

# SEXUAL MISCONDUCT

## Information for Complainants

Sexual misconduct is not tolerated at the University of Memphis. Reports of sexual assault, dating/domestic violence, or stalking are taken seriously. The following rights are afforded to any University of Memphis student, staff, or faculty member who experiences such an incident.

### MEDICAL EXAMINATIONS AND TREATMENT

The Student Health Center provides medical care for all survivors of sexual assault or relationship violence, regardless of gender. The Center can treat students for injuries, test for sexually transmitted diseases, and provide emergency contraception. You may prefer to be taken to the Shelby County Rape Crisis Center which can provide all of the above services and can also collect evidence and perform forensic medical exams. There is no requirement that you report the assault to the police in order to be given the exam—you may remain anonymous and the evidence will be held for a time with no identification.

### LAW ENFORCEMENT AND PRESERVATION OF EVIDENCE

It is your choice whether to pursue criminal prosecution. If you are considering criminal prosecution, it is extremely important to preserve all evidence of the sexual assault or other incident. You should not bathe, shower, change clothes, comb their hair, clean up the area where the incident took place or move anything the offender touched. Procedures for preserving evidence are described in the policy, and can be explained to you by a public safety officer. If you feel more comfortable speaking with a male or female officer about evidence preservation and other matters related to an assault, please advise University Police Services.

Victims of sexual misconduct are encouraged to preserve electronic evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to investigators.

### CONFIDENTIAL COUNSELING

Victims may find it helpful to consult with a counselor. All information shared with these offices will remain confidential to the extent permitted by law and University policy. Further, discussions with representatives of these offices will not be considered a report to the University regarding the behavior and, therefore, will not, without additional action by the Complainant or a Reporter, result in further action by the University. Counseling is provided on campus to students at the University Counseling Center, 214 Wilder Tower, 901-678-2068. If you are in the Memphis area, you may also contact the Rape Crisis Center at 901-222-4350. In the Jackson area, you may contact the Wo/Men's Resource and Rape Assistance Program at 1-800-273-8712.

### INTERIM MEASURES

You have the right to request a change in housing (a new room assignment in the residence halls), a change in class assignment (a change to a different section of a course), a campus protective order (prohibiting contact or access to your residence hall), or a change in your working environment (a change in office location or reporting relationship), so that you will be separated from the accused person to the greatest extent possible. Academic relief may also be available. These requests should be made to the Title IX Coordinator. Any requested changes will be made as soon as alternative arrangements are reasonably available. The accommodations provided will be maintained confidentially to the extent that maintaining such confidentiality will not impair the ability of the University to provide the accommodations.

## FAIR AND IMPARTIAL INVESTIGATION AND RESOLUTION

You can expect a fair and just process as your complaint is handled, from the initial investigation to the final result. All of the individuals involved in the process receive, at a minimum, annual training on issues related to dating violence, domestic violence, sexual assault and stalking and training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Prior, irrelevant sexual behavior or history with other individuals will be excluded as evidence and from any hearings. Further, your complaint will be handled by individuals who do not have a conflict of interest or bias. If you believe that an involved party has a conflict of interest you are encouraged to report it to the Title IX Coordinator or the Office of Legal Counsel.

## INFORMATION

You have the right to be informed of the process of the investigation, the outcome of a hearing and the outcome of any disciplinary proceeding. You and the accused will be simultaneously informed in writing of the outcome of the investigation, disciplinary sanctions and the procedures for appeal.

## RIGHT TO AN ADVISOR

You have the right to have one advisor throughout the process, including meetings and hearings. The advisor may not be a witness in the case. In meetings or in a hearing, the advisor may not participate directly and may only communicate with you via whispering or writing notes.

## CONFIDENTIALITY

You have the right to have your name and all information related to the offense kept as confidential as is reasonably possible, although you should understand that the accused will be provided with a copy of your complaint. Absolute confidentiality may not be maintained in all circumstances, especially when the University needs to act to protect the safety of others. However, as a general matter all persons involved in a complaint of sexual misconduct, sexual assault, relationship violence, or stalking are to respect the privacy of the individuals involved and must keep the matter as confidential as is reasonably possible. This does not prohibit you from disclosing information to persons who need to know it in order to participate in or administer the process, and/or to provide support and assistance to you. Your parent(s) or guardian(s) will not be contacted by the University except at your request or in the case of a health or safety emergency. If the University is required to notify the community of the incident, including recording the assault in the campus crime log, no identifying information about you will be included, to the extent permissible by law. For absolute confidentiality, contact the University Counseling Center.

## RETALIATION

Threats, intimidation, and any form of retaliation for bringing a complaint of sexual misconduct are prohibited and may be grounds for disciplinary action. If any retaliation occurs, it is important to contact the Title IX Coordinator, University Police, and/or Human Resources.