TITLE IX RESPONDENT RIGHTS AND OPTIONS

The following information provides a summary of your rights and options as a respondent under the Virginia Commonwealth University’s Title IX Sexual Harassment Policy (the “Policy”). Please contact the Title IX Coordinator if you have any questions about this information.

I. General Information

● Investigation and Adjudication Process. The university is required to follow the process set forth in the Policy when a formal complaint of Sexual Harassment is filed.
  ○ Presumption of Non-Responsibility. A respondent identified in a formal complaint is presumed to be not responsible for the alleged misconduct unless and until the respondent is determined, by a preponderance of the evidence, to have violated the policy.
  ○ Preservation of Evidence. It is extremely important that you preserve evidence showing the circumstances surrounding the allegations and complaint. This can include physical evidence such as notes, calendars, receipts, clothing, etc. You should also preserve electronic evidence. (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Electronic evidence may be the only available evidence in cases of sexual harassment or stalking.

● Options. When a complaint has been filed against you, you have several options, including, but not limited to:
  ○ Contacting parents or a relative
  ○ Seeking or retaining a private attorney for legal advice
  ○ Seeking counseling services
  ○ Obtaining supportive measures at no charge to you
  ○ Filing a formal complaint (if applicable)
  ○ Participating or declining to participate in VCU’s process
  ○ Receiving further information about the investigation and resolution process

● Supportive Measures. The Title IX Coordinator will contact you to discuss the availability of supportive measures. Supportive measures may include changes to your academic, living, transportation, or working situation. Supportive measures are individualized services, and they are designed to restore or preserve equal access to the university’s education program or activity. Supportive measures cannot unreasonably burden another party. Supportive measures may include:
  ○ counseling,
  ○ extensions of deadlines or other course-related adjustments,
  ○ modifications of work or class schedules,
  ○ campus escort services,
  ○ mutual restrictions on contact between the parties,
  ○ changes in work or housing locations,
- leaves of absence,
- increased security and monitoring of certain areas of the campus,
- and/or other similar measures.

- The university will make supportive measures available to you without fee or charge if the services are appropriate and available. Please inform the Title IX Coordinator if you want information about taking a leave of absence and related financial aid information.

- **Counseling.** VCU recognizes that having a complaint filed against you, and the circumstances underlying that complaint, may cause elevated levels of stress and confusion. Counseling services are available to VCU students through University Counseling Services. Contact uccounseling@vcu.edu.

II. **VCU's Procedures**

The Policy governs complaints of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. The procedures contained in the Policy:

- Provide a prompt, fair, and impartial investigation and resolution of a formal complaint. Decisions will be made using a preponderance of the evidence (is it more likely than not that the alleged conduct occurred).
- Require an objective evaluation of all relevant evidence.
- Are carried out by university officials who are free from bias and conflict of interest for or against complainants or respondents generally or an individual complainant or respondent. Officials receive training about:
  - sexual harassment, sexual assault, domestic violence, dating violence, and stalking;
  - the scope of the university’s education programs or activities;
  - how to conduct an investigation and hearing process;
  - and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- Include a presumption that you are not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the process.
- Include reasonably prompt timeframes for the stages of the process.
- Provide you and the complainant the right to have a support person/adviser of your choice accompany you during the investigation and adjudication process. A support person/adviser may be, but is not required to be, an attorney. Except as explained in the Policy, a support person/adviser may not advocate for a party like an attorney would in court. Restrictions on the extent to which an adviser may participate in the proceedings apply equally to all parties.
- Do not restrict the ability of a party to discuss the allegations under investigation or to gather and present relevant evidence.
- Provide the parties an equal opportunity to inspect and review any evidence obtained as part of an investigation that is directly related to the allegations raised in a formal complaint. Provide that both you and the complainant are notified simultaneously in writing of the outcome of the investigation and resolution proceedings, the procedure to appeal the outcome, any change to the outcome that occurs before the outcome is final, and when such outcome becomes final.
- Prohibit retaliation by the complainant or anyone else against you. Retaliation is defined as any adverse action for the purpose of interfering with any right or privilege secured by the Policy because you have made a report or complaint, testified, assisted, participated or refused to participate in any manner in an investigation,
proceeding, or hearing. You have a right to participate or to decline to participate in VCU’s process at any time.

If you would like to have a support person/adviser but cannot find one, please contact the Title IX Coordinator for assistance.

You are prohibited from retaliating against the complainant or against anyone else who participates or declines to participate in an investigation, proceeding, or hearing.

III. Possible Supportive Measures and Sanctions

● Supportive Measures. At any time during the investigation and adjudication process, the university may offer supportive measures to the parties (described above). The university will also take reasonable and legal action to comply with any court protective order. Failure to comply with supportive measures by either party may be reported as a separate violation of university policy.

● Sanctions. If there is a finding that a violation of the Policy has occurred, sanctions may be imposed. In keeping with the university’s commitment to foster an environment that is safe, inclusive and free from discrimination and harassment, sanctions are tailored to the specific matter. Sanctions may include educational, restorative, rehabilitative and punitive components. Punitive sanctions range in severity, up to expulsion or termination of employment. Sanctions will take into account:
  ○ the facts and circumstances of each complaint,
  ○ the impact of the conduct on the complainant and university community, and
  ○ accountability for the respondent.

● Remedies. The resolution of a complaint may include, in addition to sanctions, remedies designed to restore or preserve equal access to the university’s education program or activity.

IV. Confidentiality

Throughout the investigation and adjudication of the Formal Complaint, any supportive measures provided to you will be confidential. The university may disclose some information in order to provide such measures, such as in the case of a mutual no-contact directive.

The university is required by law to make certain statistical disclosures of reported crimes. If a party reports an incident that is a crime but declines to report it to law enforcement, the university will make the statistical disclosure without disclosing personally identifying information about the parties.

V. Resources Available

VCU is committed to supporting our community members wishing to access support services, including all parties and individuals involved in sexual harassment proceedings regardless of whether or not a formal complaint is filed. The university also maintains a list of local off-campus resources.

The following identifies and provides contact information for such resources. If you have any questions or need assistance accessing these services, please contact the Title IX Coordinator.
● Virginia Commonwealth University’s Title IX Coordinator and Director of Outreach and Support:
  ○ Malorie J. Yeaman
    912 W. Grace St., 2nd Floor
    Box 83022
    Richmond, VA 23284-3022
    (804) 828-1347
    titleix@vcu.edu

● On-Campus Counseling (confidential resource)
  ○ University Counseling Services: 804-828-6200

● On-Campus Medical Services
  ○ Student Health: 804-828-8828

● VCU Police Department
  ○ Non-emergency line: 804-828-1196
  ○ Emergency line: 804-828-1234

● Student Financial Aid
  ○ VCU Financial Aid Office: 804-828-6669

● Local Police
  ○ Richmond Police Department: 804-646-5100
    ■ (for emergency dial 911)

● Hospitals
  ○ VCU Health Emergency: 804-828-9000

● Support Agencies/Hotlines
  Virginia Family Violence & Sexual Assault Hotline
  800.838.8238 (v/tty); Text
  804.793.9999; Chat
  http://vsdvalliance.org/

  Greater Richmond Regional Hotline
  804.612.6126

  National Domestic Violence Hotline: 1-800-799-7233

  National Sexual Assault Hotline: 1-800-656-4673

● Legal Assistance, Visa and Immigration Assistance
  ○ U.S. Citizenship and Immigration Services:
    https://www.uscis.gov/about-us/find-a-uscis-office/field-offices
  ○ Immigration Advocates Network:
    https://www.immigrationadvocates.org/nonprofit/legaldirectory/

Please contact the Title IX Coordinator or staff in the Title IX Office if you want to discuss other resources that may be available in the community.