

University of Richmond
Sexual Misconduct Response Fact Sheet
Updated October 13, 2016

The prevention of sexual misconduct, particularly sexual violence, is an institutional priority at the University of Richmond. The University is unwavering in its commitment to support survivors of sexual assault, to respond promptly to reports of any type of sexual misconduct, and to investigate and adjudicate reports in a manner that is fair and equitable to all parties involved. Importantly, the University is also committed to continually assessing and improving its policies, prevention initiatives, and educational programs based on input from the campus community, best practices at other institutions, and regulatory guidance.

What resources are available for students?

The University has a team of experienced, well-trained, and caring professionals available to assist and support students who experience sexual misconduct. Students are encouraged to seek help from the staff at the University's Counseling and Psychological Services (CAPS) and the Student Health Center. The University also has an agreement with Safe Harbor, which provides support for survivors of sexual and domestic violence. The University also connects students with other survivor support organizations and local health care providers.

What is the University's process for investigating reports of sexual assault?

Reports of sexual assault are investigated by the University of Richmond Police Department and by the University's Title IX Coordinators, while other non-criminal types of sexual misconduct are handled solely by the Title IX Coordinators. URPD is nationally accredited and, for crimes occurring on campus, has the same law enforcement authority as local police departments. URPD detectives are trained in sexual assault investigations. The University's Title IX Coordinators have attended trauma-informed training on conducting sexual misconduct investigations. The University's Title IX Coordinator and Director of Compliance also has the authority to engage external investigators to investigate reports of sexual misconduct.

The University has detailed procedure for investigating and adjudicating reports of sexual misconduct. For more information see the University's [Sexual Misconduct Policy](#) and [Standards of Student Conduct](#).

What training is provided for students, faculty and staff?

The University requires all new students to attend training on Title IX and the Sexual Misconduct Policy. All new students are also required to attend bystander intervention training. The Title IX Coordinators also conduct regular training for other students and student organizations including the fraternities and sororities, athletic teams, and resident assistants.

All new employees to the University, both faculty and staff, are required to attend training on Title IX and the University's policies within 60 days of beginning employment at the University. The Title IX Coordinators have conducted training for faculty and staff and continue to provide that training. Finally, the University is now implementing a new policy that requires all University employees to complete Title IX training, along with other compliance training, every three years.

Why aren't sexual misconduct cases just referred to the police?

Our students are encouraged to report to both the University Police Department and to the Title IX coordinators. It is important to allow students who report sexual violence to choose whether they want to pursue a criminal investigation. Students may elect to pursue their report with both the Title IX / Student Conduct process and through the criminal justice process. The University is required by the federal government to investigate these cases through the Title IX / student conduct process regardless of whether the student wishes to pursue a criminal investigation. The University process is not intended to substitute for a criminal investigation.

Why do the University's policies refer to "sexual misconduct" and not "sexual assault"?

The University's uses the term "sexual misconduct" to refer to a range of behavior from sexual harassment to sexual violence. The term includes stalking, domestic and relationship violence, non-consensual sexual contact, and non-consensual sexual intercourse. The policy does not use criminal law terms such as sexual assault or rape, but the Sexual Misconduct Policy prohibits the same type of conduct that could result in a criminal charge of sexual assault or rape.

How do students report sexual misconduct at the University?

The University of Richmond strongly supports and encourages prompt reporting of sexual misconduct. Reporting provides resources to survivors and contributes to keeping the campus safe.

University of Richmond students, as well as faculty and staff, have multiple options for reporting sexual misconduct. They may report to:

- The University Police;
- The University's Title IX Coordinator and Director of Compliance, or any of the University's deputy Title IX Coordinators;
- The student's dean's office; or
- Students may file an anonymous report using the form found [here](#). (Please note that University employees cannot use this form anonymously and must provide all requested information when making a report.)

For a summary of reporting options, follow this link:

<http://studentdevelopment.richmond.edu/student-concerns/sexual-misconduct/flowchart.pdf>.

Some students prefer to report confidentially. Those students have options for reporting to on-campus resources and to off-campus resources including:

- The University's Counseling and Psychological Services (CAPS). When the CAPS office is closed, a University counselor is on-call and may be reached through the University Police dispatcher or through a Resident Assistant;
- The University's Student Health Center;
- Ordained clergy members working with the Chaplaincy. The Chaplaincy will connect students to ministry partners who work with the Chaplaincy;
- The Richmond Regional Hotline, a crisis response system for people across the region impacted or affected by domestic, intimate partner, and/or sexual violence;
- Safe Harbor, which supports those who are experiencing or have experienced domestic and/or sexual violence. Safe Harbor offers comprehensive services for survivors of sexual and/or intimate partner violence including: a 24-hour helpline at (804) 287-7877, children/youth services, community education and training, counseling, court advocacy, emergency shelter, and hospital accompaniment; or
- The Virginia Anti-Violence Project, which offers support for lesbian, gay, bisexual, transgender, queer, and questioning survivors of sexual assault and/or intimate partner violence as well as hate-motivated violence.

How are students informed of their rights during an investigation and conduct hearing?

One of the first things that the Title IX Coordinator or investigator does when they meet with the students involved in a report of sexual misconduct is to review and discuss with the students the process and their rights. The students are given a written summary of their rights and are also encouraged to review the University's Sexual Misconduct Policy and Standards of Student Conduct.

Prior to a student conduct hearing, the Hearing Officer meets with both students separately to review and explain the process and their rights. The Hearing Officer also provides the students with copies of the Standards of Student Conduct, which sets forth their rights and the process for conducting the hearing.

How does the University respond to a report of sexual misconduct?

The University responds to all reports of sexual misconduct with the priority of ensuring that our students are given the support and care they need and are treated fairly throughout the process.

The Title IX Coordinators will investigate all reports of sexual misconduct, regardless of the source of the report or information. For example, an investigation will be initiated if the report is made directly by the affected student, another student, a faculty member, a staff member, or a third party.

When a report of sexual misconduct is received, the first concern is the safety and well-being of the student involved. The Title IX Coordinator, working in collaboration with the student's dean, assists the student in connecting to medical and mental health resources; connecting with sexual assault support and advocacy services, such as Safe Harbor; securing a protective order, if appropriate; implementing a no contact order; and assessing the need for interim accommodations, such as changes to the class schedule or living arrangement of either the student reporting or the student accused of misconduct.

The second step in the response is to ensure that the student understands their rights and options for filing a report with the police and commencing an investigation by the Title IX Coordinator.

Some students request confidentiality and do not want an investigation to move forward. The Title IX Coordinator engages with the student regarding that request and considers it in light of potential risks to other campus members. We seek to honor that student's request whenever possible, and when doing so does not place other students at risk.

Finally, if the student does wish to move forward, the Title IX Coordinator begins the formal investigation. When an incident is reported to both the University Police and the Title IX Coordinator, they will collaborate on the investigation to the extent possible and, as appropriate, will seek to avoid unnecessary burdens on the student.

What is the University's "No Contact" Order?

A No Contact Order is one of a number of interim remedial measures that the University may put in place during an investigation and a Conduct Proceeding. A No Contact Order is not intended to be punitive. It is intended to keep all involved students safe and to prevent an escalation of the situation by having the students avoid direct and indirect contact with each other. The No Contact Order will remain in place as long as necessary.

A prohibition against contacting the affected student may also be one component of a sanction imposed on a student found responsible for violating the Sexual Misconduct Policy.

The University uses No Contact Orders in any conduct investigation where they are appropriate. The use is not limited to cases of sexual violence.

What happens if a student violates a "No Contact" Order?

If a student violates a No Contact Order, that student, if found responsible, will be sanctioned under the student conduct process. The nature of the sanction depends on the nature of the violation. The University also has a process for imposing a residence hall suspension or a full summary suspension against a student who presents a serious risk to the safety of others. Under this process a student can be removed from campus while an investigation and Conduct Proceeding is underway.

Who manages the University's process for investigating reports of sexual misconduct, and what—specifically—does the process entail?

Upon receipt of a report involving possible sexual misconduct, the Title IX Coordinator begins to gather the preliminary information needed to commence an investigation.

The Title IX Coordinator first meets with the survivor of the reported sexual misconduct and advises the student, among other things, of their rights and options for moving forward, including their right to an advisor of their choice, the University's obligations to treat all parties fairly and to promptly investigate the report, the general process for conducting an investigation and the student conduct process. The Title IX Coordinator or investigator then seeks information from the student about the incident during that meeting, if the student is ready, or during a subsequent meeting with the student.

The Title IX Coordinator or investigator then meets with the student accused of sexual misconduct, following the same process, including advising the student of their rights and the University's obligations.

The Title IX Coordinator or investigator then interviews other witnesses and gathers other relevant evidence.

The Title IX Coordinator or investigator then prepares a draft report and allows both the students to review the summary of their respective interviews to ensure accuracy. The report includes a summary of witness testimony and relevant findings of fact. The Title IX Coordinator then makes a determination as to whether there is sufficient evidence, using a preponderance of the evidence standard, to refer the case to the Conduct Officer to begin the conduct process. The Conduct Officer for sexual misconduct reports is a member of the Student Affairs Division and is outside the Coordinate College System.

What options does a student have if the case is not referred to the Conduct Officer?

If the Title IX Coordinator determines that there is insufficient evidence to refer the report to the conduct process, the student can file a report directly with the Conduct Officer, who will review the Title IX investigation, conduct any additional investigation that may be warranted and make an independent decision whether to charge the accused student.

Does the Title IX Coordinator notify the University Police?

The Title IX Coordinator will encourage the complainant to contact the University Police and make a formal report. Additionally, the Title IX Coordinator will notify the University Police of any report that may be required to be logged and disclosed under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("the Clery Act"). Unless the complainant wishes to make a police report, their name or other personally identifiable information will not be included in the report to the University Police. In addition, victim names are never published in the crime log or as part of the annual Campus Security Report required by the Clery Act.

What role does the University Police play in these investigations?

The University encourages students, faculty and staff to report sexual misconduct to *both* the University Police and the University's Title IX Coordinators. Instances of sexual misconduct may violate both the University's sexual misconduct policy and the criminal laws. As a result, the University encourages survivors to pursue their complaints through both the University's process for sexual misconduct and through the criminal justice system. If a survivor makes a report to the University Police, the University Police will notify the Title IX Coordinator of the report. If the survivor reports first to the Title IX Coordinator, the Title IX Coordinator will assist the survivor with making a report to the University Police, if the survivor chooses to do so. The University's Title IX investigation is required.

Is the process the same for survivors of all genders?

Yes. The University of Richmond prohibits discrimination based on gender identity and gender expression. The University uses the same process to respond to and investigate reports by survivors of any gender. No matter how someone identifies (e.g. female, gender fluid, male, questioning, trans, etc.), all survivors receive the same services and support. Emotional support, counseling, and medical treatment are available to assist any individuals recovering from sexual misconduct.

Is the process the same for survivors of all sexualities?

Yes. The University of Richmond prohibits discrimination based on sexual orientation. The University uses the same process to respond to and investigate reports by survivors of any sexuality. No matter the sexuality of the survivor (e.g. bisexual, gay, lesbian, queer, straight, etc.), all survivors receive the same services and support. Emotional support, counseling, and medical treatment are available to assist any individuals recovering from sexual misconduct.

In addition, the University's Title IX Coordinators are Safe Zone Allies and have completed Safe Zone training through the University's Office of Common Ground ([link to Common Ground](#)).

Is there a different process for students involved in extracurricular activities, such as Division I athletics or Greek life?

No. The process is the same for all students. Further, the Athletic Department is not involved in any Title IX investigation, any University Police investigation, or the student conduct process.

How does the University respond to assaults that happen off campus?

The University will respond and support students regardless of where or when the incident occurred. The University's Sexual Misconduct Policy applies to conduct that occurs on the campus of the University, on or in off-campus buildings or property of the University, and at University sponsored activities, including off-campus education programs and activities, or on

public property, as defined below. The Policy also applies to University students studying abroad through a University-approved study abroad program.

The University also responds to conduct involving a University student that occurs at other locations or in connection with other activities when such conduct may adversely affect members of the University community.

Can students have a lawyer or other advisor assist during the investigation and conduct process?

Yes. Students may choose an advisor of their choice, including an attorney. The University encourages students to have an advisor and students are notified of their right to an advisor at the beginning of an investigation.

How long does it take to complete an investigation?

In general, the entire investigation, including any disciplinary hearing should be concluded within sixty (60) days of the complaint being made, unless extenuating circumstances necessitate a longer time frame.

How does the student conduct process work?

The Title IX Coordinator does not determine whether a disciplinary charge should be brought or whether disciplinary sanctions should be imposed. Instead, the Title IX Coordinator makes a determination regarding whether there is sufficient evidence at that time to refer the matter to the Conduct Officer to evaluate possible disciplinary action. The matter will then be handled in accordance with the University's Standards of Student Conduct.

Upon receipt of the referral from the Title IX Coordinator, the Conduct Officer reviews the findings of the Title IX investigation and the investigative file to assess disciplinary charges under the Standards of Student Conduct. If necessary, the Conduct Officer may conduct a follow-up or additional investigation. The Conduct Officer will confer with the Title IX Coordinator regarding any questions they may have regarding the Title IX Coordinator's investigation.

The Conduct Officer issues a charge letter to the student advising the student of the specific violations of the Standards of Student Conduct and Sexual Misconduct Policy with which the student is charged. The student then meets with the Conduct Officer and has the option to accept responsibility for the violations charged and the recommended sanctions. If the student accepts responsibility and sanctions, the case ends and the sanctions are implemented. If the student denies responsibility or contests the sanction, the case goes to a hearing before the University Hearing Board.

What happens if a student admits to engaging in sexual misconduct?

If a student admits to engaging in sexual misconduct, the student will be sanctioned. The student has the choice to accept the sanctions determined by the Conduct Officer, or to have a hearing on sanctions only before the University Hearing Board. If the case goes to a hearing on sanctions, the complainant has an equal opportunity to participate in the hearing.

What is the role of the University Hearing Board?

The University Hearing Board is comprised of three University staff members chosen from a pool of hearing board members who have had training, including trauma-informed training on sexual assault, Title IX and the University's student conduct process, including how to weigh evidence under the applicable standard and how to properly conduct a fair hearing. A Hearing Officer is responsible for managing the hearing process, but is not a voting member of the University Hearing Board. The Vice President for Student Development has the authority to appoint the Hearing Officer for each hearing.

The University Hearing Board hears oral testimony from witnesses, including the Title IX coordinator/investigator, the Conduct Officer, and witnesses for both the Complainant and the Respondent, asks questions of all witnesses, and considers all other evidence presented at the hearing.

The members of the University Hearing Board, using a preponderance of evidence standard, determine first whether the respondent is responsible for the violations charged and, if so, what the appropriate sanction should be.

How are sanctions determined?

Sanctions are determined once the University Hearing Board makes a finding that the student is responsible for the violations with which the student was charged. The University Hearing Board then considers the appropriate sanctions based on the facts of that particular case and the complainant's impact statement. The University Hearing Board seeks to impose sanctions that are proportionate to the violations. In the case of sexual violence, the minimum sanction is suspension.

Both the complainant and the respondent have a right to appeal the sanctions imposed on the grounds that they are disproportionate to the conduct for which the respondent was found responsible. A description of the appeals process is listed below.

Where are the hearings held?

The hearings may be held in designated conference rooms that have the capability to permit the complainant to participate via video conferencing if the complainant does not wish to be present in the room with the respondent.

Who can present witnesses and evidence at the hearing?

The University Hearing Board, the complainant and the respondent all call witnesses and present evidence at the hearing. The University Hearing Board typically seeks testimony from the person who conducted the Title IX investigation, from the Conduct Officer who charged the respondent, and when a police investigation has occurred, the investigating officer. The complainant and respondent have equal rights to present other witnesses and evidence.

If someone is found responsible for sexual violence, what is the punishment? If someone is found responsible, can they remain on campus?

The minimum punishment when a student is found responsible for or accepts responsibility for sexual violence is suspension from the University. Once a final determination of responsibility is made, following any appeal from either the complainant or the respondent, the student cannot remain on campus. If the respondent's continued presence on campus during an appeal creates a risk, the University can prevent the student from coming on campus during the appeal period.

How does the appeal process work?

Both the complainant and respondent can appeal the decision of the University Hearing Board. The grounds for an appeal are:

- A witness at the University Hearing Board hearing lied and the testimony was both material and adverse to the appealing party.
- New evidence of a material nature is available that was not available at the time of the University Hearing Board hearing, unless such evidence was or could have been available prior to or at the time of the University Hearing Board hearing.
- The University Hearing Board hearing was conducted in a manner materially inconsistent with the Standards of Student Conduct and the written procedures of the University Hearing Board.
- The sanction(s) determined by the University Hearing Board was disproportionate to the findings.

The appeal is conducted by the Vice President for Student Development, who may engage members of the University Hearing Board pool who did not participate in the hearing to assist in reviewing the appeal.

Can the University disclose specific facts associated with discipline cases and their investigation?

The records of an investigation involving University students are considered to be education records subject to the Federal Rights to Privacy Act ("FERPA") and the University's FERPA policy. Thus, they are confidential. However, both the complainant and the respondent, along with their respective advisors, have access to all evidence used in a conduct hearing and both are advised of the outcome of the hearing.

Why doesn't the University comment on student disciplinary cases after either the complainant or respondent has released information freely to the public?

Even if one party to a hearing elects to release information, the University remains bound by federal privacy laws and University policies that protect the other student.