

Internal Investigations Responding Party's Rights and Responsibilities

This document describes your rights and responsibilities, as someone who has been named in allegations being investigated by the university under the [Employee Discrimination Grievance/Complaint Procedure](#). This document summarizes, for your convenience, various policies and procedures; if there is any conflict between this summary and those procedures, the procedures will govern.

You have the right to:

- **Be treated with respect by W&M officials.**
- **Have the matter investigated promptly and fairly** by trained objective investigators who are responsible for the collection of evidence. If you believe that the investigation is being handled improperly, take your concern to the Chief Compliance Officer. Be aware, however, that investigators may use techniques that cause them to seem to be “taking sides.”
- **Suggest witnesses to be interviewed.** Please note that investigators have discretion to determine which witnesses to interview based on their assessment of the likelihood that such witnesses will have relevant information to provide, as well as other factors.
- **Have an advisor of your choice** (which may be a lawyer) attend meeting and interviews to advise and support you. Note that lawyers' role is limited, as a university investigation is not a legal proceeding.
- **Know the allegations made against you and respond to those allegations.** This does not necessarily mean that you have a right to see the original complaint. Most investigations are of allegations developed by the university. These allegations may be based on a complaint or report, but it is the university – not a reporting party – that develops the allegations for investigation.
- **Provide any and all information you believe relevant to the investigators.**
- **Be updated regularly on the status of the investigation as it relates to you.** This does not mean that you will be told everything the investigators have done or will be able to review all information collected.
- **Submit a response to the investigation report.**

You have the responsibility/duty to:

- **Cooperate with the investigation** which includes **NOT** intimidating or coercing witnesses, tampering with evidence, concealing evidence or collaborating with witnesses. You are obligated to speak truthfully to investigators, and will be held accountable for any false statements.
- **Comply with all interim measures put in place by the College.**
- **Avoid retaliating** against any person who brings forward a report or who cooperates in the investigation; If you have a supervisory relationship or are in a position of authority with respect to the person(s) who made the allegations against you, you **must exercise caution** in taking any disciplinary or negative performance action against this person. While discipline and negative performance actions may be taken if warranted by their conduct, but such actions may be scrutinized and must be based in legitimate factors. See the [Retaliation Guidance handout](#).
- **Maintain confidentiality** of the process (you may discuss the matter with your advisor). You do **NOT** have the right to expect complete confidentiality. Investigators handle complaints as discretely as possible. But information about the complaint can and, in some situations, must be shared with others.
- **Not record interviews or meetings.**