

What Happens if I am Accused of Prohibited Conduct?

Information and resources for students and employees accused of Sexual Harassment, Sexual or Gender-Based Misconduct, Sexual Exploitation, or other Prohibited Conduct under UMW's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.

diversity.umw.edu/title-ix/

Resources and Support

On Campus

Off Campus

Director of Compliance and Title IX/ADA Coordinator

Ruth Davison | 540.654.5656 | rdavison@umw.edu
Lee Hall 401

Deputy Title IX Coordinator for Employees

Terri Arthur | 540.654.2051 | tlockhar@umw.edu
GW 201

Deputy Title IX Coordinator for Students

Brandy Ellard | 540.654.2108 | bellard@umw.edu
Hamlet House

Dean of Students

Melissa Jones | 540.654.1200 | mjones6@umw.edu
Marye House

On Campus – Confidential

Talley Center for Counseling Services

Lee Hall 106 or Tyler House, (540) 654-1053

Student Health Center

Lee Hall 112, (540) 654-1040

TitleIX.com

Respondent Support: <https://www.titleix.com/accused/>

National Suicide Prevention Life Line

1-800-273-8255

<https://suicidepreventionlifeline.org/chat/>

Legal Aid Works

(540) 371-1105

Email: LAWfred@LegalAidWorks.org

Virginia Legal Aid

www.valegalaid.org

The United States Department of Education, Office for Civil Rights

OCR@ed.gov or 1-800-421-3481

Feeling Kinda Blue

Social networking for depression, anxiety, grief, emotional pain, isolation, and mental illness.

1-866-728-7983

<http://feelingkindablue.org>

There may be an investigation:

During the investigation, the investigator(s) will meet separately with the parties and other relevant witnesses for a statement(s). The investigator will gather relevant and available information and evidence, including electronic records or communications, photographs, surveillance videos, records or logs, and other relevant evidence. Throughout the investigation, the parties will have an equal opportunity to be heard, provide evidence, suggest witnesses to be interviewed during the investigation, and submit suggested questions to be directed by the investigator to each other or to any witness. All directly related evidence collected will be made available to the parties for their comments prior to the completion of the investigation report. The parties will be able to comment on the investigation report, which may, in certain cases, include recommended finding(s) and sanction(s), if applicable, that the parties may accept rather than proceeding to a hearing. If the case proceeds to a hearing, parties will have the opportunity to make statements, answer questions of the decision-maker(s), and ask questions of the other party and witnesses through an advisor.

You have rights to supportive measures:

The University offers a wide range of resources for students and employees, whether as Complainants or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct, which may include, but are not limited to: no-contact orders (typically mutual), residence modifications, academic modifications and support, and work schedule modifications including temporary reassignment.

The Respondent will be notified of any supportive measures implemented that directly impact the Respondent. Both parties have the right to discuss interim measures and accommodations by contacting the Director of Compliance and Title IX/ADA Coordinator.

Respondent Rights and Responsibilities

Individuals who are reported to have violated the University of Mary Washington's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence have the following rights under Federal Law and UMW's Policy. You are encouraged to read the Policy and ask any questions to the Director of Compliance and Title IX/ADA Coordinator. Additional information on Respondent Rights and Responsibilities is included in UMW's Policy.

The right to a prompt, fair, and impartial investigation and resolution with transparent procedures consistent with UMW policies.

The Respondent will be notified in writing of the allegations with sufficient known details to prepare a response before any investigative interview, the applicable policies and procedures, and possible sanctions.

The right to timely notice of meetings.

The right to an advisor of their own choosing.

The right to prohibition of retaliation.

The right to be presumed not responsible and a finding(s) based on the Preponderance of the Evidence Standard.

The right to have the report treated as private with equal access to resources and support.

The right to be heard, provide evidence, suggest witnesses to be interviewed during the investigation, and submit suggested questions to be directed by the Investigator to the other party or witnesses.

The right to review and respond to evidence prior to the completion of the investigation report and the right to review and respond to the investigation report.

The right to a hearing on the allegations and the right to ask relevant questions of the other party and witnesses through an advisor.

The investigation and hearing will be conducted by officials who do not have a conflict of interest or bias for or against the Respondent and are trained annually.

The right to receive simultaneous notification in writing, to both parties, of the final result, procedures for appeal, any changes to the result, and when such results become final.

The right to reasonable accommodations and supportive measures.

The right to appeal the finding(s) and sanction(s) of the resolution in accordance with the Policy.

University of Mary Washington Policy and Procedures

UMW's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence prohibits Sexual Harassment, Sexual or Gender-Based Misconduct, Sexual Exploitation, Retaliation, and Complicity (Prohibited Conduct). For additional information and to view the Policy, please visit diversity.umw.edu/title-ix/ or contact the Director of Compliance and Title IX/ADA Coordinator.

Notice: If a Formal Complaint is filed, the Respondent will be notified in writing. The notification will include the allegations potentially constituting a Policy violation with sufficient known details and sufficient time to prepare a response before an investigative interview will occur.

Informal Resolution: Informal Resolution is a flexible process that is available in many cases. Informal Resolution results in an outcome agreed to by both parties and the Director of Compliance and Title IX/ADA Coordinator. For more information, please visit diversity.umw.edu/title-ix/ or contact the Director of Compliance and Title IX/ADA Coordinator.

Formal Process and Procedures: UMW will designate an investigator(s) to conduct a prompt, thorough, fair, and impartial investigation. The investigator will meet separately with the Complainant, Respondent, and witnesses for statements and gather available information such as electronic communications, photographs, videos, and other relevant evidence. The investigator will share collected evidence and provide an investigation report summarizing the relevant information gathered. Parties will have an opportunity to respond to the evidence and investigation report. In certain cases, the investigation report will contain recommended finding(s) and sanction(s), if applicable, that the parties may choose to accept. In other cases, there may be a hearing. At the hearing, the University decision-maker(s) will ask the Complainant, Respondent, investigator, and witnesses questions. Additionally, the Complainant's and Respondent's advisors will be permitted to ask the other party and witnesses questions. If a party does not have an advisor, UMW will appoint one for the hearing. At the conclusion of the hearing, the decision-maker(s) will issue a written determination regarding responsibility that will notify the Respondent of the finding(s) and sanction(s), if applicable, and the rationale for any finding(s). The Respondent may appeal the outcome in accordance with the procedures in the Policy. For additional information, please visit diversity.umw.edu/title-ix/ or contact the Director of Compliance and Title IX/ADA Coordinator.

Advisors: Respondents have the right to an advisor of their choice to assist them throughout the process. Additional information on advisors may be found in the Policy.

Standard of Evidence: The Respondent has the right to be presumed not responsible. A finding(s) will be made using the Preponderance of the Evidence Standard. "Preponderance of the Evidence Standard" means it is more likely than not that a violation of the Policy has occurred.

Retaliation: It is a violation of UMW's policy to retaliate in any way against a student, faculty, or staff member because they reported an incident or participated in an investigation. Retaliation is a violation of UMW's Policy whether or not the underlying allegations of Prohibited Conduct are found to be a violation of University Policy. Please contact the Director of Compliance and Title IX/ADA Coordinator or Deputy Title IX Coordinators if you have concerns about retaliation.