

Sexual Misconduct: Respondent Rights and Responsibilities

Introduction

William & Mary is committed to providing a prompt, fair and effective process for resolution of allegations of sexual misconduct. As the respondent (a student reported as having engaged in conduct potentially violating the Policy on Sexual Harassment and Misconduct, Relationship Violence, and Stalking), 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, be as cooperative as possible. The Office of Student Conduct will assign a university advisor trained in providing support to respondents through our procedures, and you may select another advisor, including a private attorney (lawyer), of your choice. 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 campus 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 typically results in serious disciplinary action including suspension or permanent dismissal from the university.

Interim Steps

The Title IX Review Team and/or the Director of Student Conduct will determine 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 the reporting party is able to participate in the university's educational and other programs and activities. Possible interim steps include:

- Orders barring further contact (no-contact orders) or limiting your presence on campus or to certain areas of campus
- Relocation or rescheduling of classes for you or the reporting party (the reporting party will not be required to reschedule a class)
- Changing residence locations (reporting parties will not be moved without their consent)
- Interim suspension.

Interim Steps may be added or changed throughout the investigation. You may request changes to interim measures by contacting the Dean of Students Office.

Free services that may be helpful to you include:

- Mental health services through the Counseling Center (Blow Hall, 221-3620)

- Academic accommodations such as a reduction of course schedules
- Administrative advisor assigned to you during the investigation process
- For international students, visa and immigration assistance through the Reves Center.

The university will maintain as confidential any accommodations or other interim measures provided, to the extent feasible. (For example, no-contact orders must, by their nature, be disclosed to the affected student.)

Investigation & Determination Process

Trained investigator(s) will gather information related to the allegation(s), including interviewing you, the reporting party 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. The investigator(s) will share with you and the reporting party a preliminary investigation report for your review and response. The investigator(s) then may conduct additional investigation and will produce a final report. **Please retain any electronic records, including texts, emails, photos and social media postings.**

The final report is provided to the parties and the Dean of Students. The Dean (or designee) makes a determination as to whether a **preponderance of evidence** exists to find a policy violation(s), and if so, the Dean of Students, in consultation with the Title IX Coordinator, will issue sanctions and remedies. If the Dean determines that there is not sufficient evidence of a policy violation, the Dean of Students may continue to enforce interim measures to help the reporting party continue his or her educational endeavors without interference. You may appeal the Dean's decision or sanctions, as described in the procedure.

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 the 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 reporting party;
- The right to appeal the outcome.

Your Resources

- **Office of Student Conduct:** interim measures to protect health/safety, information about the investigation/resolution process. Campus Center 109, 757-221-2509,
- **Title IX Coordinator:** report investigation; information about Title IX. James Blair Hall 110, 757-221-3146
- **Counseling Center:** confidential counseling provided by professionals. Blow Hall 240, 757- 221-3620
- Other resources can be found on the Title IX website: www.wm.edu/sexualviolence.