside of the United States, and/or (ii) the facts alleged, if true, fall under the Sexual Misconduct Policy but do not rise to the level of *Sexual Harassment*, as

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set forth under the Title IX Policy. See [Sexual Misconduct Policy](#) and [SMAP Process](#).

AND/OR

The Complaint alleges sufficient facts to warrant review and process, as appropriate, under the University's [Non-Discrimination Policy](#) given that the complaint may contain allegations that may fall under the Non-Discrimination Policy, such as harassment and/or retaliation.

AND/OR

The Complaint alleges sufficient facts to warrant review and process, as appropriate, under the University's [Accommodations Policies](#) ([Accommodations Policy](#) or [Religious Accommodation Policy](#)) given that the complaint alleges discrimination that may fall under one of these policies.

AND/OR

The Complaint alleges sufficient facts to warrant review and process as appropriate under the University's [Working with One Another Policy](#) given that the allegations in the complaint may fall under this policy.

AND/OR

The Complaint alleges sufficient facts to warrant review and process as appropriate under the University's [Consensual Relations Policy](#) given that the allegations in the complaint may fall under this policy.

AND

OEO has been informed that an informal process has been requested by the Complainant and has concluded an informal process option may be a viable way to resolve this case. See [Explanation of Informal Process Options](#)

OR

OEO in its assessment of the Complaint has determined that an informal resolution process is not a viable option (OEO will send parties an explanation).

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Where conduct or allegations are covered by more than one policy, OEO will explain the interaction and process options, if any.

It is also important to note the following:

- Respondent is presumed *not responsible* throughout the case resolution process, unless or until there is a finding of responsibility made through an adjudication process that is supported by the preponderance of the evidence.
- Parties to a formal adjudication process have the right to review and respond to evidence gathered and received before an investigation report is completed and a determination of responsibility is made.
- Each party has the right to an advisor. If a party does not have an advisor, Tufts will provide an advisor (at no cost to the party) for participation in the post-investigation conference, the pre-conference hearing and for participation in the SMAP-X formal adjudication hearing. The advisor may be, but is not required to be, a lawyer. See [Right to an Advisor](#).
- Parties may not knowingly provide false statements or knowingly submit false evidence. (See Relevant Code of Conduct for employees or corresponding student school code of conduct)
- Parties must keep in consideration the privacy of all matters pending before OEO given the importance and integrity of the investigation, to avoid the creation or exacerbation of a hostile environment and to avoid the potential for retaliatory conduct by a party or an associate of a party. See [Non-Retaliation and Privacy Acknowledgement](#) form.
- Both the complainant and the respondent will be offered supportive measures, including resources and supports, throughout the process. See [Resources and Supports](#).
- Tufts' expects its students, faculty and staff to cooperate with University proceedings. This expectation is set forth in each of the School Student Handbooks and in the Employee Handbook.

You will receive further communications from the OEO staff member assigned to this case as to next steps and time-lines. See [Timeline](#).

Questions may be directed to the OEO Title IX Coordinator at:
jill.Zellmer@Tufts.edu or 617.627.3298.