



10 THINGS YOU SHOULD DO AS A COLLEGE STUDENT IF YOU FIND YOURSELF ACCUSED OF SEXUAL MISCONDUCT

1. **Remain calm** – although the allegations you may be facing are awful, your ability to remain calm and think clearly is critical. Do not answer any questions or make any statement without having your attorney present. The university has their own agenda and is often more concerned about mitigating risk and liability than they are about how you are being treated.
2. **Say nothing** – you’ve heard the phrase “you have the right to remain silent”, exercise this right. Do not answer questions or make any statements without having counsel present. Be advised that the university is not your friend; they are gathering evidence which can and will be used against you.
3. **Retain an attorney** - It is vitally IMPORTANT THAT YOU RETAIN AN ATTORNEY AS SOON AS POSSIBLE. Do not have a cavalier attitude and think because the facts are on your side that you can handle this situation on your own. Sexual assault (aka rape) is a felony crime, therefore you should retain a criminal defense attorney (even if you have not be criminally charged). You should insist that your attorney is present during any discussions with university officials.
4. **Record everything** – any / all meetings and conversations should be recorded as long as doing so does not violate state or local law. University officials have be known to misrepresent facts in order to coerce an admission of wrongdoing and/or obtain damaging statements. Even when your attorney is with you it is highly recommended that you record all meetings with university officials.
5. **Sign nothing** – do not sign any document that the university provides to you without your attorney' review and guidance. You may be waiving important civil protections or student rights without knowing it.
6. **Retain all university documents** – all documents that are provided to you by the university should be retained and put in a file. If during any meeting with an administrator or other university employee, they reference any document(s), ask for copies to be provided to you (including any statements made by the complainant, all witness statements and any other evidence that the university has in their possession).
7. **Educate yourself on school policies** - Study the student honor code, disciplinary policies and any other related policies to your situation. Don't count on a university administrator to fully understand the policies or to provide you



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with a knowledgeable explanation. Know your rights. Always document and formally communicate any violation of your rights that occurred in a meeting or during the university investigatory and/or adjudication process. Make sure your voice is heard if your rights are being denied or violated.

8. **Gather evidence** – review all forms of previous communication between yourself and the complainant including all communications with mutual friends. Review and copy all phone texts, Facebook postings, Twitter postings, emails, hand written notes, cards, letters, etc... If you and the complainant called each other often, obtain copies of your phone records. We **STRONGLY RECOMMEND** hiring a private investigator to help gather evidence on your behalf. **DO NOT UNDERESTIMATE THE SIGNIFICANCE OF GATHERING EXCULPATORY EVIDENCE.**
9. **Obtain witness statements** – it is equally important that you obtain and gather formal statements by friends, floor mates, fellow students, RA's, faculty, etc... that can speak to your character, experience and behavior as a student. Ask your attorney to arrange and conduct interviews of all people who may be called to testify on your behalf.
10. **Seek additional resources** – there are several organizations that have ample resources available on their website related to the disciplinary processes that college students may face. We recommend visiting the websites of: the **National Coalition For Men Carolinas (www.ncfmc Carolinas.com)**, the National Coalition For Men (NCFM), the Foundation for Individual Rights in Education (FIRE), Stop Abusive and Violent Environments (SAVE), A Voice for Male Students (AVfMS) and the Community of the Wrongly Accused (COTWA). If you have been falsely accused of sexual assault, we strongly suggest viewing the following material:
 - NCFM Carolinas website entitled "Falsely Accused?" (link: <http://www.ncfmc Carolinas.com/#!/falsely-accused/cn33>)
 - FIRE's *Guide to Due Process and Campus Justice*