



Frequently Asked Questions:
Understanding the University's Title IX Process

What is Title IX Prohibited Conduct?

Title IX Prohibited Conduct includes sexual assault, sexual and gender-based harassment, sexual exploitation, stalking, intimate partner violence, complicity, and retaliation. For definitions of these forms of Prohibited Conduct, see <http://uvapolicy.virginia.edu/policy/HRM-041>.

How do I make a "Title IX" report?

There are multiple ways to make a report. These include:

- Use the University's online reporting tool, *Just Report It*, by clicking the "Report an Incident" button on the Title IX web home page at: www.eocr.virginia.edu/title-ix or entering the term in the University search engine.
- Contact the Title IX Office at titleixcoordinator@virginia.edu, (434) 297-7988, or at O'Neil Hall, Terrace Level, Room 037, during regular business hours, M-F, 8:30 AM – 5:00 PM.
- Contact the Office of the Dean of Students. The dean on call may be reached by contacting the central office at (434) 924-7133 or, after hours, by contacting the University Police Department at (434) 924-7166 and asking for the dean on call.
- Talk to any "Responsible Employee" (such as a faculty member, staff member, resident assistant, or teaching assistant).

What happens if I do not want any University action and/or want to maintain my confidentiality?

Your preferences are important, and you will be given an opportunity to state what they are. Whenever possible, the University will honor your preferences. However, under Title IX, the University must balance such a request with its obligation to ensure you, and the University community, are safe. Further, confidentiality only exists in the context of laws that protect certain relationships, including with medical and clinical care providers, mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Virginia law. A list of confidential On Grounds and community resources can be found at <http://eocr.virginia.edu/appendixa-1>.

Mission

Ensuring equal opportunity and protecting the civil rights of all University community members through proactive outreach, education, and effective response and resolution.

What is a “safety risk” in this context?

The University assesses multiple risk factors, such as whether there is physical violence or a threat of violence, a history of prior arrests or University complaints, multiple Respondents, a pattern of conduct, the use of “date-rape” or similar drugs or intoxicants, or unconsciousness or helplessness of Complainant, to determine whether there is an ongoing threat to the health or safety of the Complainant (who has been identified as the affected individual) or the University community. The full list of risk factors may be found at: <https://eocr.virginia.edu/appendixa>.

Who is a support person?

If the University proceeds with Formal Resolution (i.e., an investigation), each student party will be assigned a different dean from the Office of the Dean of Students (ODOS) to provide them support throughout the process. The deans are not advisors about the process, but they are the primary point of contact for any supportive measures, such as academic or housing accommodations. Students and employees also may identify an additional support person, provided they are not a potential witness.

Who is an advisor?

You may designate an advisor who, in addition to you, can receive all of the communications about the investigation. The advisor can also attend meetings and any hearing with you. An advisor should be someone who is knowledgeable about the University’s Title IX policy and procedures, who can help you understand them, and assist you throughout the process. However, the advisor cannot be an individual that may serve as a potential witness at a later date. If you are unsure whether you may identify an individual as a witness later during the process, you should not select them as your advisor. For additional information about advisors, please contact the Title IX Office at (434)-297-7988 or TitleIXCoordinator@virginia.edu. A FAQ on the Role of an Advisor is available on the Title IX website.

What communications can I expect from the Title IX Office during an investigation?

You can expect to receive regular email communication from the Title IX office during an investigation, and the assigned Investigator may also reach out to you via phone or text during the investigative process. Further, you will receive a 24-hour notice via email prior to the issuance of the Draft and Final investigation reports.

What if I do not want to receive communications from the Title IX Office?

The Title IX Office is required by University policy to communicate with you by your University email, even if you would rather not be notified or choose not to participate in the process. If you have an advisor, they will be copied on all communications and may review the communications on your behalf; however, the advisor is not permitted to speak on your behalf including submitting statements or testimony during the process.

What do the Draft Investigation Report and the Final Investigation Report look like?

Draft and final investigation reports are typically very detailed, and thus, can be very lengthy. They include appendices that contain images, copies of emails, texts and transcripts of witness interviews and phone records. They are provided to you via your University email as .pdfs, with links to .html versions of the supporting exhibits or appendices.

What support is available outside of the Formal Resolution process?

The Title IX Office and ODOS, upon request and pursuant to the Procedures, will collaborate to provide you with interim remedial measures, such as academic accommodations, no contact directives, and assistance with obtaining a protective order from local law enforcement. However, some options may be limited outside of the formal resolution process.

Am I required to participate in the Formal Resolution process?

Participation in the formal resolution process is optional and no adverse inference will be drawn from a decision not to participate. If you participate in the process, the investigator will reach out to you to schedule an in-person, telephonic, or skype interview with you; however, in-person interviews are preferred during this process. Additionally, as noted above, an advisor is permitted to attend the interview with you.

How long does a Formal Resolution take?

While the goal is to complete an investigation within 60 calendar days of the date of the Notice of Investigation, the process may take longer. The Title IX investigator is authorized to extend the time frames for good cause. Examples for good cause include winter or spring breaks, midterm or final examination times, and upon request of the parties (for example, if you ask to postpone a meeting or hearing until your advisor and/or support person can accompany you). The Title IX Investigator and/or Title IX Coordinator will notify you when time frames are extended.

What is the standard the University applies to make a finding?

The University applies the “preponderance of the evidence” standard with determining whether the Title IX Policy has been violated. Preponderance of the evidence means that it is more likely than not that a policy violation occurred.

Do parties have to encounter each other at the hearing?

No. You may request to attend the hearing but not ever see or be in the same room as the other party. All Title IX hearings are held in O’Neil Hall, which has multiple conference rooms. The Title IX staff will ensure that the parties are kept separate for the entire duration of the hearing, if requested. You still will be provided the opportunity to meet the hearing panelists without the other party in the room. Audio-visual equipment is utilized to

ensure both parties can fully participate in the hearing. Hearings typically last one day (or a half day when they are for sanctioning only and the finding has not been contested).

May reports be submitted anonymously?

Yes. However, please note that anonymous reports, and/or reports that do not provide the name of the alleged perpetrator or affected individuals, will limit the University's ability to take responsive action that addresses the incident or provides support to those who need it.

What if I have a disability?

If you are a student with a disability, please notify the Title IX Coordinator early in the process. The Title IX Coordinator will then work with you and the Student Disabilities Access Center (SDAC) to ensure you receive reasonable accommodations to ensure your participation in the process. You may also reach out to the ADA Coordinator for assistance.

Are members of the Title IX Office advocates?

No. The Title IX staff and investigators are neutral parties and do not represent either side. Their role is to ensure the Title IX process is prompt and equitable and fully complies with Title IX requirements and University procedure.

Where can I find more information about the process?

For more information, please consult the resources on the Title IX webpage for the Office for Equal Opportunity and Civil Rights (EOCR) at eocr.virginia.edu/title-ix or call the Title IX Office at (434) 297-7988 or email the Title IX Office at titleixcoordinator@virginia.edu. You may also directly contact the University's Title IX Coordinator, Emily Babb, at (434) 297-7643.