

**Northern Virginia Community College**

**Respondent's Rights and Options**

**For those accused of sexual assault, dating/domestic violence or stalking  
2017**

Sexual misconduct is not tolerated at Northern Virginia Community College. Reports of sexual assault, dating/domestic violence or stalking are taken seriously. It is important to NOVA that respondents are informed and provided due process.

**The complete NOVA Sexual Misconduct Policy (Title IX Policy) is available online at**  
<http://www.nvcc.edu/titleix/index.html>

**Any NOVA student, faculty member, or staff who is accused of sexual misconduct has the right to:**

- 1. Complaint:** The respondent has the right to be notified in writing of the complaint and the allegations as well of any immediate interim measures that impact the respondent.
- 2. Information:** The respondent has the right to information regarding the status of the complaint against them, including the outcome of the campus investigation and any disciplinary action, the procedures to appeal a disciplinary action, and the outcome.
- 3. Confidentiality and discretion:** Identifying information of a respondent will be protected as much as possible. Please be advised that identifying information will be shared with college officials who are in a "need to know" position because of their job responsibilities. All persons involved in a complaint of sexual misconduct are to respect the privacy of the individuals involved and must keep the matter as confidential as possible.
- 4. A prompt, fair, and impartial investigation and Resolution:** The respondent has the right to a prompt, fair and impartial investigation and resolution of the incident, including an opportunity to present witnesses and other evidence.
- 5. Standard of Evidence:** The respondent will not be considered responsible for violating NOVA's Sexual Misconduct Policy unless they are found to be responsible by a preponderance of the evidence, in accordance with the procedures described in NOVA's Sexual Misconduct Policy. Nevertheless, at the complainant's request, NOVA may take immediate and interim action to change a class assignment or working relationship, or issue a No Contact order, so that the respondent will be separated from the complainant to the greatest extent possible. These interim measures will not be considered in determining whether or not the respondent is responsible for the alleged sexual misconduct, and such interim actions will not prejudice the respondent under investigation.
- 6. Sanctions:** The respondent has the right to know the potential sanctions that may be imposed if they 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 College and/or termination from employment.

If the respondent is a student and they are found responsible for violating the NOVA's Sexual Misconduct Policy (Title IX), the student's academic record shall be noted as follows: "*Suspended/ Dismissed for a violation of the NOVA Title IX policy.*" If the respondent withdraws while under investigation, the investigation may continue in the respondent's absence. If possible the respondent will be, provided an opportunity to respond to the evidence, and be notified of the outcome.

If the respondent is a faculty member or classified staff and they are found responsible for violating NOVA's Sexual Misconduct Policy (Title IX), any disciplinary action, up to and including termination, will be in accordance with VCCS and DHRM policies and procedures. If the respondent withdraws while under investigation, the investigation may continue in the respondent's absence. If possible the respondent will be, provided an opportunity to respond to the evidence, and be notified of the outcome.

7. **An Advisor:** The respondent has the right to choose an advisor to support and accompany them at all times throughout the College proceedings. The advisor may be a friend, mentor, family member, or any other supporter of their choice. The advisor may support the respondent, but may not represent them nor speak for the respondent. Since the Advisor will have access to confidential information concerning the parties involved in the Title IX Administrative Process, they will be asked to acknowledge and sign NOVA's Confidentiality Agreement.
8. **Respondent Navigator:** NOVA offers the respondent the assistance of trained faculty and staff to help them navigate the administrative resolution process, including interim measures. Each campus and Human Resources has at least one Respondent Navigator. Please contact the Title IX Office to request the assistance of a Respondent Navigator.
9. **Request Accommodations:** A respondent may request a change in academic setting (class or campus) or work assignment in order to be more clearly separated from the complainant (the alleged victim). Such a request will be granted to the greatest extent possible and as soon as alternative measures can reasonably be made. *Students* should make their request to the Title IX Office. If **Financial Aid** may be impacted, the respondent may contact the Title IX Office for assistance. *Faculty and staff* may request accommodations by contacting the Associate Director for Human Resources or the Title IX Office.
10. **Retaliation Concerns:** Threats, intimidation, and any form of retaliation for reporting an incident of sexual misconduct are prohibited by the Sexual Misconduct Policy as well as by Federal law and may be grounds for disciplinary action. If any retaliation occurs, it is important to contact the Title IX Office.
11. **Community Resources:** Since NOVA does not offer mental health care it is important to be aware of community resources that are free, low cost, and confidential.

**Low Cost Healthcare Resources in Northern Virginia, including Alexandria, Loudoun, and Prince William County:**

<http://www.fairfaxcounty.gov/hd/pcs/pcspdf/safety-net-contacts-revised.pdf>

**Virginia Health Care Foundation: free clinics**

<http://www.vhcf.org/looking-for-help/medical-care/free-clinics/>

<http://www.vhcf.org/looking-for-help/mental-health-care/>

**Fairfax Mental Health:** provides reduced fee mental health services to college students on a sliding scale.

<http://www.fairfaxmentalhealth.com/>

**Additional Resources for Faculty and Staff:**

Please refer to your health benefits program and contact the appropriate Employee Assistance Program for information on available services and free counseling at:

<http://www.dhrm.virginia.gov/employeeprograms/employeeassistance>

Mental Health Resource Guide: <http://www.dhrm.virginia.gov/docs/default-source/hr/mentalhealthcrisisresources.pdf?sfvrsn=4>