



**WILLIAM  
& MARY**

CHARTERED 1693

**DISCRIMINATION, HARASSMENT,  
RETALIATION OR SEXUAL  
MISCONDUCT INVESTIGATIONS**

**TRAINING GUIDE FOR  
UNIVERSITY ADVISORS**

*Prepared by  
The Community Values & Restorative Practices and the Office of Compliance & Equity  
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## Introduction

Thank you for volunteering to serve as a University Advisor for students or employees who are a party to a university discrimination, harassment, retaliation or sexual misconduct investigation. This training guide has been compiled to help you prepare to serve and support parties who are involved in this important, but challenging and emotional process. This guide provides resources for advisors regardless of the party they are supporting—complainant or respondent. If questions or issues arise that are not covered in this manual, please contact the Title IX Coordinator to discuss the situation and collaborate on the best approach to address it.

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## **Disclaimer**

This document in no ways alters the policies and procedures applicable to William & Mary as a whole university, nor does it limit the authority of the Dean of Students, the Vice President for Student Affairs, the Title IX Coordinator or the President or Provost of the university.

## **General Notes and Terminology**

We have made every effort to ensure this training guide is balanced and equitable for all parties involved in the adjudication process. While the majority of sexual misconduct cases on American college campuses involve an allegation by a female that a male has committed some act of misconduct, we use the terms “complainant” and “respondent” rather than pronouns to represent the individual parties. In some places in this manual, we may refer to the “victim” of a crime or statistics related to “survivors”. During the adjudication process, we use the identifiers “complainant” and “respondent” exclusively.

This guide also assumes a case with one complainant and one respondent. Investigations with multiple complainants and/or multiple respondents are rare, but in instances where we have more than two parties, we assign a separate advisor to each party, and we do not expect that an advisor would be responsible for all complainants or all respondents. If a party selects their own advisor, it is preferable that the advisor does not involve multiple parties within the investigation, but not prohibited.

## **Policies & Procedures**

This guide frequently references the Policy Prohibiting Title IX Sexual Harassment and Gender-Based Harassment (“Title IX Policy”), the Policy Prohibiting Discrimination, Discriminatory Harassment, Retaliation and Sexual Misconduct (“Discrimination Policy”) and the Student Discrimination and Title IX Complaint Procedure (“Student Procedure”) or the Employee Discrimination, Discriminatory Harassment, Retaliation and Sexual Misconduct Complaint Procedure (“Employee Procedure”). You will find these and other related policies and procedures on the Office of Compliance & Equity website at:

[http://www.wm.edu/offices/compliance/title\\_ix\\_coord/TitleIX\\_policy\\_procedure/index.php](http://www.wm.edu/offices/compliance/title_ix_coord/TitleIX_policy_procedure/index.php)

The website [www.wm.edu/sexualviolence](http://www.wm.edu/sexualviolence) is also an important resource for advisors, students, and others. It has a section dedicated to student parties to an investigation.

## **Confidentiality**

Sexual misconduct cases, like all student conduct matters, are confidential. No advisor should reveal personally identifiable information regarding participants in sexual misconduct cases, except to university officials with a need-to-know. Request for information from or contact by a parent, attorney, or external individual should be referred to the Office of Compliance & Equity to ensure proper FERPA releases are obtained.

# Guiding Principles

## Respect for the Rights of the Parties

We design our process to respect the rights of both parties. We provide any person investigated for allegations of policy violation (respondent) with due process, by providing written notice of and the right to respond to the allegations. Our investigations also consider whether another person's (complainant) rights have been violated by misconduct, and if the university needs to provide remedies to ensure equal access to education regardless if the other person is found responsible.

We respect both parties' rights equitably by providing them simultaneous notifications of determinations, equal opportunity to provide evidence, and to attend meetings with an advisor of their choice. The parties also have the same chance to review and respond to the investigation report, and the right to appeal the determination and/or sanction.

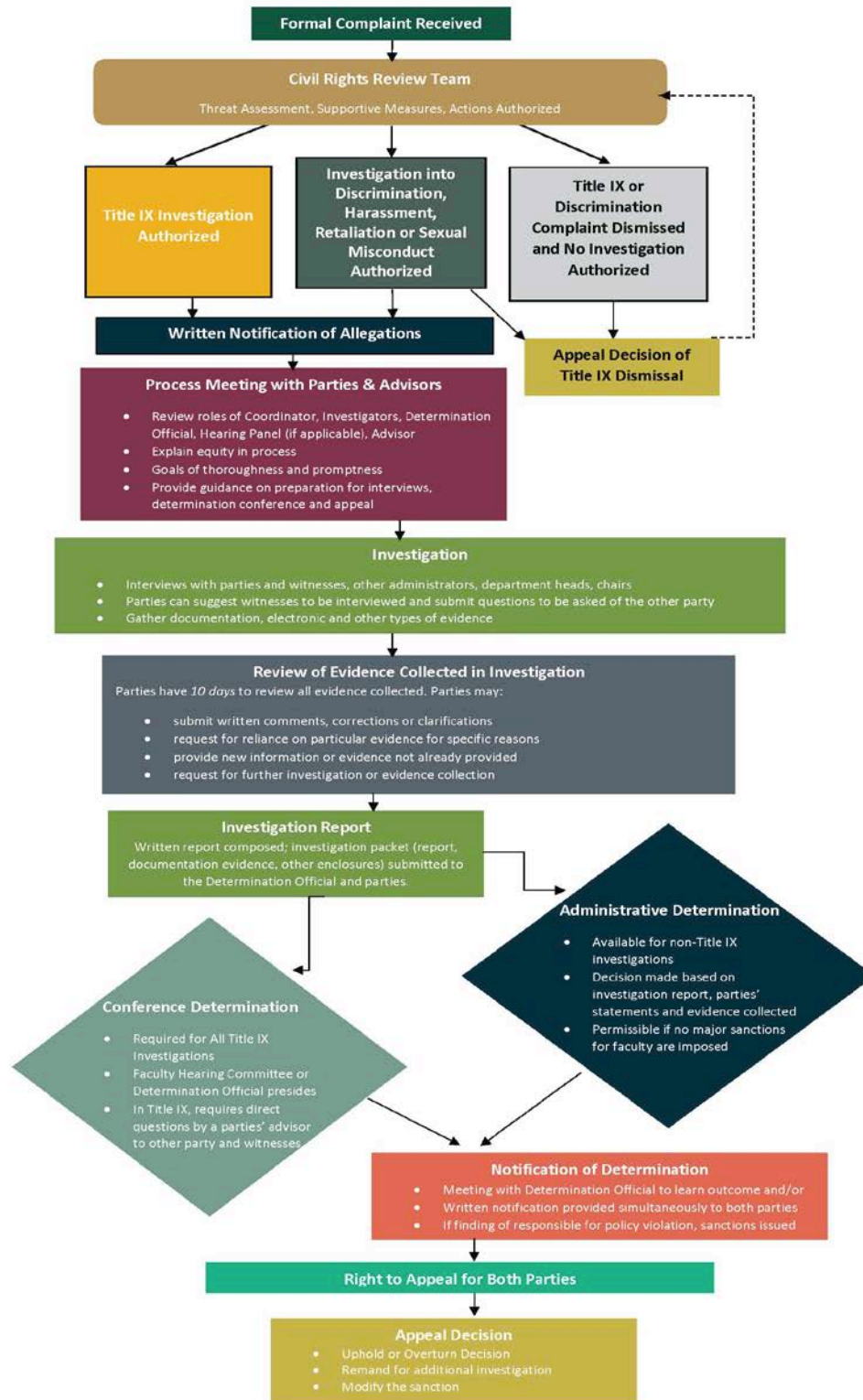
## Due Process

Since *Dixon v. Alabama* in 1961 recognized disciplinary measures as state action, public college conduct processes have been expected to be fundamentally fair. While "due process," is a broad term, courts have made clear that it should always offer the following:

- written **notice** of the allegations to be investigated, including the specific policy provision(s) at issue, the identity of the complainant, and available information regarding the date and location of incident(s).
- an **opportunity to be heard**. Note that this does not require a live Determination Conference (hearing) except in cases involving a Title IX allegation. When a live hearing is not provided, the opportunity to be heard through the respondent's participation in the investigation process, through review and response to all evidence collected including interview notes, and by permitting written response to the investigation report)
- a fundamentally fair process
  - freedom from arbitrary and capricious actions;
  - process that is appropriate for the level of sanctions faced by the student.

The university's procedure provides due process consistent with the Department of Education's Federal Regulations for Title IX finalized in May 2020 following public notice and comment, as well as procedures that follow best practices from experts in higher education compliance and employee processes.

# Resolution Process



**1. Report Received & Initial Assessment.** Any person may submit a report involving a current or former member of the community (student, faculty or staff). Reports may be about unwelcome conduct based on a protected class, discrimination based on disparate treatment or disparate impact, retaliation or allegations of Title IX Sexual Harassment.

- The Civil Rights Review Team assesses reports for potential ongoing threat(s), identifies supportive measures to prevent further discrimination, harassment or potential retaliation, and determines the course of action for responding to a formal complaint if filed.
- The typical process involves a participating complainant; however, there are circumstances in which the process may be necessary without a complainant's involvement (e.g. ongoing threat to the campus community, respondent accused of similar misconduct in multiple reports, use of weapon during the misconduct).

**2. Written Notification.** If the complainant files a formal complaint and the Review Team authorizes an investigation under university Policy, the Title IX Coordinator notifies the respondent and the complainant in writing of:

- Notice of allegations and investigation
- Rights and Options of each party including right to advisor of their choice
- Responsibility of the respondent not to retaliate against the complainant
- Assignment of university-training advisor
  - Compliance makes assignments on a rotating basis based on advisor availability, caseload, and previous experience with particular type of misconduct.
  - Compliance asks advisors to disclose any potential conflicts of interest verbally to the Title IX Coordinator.
  - If a student's advisor of their choice that is not a university-trained advisor, the originally assigned university-trained advisor is requested to be available for consultation with the student and their respective advisor of choice, but is not required to participate in meetings, interviews or the live Determination Conference. The university-trained advisor will not be copied as the official advisor of record in this case.

Assigned advisors are copied on this notification for students. In the event that an employee selects a university trained advisor, after they confirm selection with the Office of Compliance & Equity, then the written notice will be shared with the chosen advisor.



- 3. Initial Process Meeting.** The Title IX Coordinator conducts a Process Meeting with each party and their advisor of choice to review the role of each administrator in the process: the Title IX Coordinator, the investigators, the Determination Official, and the Appellate Officer.

The Title IX Coordinator's role is to be a neutral party to the process. The Coordinator provides information about the process and addresses concerns of bias, inequity, or due process during the investigation and determination.

The Title IX Coordinator also informs the parties of available resources including counseling, academic accommodations, relocation of housing, etc. (depending on the circumstances) and provides information about rights and responsibilities.

- 4. Investigation.** Trained investigators from the Office of Compliance & Equity conduct the investigation, typically in a team of two. The investigators conduct an interview with complainant and respondent, gather relevant information and evidence, and interview witnesses the investigator deems relevant.

Parties receive weekly updates from the investigators regarding the status of the investigation.

- 5. Evidence Review and Response.** At the conclusion of the investigation and prior to the distribution of the investigation report, all parties and their advisors are permitted to review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

- 6. Investigation Report.** The investigators write a report that summarizes the investigation process, presents the relevant evidence collected, and analyzes the disputed elements of the allegation(s) relative to the policy standard. Investigators do not make a determination or recommend findings relative to policy violation. Investigators may make assessments of credibility relative to the weight of the evidence collected.

The investigators submit the investigation report to the Determination Official and share it with the parties and their advisors. Each party may respond in writing to the Determination Official about any aspect of the report or the investigation process. Parties may request a determination conference if desired in investigations not involving a Title IX allegation.

7. **Determination Process.** Within three (3) days after receipt of the parties' written responses to the investigation report, the Determination Official communicates to the parties the process for making the determination—Administrative or Conference.

- **Administrative Determination:** The Determination Official issues a written finding of whether a policy violation occurred and the rationale for this decision based on the materials submitted by the investigators and the parties' responses to the report. The Determination Official issues this finding within five [5] days after determining the process to be used.
- **Conference Determination:** The Determination Official convenes an in-person conference with the parties to resolve issues of credibility, facts, investigation process and/or gather additional information from witnesses, including parties. The Determination Official holds the Conference no sooner than ten [10] business days after the distribution of the investigation report.
- **Adjudication of Misconduct Defined under Title IX Policy.** Additional procedural requirements for Conference Determination include:
  - *Direct Questioning of Parties and Witness by Party's Advisor.* Each party's advisor is permitted to ask either party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. A party **may not** conduct direct questioning, and the university shall provide an advisor of the university's choice to conduct direct questioning for any party who does not have their own advisor. If the manner in which an advisor attempts to ask the question is harassing, intimidating, or abusive, the university reserves the right to enforce its Rules of Decorum for Determination Conference, including removal of the advisor and require a replacement.
    - University-trained advisors are required to ask questions as presented by their respective party.
    - You may suggest topics on which they would want questions to be asked. The parties must formulate their own question.
  - *Relevancy.* Only relevant direct questions, including relevant questions relating to a person's credibility, may be asked of a party or witness and the decision-maker must determine the relevance of a question before a party or a witness answers.
  - *Prior Sexual Behavior.* Questions regarding sexual behavior unrelated to the alleged conduct are not relevant unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged" or the "questions and evidence concern specific incidents of the complainant's prior sexual

behavior with respect to the respondent and are offered to prove consent.

- *Medical, Psychological and Similar Records.* Questions about any party's medical, psychological and similar records are not permitted unless the party have given written consent. Other records protected by a legally recognized privilege are not permitted unless waived by the party.

**8. Determination Notice and Sanctions.** Within three [3] days of the conclusion of the conference, the Determination Official issues a written finding and the rationale for the decision based on the materials submitted by the investigators, the parties' responses to the report, and the information gathered at the conference. The evidentiary standard for a finding of responsibility for a policy violation is *preponderance of the evidence*, meaning it is more likely than not that misconduct occurred.

If the Determination Official finds a policy violation, sanctions are imposed in the determination notice and issued on a case-by-case basis. The determination of the primary and secondary sanctions are made in consideration of nature and the specifics of the violation, any previous findings of misconduct, any current sanctions for which the respondent is subject to (e.g. deferred suspension, Group II notice, etc.), and aggravating or mitigating factors.

**9. Appeal.** Both parties have the right to appeal the decision and/or sanctions to the Provost or designee. Appeals are due five (5) business days after determination notification. The appeal is not a de novo (new) review of all the evidence, and the reviewer reviews with deference to the determination of the Determination Official and to investigators' actions, such as decisions regarding relevance of evidence within the scope of the procedure. Either party may appeal on one or more of the following grounds:

- Material procedural error
- Decision is inconsistent with the weight of the evidence
- New material evidence
- Bias

# The Role of a University Advisor

## Introduction and Overview

The Office of Compliance & Equity assigns advisors for each party upon initiation of an investigation. Parties may elect to engage an outside advisor of their choice to accompany them to meetings, interviews and the determination conference, if applicable. If a university advisor does not actively participate in the process as the advisor of choice (for example, if the party has obtained outside counsel at any point in the process), the assigned advisor is still available to the party to provide procedural guidance and support if requested.

### Advisors shall:

- Inform the party as what to expect and how to prepare for each phase of the process
- Provide emotional support to the party while maintaining appropriate professional objectivity
- Encourage truthful and candid responses to investigators' questions
- Read the investigation report and any response drafted or submitted by the parties, and provide input and advice for the party's response (without creating the narrative for the party)
- Help the party access referrals to campus and community resources
- Communicate with or ask questions of administrative personnel as necessary

### Advisors shall not:

- Develop the narrative or "story" for the party
- Advocate for or against responsibility for a policy violation
- Condone the party providing false or misleading information to an investigator, or the Determination Official
- Offer predictions as to how likely a particular finding/result is or what sanctions may likely be imposed
  - The advisor can explain ranges and mitigating and aggravating factors applicable to sanctioning decisions
- Criticize a decision made by the university to the party or persons aligned with the party [remember you are never off the record. You may raise any concerns with the appropriate administrator(s)].
- In employee cases, they shall not provide counsel or speculation regarding potential impacts of investigation outcomes on employee benefits, status or post-employment implications. Those questions should be directed to Human Resources.

## Effective Advising

**Familiarize Yourself With the Matter and the Policy.** In most cases, you will have limited information available prior to the Process Meeting. It is recommended that you attempt to connect with the party either before or immediately after the process meeting to get more information about the allegations from the perspective of the party.

We recommend that you re-read this guide to refresh your memory of the process and review the Policy definitions of the conduct alleged, and if applicable, the definitions and examples of consent and incapacitation. We also recommend you review the applicable Procedure.

### The Initial Meeting with Your Advisee.

- **Explain your role to the party:** As an advisor, your role is to offer the party support throughout the process and to keep the individual informed of their rights, responsibilities, and options. Let the party know that you have no role in the decision-making.
  - You are not there to obtain a particular result in the process or to prove/disprove the allegation on behalf of the party.
  - You can offer suggestions as to how the party can best comport themselves and best prepare for each phase in order to put themselves in the best position to obtain the most favorable possible outcome.
  - You can encourage candor and truthfulness.
- **Explain and review confidentiality:** Let the party know that you can maintain confidentiality of your conversations with the following exceptions:
  - You must report threats of harm to self or others;
  - You must report other Title IX violations the party may disclose;
  - You cannot allow the party to knowingly provide false information in the process.
- **Answer questions about the process:** Assure the party no presumption of responsibility.
  - The initial meeting with the Title IX Coordinator is to review the flowchart with the party and explain what the party should expect at each stage of the process.
  - During the initial meeting with the Title IX Coordinator, the party will not be expected to answer questions and should not provide specific details about the incident or events or to present evidence.
- **Suggest ways the party can prepare:** Ask the party to disclose what the party knows about the situation, if the party is comfortable doing so. Advise the party to gather:
  - Names of witnesses the party can provide to the investigators

- Text messages, social media postings, pictures, etc.—inform the party not to delete anything, no matter how seemingly insignificant, until the matter is concluded.
  - A written account of everything the party can remember about the events before, during and after the incident(s) for their personal benefit—the party will not be required to share this written account with investigators.
- **Warn the party about retaliation.**
    - Retaliation is adverse action against any person who makes a complaint (or any person participating in the investigation process including witnesses, respondent and administrators) and is a causal connection to the protected activity. Petty slights are not considered retaliation.
    - There is no strict gag order on either party, but the university could consider the appearance of attempting to influence or intimidate through public or private comments online or through third parties to be retaliation.
    - The party should not create social media posts about the other party, witnesses or the investigation process during the course of the investigation.
    - The university could view parties attempting to intimidate other parties or witnesses with their physical presence or intentionally contacting the other party in violation of a no contact order as retaliation.
    - Even if the underlying allegation is not determined a violation of policy, the university can find a respondent responsible for retaliation, and the consequences could be severe. A complainant who retaliates against a witness (including the respondent) could face allegations of retaliation.
- **Let the investigators conduct the investigation.** Parties may be inclined to investigate the matter themselves and talk to others who witnessed events surrounding the incident to assure themselves that they did not act inappropriately or to support their allegation. Advise the party to refrain from influencing witnesses' recollections by talking about the incident with a witness before the witness is interviewed by investigators. Doing so can compromise the perceived credibility of the witness' testimony.
    - Parties may notify a potential witness that an investigator may be contacting them without providing details.
    - Parties may confide in friends and family that will not be witnesses to the investigation for needed affirmation.

## **Subsequent Meetings**

- **Begin to prepare the party emotionally.** Help the party understand appropriately that these matters are very serious and involve potentially serious consequences. If the matters being investigated have potential for severe sanction (separation from the university), inform the party of this. Ask the party what

other emotional supports are available such as friends, parents, a mentor, counselor, etc.

- **Help address questions that arise.** Check the Procedure and talk to the Title IX Coordinator to help the party get the answers that they need.
- **Review of the evidence collected.** Encourage the party to highlight evidence that they want the investigator to know is important to the case and provide an explanation for why it is important. If evidence is missing or out of context, they can provide more information through a written narrative or can request the investigator to follow up with witnesses or the other party to obtain additional information.
- **Prepare for the review of the investigation report.** The investigation report includes both parties' account of the conduct. These are not presented as undisputed facts, but rather from the perspective of the respective party. It is important that the parties focus on their own account to ensure that their perspective is properly reflected in the report and not refute the other party's account as false.

This is an intense process in a relatively short timeframe, and for many parties it will be very helpful if you can make yourself available during this period. You can communicate with the Title IX Coordinator to help plan for this and plan around any obstacles such as anticipated trips or absences.

### **Prepare for Determination Conference**

- **Focus on their Account.** Parties should focus on presenting their account of events and facts and not try to discredit or refute everything the other party says.
- **Agenda** is sent by OCE at least two (2) days prior to the scheduled conference. Agenda includes order of interviews with the determination official, witnesses to be interviewed, and scope of the issues to be examined. Appendix A of the Procedure outlines the conference generally.
- **Logistics** are coordinated and communicated by OC&E, including Zoom teleconference link, recording of the determination conference, protocol for participants (camera, microphone, breakout rooms, etc), and distribution of the recording after the conclusion of the conference.
- **Advisors and Support Person.** Each party can have the advisor of their choice and a silent supporter on the Zoom teleconference or in the room with them during the conference determination.
- **Final Statements.** Each party can make a final statement to the Determination Official about any aspect of the investigation, the conference, or the events and the impact on them. This statement is limited to 10 minutes for

each party. A written copy of the party's final statement may be presented to the Determination Official after the conference to be included in the record.

## General Tips

- **Conflicts of Interest.** Both parties are in need of support and are members of our community. Even if you do not agree with the party's life choices or the party is not someone you ordinarily would gravitate toward, you have a job to do as an advisor and a professional. To the best of your ability, put aside personal judgments and offer support throughout the process.
  - If you have a professional relationship with either party or a personal or professional relationship with the party's family member (e.g. parent is a long-time family friend), please disclose this connection to the Title IX Coordinator to assess if the conflict is manageable or if you should recuse yourself.
- **Put aside developmental goals and the "teachable moment".** Many of your "day jobs" involve student development, but you should refrain from developmental conversations during the process. They are not likely to yield teachable moments, but rather may frustrate your advisee or make the party see you as out of touch, as adjudging the party responsible or to blame for the matters being investigated, or unfocused on the issues that are important to them. **Recognize that stress also can affect memory and concentration.** All parties involved in these matters typically consider this as an extremely stressful experience; thus, parties may struggle to remember details, even beyond the normal limitations of human memory. You can help such as by encouraging your advisee to think about any electronic or other evidence that may exist, such as texts or photos.

Often, incidents of sexual misconduct involve one or both individuals being under the influence of alcohol and other drugs, and this may further compromise memory. Encourage the party to try to recall types and amounts of alcohol consumed before, during and after an incident, including quantity, what kind of cup/glass they used, whether they prepared the drink themselves, and the types and amounts of food they ate and any medications taken.

- **Answering the question, "Should I get an attorney?"** Parties have the right an advisor of their choice, and that advisor can be legal counsel. The party may ask you if hiring an attorney is advisable/necessary. You should not provide a "yes/no" answer to this question. You should explain the role of an advisor, even an outside advisor, in our process and let the party decide. You can emphasize the following factors for consideration:
  - An attorney's role is no different from yours—attorneys have no extra rights, options, or access.



- The process is not an adversarial process, like the court of law, so there is no place where an attorney objects to questions or advocates on behalf of a party.
- If the party does choose to receive assistance from an attorney, the attorney can help the party prepare in advance and can attend any meetings the party will attend (see below). If the attorney does this, your role likely will be limited – the party can only bring one advisor to a meeting or interview.
- **Working with Attorneys.** If you receive substantive questions from an attorney representing a party about the process, please refer them to the Office of Compliance & Equity—do not attempt to answer them yourself. For all other inquiries or legal concerns from outside counsel, or if you have concerns about the conduct of an attorney, please contact the University Counsel’s Office (757-221-3146) for advice and assistance.

### **Caveats and Pitfalls**

- Not being familiar with the process.
- Making predictions of potential outcome or sanctions (beyond communicating the range specified in the Sexual Misconduct Procedure).
- Making statements or promises for matters outside of your immediate control (such as when another administrator will complete a particular task or phase of the process).
- Not maintaining appropriate professional boundaries.
- Becoming the party’s counselor—instead of making referrals (Note: we usually can get priority from the Counseling Center for students going through the process—contact Community Values for an expedited referral).
- Expressing disagreement with the process or a decision-maker.

## **Parties’ Perspectives**

### **The Perspective of a Complainant**

A complainant can, and often does, report an incident weeks, months, or even years after it occurred. Delayed reporting is quite common.

In cases of sexual assault, it is important to understand that traumatic events can impact memory and concentration. It is common for survivors to have difficulty remembering details about their assault (e.g. they may have dissociated during the assault, or it may be too painful to remember) and may have difficulty remembering things in chronological order. This is not as a result of being deceptive – rather this is consistent with the documented effects of trauma. Research has shown that when one experiences a traumatic event, it inhibits the formation of memories and can also make it difficult for survivors to retrieve these memories. The difficulty for trauma victims to recount their experience in neat, chronological fashion is one of the reasons they may encounter disbelief from others. For this reason, it is important to take into account the effect that

recounting the experience is difficult, and the subsequent anxiety and emotion may impact the complainant's ability to respond to questions.

One common misconception about sexual assault is the notion that if the victim did not fight back, then the person has not been sexually assaulted. During the attack itself, it is common to "freeze" instead of fight, due to reactions such as an intense fear of death and dissociation. These are natural physical responses. Being paralyzed by fear does not mean the person was not assaulted. Even if the person "decides" that it is safest not to physically resist in the situation, this does not mean that consent was provided.<sup>1</sup>

Other considerations of Complainant's Perspective:

- Complainant may feel "victim blamed" by the investigation report and/or Respondent's statements about the events.
- Complainant's may blame themselves or their actions for causing the misconduct.
- Respondents sometimes file a counter-complaint against the Complainant.
- Reactions may progress from not wanting to get Respondent in trouble to wanting sanctions imposed.
- Complainant may self-medicate in unhealthy ways, by abusing drugs or alcohol.
- Complainant may feel the process is automatically against them and that the university wants to protect its reputation.
- Complainant may feel the respondent has more influence (for a variety of reasons) and therefore the university will automatically not find them responsible.

## **The Perspective of a Respondent**

Students who are responding to an allegation of sexual misconduct exhibit a range of emotions, including:

- Anger—"This is defaming my reputation."
- Confusion—"I thought [the other person] was into it."
- Defiance—"I did not grab their buttocks."
- Defensive—"These comments weren't unwelcome."
- Depression—"This false accusation has been traumatic for me."
- Regret—"I did not mean to lose control of my temper."
- Shame—"I cannot tell my parents I am accused of this."
- Fear—"The system is stacked against me."
- Victimized—"They're making this up because I did not want a serious relationship with them."
- Retaliated against—"This is because of our bad break up."
- Anxious—"I have already been accepted to medical school."
- Desperate—"If I can just talk this out with them."

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<sup>1</sup> <http://www.aifs.gov.au/acssa/pubs/sheets/rs2/>

Regardless of the accuracy of their perception as to why the person reported, their feelings are real. Respondents may believe that the university automatically defers to the complainant's perspective and thus they feel disadvantaged throughout the entire process. Respondents also can feel stressed and overwhelmed by the process. They can feel the institution is not considering their trauma of being accused of discrimination, harassment, retaliation or sexual misconduct.

Respondents may focus on discrediting what the complainant and other witnesses say. The respondent may be tempted to zero in on any possibly verifiable information—dates, times, sequence of events, perception of others of the complainant's level of intoxication (if alcohol was involved), etc. Respondents may come across as unconcerned about the feelings of the complainant and the intense emotion that is expressed; in reality, they are so focused on proving their perspective that the other party's feelings are secondary to the defense of their character.

## Special Considerations with Diverse Populations

### Male Victims of Sexual Misconduct

- Socialization of men to not see themselves as a victim or weak<sup>2</sup>
- Some men may not identify what they experienced as sexual assault if it took place as part of a ritual (hazing)<sup>3</sup>
- Stereotypes that men are rarely sexually assaulted, that male victims are responsible for their assaults, that male sexual assault victims are less traumatized by the experience than their female counterparts, and that ejaculation is an indicator of positive erotic experience.<sup>4</sup>
- Concerns about what an assault means about their masculinity and/or sexuality<sup>5</sup>

### Lesbian, Gay, Bisexual, Transgendered, and Queer (LGBTQ) Victims of Violence<sup>6</sup>

- Often a LGBTQ victim may not label the violence out of fear of being “outed” or not believed

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<sup>2</sup> [Understanding Male Socialization, Stigma, and Reactions to Sexual Violence | National Sexual Violence Resource Center \(NSVRC\)](#)

<sup>3</sup> Id.

<sup>4</sup> [Male victims of sexual assault: phenomenology, psychology, physiology - PubMed \(nih.gov\)](#)

<sup>5</sup> [How Masculinity Can Make It Difficult To Heal - Male Sexual Abuse & Assault \(1in6.org\)](#)

<sup>6</sup> [Sexual Assault in the LGBTQ Community - National Center for Lesbian Rights \(nclrights.org\)](#)

- Many in the LGBTQ community are targeted for hate violence in the form of sexual assault
- Because of the close, tightknit LGBTQ community, many victims fear they won't be believed or will be maligned by others
- Individuals of multiple marginalized identities are more likely to be victimized

### **International Student Victims of Violence**

- Assaulters may threaten to have their victims deported if they try to seek help, making immigrant/foreign national survivors less likely to report these crimes
- Immigrant and international student survivors may also be unaware or confused by the services that are available
- Some supportive measures may impact a student's Visa status (e.g. underload, withdraw) and their ability to return to their education
- Sexual assault and/or domestic or dating violence may not be viewed in all communities as a crime
- There could be repercussions in the home country for either the survivor or perpetrator
- Religion is strongly tied to culture in many parts of the world and may play a large role in the survivor's life. This may affect the survivor's reactions, perceptions, and concerns about what happened

## **Relationship Abuse**

- Reports of relationship violence at William & Mary have increased significantly in the past two academic years
- Most of the above considerations for working with sexual assault cases also hold for working with relationship violence cases
- Emotional abuse is a very real and dangerous form of dating violence, and not all victims are physically abused
- Relationship violence can occur in all communities and in any type of relationship including same-sex relationships. Remember to use the word "partner" to be inclusive, unless the victim uses a different word

## Advisor Checklist

- Initial Meeting with Student
  - Describe your role:
    - Provide support and information– I am not in charge of the outcome
    - Assist in understanding the process, including progress/status of process
    - I am not permitted to create your narrative of what happened for you, suggest answers to questions, offer theories, or provide false information
    - I cannot predict the outcome; I can inform you of the range of sanctions for particular violations
    - I cannot speak for the university
    - I can only advise you, I cannot advise an attorney or anyone else
    - I will seek information if I don't know information
    - I will be as available to you as possible, up to, during and after hearing
    - You are not required to talk with me or utilize me, and you can release me at any time
    - You can ask questions directly to the Title IX Coordinator or CVRP or ask me to relay them on your behalf.
  - Best way to reach you and plan meetings
    - Explain your schedule and that it probably is different from theirs
    - Set your boundaries, both for time you are available and means (cell phone, text message, etc)
- Share information about resources: Counseling Center, Health Center, academic assistance from the Dean of Students (letters to professors, possible extensions, relocation from residence, etc.)
- Ask party if they have a support system available to them.
- Explain student's options
  - Student can have an advisor of their choice in addition to university-assigned advisor; only one advisor can attend meetings with the student
- Encourage the party to think of names of any possible witnesses and any documentary information that may assist the investigation (photos, texts, call records, voicemails, Facebook postings, etc.) and if possible encourage party to come to initial interview ready to provide to the investigator(s); tell the party not to delete or discard anything
- Check in with the party regularly; ask them how they are faring and if they need any support (personal or academic) or referrals to resources

- Review materials for them in advance of submission, if the party wishes
- Attend interviews, meeting, conference determination, and determination notification meeting with the party, if the party desires
  - Make sure they know time and location
  - Attend to their emotional state by referring them to professionals in Dean of Students, Counseling Center, or Health Center
- Help anticipate possible outcomes and possible next steps
- Take care of yourself...remember that we are here to assist you; do not hesitate to let us know if you need to talk, have questions, or are encountering difficulties.