

## STATEMENT OF THE RIGHTS OF THE EMPLOYEE COMPLAINANT

The following is a summary of the rights of the Complainant who has made, or is involved in, a report of sexual misconduct. A complete statement of rights can be found in the [University's Policy Prohibiting Sexual Misconduct](#) and the [Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff](#).

### *Immediate Concerns:*

- It is very important to try to preserve all physical evidence. If applicable, do not wash clothes or use the toilet. Put all clothing you were wearing at the time of the incident in a paper bag, not in a plastic bag.
- Get needed medical attention as soon as possible. A medical examination will provide any necessary treatment and collect important evidence. Injuries may not be immediately apparent. Local hospitals, including St. Mary's, can assist with injuries, preventative treatment for sexually transmitted diseases, and other health services.

### *Options for Reporting Sexual Misconduct:*

- You have the right to report sexual misconduct to the University's Title IX Coordinator.
- You also have the right to report sexual misconduct to the University of Richmond's Police Department or the appropriate law enforcement agency where the misconduct occurred.
- You have the right to report to both the Title IX Coordinator and to the police simultaneously.
- You have the right to be assisted by the Title IX Coordinator or other campus officials in notifying the police, if you so choose.
- You have the right not to notify the Title IX Coordinator or the police, if you so choose.
- The University's Policy Prohibiting Sexual Misconduct provides detailed information on your options for [reporting sexual misconduct](#).

### *Confidentiality:*

- There are a number of off-campus, confidential resources as well, including the Richmond Regional Hotline, Safe Harbor, and the Virginia Anti-Violence Project. More information about off-campus, confidential resources can be found [here](#).
- In some cases, it may not be possible to ensure confidentiality because the safety of others or the campus community requires the Title IX Coordinator to investigate despite your request for confidentiality. The Title IX Coordinator will seek to balance your request for confidentiality with the need to protect others and the campus community, and will notify you if they must move forward with the investigation.
- The [University's Policy Prohibiting Sexual Misconduct](#) provides detailed information on confidentiality and the factors that the Title IX Coordinator considers when evaluating a request for confidentiality.

### *Investigations:*

- You have the right to a prompt, fair and impartial process from the initial investigation to the final outcome.
- The University has an obligation to treat both you and the Respondent equitably.
- You have the right to file a formal complaint to initiate either the formal grievance process or the mediation process.
- You have the right to decline to participate in the investigation or in any conduct proceeding.
- You have the right to receive periodic updates as the investigation progresses.
- You have the right to review all the evidence obtained as part of the investigation as well as review a draft of the investigative report.
- You have a right to have an advisor of your choice present at any conduct / disciplinary hearing and any related meeting or proceeding. For more information on advisors and their role, see GOV-3104.7 (D) of the Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff.

### *Supportive Measures:*

- You have the right to request and to receive appropriate supportive measures. The Title IX Coordinator will ensure that supportive measures are implemented in a prompt, fair, and equitable manner and do not disproportionately impact either party. You can receive supportive measures regardless of your choice to file a formal complaint.
- Examples of supportive measures include No Contact Orders and changes in work schedules.
- The University's Policy Prohibiting Sexual Misconduct provides detailed information on options for [supportive measures](#).

### *Resources:*

- The Title IX Coordinator will assist you in accessing resources off campus, such as counseling or health care services.
- The [University's Policy Prohibiting Sexual Misconduct](#) provides detailed information on the [resources](#) available to you.

### *Grievance Process:*

- You have a right to information regarding the University's procedures for addressing violations of the Policy Prohibiting Sexual Misconduct This information can be found in the [University's Policy Prohibiting Sexual Misconduct](#) and in the [Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff](#).
- The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.
- You have certain rights during the grievance process including:
  - The University's obligation to investigate promptly a formal complaint of sexual misconduct under The Policy Prohibiting Sexual Misconduct;
  - The Complainant's reporting rights, including the right to pursue or not to pursue criminal action;
  - The right to be notified if the University dismisses the formal complaint and the reason for the dismissal;
  - Available options for a protective order;
  - Your right to participate or decline to participate in any investigation or grievance procedures;
  - The right to participate in the hearing, to testify, to present witnesses and other evidence, and to submit questions for all witnesses;
  - The right to a closed hearing;
  - The right to testify in person or via videoconferencing;
  - The right to make an impact statement at the hearing;
  - The right not to have irrelevant prior sexual history admitted as evidence in a Staff or Faculty Hearing Board hearing;
  - The right to an advisor of your choice;
  - The right to review the complaint and the evidence to be offered at a hearing; and
  - The right to appeal the decision made by the hearing board on the grounds set forth in the [Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff](#).
- The Title IX Coordinator will provide the Complainant time to consider their rights and options and to determine whether the Complainant wishes to move forward with the filing of a formal complaint.
- The University's [Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff](#) describes in detail your rights during the conduct process.

### *Mediation:*

For cases where parties have voluntarily agreed to mediation and the University has indicated that the case is appropriate for mediation, you have the following rights:

- Right to written notification from the University that the you have agreed to participate in the mediation process;
- Participation in the mediation process is voluntary. You will not be compelled or pressured by the University to engage in mediation or to reach any particular resolution;

- You may request to end the mediation process at any time prior to a resolution and may choose to pursue the formal grievance process;
- Information gathered in the mediation process cannot be used in any other University conduct process, including the formal grievance process, or any criminal proceedings;
- The right to confidentiality. The parties must agree to keep confidential the discussions that take place during the mediation.

*Retaliation:*

- The University prohibits retaliation against anyone who reports or witnesses an incident of possible sexual misconduct in good faith. Making a report “in good faith” means the individual making the report has a reasonable basis to believe that there has been or may have been a violation of applicable laws or regulations or University policies or that there is a reasonable possibility that such a violation may occur in the near future. Individuals who make frivolous or false reports shall not be deemed to be acting in good faith.
- The University will take reasonable action to prevent and to respond to all reports of retaliation against you. You have the right to be free from retaliation for any report made to the Title IX coordinator, the police, or any Responsible Employee.
- The [University’s Policy Prohibiting Sexual Misconduct](#) contains more information regarding retaliation and the University’s response to reports of retaliation.