

Respondent's Rights and Options

For those accused of sexual misconduct

Sexual misconduct is unacceptable at Northern Virginia Community College. Reports of sexual harassment, sexual assault, dating/domestic violence, or stalking are taken seriously. It is important to NOVA that respondents are informed and provided due process.

NOVA's Sexual Misconduct Policy (Title IX Policy) is available here: <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. Information:** 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. 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.
- 2. 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 be mindful of sharing information with others. Your personal and identifying information may only be disclosed when: (1) it is necessary to protect the health or safety of the student or other individuals; (2) the information concerns conduct involving suspected abuse or neglect of a minor; or (3) as required by law.
- 3. 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. Collection and preservation of evidence is imperative to the integrity of the investigation and resolution process. Complainants have the right to file a formal complaint, which will automatically trigger an investigation assuming proper jurisdiction. Parties have the right to choose whether they would like to participate, however, the Title IX formal process can take place without a party's participation. NOVA's Title IX process also provides an informal resolution as well as the formal investigation and hearing. Contact the Title IX Coordinator to discuss the various options or review NOVA's Title IX policy for more information.
- 4. 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.
- 5. Interim Measures:** At the complainant's request or if the College determines that safety issues are of a concern or the presence of the respondent may jeopardize a supportive learning environment, NOVA may take immediate and interim measures to change a class/work assignment or working relationship. Other interim measures may include interim suspension, restricting campus or college access, exclusion from participating in student/employee activities or representing the college in any capacity, including required absence with/without pay. Also, **a *No Contact Order* may be issued**, so that the respondent and the complainant will be separated from each other 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.
 - **For students**, these sanctions are described in the Student Code of Conduct and may include, but are not limited to, admonitions, educational sanction, probation, suspension, and/or dismissal from the College.
 - **For faculty**, the sanctions will be imposed in accordance with the VCCS and DHRM policies and procedures. Examples of possible sanctions: educational sanction, Counseling Memo, a Letter of Reprimand, Suspension, non-reappointment, dismissal, and/or termination from employment.
 - **For classified staff**, sanctions will be imposed in accordance with the DHRM Standards of Conduct Disciplinary process.

If the respondent is a student and they are found responsible for sexual violence per NOVA's Title IX Policy, 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 resigns 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.

8. **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. To avoid any potential conflict of interest, advisors who are NOVA employees must have no other role or job responsibilities in the Title IX process. All persons involved in a complaint of sexual misconduct are to respect the privacy of the individuals involved and must be mindful of sharing information with others.
9. **Request Accommodations or Support Services:** 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. Requests, when reasonable, will be granted in accordance with College policies and procedures and as soon as alternative arrangements can be reasonably 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 Title IX Office or Human Resources.
10. **Retaliation Concerns:** Threats, intimidation, and any form of retaliation for reporting an incident of sexual misconduct, or participating in a Title IX Resolution Process 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. Seeking appropriate and necessary mental health and medical assistance can be paramount to handling allegations such as these.

- **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/>

- **College Police:** 703-764-5000
Have jurisdiction over incidents that occurred on campus. This may also trigger NOVA's administrative processes.

- **Local Police Department:** 911
Have jurisdiction over incidents that occurred off campus. This may not involve NOVA's administrative processes.

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>

NOVA's Title IX Office can be reached at: 703-323-2262 or titleix@nvcc.edu