

# **SEXUAL MISCONDUCT**

## *Information for Respondents*

If you have been accused of sexual assault, sexual harassment, dating/domestic violence or stalking, the following information is provided to give you some guidance regarding the process and your rights.

### **NOTIFICATION OF CHARGES**

You have the right to be notified in writing of the charges against you. You also have the right to provide a written response to the charges made against you.

### **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. Further, the 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.

### **APPEAL RIGHTS**

After the Investigator has rendered a determination, either party (complainant or respondent) has the right of appeal. Appeals must be made in writing within 10 business days of receipt of the Investigator's decision. The appealing party(ies) must explain why he or she believes the factual information was incomplete, the analysis of the facts was incorrect, the appropriate standard was not applied, and how this would change the determination in the case. The appeal hearing will be held before a hearing officer who will issue a written determination as to whether or not a violation of this policy occurred and the justification for the decision. The Hearing Officer's decision may be appealed to the President of the University. For more specific and detailed information about the appeals process, please see the University's policy on Sexual Misconduct and Domestic Violence. You may also appeal the determination using the contested case provisions of the Tennessee Uniform Administrative Procedures Act, T.C.A. § 4-5-301 et seq. For more information visit [sos.tn.gov/apd](http://sos.tn.gov/apd). Contact the U of M Office of Legal Counsel at 901.678.2155 or [legalcounsel@memphis.edu](mailto:legalcounsel@memphis.edu) if you have any additional questions regarding the appeal process.

### **INFORMATION**

You have the right to information regarding the status of the complaint against you, including the outcome of the campus investigation and any disciplinary action, the procedures to appeal a disciplinary action and the final outcome. You can expect periodic updates throughout the process and may contact the investigator at any time with questions or to provide information relevant to the investigation.

### **CONFIDENTIAL COUNSELING**

You may find it helpful to consult with a counselor or seek other forms of assistance. Those who wish to seek information or support in a confidential manner have campus and community resources available to them. All information shared with these offices will remain confidential to the extent permitted by law and University policy. Counseling is provided on campus to students at the Counseling Center, 214 Wilder Tower, 901.678.2068. Employees you may consult HR Benefits for EAP.

### **CONFIDENTIALITY**

You have the right to have your name and all information related to the offense kept as confidential as is reasonably possible. It may not be possible to maintain absolute confidentiality 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)/ guardian(s) will not be contacted by the University except at your request, in the case of a health or safety emergency, or as required by law. 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 or the Health Center.

## RIGHT TO AN ADVISOR

If you have been accused of sexual misconduct, you have the right to select an advisor to support and accompany you at all times throughout the University proceedings. The advisor may support you, but may not represent you or speak for you. You may contact the Title IX Coordinator if you have procedural questions or concerns during any stage of the process.

## INTERIM MEASURES

Persons subject to sexual misconduct have a right to request interim measures such as a change in housing, class assignment, etc. The interim measures should not be construed to indicate that a determination has been made regarding a violation of policy violation. Interim measures provide protection for you as well as the victim. Any interim measures implemented, such as a no-contact order, should be respected and adhered to. Failure to do so on your part could result in additional sanctions.

Also, if you as a respondent feel that communication and contact restrictions are warranted, you may speak with the Title IX Coordinator about interim measures that you would like implemented.

## SANCTIONS

You have the right to know the potential sanctions that may be imposed if you are found responsible for violating the Sexual Misconduct Policy. These sanctions are described in the policy and may include, but are not limited to, admonitions, probation, suspension, dismissal from the University and/or termination from employment.

## RETALIATION

Threats, intimidation and any form of retaliation for bringing a complaint of sexual misconduct are prohibited and may be grounds for disciplinary action. Therefore, you should avoid any actions that could be construed as retaliatory such as trying to convince a victim or complainant to retract their complaint or bringing any undue pressure on a complainant.

**Received and Reviewed by:**

**Print Name:**

**Signature:**

**Date:**



Office for Institutional Equity

[memphis.edu/oie/resources/internal.php](https://memphis.edu/oie/resources/internal.php)

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