



Sexual Misconduct: Reporting Party Rights and Options

Introduction

William & Mary is committed to providing support and services to you, as a reporting party (someone who has experienced or reported an incident of sexual misconduct including sexual assault, relationship violence, sexual exploitation or stalking). We understand that you may be unsure about what you want to do right now.

You have options. This document informs you of your options, steps William & Mary can take to support you, services available to you,

your rights regardless if you take formal adjudicative action, and/or your rights before, during, and after an investigation, should you decide you want to pursue one. W&M's sexual violence website, www.wm.edu/sexualviolence, has more detailed information about resources and reporting options for survivors of sexual violence.

Preservation of Evidence and PERKs

Regardless of the type of misconduct you have experienced, please retain any evidence including electronic records (texts, emails, photos, and social media postings) in case you decide that you want to pursue an administrative and/or criminal investigation. Electronic records can also be helpful for purposes of obtaining an order of protection through the courts.

If you have experienced sexual assault, there are specific procedures you can follow to preserve evidence including receiving a [Physical Evidence Recovery Kit \(PERK\)](#) at Riverside Hospital. DNA evidence generally needs to be collected within 120 hours. It is recommended that you do not bathe, wash your clothes or brush your teeth to preserve evidence. To learn more about PERKs, please visit the FAQs on the sexual violence website: www.wm.edu/sexualviolence under the "Get Help Now" tab.

- William & Mary Police can transport you to the hospital.
- You do not need to file charges against anyone to obtain a PERK. You can remain anonymous, although this will limit what is done with the PERK.
- There is no cost associated with obtaining a PERK, and you do not need to provide any insurance information.

Confidentiality and Decision to Investigate

Sexual misconduct matters are handled confidentially and with discretion by Title IX staff. Information is shared only a need-to-know basis.

If you are deciding whether or not you want an investigation: rest assured that except in very unusual situations, an investigation will not occur against your wishes. If you choose not to pursue an investigation, you may change your mind later and initiate one. All reports are reviewed by the [Title IX Review Team](#), and decisions to investigate, recommend other remedial actions, or to respect the choice of the reporting party are made in collaboration between specially-trained administrators from the Title IX office, Dean of Students office and WMPD.

Keep in mind that there are some circumstances in which William & Mary may not have jurisdiction or authority to conduct an investigation. In these situations we will take steps, when appropriate, to protect your rights to participate in and enjoy the university's educational programs and activities. You also have the right to pursue criminal charges, instead of or in addition to the institutional adjudicative process. You do not need to choose one or the other. You can find more information about reporting options at: www.wm.edu/titleix/report.

Interim Measures & Services for Victims

We want to ensure your continued equal access to educational programs and activities and to protect your safety and well-being. Interim measures are designed to prevent retaliation, prevent the continuation or recurrence of misconduct and prevent the creation of (or remedy) a hostile environment. Most of these measures may be taken even if you do not wish to initiate an investigation.

We will maintain as **confidential** any accommodations or interim measures provided to you, to the extent feasible. Interim measures that would require disclosure of your identity to the respondent, such as a no contact order, for example, barring exceptional circumstances, would not be implemented without your consent or request. Possible interim measures include:

- No contact orders, which will ban further contact between you and the respondent and are issued by the university, and/or [protective orders](#), which are issued by a court or magistrate. In most cases, prior to a finding of a policy violation, the no contact orders are bi-lateral, meaning they apply to both the a and you equally. If there is a finding of responsibility for misconduct, the no contact order converts to a unilateral no contact order for the respondent to be responsible for not being in your presence.
- Academic considerations, such as deferring an assignment or exam, reducing course load, retroactive withdraw, or priority registration.
- Providing you with an escort to classes and activities.
- Relocating or rescheduling classes or work assignments for you or the accused. Please note that you will not be required to relocate or reschedule, but it is an option available to you.
- 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.
- Changing residence locations. Please note that you will not be required to change residences, but it is an option available to you.
- Restrictions limiting the accused's presence on campus, at certain activities, or to certain areas of campus.
- Interim suspension of the accused from his/her residence, from campus and/or from any activities of the university.

Free Support Services:

- Medical services from the Student Health Center including services related to pregnancy and sexually transmitted infections.
- Mental health services from the Counseling Center.
- Victim advocacy services including [the Haven](#) (on campus) and [Avalon](#) (located in Williamsburg).
- Visa and immigration assistance for international students available through the [Reves Center](#).

Protection from Retaliation

Upon making a report to us, you are protected from retaliation by the accused and others affiliated with him or her. This right extends to anyone affiliated with you, such as family members and any potential witnesses, should you decide you want to pursue an investigation.

Your Rights in the Investigation and Determination Process

If you decide that you want to pursue an investigation, William & Mary is committed to providing a prompt, fair and effective process for adjudication of sexual misconduct allegations. If you would like more information about the investigation process, please review [the online flowchart](#).

As a reporting party, you have certain rights during the investigation process.

- The right to be treated with respect by [Title IX staff](#).
- The right to confidentiality, to the extent possible and permitted by policy and the law.
- The right to be informed of and have access to [campus](#) and [local](#) resources for medical, counseling, and advisory services.
- The right to have the report responded to promptly and equitably.
- The right to a thorough and impartial investigation.
- The right to be informed of relevant provisions of applicable policies and procedures.
- The right to have an advisor of your choice to attend any associated meetings. W&M will provide you with an **internal advisor** who can attend meetings and interviews with you. In the alternative, you can use an advisor of your choosing, including a private attorney that you retain. W&M is unable to provide legal assistance for students.
- The right to have policies and procedures followed without material deviation.
- The right not to be retaliated against for filing a report or participating in an investigation.
- The right not to have unrelated prior sexual history considered as evidence.
- The right to have the determination made using the preponderance of the evidence standard.
- The right to written notice of the outcome & sanction(s) at the same time written notice is provided to the respondent.
- The right to appeal the outcome.

Your Resources

- **The Haven:** confidential support for victims of assault/harassment (staffed primarily by students). 166 Campus Center 166, 757-221-2449, thehaven@wm.edu; You can also reach out to Liz Cascone, Director of the Haven, 757-221- 7478, lizcascone@wm.edu
- **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. Campus Center 109, 757- 221-2510, deanofstudents@wm.edu
- **Title IX Coordinator:** policies, procedures, investigations; information about Title IX. James Blair Hall 110, 757-221-3146, equity@wm.edu
- Other resources can be found on the Title IX website: www.wm.edu/sexualviolence