Information for Responding Parties

The purpose of this form is to ensure that Responding Parties – as defined under the Policy Against Sexual Misconduct (the Policy) – are aware of their rights and important resources. Please review the statements listed below and be sure that you understand each of them.

For more information, please review the Policy and the appropriate procedures, available at http://www.smcm.edu/title-ix/.

Your Rights

- To be treated with dignity, respect, and sensitivity by Title IX personnel at the College.
- To a fair and impartial investigation process (formal or informal).
- To formal investigations and resolutions that are prompt, equitable, and provide opportunities for both parties to be heard.
- To have timely written notice of:
  - The alleged violation and the range of possible sanctions.
  - Your rights and responsibilities under the Policy and information about other civil and criminal options.
  - The date, time, and location of each meeting or interview that you are required or permitted to attend.
  - In a formal investigation, a final determination regarding whether a policy violation occurred and the basis for that determination, as well as any sanction imposed and your right to an appeal.
- To participate in a formal investigation, including in the following ways:
  - To have access to the case file and relevant evidence gathered in a formal investigation or considered by the investigators, with appropriate redactions.
  - To offer statements to the investigators.
  - To submit evidence, witness lists, and suggested specific questions to be posed to the other party.
  - To provide and review statements electronically or in a way that does not require you to be in the presence of the other party.
  - To review and provide written responses to reports and proposed findings.
  - To appeal a determination or sanctions.
To have the assistance of a licensed attorney, an advocate supervised by an attorney, or a trained advocate throughout the formal investigation, including by the attorney or advocate’s:
- Attendance at meetings and interviews.
- Private consultations with you during meetings and interviews.
- Assistance with your exercise of any right during the investigation.

Resource Information

Law Enforcement

You may notify law enforcement of a complaint and the College will assist you in contacting the Sheriff’s Office. Sexual misconduct may violate the College Policy, even if it is not found to violate the law. Anyone who commits sexual misconduct in violation of federal, state, or local laws may also be subject to criminal charges. The College investigation and resolution process is independent of any criminal investigation or proceeding.

Applicable Policy and Procedures

The College’s Policy and grievance procedures apply to this complaint, and you have options for the investigation and resolution of the complaint. Complaints against students will be reviewed in accordance with the Policy and the Procedures to Resolve Complaints of Sexual Misconduct against a Student. Complaints against a College employee, volunteer or contractor will be reviewed in accordance with the Policy and the procedures for Resolving Complaints Against a College Employee, Volunteer or Contractor.

Advisers

Both parties may be assisted by an adviser of their choice or by an attorney, at their own expense. Student parties may be assisted by an attorney or advocate supervised by an attorney as well as a personal supporter of their choice through the investigation and adjudication of a complaint of Sexual Misconduct.

The Maryland Higher Education Commission (MHEC) provides for licensed attorneys who have indicated that they will represent reporting parties or responding parties (who are current students or were students at the time of the underlying alleged sexual misconduct), in Title IX proceedings on a pro bono basis or for reduced legal fees.

Parties who seek representation from an MHEC-identified attorney may visit the MHEC webpage: https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings.aspx. The list of attorneys available through MHEC may be found here: https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings---Attorney-List.aspx.
Interim Measures and Accommodations

You may request interim measures, remedies, and accommodations, such as no-contact orders; access to counseling services; academic accommodations and support services; change in housing, class assignments or office location; changes in work schedule, job assignments or supervisor(s); assistance with visas or immigration documents; student financial aid services; and/or Public Safety escort services. There are services available to you on campus and in the community for counseling, advocacy, health, mental health, and legal assistance, including the following:

- SMCM Counseling and Psychological Services: 240-895-4289
- Public Safety: 240-895-4911 or x4911 from any campus phone

Disability Accommodations

A student who has a disability that necessitates special assistance may be entitled to reasonable accommodations when that student is involved in any process related to the Policy Against Sexual Misconduct. For more information, please contact the Office of Accessibility (adasupport@smcm.edu, 240-895-4388, Glendening 230).

Retaliation

Anyone who retaliates against the Reporting Party, Responding Party, or anyone who participates in a sexual misconduct investigation will be subject to disciplinary action. Any incidents of retaliation should be reported to Title IX Coordinator Michael Dunn.

Formal Investigations

The formal investigation is designed to provide a fair, impartial, and reliable gathering of the facts. All individuals interviewed during the investigation, including the parties and any witnesses, will be treated with appropriate sensitivity and respect. In the event of an investigation, both parties will have the same procedural opportunities to present witnesses and evidence, to be informed of the outcome of the disciplinary proceedings, and to appeal the outcome. The College will make every effort to protect your privacy and will only disclose information on a “need to know” basis. The College’s goal is to investigate and resolve all complaints within sixty (60) days of receipt of the complaint. Depending on the circumstances of the complaint, however, additional time may be needed.

I have received a copy of the College’s Policy Against Sexual Misconduct and the relevant procedures and had an opportunity to ask questions and have them answered.