



HELP

SEXUAL

ME

# MISCONDUCT

## RESPONDENT (ACCUSED) 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 to be informed of, and have access to, campus resources for medical, counseling and advisory services;
- The right to be fully informed of the nature, rules and procedures of the University judicial process and to timely receive written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions;
- The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
- The right not to have irrelevant prior sexual history admitted as evidence in the University judicial process;
- The right to make an Impact Statement during the University judicial hearing and to have that statement considered in determining a sanction;
- The right to appeal the finding and sanction of the Hearing Board, in accordance with the standards for appeal established by SUBR;
- The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law, usually within 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 process 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 Complainant/victim, which will always be revealed);
- 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 bias;
- The right to have the Hearing Board request the presence of student, faculty and staff witnesses, and the opportunity to ask questions, directly or indirectly, of witnesses and the right to challenge documentary evidence;
- The right to have complaints heard and/or appealed by individuals who have received annual sexual misconduct adjudication training;
- The right to have SUBR policies and procedures followed without material deviation;
- The right to have an adviser or advocate accompany and assist in the University judicial process. This advisor can be anyone but the adviser may not take part directly in the hearing itself, though he/she may communicate with the Respondent as necessary;
- The right to a fundamentally fair hearing, as defined by SUBR policies and procedures;
- The right to an outcome based solely on evidence presented during the University judicial process hearing. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to written notice of the outcome and sanction of the Hearing Board;
- The right to have the Hearing Board comprised of representatives of both genders; and
- The right to be informed, in advance when possible, of any public release of information regarding the complaint.