

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 relationship violence and stalking). We understand that you may be unsure about what you want to do right now. You may not want to do anything. You may just want to talk to someone. You may just want some support, or need academic accommodations. You may want to pursue an investigation. You have options. We are here to help you with those options. This document informs you of your

options, steps William & Mary can take to support you, services available to you, and your rights during an investigation, should you decide you want to pursue one.

Although this document is about the College's internal administrative process, if you want to pursue criminal charges, we can help. You have the right to pursue both criminal and administrative charges; you do not need to choose one or the other. You can find more information about reporting options at:

www.wm.edu/offices/compliance/title_ix_coord/TitleIX_reporting/titleIX_complaint/index.php.

Preservation of Evidence

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. However, if you have already done these things, it is ok! Other relevant evidence can still be collected.

- If you would like to obtain a PERK, William & Mary Police can accompany you.
- You do not need to file charges against someone to obtain a PERK. You can remain anonymous.
- If you are concerned about paying for the exam or your parents receiving an insurance bill, don't worry. There is no cost associated with obtaining a PERK, and you do not need to provide any insurance information.

Regardless of the type of misconduct you have experienced, please retain any electronic records, including 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.

Interim Steps & Services for Victims

We want to ensure your continued equal access to educational programs and activities and to protect your safety and well-being. **You do not have to pursue an investigation to receive resources and support.**

Upon making a report to us, you are immediately protected from retaliation by the respondent (the person who is reported as committing the misconduct) 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. 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 (listed below) 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 available to you include:**

- No contact orders, which will ban further contact from the respondent. For more information about no contact orders, please review the Campus No Contact Order/Orders of Protection Policy. **If you wish to obtain an order of protection, William & Mary Police can assist you.**
- Academic Accommodations, such as deferring an assignment or exam, reducing course load, or priority registration.
- Providing you with an escort to ensure that you may move safely between classes and activities.
- Relocating or rescheduling classes or work assignments for you or the respondent. Please note that you will not be required to reschedule a class, or to move work locations, 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 respondent's presence on campus, at certain activities, or to certain areas of campus.
- Interim suspension of the respondent from his/her residence, from campus and/or from any activities of the university.

Free Support Services Available to You (You do not have to pursue an investigation to access these support services)

- Medical services from the Student Health Center.
- 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](#).

Initial Assessment of Report; Decision Whether to Investigate

William & Mary's Confidential Title IX Review Team assesses all reported incidents of sexual misconduct. While this team can make a determination as to whether an administrative investigation is necessary, in most cases, they are able to respect the reporting party's wishes if they do not wish to move forward with an investigation.

Keep in mind that there are some circumstances in which William & Mary may not have jurisdiction or authority to conduct an investigation, even if the reporting party so desires. However, in any instance where we do not have authority or jurisdiction, we will take steps, when appropriate, to protect your rights to participate in and enjoy the university's programs and activities.

Your Rights in the Investigation and Determination Process

If you are ready to move forward with an investigation, we are here to support you. If you decide that you want to pursue an investigation, the College will provide you with an **internal advisor** who can attend meetings and interviews with you. However, you may choose any advisor that you wish, including a private attorney that you retain. The College is unable to provide legal assistance for students.

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 [this flowchart](#). **As a reporting party, you have certain rights during the investigation process.**

- The right to be treated with respect by College officials.
- The right to confidentiality, to the extent possible and permitted by College policy and the law.
- The right to be informed of and have access to resources for medical, counseling, and advisory services, both on campus and in the community.
- The right to have the report responded to promptly and with sensitivity.
- 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.
- The right to have College policies and procedures followed without material deviation.
- The right not to be retaliated against, or any of your family or friends 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. Blow Hall 240, 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:** report investigation; information about Title IX. James Blair Hall 110, 757-221-3146
- Other resources can be found on the Title IX website: www.wm.edu/sexualviolence