

STATEMENT OF THE RIGHTS OF THE EMPLOYEE RESPONDENT

The following is a summary of the rights of the Respondent who 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](#).

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 Complainant equitably.
- You have the right to decline to participate in the investigation or in any conduct proceeding, but know that the University may move forward with the investigation and proceedings.
- 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 [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.
- Examples of supportive measures include No Contact Orders and changes in work schedules.
- The University's Sexual Misconduct Policy 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 Sexual Misconduct Policy 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 Sexual Misconduct Policy. 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](#).
- You have certain rights during the grievance process, including:
 - The right to notice of the allegations of conduct potentially constituting sexual harassment under the University's Policy Prohibiting Sexual Misconduct including information on the identities of the parties involved in the incident(s), if known, and the date and location of the incident(s), if known.
 - The presumption to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process;
 - Notification of any subsequent allegations not included in the original notice;
 - The right to be notified if the University dismisses the formal complaint and the reason for the dismissal;
 - 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 know that if you do not attend without valid excuse or authorization from the Executive Vice President & Chief Operating Officer, the Staff or Faculty Hearing Board may proceed in your absence;
 - The right to remain silent and to be advised that any statement you make may be used in evidence against you;
 - The right to a closed hearing;
 - The right to testify in person;
 - 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 Complainant has the right to pursue criminal action in addition to the University of Richmond's grievance process;
- 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.
- The [University’s Policy Prohibiting Sexual Misconduct](#) contains more information regarding retaliation and the University’s response to reports of retaliation.