



# SEXUAL MISCONDUCT

## COMPLAINANT (VICTIM) RIGHTS

- The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith;
- The right to be treated with respect by University officials;
- The right of both the Complainant and Respondent to have the same opportunity to have others present (in support or advisory roles) during the University judicial process;
- The right not to be discouraged by University officials from reporting sexual misconduct offenses to both on-campus and off-campus authorities;
- The right to be informed of the outcome and any sanctions imposed as the result of a University judicial hearing involving a sexual misconduct offense, usually within forty-eight (48) hours of the end of that hearing;
- The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, if the student so chooses. This also includes the right not to report;
- The right to be notified of available counseling, mental health or student services both on campus and in the community;
- The right to notification of and options and assistance for changing academic and living situations after an alleged sexual misconduct incident if such changes are reasonably available. (No formal complaint, or investigation, campus or criminal, need occur before this option is available.)
- The right not to have irrelevant prior sexual history admitted as evidence in the University judicial process;
- The right to make an Impact Statement at the University judicial hearing and to have that statement considered in determining a sanction;
- The right to a campus no-contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others;
- The right to appeal the (finding and) sanctions imposed by the SUBR Office of the Dean of Students, in accordance with the standards for appeal established by the institution;
- The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law, at least forty-eight (48) hours prior to the University judicial hearing;
- The right to be informed of the names of all witnesses who will be called to give testimony, usually within forty-eight (48) hours of the University judicial hearing, except in cases where a witness's identity will not be revealed to the Respondent for compelling safety reasons (this does not include the name of the alleged Complainant/victim, which will always be revealed);
- The right to preservation of privacy, to the extent possible and allowed by law;
- The right to a hearing closed to the public;
- The right to petition that any member of the Hearing Board be removed on the basis of demonstrated bias;
- The right to bring a victim advocate or adviser to all phases of the investigation and University judicial process;
- The right to give testimony in the University judicial hearing by means other than being in the same room with the Respondent;
- The right to ask the investigator(s) to identify and question relevant witnesses, including expert witnesses;
- The right to be fully informed of the University judicial process rules and procedures, as well as the nature and extent of all alleged violations contained within the complaint;
- The right to have the University request the presence of student, faculty and staff witnesses, and the opportunity (if desired) to ask questions, directly or indirectly, of witnesses (including the Respondent) and the right to challenge documentary evidence;
- The right to be present for all testimony given and evidence presented before the Hearing Board;
- The right to have complaints heard by the Hearing Board members and appeal officers who have received annual sexual misconduct training;
- The right to have a Hearing Board comprised of representatives of both genders;
- The right to have University policies and procedures followed without material deviation;
- The right to be informed in advance of any public release of information regarding the complaint if possible; and
- The right not to have released to the public any personally identifiable information, without his or her consent.