



## Sexual Misconduct: Respondent Rights and Responsibilities

### Introduction

William & Mary is committed to providing a prompt, fair and equitable process for resolution of allegations of sexual misconduct. As the respondent (a person reported as having engaged in conduct potentially violating the Discrimination, Harassment, Retaliation and Sexual Misconduct Policy or the Policy Prohibiting Title IX Sexual Harassment and Gender Based Harassment), you have several rights and duties. The purpose of this document is to make sure you are aware of these rights and responsibilities.

We understand that being investigated for an alleged violation is difficult. Our procedures for investigation and resolution are designed to be transparent and equitable. Investigators will treat you with dignity and respect. The investigation seeks to gather relevant information about each individual's behaviors, actions and perceptions prior to, during and after the alleged misconduct. This ensures the analysis of the allegations is more than a "(S)he Said, (S)he Said" evaluation.

Sexual misconduct violations are serious and could have significant consequences if you are found responsible. It is in your interest to understand the process fully, and be as cooperative as possible. The Office of Compliance & Equity will assign a university advisor trained in providing support to respondents through our procedures. You have the right to select another advisor, including a private attorney that you can retain. You have the option to use both your own advisor and the trained university advisor, but only one advisor may accompany you in interviews and meetings.

It is your responsibility to cooperate fully with the investigation and refrain from any acts that are retaliatory or that interfere with the investigation, though you do have the right not to answer questions that may be self-incriminating. **William & Mary does not tolerate retaliation** against any person, and/or their family and friends, who brings forward a report. Witnesses and anyone who otherwise participates in or supports someone else who is participating in the process are also protected from retaliation. If you are found to have engaged in retaliation, this would be deemed a separate policy violation that could result in serious disciplinary action including suspension or permanent dismissal from the university.

### Interim Steps

The Civil Rights [Review Team](#) determines whether any interim steps should be taken in order to prevent retaliation, prevent continuation or recurrence of the alleged misconduct, prevent the creation of (or remedy) a hostile or offensive environment, and ensure that all parties are able to participate in the university's educational and other programs and activities equitably. Possible interim steps include:

- Orders barring further contact and communication (No Contact Order);
- Relocating or rescheduling classes or work assignments for you or the complainant. Please note that you will not be required to relocate or reschedule, but it is an option available to you;
- Modifying work duties without impacting your pay;
- Changing residence locations. Please note that you will not be required to change residences, but it is an option available to you;
- Limiting your presence on campus or to certain areas of campus that do not interfere with your academic requirements;
- In rare cases, interim suspension when deemed necessary for the safety of the community.

Interim Steps may be added or changed throughout the investigation. You may request changes to interim measures by contacting the Office of Compliance & Equity or the Office of Community Values and Restorative Practices.

Free services that may be helpful to you include:

- Academic considerations, such as deferring an assignment or exam, reducing course load, retroactive withdrawal;
- Mental health services from the Counseling Center.
- Financial aid assistance for an underload, work study assignment, etc. Note that this is subject to limitations imposed by federal law and the terms of the relevant financial aid.
- Visa and immigration assistance for international students available through the [Reves Center](#).

The university will maintain as confidential any accommodations or other supportive measures provided, to the extent feasible. No Contact Orders, by their nature, must be disclosed to the involved students.

## Your Rights in the Investigation & Determination Process

Trained investigator(s) will gather information related to the allegation(s), including interviewing you, the Complainant and other witnesses; asking you for names of witnesses who may provide relevant information, reviewing electronic communications and social media postings, digital images and other relevant documentation; and analyzing medical records, if applicable. **Please retain any electronic records, including texts, emails, photos and social media postings.** At the conclusion of the investigation, both parties have a right to review all the evidence collected.

The final report is provided to the parties and the Determination Official(s). Each party has the opportunity to respond to the report and provide a personal statement prior to a Determination Conference being conducted. For allegations involving Title IX Harassment, the Determination Official(s) conduct a live hearing according to guidelines, which includes interviews with the parties and relevant witnesses. Both parties are entitled to directly question the other party and witnesses through their advisor. Following the Determination Conference, the Determination Official(s) issues a decision and if applicable, will issue sanctions when there is a finding of responsibility. Both parties have the right to appeal the decision, the sanctions, or both.

## Your Rights & Responsibilities

- The right to be treated with respect by W&M officials;
- The right to confidentiality by W&M officials and investigators to the extent possible and permitted by W&M policy and the law;
- The right to be informed of available campus resources for counseling and advisory services;
- The right to a thorough and impartial investigation;
- The right to be informed of applicable policies and procedures and to have these policies and procedures followed without material deviation;
- The right to a university-trained advisor and the right to have an advisor of your choice to attend meetings;
- The responsibility not to retaliate, as described on page one of this document;
- The duty to comply with all interim measures put in place by W&M;
- The duty not to interfere with the investigation, such as by collaborating with, intimidating, or coercing witnesses, tampering with evidence or concealing evidence. This applies to you and any third party such as parents or an attorney;
- The right to be notified in writing of the outcome & sanction(s) at the same time as the complainant;
- The right to appeal the outcome.

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## Your Resources

- **Counseling Center:** confidential counseling provided by professionals. McLeod-Tyler Wellness Center, Second Floor, 757- 221-3620
- **Dean of Students Office:** interim measures to protect health/safety, information about the investigation/resolution process. Sadler Center, Suite 368, 757- 221-2510, [deanofstudents@wm.edu](mailto:deanofstudents@wm.edu)
- **Title IX Coordinator:** policies, procedures, investigations; information about Title IX. James Blair Hall 110, [equity@wm.edu](mailto:equity@wm.edu)
- **W&M Police Department:** enforcement of no contact orders and no trespass orders for individuals unaffiliated with W&M. Available to assist students 24-hour a day/365 days a year. 201 Ukrop Way, 757-221-4596. For an emergency please dial 911.
- Other resources can be found on the Title IX website: [www.wm.edu/sexualviolence](http://www.wm.edu/sexualviolence)