

2017-  
2018



Integrity



Student  
Code of  
Community  
Standards



Responsibility



**STETSON**  
UNIVERSITY  
Community Standards

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# Student Code of Community Standards

## Section I: Preamble

Stetson University endeavors to provide a living and learning environment in which students can meet their academic goals. The University has the responsibility of providing students a clear understanding of the academic requirements and policies, which are generally published online in the University catalog ([www.catalog.stetson.edu](http://www.catalog.stetson.edu)). The University determines, publishes, and makes known its rules and regulations concerning student and organizational conduct in the Code of Community Standards, as well as department/unit specific policies. These regulations should be read broadly and are not designed to define prohibited conduct in exhaustive terms. The Vice President for Campus Life and Student Success is designated by the University President to be responsible for the administration of the Student Code of Community Standards.

By enrolling in Stetson University, the student accepts the responsibility to become fully acquainted with the University's regulations, to comply with the University's authority, to respect the rights and property of others, and to recognize that student actions reflect upon the students involved, as well as upon the entire University community. Unfamiliarity with university policies will not exempt the student from the conduct process. Registered student organizations are also expected to adhere to the Code of Community Standards. The University reserves the right to take appropriate disciplinary action for any conduct that violates the Code of Community Standards, be that behavior on or off campus. This may include disciplinary action up to and including expulsion and parental/guardian notification. Sanctions are grounded in education and encourage students and organizations to be reflective of the impact of their actions.

Being a Stetson student is a privilege, and with that privilege comes the expectation that students will uphold the standards and values set forth by the University and will conduct themselves as individuals who contribute positively to the University community. All students and organizations will be treated fairly in the student conduct process whether they are the alleged student or organization, reporting party, responding party, or a witness.

## Section II: Definitions when used in this code:

- a.) "University" means Stetson University.
- b.) "Student" includes all persons enrolled in courses at the University's DeLand campus, both full-time and part-time, including those who serve in any capacity as a part of the University staff, pursuing undergraduate, graduate, or professional studies and those who attend post-secondary educational institutions other than Stetson University and who reside in Housing and Residential Life owned and/or operated buildings. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the University, are considered students.
- c.) "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities (including Resident Assistants).
- d.) "Faculty member" means any person hired by the University to conduct classroom activities.
- e.) "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- f.) "University community" refers collectively and individually, to students, University officials, Trustees, and all visitors, contractors, and guests to the University, facilities, or events.
- g.) "Organization" means any group or association of students who have complied with the formal requirements for University recognition.
- h.) "University-sponsored activity" means any activity on or off campus that is initiated, aided, authorized, or supervised by the University.
- i.) "Hearing body" means any person or persons authorized by the Office of Community Standards to determine whether a student or organization has violated the Code of Community Standards and to impose sanctions.

- j.) "Conduct Officer" means a University official authorized by the Office of Community Standards to determine whether a student or organizations has violated the Code of Community Standards and to impose sanctions. The Office of Community Standards may authorize a conduct officer to serve simultaneously as a conduct officer and the sole member or one of the members of a hearing body.
- k.) "Student Conduct Board" is a group of student leaders selected to serve as a hearing body. Board members are selected through an annual application and interview process. All Student Conduct Board members receive training from the Office of Community Standards.
- l.) "Honor System Council" is a group of student leaders selected to serve as a hearing body for cases regarding academic honesty. Council members are selected through an annual application and interview process. All Honor System Council members receive training from the Council Vice President for Education.
- m.) "Alleged student" means any student that is alleged with a violation of the Code of Community Standards.
- n.) "Hold" refers to a block placed on a student's record that may impact a student's ability to register for classes and/or request transcripts.
- o.) "Sanction" refers to outcome(s) imposed on a student/organization found responsible for violation of the Student Code of Community Standards.
- p.) "Policy" is defined as the written regulations of the University as found in a non-exhaustive list comprised of the Student Code of Community Standards, Graduate/Undergraduate Catalogs, Housing and Residential Life Guidebook and Agreement, and department/unit specific policies.
- q.) "Proceeding" means all activities related to a resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceedings do not include meetings or communications between university officials and a reporting party concerning accommodations or protective measures.
- r.) "Result" or "Outcome" means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. The result must also include the rationale for the result and the sanctions.
- s.) "Shall" is used in the imperative sense.
- t.) "May" is used in the permissive sense.

*For definitions pertaining specifically to the Gender-Based Misconduct, Sexual Assault, and Interpersonal Violence policy please refer to [www.stetson.edu/title-ix](http://www.stetson.edu/title-ix)*

The following definitions are also being included per the Violence Against Women Act (VAWA) requirements:

- a.) "Awareness Programs" are defined as community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
- b.) "Bystander Intervention" is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- c.) "Ongoing prevention and awareness campaigns" are defined as programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information on the steps the institution is taking for effective programming.
- d.) "Primary Prevention Programs" are defined as programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, or stalking.
- e.) "Risk Reduction" is defined as options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

### **Section III: Student Rules of Conduct**

University rules and regulations are set forth in writing in order to give students general notice of prohibited conduct. Any student found to have committed conduct prohibited by the University is subject to the disciplinary sanctions outlined in Section VIII. The following list is not designed to be all-inclusive, but should serve as examples of prohibited conduct and, thus, be broadly read. The following offenses, or the aiding, assisting, condoning, attempting to commit, or failing to report or take action on these offenses, may constitute violations of the Student Rules of Conduct.

#### **1.) Academic Honesty**

- a. Students shall refrain from all acts of dishonesty, including but not limited to: cheating, plagiarism, and other forms of academic dishonesty.
- b. The Honor System Council, composed of students, handle academic honesty violations. For more information on the procedures for this separate process, please visit the Honor System Council website at [www.stetson.edu/honor-system](http://www.stetson.edu/honor-system).

#### **2.) Alcohol**

- a. Alcoholic beverages are permitted for persons 21 years or older and shall be limited to beer, wine, wine coolers, champagne, cider, and malt beverages. The alcohol content of beverages must be below 22 percent alcohol by volume. Hard liquor, distilled spirits, and grain alcohol are prohibited on University premises.
- b. Possessing, consuming, or being under the influence of alcohol under the age of 21. Being under the influence of alcohol may be demonstrated through one's actions, behaviors, or the results of a BAC reading (administered and provided by law enforcement).
- c. Purchasing, providing, or serving alcohol to or for an underage person.
- d. Manufacturing, distributing, or engaging in the sale of alcohol on campus (unless otherwise stated in University policy), in any University owned and/or operated residential facility, or otherwise not in compliance with federal, state, and local regulations.
- e. Possessing, providing, or consuming alcohol in common areas or exteriors of facilities on University premises (unless otherwise stated in University policy).
- f. Creating and/or engaging in drinking games involving rapid and/or excessive consumption of alcohol on University premises.
- g. Possessing devices designed for the purpose of the rapid consumption of alcohol (e.g., beer bongs, funnels, yards of ale, etc.) on University premises.
- h. Possessing common source containers of alcohol (e.g., kegs, party balls, beer bongs, punch bowls, etc.) on University premises.
- i. Any misconduct under the influence of alcohol as demonstrated through one's actions, behaviors, or the results of a BAC reading, regardless of one's age.
- j. Any operation of a motor vehicle while impaired or exhibiting behaviors associated with intoxication or impairment, due to alcohol use. This determination may be made through an admission, as a result of a blood alcohol content test, or by commonly accepted behavioral observations (e.g., slurred speech, staggering).
- k. Any alleged violations of the alcohol policy will result in immediate disposal of alcohol on scene and/or the confiscation of any prohibited devices.
- l. For alcohol-specific Housing and Residential Life policies, please refer to the *University Housing Policies* rule of conduct (rule number 25).

#### **3.) Controlled Substances**

- a. Possessing, consuming, or being under the influence of any illegal drug. The odor of marijuana or any other controlled substance is sufficient to warrant an alleged violation of this policy. Knowingly being in the presence of any illegal drug, or any controlled substance not being used in a manner as prescribed, is sufficient to warrant an alleged violation of this policy.
- b. Use of substances for purposes or in manners not as directed, including the use of prescription medication not prescribed to an individual and/or providing prescription medication to an individual to whom it is not prescribed.
- c. Use of any substance to provide an altered state of being, including huffing, snorting, smoking, or otherwise possessing or using legal substances in manners not as intended. Substances including,



but not limited to, K2, "Spice," salvia and pyrovalerone derivatives (found in substances marketed as "bath salts") are not intended for human consumption and are prohibited for possession or use.

- d. Possessing and/or using drug paraphernalia including, but not limited to, pipes, grinders, roach clips, bongs, blow tubes, rolling papers, scales, or any material or apparatus containing drug residue.
- e. Manufacturing, selling, transporting, and/or distributing controlled or illegal substances or any prohibited substances as defined above.
- f. Any operation of a motor vehicle while impaired or exhibiting behaviors associated with intoxication or impairment, due to the use of an illegal drug or controlled substance. This determination may be made through an admission, as a result of a blood test, or by commonly accepted behavioral observations.

#### **4.) Smoking/Tobacco**

- a. The use of all tobacco products on all property that is owned, operated, leased, occupied, or controlled by the University. "Property" for purposes of this paragraph includes buildings and structures, grounds, parking lots or structures, enclosed bridges and walkways, sidewalks, university carts and vehicles, as well as personal vehicles in these areas.
- b. "Tobacco Products" means all forms of tobacco including, but not limited to, cigarettes, cigars, pipes, water pipes (hookah), e-cigarettes (any device intended to simulate smoking), and the variety of smokeless tobacco products.
- c. Please note that students, staff, and faculty are responsible for abiding by the full policy, which can be viewed at <http://www2.stetson.edu/breathe-free/policy/>.

#### **5.) Disorderly Conduct**

- a. Any behavior which disrupts the orderly conduct, processes, and functions of the University, or infringes on the rights of others' normal activities.
- b. Public intoxication and/or substance abuse which creates an unsafe environment for self and others.
- c. Public urination or defecation.
- d. Any act which deliberately impedes the normal flow of pedestrian and/or vehicular traffic, including obstructing the physical response of emergency vehicles.
- e. An act that aids, abets, or procures another person to breach the peace of the University premises or at University-sponsored/related functions.

#### **6.) Harmful Behavior**

- a. Causing physical harm or threat of physical harm to any person or persons. This harmful behavior policy may not apply in those instances where it is found that a student is acting in self-defense.
- b. Abuse, threats, intimidation, coercion, or conduct that would reasonably tend to cause alarm, anger, fear, or resentment in others. This may be conducted by a variety of mediums, including, but not limited to, physical, written, visual, electronic, or oral means.
- c. Hate/bias incidents that use language, signs, symbols, or threats that would reasonably tend to arouse alarm, anger, fear, or resentment in others or would endanger the mental and/or physical health, safety, and/or welfare of a member(s) of the University community.
- d. Harassment - conduct (not of a sexual nature) that is severe, pervasive, or persistent to a degree that a reasonable person similarly situated would be prevented from accessing an educational opportunity or benefit. This behavior includes, but is not limited to, persistent verbal abuse, threats, intimidation, and coercion. In addition, harassment may be conducted by a variety of mediums, including, but not limited to, physical, written, visual, electronic, or oral means.
- e. Bullying - defined as behavior (including written, visual, electronic, or oral means) that is intentional and repeated, or meant to be done in humor or in jest, that results in the intimidation, injury, or distress of another individual physically, mentally, or socially.
- f. Behavior directed against another person that violates reasonable expectations of personal privacy and/or privacy of personal information.

#### **7.) Gender-Based Misconduct, Sexual Assault, and Interpersonal Violence**

- a. Sexual Assault - the commission of an unwanted sexual act, further defined as: 1) non-consensual sexual contact: the deliberate touching of a person's intimate parts (including genitalia, groin, breast, or buttocks), or clothing covering any of those area(s) without consent, or using force to

cause a person to touch his or her own or another person's intimate parts, and/or 2) non-consensual sexual intercourse: penetration (anal, oral, or vaginal) by a penis, tongue, finger, or an inanimate object that occurs without consent, whether by an acquaintance or by a stranger, that occurs without indication of consent of both individuals, or that occurs under threat or coercion. Sexual assault can occur either forcibly and/or against a person's will, or when a person is incapable of giving consent. Under federal and state law, sexual assault includes, but is not limited to, rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (unwanted touching or kissing for purposes of sexual gratification), and threat of sexual assault.

- i. Consent is clear, and knowing, and voluntary words or actions that give permission for specific sexual activity. Silence, in and of itself, cannot be interpreted as consent. Consent is not the lack of resistance: there is no duty to fight off a sexual aggressor. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationship or prior consent cannot imply consent to future sexual acts. Consent cannot be given by a person who is incapacitated (see ii.). Consent can be withdrawn once given, as long as that withdrawal is clearly communicated, and once consent is withdrawn, sexual activity must stop reasonably immediately.
- ii. Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction). Incapacitation can occur mentally, physically, from developmental disability, by alcohol or other drug use, and/or blackout. The question of what the alleged party should have known is objectively based on what a reasonable person in the place of the alleged party – sober and exercising good judgment – would have known about the condition of the reporting party. Incapacitation covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of drugs unbeknownst to the reporting party (e.g., rape drugs).
- b. Sexual Harassment – unwelcome conduct of a sexual nature. Sexual harassment includes any unwelcome sexual advances or requests for sexual favors, whether physical, written, verbal, or visual towards another individual exclusive of gender or sex and encompasses any other conduct of a sexual nature when: (i) submitting to such conduct is made either explicitly or implicitly a term or condition of employment, academic decisions, or University-sponsored activities; (ii) submitting to such conduct is used as the basis for employment or academic decisions affecting the individual as an employee, student, or participant in University-sponsored activities; or (iii) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile, or offensive working or learning environment.
- c. Harassment - conduct (gender-based but not of a sexual nature) that is severe, pervasive, or persistent to a degree that a reasonable person similarly situated would be prevented from accessing an educational opportunity or benefit. This behavior includes, but is not limited to, persistent verbal abuse, threats, intimidation, and coercion. In addition, harassment may be conducted by a variety of mediums, including but not limited to, physical, written, visual, electronic, or oral means.
- d. Stalking - a course of conduct directed at a specific person that would cause a reasonable person to fear for their, or others' safety, or to suffer substantial emotional distress. A course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. A reasonable person means a person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- e. Intimate Partner Violence – violence or abuse, whether it be verbal, physical, or psychological, that occurs between those who are in or have been in an intimate relationship with each other. The

existence of such a relationship will be gauged by its length and type, frequency of interaction, and the reporting party's statement of such a relationship.

- f. Sexual Exploitation - taking sexual advantage of another person without consent, including but not limited to: causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts, or buttocks) of another person; allowing third parties to observe private sexual acts; engaging in voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.
- g. Possession of child pornography.
- h. Attempting to commit by solicitation sexual acts with a minor by oral, written, or electronic means.
- i. Attempts of any of these behaviors will also be considered violations of this rule of conduct.
- j. Complaints of this section will be subject to the procedures outlined in Stetson's Gender-Based Misconduct, Sexual Assault, and Interpersonal Violence policy, which can be found at [www.stetson.edu/title-ix](http://www.stetson.edu/title-ix).

#### **8.) Hazing**

- a. As defined by Florida law: Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for the purposes of, but not limited to, initiation or admission into or affiliation with any organization, regardless of locations, intent, or consent of participants.
  - i. Hazing includes, but is not limited to, pressuring or coercing a student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of a student, and also includes any activity that would subject a student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of a student.
  - ii. Hazing does not include customary athletic events or other similar contests or competitions, or any activity or conduct that furthers a legal and legitimate objective.

#### **9.) Retaliation**

- a. Any adverse action taken against a person participating in an activity because of their participation in that activity. Examples of activities include, but are not limited to, reporting behavior of any sort to the University which may violate the Code of Community Standards, including sexual harassment and assault, filing a discrimination or bias complaint, assisting someone in reporting discrimination or filing a report, participating in any manner in an investigation or conduct process (such as a witness). Retaliation may take the form of physical, verbal, written, or by electronic means.

#### **10.) Audio/Video Recording**

- a. Undisclosed and unauthorized recording of other individuals within the University community. Students are expected to respect the reasonable expectations of privacy of other individuals within the University community. Accordingly, students are not permitted to make or attempt to make an audio or video recording of private, nonpublic conversations and/or meetings, without the knowledge and consent of all participants subject to such recordings. In such circumstances the uses of undisclosed hidden recording devices are prohibited, as is the transmission and/or distribution of any such recordings.
  - i. This provision does not extend to the recording of public events or discussions, or to recordings made by Public Safety or University staff for law enforcement or university administrative proceedings. Students will be made aware when they are being recorded for administrative proceedings.

#### **11.) Interference**

- a. Influencing or attempting to influence another person's participation in the investigative or hearing processes of the Office of Community Standards. This includes, but is not limited to, disruption, harassment, intimidation, or attempted influence of potential witnesses or the members of a hearing body.



## **12.) Identification**

- a. Students shall be required to obtain an official student identification card within one week of orientation. A government issued photo identification may be used prior to obtainment of a Stetson student identification card. Students are required to carry their student identification card with them at all times, and present it when requested to any University official who makes such a request while in the performance of their duties.
- i. Guests/Visitors should carry a government issued photo identification card with them at all times, and present it when requested to any University official who makes such a request while in the performance of their duties.
- b. The altering or misuse of a student identification card.
- c. Possessing, using, or attempting to use any form of fraudulent identification.
- d. Manufacturing, attempting to manufacture, or aiding in the procurement of any form of fraudulent identification.
- e. Possessing another person's identification and using it as their own, or for their own purposes to gain access and/or services. Knowingly not returning another person's identification card to the University or to law enforcement is sufficient to warrant an alleged violation of this policy.

## **13.) Misrepresentation**

- a. Knowingly or willfully providing false information or statements to any representative of the University in any form.
- b. Forgery, alteration, or misuse of any University document, material, file, record, or instrument of identification.
- c. Withholding information, including failing to disclose or update records of convictions or disciplinary actions on applications. Students who do not comply with the University's requirement to disclose records of criminal convictions or disciplinary action taken by the student's school, either before applying or after applying but before matriculation, will be considered in violation of this section. Failing to disclose will be considered a serious violation and may include suspension or dismissal from the University.

## **14.) Failure to Comply**

- a. Failure to comply with the directives of University officials and their authorized agents acting in the performance and scope of their duties, including, but not limited to, the directives of Public Safety and Housing and Residential Life professional and student staff.
- b. Refusing to correctly identify yourself or guest(s).
- c. Failure to complete or adhere to sanctions resulting from a disciplinary process outcome.
- d. Students must comply with the directions of the Office of Community Standards in scheduling and attending appointments.

## **15.) Respect for University Representatives**

- a. Any form of disrespect, harassment, interference, or noncompliance with the proper and lawful directions of University officials and their authorized agents or designees acting in the performance and scope of their duties. A University official includes any person employed by the University, performing assigned administrative or professional responsibilities (including Resident Assistants).

## **16.) Unauthorized Entry**

- a. Unauthorized entry or attempt of into any University facility, or portion thereof, or unauthorized use or abuse of any University building, facility, or premises.
- b. Students are not permitted on the roofs of any building at any time, unless authorized by a professional University staff member acting in the performance and scope of their duties.
- c. Unauthorized possession, duplication, or use of any key which fits any University facility. This includes unauthorized use/misuse of card access or key fobs. Only professional University staff acting in the performance and scope of their duties may authorize use of University keys/access.

## **17.) Theft**

- a. Attempted or actual theft of property or services of the University community or other personal or public property.
- b. Knowingly possessing stolen property.

## **18.) Property Damage**

- a. Attempted or actual vandalism, damage, or destruction of property of the University, community, or other personal or public property.

## **19.) Vehicles**

- a. Bicycles/Motorcycles are not permitted within University owned or operated facilities and must be kept outside the buildings in the approved designated areas. Boards of any kind are not permitted to be used indoors.
- b. Careless and/or reckless operation of a vehicle including, but not limited to, the use of a vehicle to deface or damage campus property or engaging in street-racing activities with motor vehicles.
- c. Operation and/or parking of vehicles in unauthorized spaces, restricted areas, and non-designated parking spaces.
- d. Any vehicle operated carelessly anywhere on campus is subject to removal.
- e. Parking violations will be handled via the normal channels, including traffic appeals court. However, severe cases or excessive incidents may be handled by the Office of Community Standards.

## **20.) Technology Resources**

- a. Theft or abuse of computer usage or network services including, but not limited to:
  - i. Unauthorized entry into a file, to use, read, or change the contents, or for any other purposes.
  - ii. Unauthorized transfer of a file.
  - iii. Unauthorized use of another individual's identification and password.
  - iv. Use of computing facilities to interfere with the work of another student, staff, or faculty member.
  - v. Use of computing facilities to send obscene or abusive messages.
  - vi. Use of computing facilities to interfere with normal operations of Stetson's computing systems.
  - vii. Use of networking facilities that is not in compliance with the policies established by Information Technology.

## **21.) Fire Safety**

- a. Tampering with or using fire safety equipment such as extinguishers, smoke detectors, sprinklers, alarm pull stations, or emergency exits other than in emergency situations. This includes the use of fire escapes as regular entrances and exits to and from a building as these are only to be used in the case of a fire or an alarm.
- b. During a fire drill or alarm, every person must evacuate the building and follow emergency procedures issued by Public Safety, Housing and Residential Life, or local authorities/emergency personnel.
- c. Any substance that could cause a fire, damage, or an explosion is not permitted inside University owned and/or operated residential facilities. This provision includes, but is not limited to, space heaters, fuel containers, candles, open flames, incense, fragrance pots, and similar burning devices. Outdoor fire pits/pots are not permitted, unless approved.
  - i. Lithium-Ion battery-powered self-balancing scooters or board (e.g., hover boards) are not permitted within any University owned and/or operated facilities, including residential facilities.
  - ii. Refer to the Guide to Residential Living for complete guidelines on fire safety within the residence facilities.
- d. Malicious burning, or attempted burning, of any personal or public property.
- e. Negligence that contributes to the activation of a fire alarm and/or fire department response may result in alleged violations of this policy. Appropriate sanctions, including the imposition of fines, will be determined based on the level of negligence, frequency of incidents, and any resulting damage that may have occurred.

## **22.) Solicitation**

- a. Any personal, commercial, or political solicitation, sale, or distribution of material, pamphlets, newsletters, or newspapers on Stetson University's campus must be approved by the Office of Student Development and Campus Vibrancy or Housing and Residential Life. Persons in violation may be denied the privilege of any further approved solicitation on campus.

### **23.) Animals**

- a. Failure to pick up after animal waste.
- b. Animal mistreatment, including but not limited to: abandonment of animal, malnourishment of animal, negligence, and/or leaving animal(s) in unsanitary conditions.
- c. Failure to keep animals leashed at all times in common, public spaces, with the exception of designated off-leash areas.
- d. Students may only bring well-socialized animals on to Stetson's campus. Animals deemed by Stetson University as aggressive, dangerous, and/or a nuisance to the student body, staff, and faculty, are prohibited from campus. Stetson University reserves the right to determine what aggressive behaviors (e.g., a dog bite regardless of circumstances) result in the restriction of an animal from campus.
- e. Students accept liability for physical damage done by their animal to Stetson University's campus and other owned and/or operated properties.
- f. All students must adhere to all animal policies mentioned above and in the most recent versions of the Animal-Friendly Housing Guide and the Guide to Residential Living. Additional animal policies will be adapted and posted online as appropriate.

### **24.) Weapons**

- a. Possessing a concealed or unconcealed firearm, weapon, or other hazardous material:
  - i. on the campuses of Stetson University;
  - ii. on premises owned or within the control of the University; or
  - iii. at functions sponsored by the University.
- b. Items covered by this policy include, but are not limited, to:
  - i. guns and firearms of all types, including ammunition for guns and firearms of all types;
  - ii. stun guns, air guns, and spear guns;
  - iii. machetes, swords, and knives, except for pocket knives with blades less than three inches and knives normally used for cooking or dining;
  - iv. billy clubs, stilettos, metallic knuckles, and martial arts weapons;
  - v. bows and arrows;
  - vi. slingshots;
  - vii. fireworks and incendiary devices, and explosives of any type; and
  - viii. any other type of deadly weapon.
- c. In addition, other than for use as props in official Stetson University activities, this policy also prohibits individuals from possessing replica or "toy" weapons on campus, and from possessing component parts that can be readily assembled into a weapon, or live ammunition, on University owned or operated facilities.
- d. This policy does not apply to self-defense chemical spray. An individual may carry a chemical spray sold commercially solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical.
- e. Please note that students, staff, and faculty are responsible for abiding by the full policy, which can be viewed at <http://catalog.stetson.edu/undergraduate/student-policy/other-policies/weapons-policy/>.

### **25.) University Housing Policies**

- a. Students under the age of 21 may not possess or consume alcohol in any University owned and/or operated residential facility.
  - i. Constructive possession may exist if there is enough open alcohol for an underage student to consume (over a one-to-one alcohol-to-legal drinker ratio). Students can be constructively possessing alcohol even if they have not consumed any alcohol themselves.
  - ii. A residential room/suite/apartment with all assigned occupants under the age of 21 may never possess alcohol in the space, including by their guests who are over the age of 21.
- b. Possession of excessive amounts of alcohol. Students may not possess more than the equivalent of 12 drinks per number of legal age residents in a campus residence where alcohol is permitted. One drink is equivalent to a 12-ounce beer, wine cooler, malt beverage, or cider; or a 5-ounce glass of wine or champagne. One standard (750 ml) bottle of wine is equal to 5 drinks. For purposes of clarity, students are not allowed to possess more than two standard bottles of wine.

- c. Possession of empty alcohol containers and paraphernalia is prohibited. Paraphernalia specifically includes, but is not limited to, empty bottles and cans, beer bong, funnels, boxes of wine, and kegs. Shot glasses and drinking glasses (such as beer steins and wine glasses) are permitted. Empty alcohol containers specifically, and obviously, repurposed for decoration are permitted. A reminder that distilled spirits are not permitted on University premises, therefore empty distilled spirit (e.g., hard liquor) alcohol containers are not permitted on University premises, repurposed or not.
- d. Failure to abide by the proper procedures listed in the Guide to Residential Living or Housing and Residential Life Agreement, including, but not limited to, information regarding late stays and early arrivals.
- e. Possession of unapproved furniture, room decorations, and/or prohibited items. A list of prohibited items can be found by reviewing the Housing and Residential Life website at <http://www.stetson.edu/administration/residential-life/>.
- f. Excessive garbage, unsanitary living conditions, and any behaviors that contribute to the health and safety concerns of the student or community.
- g. Violation of guest/visitor policy as stated in the Guide to Residential Living.
- h. Possession of unapproved animals in University owned and/or operated residential facilities.
- i. Violation of Quiet and Courtesy Hours, including, but not limited to, noise caused by the use of stereos, televisions, music equipment, and sound equipment.
- j. Stetson University does its best to provide every resident privacy with respect to their assigned space, however there are times when authorized personnel that have a reasonable belief that a violation of a University or HRL policy, local ordinance, state, or federal statute is in progress, and/or for other emergency or well-being concern purposes, may enter and search the resident's room/suite/apartment. If the resident is present they will be asked for consent to search the room. If consent is not given, requests to search a resident's room may be authorized by University senior leaders. Once consent has been given, or the search has been authorized, members of Public Safety will execute the search. Public Safety may remove any items found that violate University or Housing and Residential Life policies, local ordinances, state, or federal statutes.

#### **26.) University Policies**

- a. Students who violate published University policies, procedures, regulations, or rules will be adjudicated. Such regulations include, but are not limited to: regulations relating to parking and traffic, and rules related to intramural sports and attendance at university athletic events.
- b. For conduct related to academic policies or operations, the Associate Dean of the College and the Hearing Officer will make a collaborative decision regarding outcome of responsibility and sanctions if there is a finding of responsibility. Appeal decisions will include the Provost or their designee.

#### **27.) Federal, State and Local Laws**

- a. Students must comply with all Federal, State & Local laws.

### **Section IV: Organizational Rules of Conduct:**

Student organizations are subject to the same standards of behavior as individual students. University rules and regulations are set forth in writing in order to give student organizations general notice of prohibited conduct. Any student organization found to have committed conduct prohibited by the University is subject to the disciplinary sanctions outlined in Section VIII.

#### **A.) Determination of Group Responsibility**

Any student organization can be held responsible for its actions or the actions of one or more of its members or anyone associated with the organization. There is no minimum number of group members who must be involved in an incident before disciplinary action may be taken against the organization. In some instances, the conduct of a single member may provide sufficient grounds for action against the entire organization. An organization may be held responsible for a violation of University policy or rule when one or more of the following criteria are met:

- 1.) One or more of its officers, members, or authorized representatives acting as a member of the organization commit the violation;
- 2.) The misconduct occurs on the premises and/or transportation owned, leased, operated, or rented exclusively by the student organization;

3.) The misconduct occurs at an event that is sponsored, financed, or endorsed by an organization where it is reasonable to believe that the organization's members knew, or should have known, that one or more of the participants engaged in conduct that is in violation of the Code of Community Standards; and/or

4.) One or more officers or members of an organization have knowledge of an incident or behavior, etc. by any individual or group and fails to take corrective or prohibitive action before such incident or behavior occurs or fails to stop such incident or behavior while it is occurring.

## **B.) Organizational Rules of Conduct**

The following list is not designed to be all-inclusive, but should serve as examples of prohibited conduct and, thus, be broadly read. The following offenses, or the aiding, assisting, condoning, attempting to commit, or failing to report or take action on these offenses, may constitute violations of the Organizational Rules of Conduct.

### **1.) Academic Honesty**

- a. Student organizations shall refrain from all acts of dishonesty, including but not limited to: cheating, plagiarism, and other forms of academic dishonesty.
- b. The Honor System Council, composed of students, handle academic honesty violations. For more information on the procedures for this separate process, please visit the Honor System Council website at [www.stetson.edu/honor-system](http://www.stetson.edu/honor-system).

### **2.) Alcohol**

- a. Use and/or possession of alcoholic beverages, except as expressly permitted by law and University regulations/policies.
- b. Manufacturing, distributing, or engaging in the sale of alcohol on campus (unless otherwise stated in University policy), in any University owned or operated residential facility, or otherwise not in compliance with federal, state, and local regulations.
- c. Purchasing, providing, or serving alcohol to or for an underage person.
- d. Furnishing or causing to be furnished any alcoholic beverage to any person in a state of noticeable intoxication.
- e. Failure of a student organization to take all necessary steps to see that no person under the legal drinking age possesses alcoholic beverages at functions it sponsors, or within any property or transportation it owns, operates, and/or rents.
- f. Possessing, providing, or consuming alcohol in common areas or exteriors of facilities on University premises (unless otherwise stated in University policy).
- g. Creating and/or engaging in drinking games involving rapid and/or excessive consumption of alcohol.
- h. Possessing devices designed for the purpose of the rapid consumption of alcohol (beer bongs, funnels, yards of ale, etc.).
- i. Possessing common source containers of alcohol (i.e. kegs, party balls, beer bongs, punch bowls, etc.).
- j. Possession of empty alcohol containers and paraphernalia. Paraphernalia specifically includes, but is not limited to, empty bottles and cans, beer bongs, funnels, boxes of wine, and kegs. Shot glasses, and drinking glasses (such as beer steins and wine glasses) are permitted. Empty alcohol containers specifically, and obviously, repurposed for decoration are permitted. A reminder that distilled spirits are not permitted on University premises, therefore empty distilled spirit (liquor) alcohol containers are not permitted on University premises, repurposed or not.
- k. Any misconduct under the influence of alcohol as demonstrated through one's actions, behaviors, or the results of a BAC reading (provided and administered by law enforcement), regardless of one's age.
- l. Any alleged violations of the alcohol policy will result in immediate disposal of alcohol on scene and/or the confiscation of any prohibited devices.

### **3.) Controlled Substances**

- a. Possessing, consuming, or being under the influence of any illegal drug. The odor of marijuana or any other controlled substance is sufficient to warrant an alleged violation of this policy. Knowingly being in the presence of any illegal drug, or any controlled substance not being used in a manner as prescribed, is sufficient to warrant an alleged violation of this policy.
- b. Use of substances for purposes or in manners not as directed, including use of prescription medication not prescribed to an individual and/or providing prescription medication to an individual to whom it is not prescribed.

- c. Use of any substance to provide an altered state of being, including huffing, snorting, smoking, or otherwise possessing or using legal substances in manners not as intended. Substances including, but not limited to, K2, "Spice," salvia and pyrovalerone derivatives (found in substances marketed as "bath salts") are not intended for human consumption and are prohibited for possession or use.
- d. Possessing and/or using drug paraphernalia including, but not limited to, pipes, grinders, roach clips, bongs, blow tubes, rolling papers, scales, or any material or apparatus containing drug residue.
- e. Manufacturing, selling, transporting, and/or distributing controlled or illegal substances or any prohibited substances as defined above.

#### **4.) Disorderly Conduct**

- a. Any behavior which disrupts the orderly conduct, processes, and functions of the University, or infringes on the rights of others' normal activities.
- b. Public intoxication and/or substance abuse which creates an unsafe environment for self and others.
- c. Public urination or defecation.
- d. Any act which deliberately impedes the normal flow of pedestrian and/or vehicular traffic, including obstructing the physical response of emergency vehicles.
- e. An act that aids, abets or procures another person to breach the peace of the University premises or at University-sponsored/related functions.

#### **5.) Harmful Behavior**

- a. Causing physical harm or threat of physical harm to any person or persons. This harmful behavior policy may not apply in those instances where it is found that a student is acting in self-defense.
- b. Abuse, threats, intimidation, coercion, or conduct that would reasonably tend to cause alarm, anger, fear, or resentment in others. This may be conducted by a variety of mediums, including but not limited to, physical, written, visual, electronic, or oral means.
- c. Hate/bias incidents that use language, signs, symbols, or threats that would reasonably tend to arouse alarm, anger, fear, or resentment in others or would endanger the mental and/or physical health, safety, and welfare of a member(s) of the University community.
- d. Harassment - conduct (not of a sexual nature) that is severe, pervasive, or persistent to a degree that a reasonable person similarly situated would be prevented from accessing an educational opportunity or benefit. This behavior includes, but is not limited to, persistent verbal abuse, threats, intimidation, and coercion. In addition, harassment may be conducted by a variety of mediums, including but not limited to, physical, written, visual, electronic, or oral means.
- e. Bullying - defined as behavior (including written, visual, electronic, or oral means) that is intentional and repeated, or meant to be done in humor or in jest, that results in the intimidation, injury, or distress of another individual physically, mentally, or socially.
- f. Behavior directed against another person that violates reasonable expectations of personal privacy and/or privacy of personal information.

#### **6.) Gender-Based Misconduct, Sexual Assault, and Interpersonal Violence**

- a. Sexual assault - the commission of an unwanted sexual act, further defined as: 1) non-consensual sexual contact: the deliberate touching of a person's intimate parts (including genitalia, groin, breast, or buttocks), or clothing covering any of those area(s) without consent, or using force to cause a person to touch his or her own or another person's intimate parts, and/or 2) non-consensual sexual intercourse: penetration (anal, oral, or vaginal) by a penis, tongue, finger, or an inanimate object that occurs without consent, whether by an acquaintance or by a stranger, that occurs without indication of consent of both individuals, or that occurs under threat or coercion. Sexual assault can occur either forcibly and/or against a person's will, or when a person is incapable of giving consent. Under federal and state law, sexual assault includes, but is not limited to, rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (unwanted touching or kissing for purposes of sexual gratification), and threat of sexual assault.
  - i. Consent is clear, and knowing, and voluntary words or actions that give permission for specific sexual activity. Silence, in and of itself, cannot be interpreted as consent. Consent is not the lack of resistance: there is no duty to fight off a sexual aggressor. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.



Previous relationship or prior consent cannot imply consent to future sexual acts. Consent cannot be given by a person who is incapacitated (see ii.). Consent can be withdrawn once given, as long as that withdrawal is clearly communicated, and once consent is withdrawn, sexual activity must stop reasonably immediately.

- ii. Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation can occur mentally, physically, from developmental disability, by alcohol or other drug use, and/or blackout. The question of what the alleged party should have known is objectively based on what a reasonable person in the place of the alleged party – sober and exercising good judgment – would have known about the condition of the reporting party. Incapacitation covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of drugs unbeknownst to the reporting party (e.g., rape drugs).
- b. Sexual Harassment – unwelcome conduct of a sexual nature. Sexual harassment includes any unwelcome sexual advances or requests for sexual favors, whether physical, written, verbal, or visual towards another individual exclusive of gender or sex and encompasses any other conduct of a sexual nature when: (i) submitting to such conduct is made either explicitly or implicitly a term or condition of employment, academic decisions, or University-sponsored activities; (ii) submitting to such conduct is used as the basis for employment or academic decisions affecting the individual as an employee, student, or participant in University-sponsored activities; or (iii) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working or learning environment.
- c. Harassment - conduct (gender-based but not of a sexual nature) that is severe, pervasive, or persistent to a degree that a reasonable person similarly situated would be prevented from accessing an educational opportunity or benefit. This behavior includes, but is not limited to, persistent verbal abuse, threats, intimidation, and coercion. In addition, harassment may be conducted by a variety of mediums, including, but not limited to, physical, written, visual, electronic, or oral means.
- d. Stalking - a course of conduct directed at a specific person that would cause a reasonable person to fear for their, or others’ safety, or to suffer substantial emotional distress. A course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. A reasonable person means a person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- e. Intimate Partner Violence – violence or abuse, whether it be verbal, physical, or psychological, that occurs between those who are in or have been in an intimate relationship with each other. The existence of such a relationship will be gauged by its length and type, frequency of interaction, and the reporting party’s statement of such a relationship.
- f. Sexual Exploitation - means taking sexual advantage of another person without consent, including but not limited to: causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts or buttocks) of another person; allowing third parties to observe private sexual acts; engaging in voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.
- g. Possession of child pornography.
- h. Attempting to commit by solicitation sexual acts with a minor by oral, written, or electronic means.
- i. Attempts of any of these behaviors will also be considered violations of this rule of conduct.
- j. Complaints of this section will be subject to the procedures outlined in Stetson’s Title IX policy, which can be found at [www.stetson.edu/title-ix](http://www.stetson.edu/title-ix).

## **7.) Hazing**

- a. As defined by Florida law: Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for the purposes of, but not limited to, initiation or admission into or affiliation with any organization, regardless of locations, intent, or consent of participants.
  - i. Hazing includes, but is not limited to, pressuring or coercing a student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of a student, and also includes any activity that would subject a student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of a student.
  - ii. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

## **8.) Retaliation**

- a. Any adverse action taken against a person participating in an activity because of their participation in that activity. Examples of activities include, but are not limited to, reporting sex discrimination, including sexual harassment and assault, filing a discrimination complaint, assisting someone in reporting discrimination or filing a report, participating in any manner in an investigation or conduct process (such as a witness). Retaliation may take the form of physical, verbal, written, or by electronic means.

## **9.) Audio/Video Recording**

- a. Undisclosed and unauthorized recording of other individuals within the University community. Student organizations are expected to respect the reasonable expectations of privacy of other individuals within the University community. Accordingly, student organizations are not permitted to make or attempt to make an audio or video recording of private, nonpublic conversations and/or meetings, without the knowledge and consent of all participants subject to such recordings. In such circumstances the uses of undisclosed hidden recording devices are prohibited, as is the transmission and/or distribution of any such recordings.
  - i. This provision does not extend to the recording of public events or discussions, or to recordings made by Public Safety or University staff for law enforcement or university administrative proceedings. Student organizations will be made aware when they are being recorded for administrative proceedings.

## **10.) Interference**

- a. Influencing or attempting to influence another person's participation in the investigative or hearing process itself. This includes, but is not limited to, disruption, harassment, intimidation, or attempted influence of potential witnesses or the members of a hearing body.

## **11.) Misrepresentation**

- a. Knowingly or willfully providing false information or statements to any representative of the University in any form.
- b. Purposefully withholding information from any representative of the University in any form.
- c. Forgery, alteration or misuse of any University document, material, file, record, or instrument of identification.

## **12.) Failure to Comply**

- a. Failure to comply with the directives of University officials and their authorized agents acting in the performance and scope of their duties, including, but not limited to, the directives of Public Safety & Housing and Residential Life professional and student staff. Student organization officers and members shall comply with all directions or requests of University officials, University Public Safety officers, or authorized agents in a timely manner.
- b. Failing/refusing to correctly identify yourself, student organization members, or guest(s).
- c. Failure to complete or adhere to sanctions resulting from a disciplinary process outcome.
- d. Failure to comply with the administrative policies as enacted by the University, including, but not limited to, properly registering events and adhering to policies regarding fundraising, etc.
- e. Organizations must comply with the directions of the Office of Community Standards in scheduling and attending appointments.

### **13.) Respect for University Representatives**

- a. Any form of disrespect, harassment, interference, or noncompliance with the proper and lawful directions of University officials and their authorized agents or designees acting in the performance and scope of their duties. A University official includes any person employed by the University, performing assigned administrative or professional responsibilities (including Resident Assistants).

### **14.) Unauthorized Entry**

- a. Unauthorized entry or attempt of into any University facility, or portion thereof, or unauthorized use or abuse of any University building, facility or premises.
- b. Student organizations are not permitted on the roofs of any building at any time, unless authorized by a professional University staff member acting in the performance and scope of their duties.
- c. Unauthorized possession, duplication or use of any key which fits any University facility. This includes unauthorized use/misuse of card access or key fobs. Only professional University staff acting in the performance and scope of their duties may authorize use of University keys/access.

### **15.) Theft**

- a. Attempted or actual theft of property or services of the University community or other personal or public property.
- b. Knowingly possessing stolen property.
- c. Misuse or mishandling of organizational funds by any officer, member, or other individual.

### **16.) Property Damage**

- a. Attempted or actual vandalism, damage, or destruction of property of the University, community, or other personal or public property.

### **17.) Technology Resources**

- a. Theft or abuse of computer usage or network services including, but not limited to:
  - i. Unauthorized entry into a file, to use, read, or change the contents, or for any other purposes.
  - ii. Unauthorized transfer of a file.
  - iii. Unauthorized use of another individual's identification and password.
  - iv. Use of computing facilities to interfere with the work of another student, staff or faculty member.
  - v. Use of computing facilities to send obscene or abusive messages.
  - vi. Use of computing facilities to interfere with normal operations of Stetson's computing systems.
  - vii. Use of networking facilities that is not in compliance with the policies established by Information Technology.

### **18.) Fire Safety**

- a. Tampering with or using fire safety equipment such as extinguishers, smoke detectors, sprinklers, alarm pull stations or emergency exits other than in emergency situations. This includes the use of fire escapes as regular entrances and exits to and from a building as these are only to be used in the case of a fire or an alarm.
- b. Possession of any substance that could cause a fire, damage, or an explosion is not permitted inside University owned or operated residential facilities. This provision includes, but is not limited to, space heaters, fuel containers, candles, open flames, incense, fragrance pots, and similar burning devices. Outdoor fire pits/pots are not permitted, unless approved.
  - i. Lithium-Ion battery-powered self-balancing scooters or boards (e.g., hover boards) are not permitted within any University owned or operated facilities, including residential facilities.
  - ii. Refer to the Guide to Residential Living for complete guidelines on fire safety within the University owned or operated residential facilities.
- c. Malicious burning, or attempted burning, of any personal or public property.
- d. Negligence that contributes to the activation of a fire alarm and/or fire department response may result in alleged violations of fire safety. Appropriate sanctions, including the imposition of fines, will be determined based on the level of negligence, frequency of incidents, and any resulting damage that may have occurred.

### **19.) Facilities**

- a. Failure to properly maintain a student organization's facilities or property (or surrounding property) such that a potential danger to the health and safety of the occupants or members of the University and surrounding community is created.

- b. Failure to comply with University regulations and procedures for campus events and/or use of campus facilities or grounds. Those individuals acting on behalf of an organization that reserve facilities should check with the University department or office responsible for the facility to guarantee that all procedures have been followed.

#### **20.) Solicitation**

- a. Any personal, commercial or political solicitation, sale or distribution of material, pamphlets, newsletters, or newspapers on Stetson University's campus must be approved by the Office of Student Development and Campus Vibrancy or Housing and Residential Life. Violators may be denied the privilege of any further approved solicitation on campus.

#### **21.) Weapons**

- a. Possessing a concealed or unconcealed firearm, weapon, or other hazardous material:
  - iv. on the campuses of Stetson University;
  - v. on premises owned or within the control of the University; or
  - vi. at functions sponsored by the University.
- b. Items covered by this policy include, but are not limited, to:
  - ix. guns and firearms of all types, including ammunition for guns and firearms of all types;
  - x. stun guns, air guns, and spear guns;
  - xi. machetes, swords, and knives, except for pocket knives with blades less than three inches and knives normally used for cooking or dining;
  - xii. billy clubs, stilettos, metallic knuckles, and martial arts weapons;
  - xiii. bows and arrows;
  - xiv. slingshots;
  - xv. fireworks and incendiary devices, and explosives of any type; and
  - xvi. any other type of deadly weapon.
- c. In addition, other than for use as props in official Stetson University activities, this policy also prohibits individuals from possessing replica or "toy" weapons on campus, and from possessing component parts that can be readily assembled into a weapon or live ammunition, on University owned or operated property.
- d. This policy does not apply to self-defense chemical spray. An individual may carry a chemical spray sold commercially solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical.
- e. Please note that students, staff, and faculty are responsible for abiding by the full policy, which can be viewed at <http://catalog.stetson.edu/undergraduate/student-policy/other-policies/weapons-policy/>.

#### **22.) University Policies**

- a. Student organizations which violate published University policies, procedures, regulations, or rules will be adjudicated. Such regulations include, but are not limited to: Information in the Housing and Residential Life Guide to Residential Living, Housing and Residential Life Agreement, Student Organization Manual, regulations relating to parking and traffic, and rules related to intramural sports and attendance at university athletic events.
- b. For conduct related to academic policies or operations, the Associate Dean of the College and the Hearing Officer will make a collaborative decision regarding outcome of responsibility and sanctions if there is a finding of responsibility. Appeal decisions will include the Provost or their designee.

#### **23.) Federal, State and Local Laws**

- a. Student organizations must comply with all federal, state, and local laws.

### **Section V: Standard of Evidence**

The standard of evidence used in disciplinary decision-making shall be that of a preponderance of the evidence or information presented (i.e., it is "more likely than not based on the evidence" that the alleged student and/or organization violated the Student Code of Community Standards). The admissibility of evidence or information presented for consideration to a hearing body is at the discretion of the Office of Community Standards.

## **Section VI: Disciplinary Procedures**

### **1.) Authority**

- a. The Director of the Office of Community Standards shall serve as the primary Conduct Officer and shall determine the composition of the hearing bodies and determine which hearing body and/or conduct officer shall be authorized to hear each case.
- b. The Office of Community Standards shall develop policies for the administration of the conduct program and procedural rules for the conduct of hearings, which are consistent with provisions of the Student Code of Community Standards.
- c. Decisions made and sanctions imposed by a hearing body and/or conduct officer shall be final pending the appeal process.
- d. A hearing body may be designated as mediator of disputes within the community in cases that do not involve a violation of the Student Code of Community Standards. In order for mediation to be successful, all parties must agree to be bound by the decision with no right of appeal. In cases where violations of the Student Code of Community Standards appear to have occurred, those individuals may be alleged of violations.
- e. Cases designated as Title IX, including, but not limited to, acts of sexual assault and interpersonal violence, will be subject to the procedures outlined in Stetson's Gender-Based Misconduct, Sexual Assault, and Interpersonal Violence policy, which can be found at [www.stetson.edu/title-ix](http://www.stetson.edu/title-ix).

### **2.) Jurisdiction of the University/Off-Campus Conduct**

- a. University jurisdiction and discipline shall be limited to conduct which adversely affects the University community and/or the pursuit of its objectives.
- b. The University may choose to review and/or initiate the disciplinary process:
  - i. If a student is charged with an off-campus conduct violation of federal, state, or local laws; or
  - ii. When a student and/or organization's behavior off-campus interferes with the rights of others, reflects adversely on the University, or results in a criminal conviction. The circumstances of the case shall be reviewed by the Office of Community Standards to determine whether the student and/or organization may be subject to disciplinary action and/or determine the status of the student and/or organization.
- c. Students and/or organizations may be accountable to both civil and/or criminal authorities, in addition to the university, for acts which constitute violations of law and of the Student Code of Community Standards. Although the University may choose to withhold adjudication pending the further investigation and/or resolution of civil or criminal charges, disciplinary action at the University will proceed concurrently with these civil and/or criminal proceedings and will not be subject to challenge on the grounds that civil or criminal charges involving the same incident have been dismissed or reduced. When a student has been charged by a civil authority for violation of law, the University will neither request nor agree to special consideration for the student solely because of their status as a student.

### **3.) Filing an Incident Report**

- a. Any member of the Stetson Community may submit a report of alleged violations or concerns about any student or organization to the Office of Community Standards via the online incident reporting system. Such information shall be submitted online with the incident report form as soon as possible after the incident takes place. Incident reports are reviewed by the University which makes the determination for possible next steps including additional investigation, providing resources, care/support, alleging violations, and/or having an educational meeting, or follow-up letter sent. Please use [www.stetson.edu/reportit](http://www.stetson.edu/reportit) to submit an incident report.
- b. To report a violation of Academic Honesty, please submit a report to the Honor System Council via <http://www.stetson.edu/other/honor-system/reporting-a-violation.php>. Upon receipt, the report will be reviewed and further action determined. The Honor System Council, composed of students, handle academic honesty violations. For more information on the procedures for this separate process, please visit the Honor System Council website at [www.stetson.edu/honor-system](http://www.stetson.edu/honor-system).

#### **4.) Adjudication Process**

- a. A student and/or organization alleged to have violated the Student Code of Community Standards shall have the matter adjudicated by either an administrative hearing or a board hearing. Administrative hearings are conducted by a conduct officer on behalf of the Office of Community Standards.
- b. It will be the discretion of the Director of the Office of Community Standards to assign cases to either an administrative or board hearing.
- c. University conduct procedures will supersede internal organizational procedures.
- d. For conduct related to academic policies or operations, the Associate Dean of the College and the Hearing Officer will make a collaborative decision regarding outcome of responsibility and sanctions if there is a finding of responsibility. Appeal decisions will include the Provost or their designee.

#### **5.) Alleging Violations**

- a. The Office of Community Standards shall make every effort to have alleged student and/or organization misconduct matters considered as expeditiously as possible in order to remove any question of a student and/or organization's continuance at the University. The Office of Community Standards will secure all available information concerning the alleged misconduct to determine if the alleged violations have merit. If a student withdraws from the University or is no longer an active student, reentry shall not occur until all cases are resolved. Prior to adjudication, the Office of Community Standards may establish restrictions or specific parameters and expectations for the behavior for the alleged student and/or organization if, in the judgment of the Office of Community Standards, lack of such restrictions or parameters may lead to disruption of the residential or University community.
- b. The Office of Community Standards shall communicate the alleged violations to the student and/or organization via their Stetson email. Notices to student organizations will be sent via Stetson email to the president of the organization. Notices of alleged violations will include a scheduled hearing appointment, or instructions to schedule such an appointment.

#### **6.) Hearing Procedures**

- a. Hearings shall be conducted according to the following guidelines:
  - i. The hearing is for the purpose of discussing the alleged violation(s) of the Student Code of Community Standards.
  - ii. The alleged student and/or organization's hearing shall be open only to the alleged student and/or President of the organization, their advisor/support person, the hearing body, witnesses (when called upon), and a representative from the Office of Community Standards.
  - iii. Admission of any person to the hearing shall be at the discretion of the hearing body and/or the conduct officer.
    - i. The reporting party, the alleged student and/or organization, and the hearing body and/or conduct officer shall have the privilege of presenting witnesses at the hearing subject to questioning by the hearing body and/or conduct officer only. Witnesses shall be present in a hearing only during the offerings of their information. Witnesses must be able to provide first-hand, relevant information regarding the case. Character witnesses will not be accepted. Written requests and approval for witnesses' attendance shall be made prior to the hearing. Additionally, relevant witnesses may be interviewed by the hearing body and/or conduct officer outside of the formal hearing.
    - ii. Support Person/Advisor – Students and/or organizations shall be afforded the privilege to have a support person/advisor present during their hearing. While students are permitted to select a support person/advisor of their choice, Housing and Residential Life student staff are not permitted to be used unless special permission is granted by the Office of Community Standards. Witnesses in the case being heard are not permitted to be used unless special permission is granted by the Office of Community Standards. A student and/or organization may seek assistance from a support person/advisor in answering questions put forward to the student and/or organization during the hearing. However, the support person/advisor may not speak for the student and/or organization or represent the student and/or organization in any form.
  - iv. All procedural questions are subject to the final decision of the hearing body and/or conduct officer.



- v. Any oral or written statements that the student and/or organization may make pertaining to the alleged violation may be presented in any subsequent proceedings.
- vi. Participants may prepare a written statement concerning the alleged violation to be shared at the time of the hearing.
- vii. The alleged student and/or organization is presumed not responsible until determined responsible for the alleged violation(s) based on a preponderance of the evidence standard.
- viii. Participants will be afforded the opportunity to inspect and review all information regarding the alleged violation(s) in any proceeding, including incident reports and other materials upon which the alleged violations are based from the Office of Community Standards.
  - i. Requests to inspect and review such materials shall be made in writing at least two (2) business days preceding the established time for the disciplinary hearing. The University does not assume responsibility to make available these materials in advance of the hearing unless they have been formally requested. The University shall make every effort to provide access to the materials, once requested.
  - ii. All information to be reviewed will be redacted of any personal identifying information (e.g., names other than the requesting party, contact information, etc.) of all parties other than the requesting party.
  - iii. The specific review process for Gender-Based Misconduct, Sexual Assault, and Interpersonal Violence cases is outlined in Appendix A.
- b. The University will continue its hearing procedures even in the event of the withdrawal of the alleged student. If a student alleged of a violation chooses to withdraw and/or not participate in the hearing procedures, the University will nonetheless proceed. The student may choose to participate in the proceedings, or an *in absentia* hearing will occur. The student will not be permitted to return to the University unless all the sanctions have been satisfied for re-admissions, and sanctions applicable upon return to the institution will become in effect.
  - i. Access to an academic transcript will be restricted until the allegations have been concluded.
  - ii. The Office of Community Standards will direct the University Registrar to include a notation on the academic transcript of any student who has been found responsible for a policy when the determined sanction is either Suspension or Expulsion. Such notation will reflect the following language: "Disciplinary Suspension" or "Disciplinary Expulsion." The Office of Community Standards will direct the University Registrar to remove such notation where (a) for a pending case, the student is subsequently found not to have violated the policy for which the finding was determined and/or (b) the student who has been found responsible has met the terms of the sanctions and is eligible to enroll pursuant to all applicable academic and non-academic standards.
  - iii. For Gender-Based Misconduct, Sexual Assault, and Interpersonal Violence cases, please refer to Appendix A.
- c. *In Absentia* - If the student and/or organization fails to appear for a scheduled hearing and/or fails to reschedule a meeting and the Office of Community Standards has, in good faith, exhausted all reasonable efforts to schedule a hearing, the Office of Community Standards, on the basis of the information available, may make a determination of a violation of the Student Code of Community Standards and may impose sanctions for such violations. This decision shall be communicated in writing to the student and/or organization via Stetson email. The appeal process as outlined in Section VII shall be in place for hearings *in absentia*.
- d. At the conclusion of the proceedings, the hearing body and/or conduct officer shall determine whether the student and/or organization has been found responsible or not responsible for violation of each section of the Student Code of Community Standards which the student and/or organization is alleged of violating.
- e. If the student and/or organization is found to have violated the Student Code of Community Standards, the hearing body and/or conduct officer shall create sanctions to be imposed. A communication outlining the hearing decision and any applicable sanctions will be sent to the student and/or organization via Stetson email.
- f. A student and/or organization's prior record (legal or disciplinary) may be considered in determining appropriate sanctions when it is determined a violation occurred.

- g. Any student and/or organization who fails to complete the sanction(s) issued in their disciplinary hearing and outlined in the decision letter will be viewed as non-compliant. Noncompliance is looked on unfavorably by the University and may result in further disciplinary action and a hold being placed on an alleged student's account.
- h. In cases where it is determined that a student and/or organization is not responsible for violation of the policies alleged, no sanctions will be imposed.

### **Section VII: Appeals**

- 1.) Students and/or organizations have the right to appeal decisions reached by the Office of Community Standards. The student and/or organization shall adhere to the following stipulations:
  - a. Appeal requests shall be made in writing to the Office of Community Standards within three (3) business days of the date of the decision letter. Appeals may be submitted online [via](#) the Community Standards website.
  - b. In appealing a disciplinary decision, said appeal must fall into one of the following categories:
    - i. New evidence exists, which was unavailable to the party submitting the appeal request at the time of the decision and would likely have affected the outcome. A summary of the new evidence and its potential impact must be included in the appeal request. Deliberate omission of information by an appealing party is not sufficient grounds for appeal.
    - ii. A significant procedural error or omission occurred that may have significantly impacted the outcome (e.g., substantiated bias, material deviation from established procedures, preponderance of evidence does or does not support the findings, etc.)
    - iii. The sanctions are not appropriate to the violation for which the student and/or organization has been found responsible.
- 2.) Upon receipt of the appeal request, the Office of Community Standards shall evaluate the request and decide whether an appeal will be granted. If an appeal is granted, the Office of Community Standards will notify the student and/or organization of hearing information as appropriate. The Office of Community Standards may determine an outcome based on the information provided in the appeal without further action of the student and/or organization. If an appeal hearing is not being granted, an official response from the Office of Community Standards as to why the appeal request is being denied will be sent.
- 3.) Appeal decisions will:
  - a. Affirm the original decision(s); or
  - b. Modify/Reverse the original decision(s) and/or sanction(s).
- 4.) Decisions from appeals shall be the final determinant of University violations. If the appeal officer upholds the original findings, the effective date of any sanction(s) imposed will revert back to the date of the original decision letter.
- 5.) Students and organizations are expected to uphold the Code of Community Standards at all times. Sanctions are in effect at the time of the original decision letter, and will be final pending the outcome of a formal appeal. Any alleged violation(s) of the Code of Community Standards that occur while an appeal is pending may result in more severe sanctions if a student and/or organization is found responsible for the additional violation(s).
- 6.) Appeals shall be heard by designated appeal officers. The Vice President for Campus Life and Student Success, Dean of Students, Director of Community Standards, and selected conduct officers within the Campus Life and Student Success division of the University shall serve as appellate officers. The appellate officer shall not be the same conduct officer or hearing body that heard the original case. For conduct related to academic policies or operations, appeal decisions will include the Provost or their designee.

## **Section VIII: Sanctions**

It is important for our students and organizations to know our system is one that is aimed to be educational and developmental. It is, however, important for students and organizations to recognize that there can be severe consequences for policy violations. All violations are taken seriously and each situation is individually assessed in determining appropriate sanctions.

### **1.) Educational/Restorative Sanctions:**

The sanctions listed below are examples of educational sanctions which are aimed at providing the student who is found responsible for violations of the Code of Community Standards the opportunity to be reflective of their experiences, take individual and community responsibility into consideration, and aim to not only avoid duplicating past inappropriate behavior but to make active efforts to learn and grow from the experience. The list highlights standard sanctions, but is not exhaustive.

- a. **Anger Management Education:** Two one-to-one 50-minute sessions with a trained staff member in the University Counseling Center where students identify potential changes to reduce risk of further difficulties resulting from anger.
- b. **BASICS:** Brief Alcohol Screening & Intervention for College Students is a harm reduction, preventative intervention for college students. It is aimed at students who are at risk for heavy alcohol consumption and consequences of this consumption such as missing class, accidents and violence.
- c. **e-Checkup Marijuana:** An online knowledge and usage assessment with guided discussion from a trained staff member from Holistic Wellness.
- d. **Think About It:** A set of conduct courses for both alcohol and drugs. The online, interactive courses are 30 minutes each. It is a research-based program that empowers students to make healthy choices.
- e. **Referral:** Required recommendation to internal and external resources, offices, etc. which can serve as support and/or educational experiences. Examples include the Counseling Center, Health Services, etc.
- f. **Letter of Apology:** A personal communication outlining involvement in a situation, showing personal responsibility and a reflection of commitment to not duplicate the initial situation.
- g. **Check-in/Success Meeting:** A meeting where the student and a selected staff member provide updates on personal goals/growth, reflection on the incident, and current status.
- h. **Restitution:** Compensation for damage, loss, theft, or injury. The hearing body and/or conduct officer shall set the amount and form of restitution, which shall not exceed the fair amount of damage, loss, theft, or injury incurred.
- i. **Reflection/Research Papers:** Students may be assigned reflective and/or research papers related to their incident. Topics may include, but are not limited, to: general reflection; impact on others; impact on future; research of university policies and local, state, or federal laws; and interviews.
- j. **Community Service:** A designated number of hours the student must complete by volunteering with the university and/or local community.
- k. **Parental/Guardian Notification:** The Family Education Rights and Privacy Act (FERPA) allows Universities to notify parents/guardians when students violate student conduct codes pertaining to the use or possession of alcohol or a controlled substance. While the University respects student privacy, we will exercise our right to notify parents/guardians when our policies in regard to use and possession of alcohol or other controlled substances are violated. Notification of parents/guardians will typically occur when a student is hospitalized for alcohol/substance use, or has repeated alcohol/substance violations that may impact their success at the University. Other circumstances may also result in parental/guardian notification. It is in your best interest to contact your parents/guardians first, when you are able.

### **2.) Disciplinary Sanctions**

The below listed items are status level sanctions placed on a student as a result of being found responsible for violations or used in other circumstances for the safety and security of an individual or greater community. Any student who has been required to leave the University for disciplinary reasons shall leave the premises immediately after being notified unless permission to remain longer is obtained. Any on-campus residential student who is

required to leave the University for disciplinary reasons shall not be eligible for a refund of residential charges and/or fees in accordance with their Housing Lease.

- a. **Administrative Warning:** A written notice that the student's behavior violated University regulations.
- b. **Disciplinary Probation:** An encumbrance on the student's good standing at the University. Any subsequent violation of University regulations during the probationary period may result in immediate separation from the University. A fixed term of probation not less than three months of enrollment may be specified. A student on disciplinary probation is deemed "not in good standing" for a period of time with the University. While the hearing body may make a determination to revoke student privileges (representing the University in any intercollegiate event or competition, holding an office in any student organization recognized by the University or holding any elected/appointed student office or University community assignment, etc.), often the decision is referred to the appropriate administrator.
- c. **Residential Probation:** A strong statement of disapproval for violation of residential housing policies and/or University regulations. Imposed for a specified period of time, residential probation includes the probability of more severe disciplinary sanctions, including removal from University housing, if the student is found in violation of the Student Code of Community Standards during the probationary period.
- d. **Residential Suspension:** Removal from University on-campus residential facilities (any building owned/operated by Stetson University) for a definite period of time. Conditions for return to housing may be specified. Students suspended from University on-campus residential facilities are not permitted to visit any residential facility during the period of their suspension.
- e. **Disciplinary Suspension:** Termination of the student's enrollment and separation of the student from the University for a specified period of time. During suspension, the student shall not be permitted to enroll in any courses offered by the University, either in residence or by correspondence. Students suspended from the University are not permitted to be on the campus and may not attend any University sponsored event or function unless given permission to do so by the Office of Community Standards. This includes, but is not limited to, events sponsored by Student Development and Campus Vibrancy and Athletics. Conditions for readmission after suspension may be specified. Students must surrender their student ID and keys/access to university facilities.
- f. **Expulsion:** Termination of the student's enrollment and permanent separation of the student from the University. Students expelled from the University are not permitted to enter any University facility or be on the property of the University. Violators of this sanction could be subject to arrest for trespassing. This sanction also includes the same restrictions listed in Disciplinary Suspension. Expulsions will result in a permanent notation on the student's academic transcript.
- g. **Fines:** A fee for service to cover costs associated with the incident and/or to support educational development. Previously established and/or appropriate fines may be imposed depending on the incident.
- h. **Restriction of Privileges:** Denial of specific privileges for a definite period of time. Restrictions will be clearly defined.

### 3.) Organization-Specific Sanctions:

- a. **Organizational Warning:** A written notice that the student organization's behavior violated University regulations.
- b. **Organizational Probation:** An encumbrance on the organization's good standing at the University. Any subsequent violation of University regulations during the probationary period may result in more severe sanctions. Restrictive conditions may also be imposed as part of disciplinary probation and will vary according to the severity of the offense. Restrictive conditions may include barring or limiting some or all of the organization's activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; Homecoming; and/or eligibility to receive any University award or honorary recognition). If a student organization is found "in violation" for another violation of the Organizational Rules of Conduct while on organizational probation, more severe sanctions may be imposed.
- c. **Organizational Suspension:** A period of time in which the student organization loses its University recognition and/or registration. While on organizational suspension, the organization may not use University resources or facilities, including any on campus fraternity or sorority house. The organization

may not participate in any University activities or events unless authorized, in writing, in advance, under conditions approved by the Director of the Office of Community Standards or designee. The terms of suspension also include but are not limited to, hosting or participating in any on or off campus events, intramurals, socials, or mixers. The organization may not recruit or initiate any new members. While on suspension, the organization is only permitted to conduct meetings designed to work towards the completion of any educational sanctions. The organization must comply with all sanctions prior to being registered or recognized again.

- d. **Revocation of Stetson Registration:** Permanent severance of the organization's relationship with Stetson University.
- e. **Educational Sanctions:** Appropriate educational sanctions as listed above aimed at educating the entire student organization.

#### 4.) Administrative Actions

The below listed actions are administrative decisions that may be placed as a result of behavior exhibited for the safety and security of an individual or greater community; they are not subject to appeal.

- a. **Behavioral Agreements:** An agreement between a student and the university which defines expected behavior and unacceptable behavior, consequences for breaking the agreement, and resources for the student's success while at the university.
- b. **Confiscation:** Removal of items possessed in violation of the Student Code of Community Standards.
- c. **Hold:** A block placed on a student account which may prevent the ability to register for classes and/or request transcripts.
- d. **Deferred Removal:** This status indicates that the resident's status in University housing is now in jeopardy. Deferred removal results in a decision in consultation with Housing and Residential Life to reassign a resident's living unit within housing to another assignment and usually prohibits the resident from returning to the residential area associated with the former assignment. Any additional violation will result in termination of the student's lease. This status may be extended for a specific period of time, until the completion of a specific condition, or permanently.
- e. **Parental/Guardian Notification:** The Family Education Rights and Privacy Act (FERPA) allows Universities to notify parents/guardians when students violate student conduct codes pertaining to the use or possession of alcohol or a controlled substance. While the University respects student privacy, we will exercise our right to notify parents/guardians when our policies in regards to alcohol and/or other controlled substances are violated. Notification of parents/guardians will typically occur when a student is hospitalized for alcohol/substance use, and/or has repeated alcohol/substance violations that may impact their success at the University. Other circumstances may also result in parental/guardian notification. It is in your best interest to contact your parents/guardians first, when you are able.
- f. **No-Contact/Communication Orders:** Administrative directives placed to limit the in-person and digital interactions between individuals as a means to separate individuals and information so that the university is able to better control possible information sharing which could distort recollection of events, to separate individuals from physically or mentally/emotionally endangering persons, and to have time to further investigate incidents.
- g. **Interim Suspension:** In certain circumstances, the Vice President for Campus Life and Student Success, or their designee, may impose a University and/or on-campus housing suspension, prior to the student conduct hearing.
  - i. Interim suspension may be imposed only:
    - 1. To ensure the safety and well-being of members of the University;
    - 2. To ensure the student and/or organization's own physical or emotional safety and well-being; or
    - 3. If the student and/or organization poses a definite threat of disruption of or interference with the normal operations of the University.
  - ii. During interim suspension, the student and/or organization may be denied access to on-campus housing and/or the campus (including classes) and/or all other University activities or privileges which are determined to be appropriate.

## **Section IX: Disciplinary Files and Records**

- 1.) Case referrals may result in the development of a disciplinary file in the name of the alleged student and/or organization. Other than University suspension or expulsion, disciplinary action shall not be made part of the student's academic record, but shall become part of the student's disciplinary record.
- 2.) Records of disciplinary proceedings for students found to have violated the Student Code of Community Standards shall be retained as a disciplinary record in the Office of Community Standards for a minimum of six years from the date of the sanction or four years after the student's graduation from the University, whichever comes first. Records shall be kept in a secured file and subject to limited access by the Office of Community Standards. Disciplinary records may be retained for longer periods of time, or permanently, if a student was suspended or expelled, and in situations that may result in future litigation.
- 3.) The Office of Community Standards may choose to record the proceedings. The recording shall be the property of the University. Recordings will not include deliberations. Recordings are for notetaking purposes only, are not maintained as part of an educational record, and are destroyed at the conclusion of the case.
- 4.) It shall be the policy of the University that any records leaving the custody of the Office of Community Standards, whether electronic or hard copy, shall include redactions of any personal or identifying information of other involved parties, including names. If audio and/or video recording is leaving the custody of the Office of Community Standards, the redactions made shall be at the expense of the requesting party.
- 5.) Students and/or organizations will be afforded the opportunity to inspect and review all information in their disciplinary file. Requests to inspect and review such materials shall be made in writing at least two (2) business days in advance. The University does not assume responsibility to make available these materials in advance unless they have been formally requested. The University shall make every effort to provide access to the materials, once requested. All information to be reviewed will be redacted of any personal identifying information of all parties involved (e.g., names other than the requesting party, contact information, etc.) other than the requesting party's name. The specific review process for Gender-Based Misconduct, Sexual Assault, and Interpersonal Violence cases is outlined in Appendix A.
- 6.) In all such cases where the alleged student and/or organization is found not responsible for violation of the Student Code of Community Standards, such finding shall be clearly noted in the records.
- 7.) Students and/or organizations may be accountable to both civil and/or criminal authorities, in addition to the university, for acts which constitute violations of law and of the Student Code of Community Standards. University administrative proceedings are separate and distinct from any civil/criminal proceedings. As such, any notification or requests regarding the expunging or sealing of criminal/civil records are not applicable to university disciplinary records and the record will remain on file per the university's records retention policy. This is designed to maintain the integrity of our records and ensure compliance with all federal reporting guidelines.

## **Section X: Additional Policies and Procedures**

### **1.) Medical Amnesty Policy**

- a. Stetson University stresses the importance of safety on campus and within University residential living facilities for its students. It is a realistic possibility that a student could be placed into a life-threatening situation through the consumption or abuse of alcohol or drugs. Students could be placed into a situation where a student who requires emergency services in a potentially life-threatening situation could face reprimand for the violation of University policy, preventing them from contacting such emergency services and severely threatening the life of the endangered student. In an effort to advance individual health and wellness, a core value of Stetson University, and to provide a healthful working environment for every Stetson University student, the following medical amnesty policy is in effect.
  - i. In cases of intoxication through the consumption or abuse of alcohol or drugs, the primary concern is the health and safety of the individual(s) involved. Students are strongly encouraged to call for medical assistance for themselves or a friend/acquaintance who is dangerously intoxicated.
  - ii. No student seeking medical treatment for an alcohol or other drug-related overdose will be subject to the University's disciplinary proceedings for the sole violation of using or possessing alcohol or drugs. In addition, students seeking help for the intoxicated student will not be



subject to the University's disciplinary proceedings for the sole violation of using or possessing alcohol or drugs.

- iii. Students may be required to attend an alcohol education or customized developmental program as prescribed by the Vice President for Campus Life and Student Success and Office of Community Standards, or designee, to be eligible for amnesty protection.
- iv. In cases where multiple policy violations are present such as sexual assault, violence, or sale of or dispensing alcohol or drugs, students may be subject to the University's disciplinary proceedings for those violations only.
- v. This policy applies only to those students who seek medical assistance in connection with an alcohol or drug-related medical emergency and does not apply to students experiencing an alcohol or drug-related medical emergency who are found by any University employee (including residence hall staff).
- vi. The Office of Community Standards reserves the right to contact any student to discuss an incident whether or not this Medical Amnesty Policy is in effect.
- vii. Organizations: A representative of an organization hosting an event is expected to promptly call for medical assistance in an alcohol or drug-related emergency. This act of responsibility will mitigate the disciplinary consequences against the organization resulting from any University policy violations that may have occurred at the time of the incident. Likewise, failure to call for medical assistance in an alcohol or drug-related emergency will be considered an "aggravating circumstance" and may affect the conduct resolution against the organization if policy violations may have occurred.
- viii. The Medical Amnesty Policy covers the University's conduct process only. It does not provide protection from the legal consequences of underage or excessive drinking.

## **2.) Parental/Guardian Notification Policy**

- a. The Family Education Rights and Privacy Act (FERPA) allows Universities to notify parents/guardians when students under the age of 21 violate student conduct codes pertaining to the use or possession of alcohol or a controlled substance. While the University respects student privacy, we will exercise our right to notify parents/guardians when our policies, in regards to use and possession of alcohol or other controlled substances, are violated. Parents/Guardians of students under the age of 21 will be notified if:
  - i. The student has been found for the second or more time(s) to be responsible for violation of the alcohol policy;
  - ii. The student has been found for the second or more time(s) to be responsible for violation of university policy regarding public intoxication;
  - iii. The student has been found responsible for violation of the University's controlled substances policy; and/or
  - iv. The student has been hospitalized for alcohol/substance use.
- b. The University also reserves the right to contact the parent/guardian of any student when:
  - i. The student has been arrested for violation of a local, state, and/or federal law;
  - ii. The student has been hospitalized; and/or
  - iii. The student engages in behavior that endangers the health, safety, or success of the student or other individuals in the community.

## **3.) Re-Entry Procedures**

- a. Students and/or organizations who request to be re-instated and/or who are interested in returning to campus must obtain permission from the Vice President for Campus Life and Student Success, Dean of Students, and Office of Community Standards. Such requests should be submitted in writing at least three (3) weeks prior to the beginning of the semester for which readmission is being requested. Any student and/or organization that has outstanding sanctions must complete those prior to reinstatement. After obtaining clearance for readmission, students must comply with deadlines and/or requirements of the University Catalog in effect at the time of their reentry.
- b. The status of any student and/or organization resuming studies or activities at the University after suspension for disciplinary reasons shall be that of Disciplinary Probation and/or Residential Suspension for the first semester of re-entry unless other status levels are already in place. Students must also adhere to any re-entry requirements put in place by the Office of Community Standards.

**Stetson University  
Nondiscrimination Statement/  
Sexual and Other Unlawful Harassment/  
Gender-Based Misconduct, Sexual Assault, and Intimate Partner Violence  
Policy and Procedures**

**Date:** August 2, 2017

**Status:** Approved

**Policy Type:** University-wide

**Contact Office(s):** Office of the Executive Director & Title IX Coordinator, Human Resources

**Oversight Executive:** President of the University

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### I. Nondiscrimination Statement

- **Revised 01-19-2012**
- **Revised 07-12-2016**
- **Revised 7-14-2017**

It is the policy of Stetson University, consisting of its multiple campuses, wherever located (collectively the “University”) not to discriminate on the basis of sex, physical or mental disability, pregnancy, parenting status, race, age, religion, color, national or ethnic origin, ancestry, marital status, veteran status, sexual orientation, gender identity, gender expression, genetic information, physical characteristics or any category protected by federal, state or local law in its educational programs, activities or employment. The policy is enforced by Stetson, and where applicable, federal laws such as Title IX of the Education Amendments of 1972, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation act of 1972 and the Age Discrimination Act of 1975. The University is an equal opportunity education institution.

### II. Title IX Commitment

Stetson University is committed to providing all students and employees with a safe and secure learning and working environment that is free of discrimination on the basis of sex or gender. Building an educational environment that promotes equality, safety, and awareness for all is both an ethical imperative and a matter of law. The University will not tolerate discrimination by any University employee, University student, or third party. Any individual who has been the victim of an act of violence or intimidation is urged to make an official report. A report of an act of violence or intimidation will be dealt with promptly. Confidentiality will be maintained to the greatest extent possible within the constraints of the law.

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in education and was implemented through regulation 34 C.F.R Part 106. The law expressly prohibits all forms of sex discrimination, sexual harassment and all acts of sexual violence, including sexual assault. Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) states, “no person in the United States shall, on the basis of sex, be excluded from participation in, be

denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

The University is committed to upholding the protections created by Title IX and the provisions of the Jeanne Clery Act.

**A. The Law**

For a full review of the law, use the following resource at the Office for Civil Rights:

<http://www2.ed.gov/policy/rights/guid/ocr/sex.html>

**III. Title IX Coordinator**

The Executive Director & Title IX Coordinator oversees implementation of the University’s policy on equal opportunity, harassment and nondiscrimination. The Executive Director & Title IX Coordinator manages the Title IX team and acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by the Executive Director & Title IX Coordinator contact the Vice President of Campus Life and Student Success, 386-822-7730. To raise concerns regarding a potential conflict of interest with any other administrator involved in the Title IX process, please contact the Executive Director & Title IX Coordinator.

Inquiries about and reports regarding this policy and procedure internally may be made by contacting:

**University level- all campuses**

Cathy S. Downes  
Executive Director & Title IX Coordinator  
421 N. Woodland Blvd. Unit 8416  
DeLand, FL 32723  
386-822-7960  
[titleix@stetson.edu](mailto:titleix@stetson.edu)

**DeLand/Celebration Campus Deputy Title IX Coordinators**

Jess Varga  
Director of Community Standards  
421 N. Woodland Blvd. Unit 8275  
DeLand, FL 32723  
386-822-7205  
[jvarga@stetson.edu](mailto:jvarga@stetson.edu)

C. Drew Macan  
Associate Vice President for Human Resources  
Allen House  
421 N. Woodland Blvd. Unit 8327  
DeLand, FL 32723  
386-822-7472  
[cmacan@stetson.edu](mailto:cmacan@stetson.edu)

Alicia Queally  
Associate Athletic Director for Internal Operations/Senior Woman Administrator  
Edmunds Center, Room 113  
421 N. Woodland Blvd. Unit 8359  
DeLand, FL 32723  
386-738-6676  
[aqueally@stetson.edu](mailto:aqueally@stetson.edu)

## Gulfport/Tampa Campus Deputy Title IX Coordinators

Tammy Briant  
Assistant Dean of Students  
Student Center, Room 203  
1401 61<sup>st</sup> St. S. Unit 293  
Gulfport, FL 33707  
727-562-7850  
[tbriant@law.stetson.edu](mailto:tbriant@law.stetson.edu)

Pam Skoularakos  
Director of Human Resources  
Tower Building F Wing  
1401 61<sup>st</sup> St. S. Unit 293  
Gulfport, FL 33707  
727-562-7807  
[pskoular@law.stetson.edu](mailto:pskoular@law.stetson.edu)

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202-1100  
Customer Service Hotline 800-421-3481  
Facsimile: 202-453-6012  
TDD #: 877-521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

### IV. Sexual and Other Unlawful Harassment

- **Approved by Stetson University Board of Trustees: 09-08-2000**
- **Administrative edit by the Office of the President: 03-25-2002**
- **Revised: 03-23-2007**
- **Revised: 07-12-2016**

#### A. Purpose

Stetson University has established the following policy in order to protect the rights of all Stetson students, faculty, and staff (hereinafter referred to as the "Stetson community") to an environment free from sexual and other unlawful harassment. Stetson's sexual and other unlawful harassment policy and procedures are designed to eliminate sexual and other unlawful harassment, encourage reporting, and protect persons filing complaints from retaliation.

#### B. Definitions

|                             |  |
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| <b>1. Sexual Harassment</b> | Unwelcome sexual, sex-based and/or gender-based; verbal, written, online and/or physical conduct. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature by a person having power or authority over another when: |
|                             | a. Submission to such conduct is either explicitly or implicitly a term or condition of employment or academic decisions;  |

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|                               | b. Submitting to such conduct is used as the basis for employment or academic decisions affecting the individual as an employee or student; or  |
|                               | c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile, or offensive working or learning environment.<br><br><i>Florida Administrative Code 60L-36.004</i>                      |
| <b>2. Unlawful Harassment</b> | Verbal or physical harassment based on a legally protected category, and when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or learning environment. |

**C. Consensual Romantic/Sexual Relationships**

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Stetson University prohibits consensual romantic/sexual relationships between:

1. A faculty or staff member and any student enrolled at the University;
2. A supervisor and subordinate employee;
3. An administrator and a faculty member in a unit under that administrator's direction; and,
4. An administrator and a staff member in a unit under that administrator's direction.

There are some student employment positions in which this policy also pertains, for example, RAs and students over whom they have direct responsibility. Consultation with one's supervisor regarding consensual romantic relationships among student employees and students under their responsibility is strongly advised.

For specific details about this policy please see

**4.2.2. Consensual Relations Policy in the Human Resources Personnel Policy and Procedures**

**D. Types of Claims**

1. Quid Pro Quo: This is the demand for sexual favors in exchange for some job or academic benefit (something for something).
  
2. Hostile Environment: This is sexually harassing conduct that unreasonably interferes with an individual's work or creates a hostile, intimidating, or offensive work or learning environment. The "hostile" work or learning environment forms of sexual and unlawful harassment may include offensive language, jokes, emails, gestures, comments, graphics, calendars, or graffiti. A hostile environment is created when sexual harassment is:
  - o Severe, or
  - o Persistent or pervasive, and
  - o Objectively interferes with, denies or limits someone's ability to participate in or benefit from Stetson University's educational, employment, social or residential program.

Stetson University reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature not on the basis of a protected status. Addressing such behaviors may not result in the imposition of discipline under the University's policy but will be addressed through respectful confrontation, remedial actions, education and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact Human Resources and students should contact the Director of Community Standards or the Title IX Coordinator.



## **E. Reporting Options**

All members of the University community who feels they may have been sexually or unlawfully harassed are strongly encouraged to promptly report the incident(s) to the Title IX Coordinator(s). Reports of harassment and/or discrimination not involving sex or gender-based bias may be reported to University official, supervisor, or through the personnel grievance procedures.

1. Written or oral reports may be made by persons experiencing harassment or by concerned persons not directly involved. The Reporting Party is encouraged to consult with supervisors, department heads, vice presidents, or deans for resolution of harassment or discrimination issues, wherever there is a comfort level in doing so and other than sex or gender-based harassment reports. Sex or gender-based harassment reports should always be reported to the Title IX Coordinator(s) by all members of the University community when not in the role of a confidential reporter.
2. All faculty and staff not legally bound by client-counselor privilege, who receive direct reports of sexual or unlawful harassment from a reporting party, have the obligation to immediately forward the report to the Title IX Coordinator(s) regarding sex or gender-based offenses.

## **F. Investigation, Grievance and Disposition**

The appropriate course of investigation for any and all potential sex or gender-based reports against faculty or staff will be determined by the Title IX Coordinator(s) after review of the allegations. Sex or gender-based harassment reports will follow the grievance procedures set forth in the Gender-Based Misconduct, Sexual Assault, and Intimate Partner Violence policy.

## **V. Gender-Based Misconduct, Sexual Assault, and Intimate Partner Violence**

- **Adopted: 09-01-2014**
- **Revised: 07-12-2016**

Stetson University seeks to provide all members of the community with a safe and secure learning and work environment that is free of crime and/or policy violations motivated by discrimination, sexual and bias-related harassment, and other violations of rights. The University supports a zero tolerance policy against gender-based misconduct, sexual assault, and interpersonal violence toward any member or guest of the Stetson University community. Any individual who has been the victim of an act of violence or intimidation is urged to make an official report. A report of an act of violence or intimidation will be dealt with promptly. Confidentiality will be maintained to the greatest extent possible within the constraints of the law.

Stetson University has procedures in place regarding the receipt, investigation, and resolution of complaints of sex or gender-based discrimination. The University will initiate a prompt, thorough, and impartial investigation into allegations of sex or gender-based discrimination. This investigation is designed to provide a fair and reliable determination about whether the University's Nondiscrimination, Sexual and Unlawful Harassment, and/or Gender-Based Misconduct, Sexual Assault, and Intimate Partner Violence policies have been violated. If so, the University will implement a prompt and effective remedy designed to end the discrimination, prevent its recurrence, and address its effects.

## **A. Institutional Reporting under the Jeanne Clery Act**

Originally known as the Campus Security Act, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) is the landmark federal law that requires colleges and universities across the United States to disclose information about crime on and around their campuses. The law is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Clery Act is enforced by the United States Department of Education.

In accordance with the Jeanne Clery Act, the University will publish an annual data report every October regarding campus crime statistics and including policy and procedures, a summary of victim's rights, and an overview of educational training conducted on campus.

## **B. Scope Expanded under the Jeanne Clery Act**

Clery was amended by the Campus Sexual Violence Elimination (SaVE) Act in 2013. SaVE was signed into law as part of the Violence Against Women Act (VAWA) Reauthorization and in part, broadens Clery requirements to mandate fuller reporting of sexual violence or sexual assault to include incidents of domestic violence, dating violence, and stalking.

## **C. Sexual Assault, Intimate Partner Violence, and Stalking**

Sexual assault, Intimate Partner Violence (IPV) [formerly domestic violence and dating violence], and stalking (collectively herein, "acts of violence or intimidation") are unacceptable and will not be tolerated. Any individual who has been the victim of an act of violence or intimidation is urged to make an official report. A report of an act of violence or intimidation will be dealt with promptly. Confidentiality will be maintained to the greatest extent reasonably possible, and in accordance with state and federal laws.

All campuses of Stetson University are committed to providing information regarding on- and off-campus services and resources to victims of acts of violence or intimidation.

## **D. Jurisdiction**

This policy applies to any allegations of discrimination on the basis of sex or gender, including all forms of sexual harassment, sexual violence, and intimate partner violence committed by students, University employees, or third parties. Students are those registered or enrolled for credit- or non-credit bearing coursework ("students"); University employees are those employees who are full-time and part-time faculty and staff, including temps ("employees"); and third parties are those who are contractors, vendors, visitors, guests or others ("third parties"). This policy applies to acts of sex or gender-based discrimination and violence committed by or against students, employees, and third parties whenever the misconduct occurs:

1. on University owned or controlled property; or
2. off University owned or controlled property, when
  - a. the conduct occurred in connection with a University program or activity, including University-sponsored study abroad, research, online, or internship programs; or
  - b. the conduct occurred outside of the context of a University program or activity, but may have the effect of interfering with, denying, or limiting an individual's ability to participate in or benefit from the University's education or work programs or activities.

Individuals who violate this policy may be accountable to both civil and/or criminal authorities, in addition to the University, for acts which constitute violations of law and University Policies and Procedures. Disciplinary action at the University will normally proceed concurrently with these civil and/or criminal proceedings and will not be subject to challenge on the grounds that civil or criminal charges involving the same incident have been dismissed or reduced. In addition, the University is not required to postpone its process in order for a criminal or civil matter to be resolved, but will continue proceedings in accordance with campus policies.

*\*Note: When the reporting party or the respondent are minors (under the age of 18) the University will follow the reporting guidelines established by Chapter 39 of the Florida State Statutes. When the reporting party and/or respondent are minors and enrolled students, the University may also report the incident to the parents of those minor students.*

## E. Definitions

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| <p><b>1. Acts of violence or intimidation:</b></p> | <p>include sexual assault, intimate partner violence, and stalking</p>  |
| <p><b>2. Sexual Misconduct:</b></p>                | <p>includes a broad range of behavior that includes, but is not limited to, sexual harassment, sexual exploitation, and sexual violence</p>   |
| <p><b>3. Sexual assault:</b></p>                   | <p>is the commission of an unwanted sexual act, further defined as:</p> <p>a) non-consensual sexual contact: the deliberate touching a person’s intimate parts (including genitalia, groin, breast, or buttocks), or clothing covering any of those area(s) or to cause a person to touch his or her own or another person’s intimate parts; with any object, by a person upon another person, that is without consent, is coerced, under threat of use of force, and/or by force.</p> <p>b) non-consensual sexual intercourse: any penetration (anal, oral, or vaginal) by a penis, tongue, finger, or an inanimate object, by any person upon another person, that occurs without consent, is coerced, is under threat of use of force and/or by force.</p> <p>Sexual assault can occur either forcibly and/or against a person’s will, or when a person is incapable of giving consent.</p> <p>Under federal and state law, sexual assault includes, but is not limited to, rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g. unwanted touching or kissing for purposes of sexual gratification), and threat of sexual assault.</p> <p><i>See F.S. 784.011 (assault); 784.046(c) (sexual violence); 794.011 (sexual battery)</i></p> |
| <p><b>4. Sexual violence:</b></p>                  | <p>Includes physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall into this category, including but not limited to, acts of non-consensual sexual contact and non-consensual sexual intercourse such as rape, sexual assault, sexual battery, sexual coercion, forcible sodomy, forcible oral copulation, sexual assault with an object, forcible fondling, and threat of sexual assault. All such acts of sexual violence are forms of sexual harassment included under the protections of Title IX of the Educational Amendments of 1972.</p>  |

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| <b>5. Sexual exploitation:</b> | <p>taking non-consensual or abusive sexual advantage of another person including but not limited to:</p> <p>a) causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person</p> <p>b) causing the prostitution of another person</p> <p>c) recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts or buttocks) of another person</p> <p>d) allowing third parties to observe private sexual acts</p> <p>e) engaging in voyeurism (such as watching a person undress, shower or engage in sexual activity without consent of the person being observed)</p> <p>f) knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV without informing the other person of the infection</p> |
| <b>6. Consent:</b>             | <p>iii. Consent is clear, and knowing, and voluntary words or actions that give permission for specific sexual activity. Silence, in and of itself, cannot be interpreted as consent. Consent is not the lack of resistance: there is no duty to fight off a sexual aggressor or a requirement of resistance, but resistance is a clear demonstration of non-consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationship or prior consent cannot imply consent to future sexual acts.</p>   |

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|  | <p>Consent cannot be given by a person who is incapacitated (see ii.). Consent can be withdrawn once given, as long as that withdrawal is clearly communicated, and once consent is withdrawn, sexual activity must stop.</p>  |
| <b>7. Incapacitation:</b>  | <p>iv. Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation can occur mentally, physically, from developmental disability, by alcohol or other drug use, and/or blackout. The question of what the respondent should have known is objectively based on what a reasonable person in the place of the respondent should have known about the condition of the reporting party and the reporting party’s capacity to give knowing consent. Incapacitation covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of drugs unbeknownst to the reporting party (e.g., rape drugs).</p> |
| <b>8. Force and Coercion:</b>  | <p>Physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation, use of weapons or threat of use of weapons, or coercion.</p> <p>Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear that they do not want to have sexual interaction, continued pressure or sexual contact beyond that point can be coercive.</p>   |
| <b>9. Intimate Partner Violence (formerly Domestic Violence and Dating Violence)</b> | <p>Defined as violence or abuse between those in an intimate interaction and/or relationship to each other. This can be between married individuals or non-married individuals who have a dating relationship or other intimate relationship. This includes physical assault, psychological abuse and manipulation, forcing a partner to use one type of birth control over another or none at all despite the stated desire of one partner.</p> <p>a) Florida law defines domestic violence as “any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.”</p> <p style="text-align: right;">F.S. 741.28</p>                  |

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|                                | <p>a) Florida law defines dating violence as “violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature.”</p> <p style="text-align: right;"><i>F.S. 784.046</i></p>   |
| <p><b>10. Stalking:</b></p>    | <p>-A course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class, that is unwelcome AND that would cause a reasonable person to fear for their, or others’ safety, or to suffer substantial emotional distress.</p> <p>-A course of conduct includes a series of acts over any period of time which is repetitive and menacing; pursuit, following, harassing and/or interfering with the peace and/or safety of another. This can include cyberstalking, or other behavior or a course of conduct that causes substantial emotional distress to the person the conduct is directed at</p> <p>Stalking includes any credible threat to the victim that causes reasonable fear for the safety of the victim, the victim’s family members, or others closely associated with the victim, regardless of whether the perpetrator actually intends to go through with the threats.</p> <p>a) Florida law defines stalking as “willfully, maliciously, and repeatedly following, harassing, or cyberstalking another person. For purposes of clarity, “harass” means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.”</p> <p style="text-align: right;"><i>F.S. 784.048</i></p> |
| <p><b>11. Retaliation:</b></p> | <p>Any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment, or members of the University community whose role includes administering any part of the Title IX process. Instances of retaliation will be treated as another possible instance of harassment or discrimination. Acts of retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University is</p>  |

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|  | prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation. This includes any form of retaliation against students, student organizations, staff, or faculty.   |
| <b>12. Reporting Party (formerly Complainant):</b> | The person or party who is the recipient of unwanted behavior that may violate University policy  |
| <b>13. Respondent:</b>                             | The person or party responding to the complaint of unwanted behavior that may violate University policy   |
| <b>14. Witness:</b>                                | A person or party who provides information, knowledge or observation of behavior between the Reporting Party or Respondent  |
| <b>15. University Support Person:</b>              | A staff and/or faculty member who serves as a process and resources guide. This person does not represent either party, may not speak on the party's behalf, and may not participate in any other role in the process.  |
| <b>16. Advisor:</b>                                | A person of the reporting party or respondent's choosing who may accompany the reporting party or respondent during meetings with University personnel. This person does not represent either party, may not speak on the party's behalf, and may not participate in any other role in the process.   |
| <b>17. Investigator:</b>                           | A staff and/or faculty member within Stetson University who acts as a neutral fact-finder, who, during the course of the investigation, typically conducts interviews with the reporting party, the respondent and each third-party witness, and collects evidence; Investigators receive annual training on how to conduct investigations that promote the safety of the parties involved. |
| <b>18. Appeals Officer:</b>                        | A staff and/or faculty member within Stetson University who acts as the school official designated to make the final decision in regard to an appeal.   |

## F. Reporting Options

The University has resources in place for an employee or student who may have experienced an act of violence or intimidation. The University strongly encourages individuals to report incidents of violence or intimidation in a timely manner. Time is a critical factor for evidence collection and preservation. An act of violence or intimidation in progress of occurring on campus is to be reported immediately and directly to the Public Safety department; however, in cases of threat of life or serious injury, contacting 911 is the first action to be taken.

## G. Confidentiality and Reporting of Offenses Under this Policy

All University employees (faculty, staff, administrators) are expected to report actual or suspected incidents of harassment, discrimination, intimidation and violence to appropriate officials immediately, though there are limited exceptions, referred to as Confidential Reporters. These distinctions are explained below.

### 1. Confidential Reporters

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-Campus Licensed Professional Counselors and staff in the Counseling Center (students only)  
[386-822-8900](tel:386-822-8900) –DeLand/Celebration; [727-562-7575](tel:727-562-7575) Gulfport/Tampa



- On-Campus Health Services personnel and practitioners (students) [386-822-8150](tel:386-822-8150) – DeLand/Celebration
- On-Campus Chaplains when working within the scope of their position as a chaplain (all members of the community) [386-822-7523](tel:386-822-7523)
- Off-Campus Employee Assistance Program 800-272-7252  
<http://www.stetson.edu/administration/human-resources/>

The above listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Campus counselors, chaplains and EAP are free of charge and are available for emergencies. The employees listed above will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

It is important to understand that the making of a report to a professional or non-professional counselor or advocate and seeking to maintain confidentiality have the effect that the institution will be limited in its ability to investigate the particular incident or pursue disciplinary action against the respondent. Even so, confidential sources will assist the recipient of unwanted behavior in receiving other necessary protection and support, such as victim advocacy; academic support or accommodations; health or mental health services; and changes to living, working and/or course schedules.

An initial position of confidentiality may be changed at a later date, should a reporter decide to file a report with the University or report the incident to local law enforcement, thus enabling the incident to be fully investigated.

## **2. Responsible Employees**

All university employees have a duty to report, unless they fall under the “Confidential Reporters” section above. Reporting Parties may want to consider carefully whether they share personally identifiable details with non-confidential employees as those details must be shared with the Title IX Coordinator. Employees must promptly share all the details of the reports they receive. When a report is provided to a responsible employee, the reporting party may expect the institution to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. Responsible employees are therefore not confidential resources for reporting an incident.

A responsible employee must report all relevant details about the act of violence or intimidation to support the institution in initiating its review and action. Details would include the names of the recipient of the alleged conduct (reporting party), the alleged offender (respondent), and of any witnesses, in addition to any and all other relevant facts, including the date, time, and specific location of the alleged incident, if they are known to the reporting party.

To the extent possible, information reported to a responsible employee will be shared only with the individuals responsible for handling the institution’s response to the report. A responsible employee may not share information with law enforcement without the reporting party’s consent or unless the reporting party has reported the incident to law enforcement.

In the event of being approached with an information report, responsible employees are to promptly advise the reporting individual of their role as a responsible employee, that confidentiality may not be expected and that there are reporting obligations to the Title IX Coordinator(s). Where confidentiality is desired and requested, the responsible employee will immediately advise the individual as to whom they may make a confidential report.

Requests made by a reporting party under this policy to the Title IX Coordinator for anonymity and/or requests that no investigation follow and/or that there be no disciplinary action taken against the respondent will be honored to the greatest extent possible. The decision will be made within the framework of federal, state, and local laws and after consideration of whether there is a presence of serious overriding factors.

In cases indicating pattern, predation, threat, weapons, and/or violence the University will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the

University to honor that request the University will offer interim support and remedies to the reporting party and the community but will not otherwise pursue formal action. A reporting party has the right, and can expect to have allegations taken seriously by the University when formally reported and to have those incidents investigated and properly resolved through these procedures.

Reports to responsible employees and/or the University may be made in person or through electronic means. Reporting options are provided below:

### 3. Campus Non-Confidential Reporting Options

The level of confidentiality a University employee may be able to maintain when learning of a potential violation of this policy is not universal. The University will make every effort reasonable to preserve the individual's privacy and protect the privacy of information. However, the degree to which confidentiality can be protected depends upon the professional role of the University employee being consulted.

#### A. University Public Safety Department

A person who has experienced an act of violence or intimidation has the right to contact the University's Public Safety department and/or the appropriate law enforcement agency. Should a report be made to the Public Safety department, a representative from the University will also be notified and respond to provide resources and support. The Public Safety department may also assist the reporting party with contacting local law enforcement, if desired. The filing of a complaint under this policy is independent of any criminal investigation or proceeding, and (except that the University's investigation may be delayed temporarily while the criminal investigators are gathering evidence) the University will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and take interim measures to protect the reporting party and the University community. The contact information for the University's Public Safety department is provided below:

Stetson University Public Safety Department (DeLand/Celebration campuses)  
386.822.7300

Amelia Ave, DeLand FL 32723

Stetson University Public Safety Department at the College of Law (Gulfport/Tampa campuses)  
727.343.1262

1219<sup>st</sup> St., Gulfport, FL 33707

#### B. Online Reporting Forms

- 1) Student Incident Reporting Form ([www.stetson.edu/reportit](http://www.stetson.edu/reportit)) Individuals may use the Student Incident Reporting Form, found on the University's website, for reporting incidents alleging a violation of this policy. This form does not have to be used to make a complaint, report an incident, or receive assistance. Individuals may contact the Title IX Coordinator(s) directly to make a report.
- 2) EthicsPoint  
(<https://secure.ethicspoint.com/domain/media/en/gui/35308/index.html>)  
Typically used to report incidents involving faculty or staff. The University's anonymous reporting line, EthicsPoint may be used, but due to the anonymity of the report, may limit the University's ability to fully investigate the allegations.

C. Title IX Coordinators

**University level- all campuses**

Cathy S. Downes  
Executive Director & Title IX Coordinator  
421 N. Woodland Blvd. Unit 8416  
DeLand, FL 32723  
386-822-7960  
[titleix@stetson.edu](mailto:titleix@stetson.edu)

**DeLand/Celebration Campus Deputy Title IX Coordinators**

Jess Varga  
Director of Community Standards  
421 N. Woodland Blvd. Unit 8334  
DeLand, FL 32723  
386-822-7205  
[jvarga@stetson.edu](mailto:jvarga@stetson.edu)

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Associate Vice President for Human Resources  
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Director of Human Resources  
Tower Building F Wing  
1401 61<sup>st</sup> St. S. Unit 293  
Gulfport, FL 33707  
727-562-7807  
[pskoular@law.stetson.edu](mailto:pskoular@law.stetson.edu)

## H. Off Campus Reporting Options

### Local Law Enforcement

Reporting Parties are encouraged, but not required, to make a formal report to law enforcement. Making a formal report to law enforcement will not impact the University's responsibility to investigate complaints.

- DeLand Police Department
  - Emergency: 911
  - Non-Emergency: 386.626.7400
  - Victim Advocate Unit: 386.626.7418
- Kissimmee Police Department
  - Emergency: 911
  - Non-Emergency: 407.846.3333
- Gulfport Police Department
  - Emergency: 911
  - Non-Emergency: 727.893.1030
- St. Petersburg Police Department
  - Emergency: 911
  - Non-Emergency: 727.893.7780
- Tampa Police Department
  - Emergency: 911
  - Non-Emergency: 813.276.3200

Local law enforcement may also assist the reporting party with filing an Injunction for Protection (commonly referred to as a restraining order). Information for obtaining an Injunction for Protection is provided below:

#### Volusia County

Volusia County Clerk of Court Office  
101 North Alabama Avenue  
DeLand, FL 32724  
386.736.5915  
<https://www.clerk.org/Default.aspx>

#### Osceola County

Osceola County Clerk of Court Office  
2 Courthouse Square  
Kissimmee, FL 34741  
407.742.3500  
<http://www.osceolaclerk.com/Home/Content/injunction-protection?AspxAutoDetectCookieSupport=1>

#### Pinellas County

Pinellas County Clerk of Court Office  
545 First Avenue North  
St. Petersburg, FL 33701  
727.464.7000  
<http://www.pinellasclerk.org/aspInclude2/ASPInclude.asp?pageName=index.htm>

## Hillsborough County

Hillsborough County Clerk of Court Office  
George E. Edgecomb Courthouse  
800 E. Twiggs Street  
Tampa, FL 33602  
813.276.8100  
<https://www.hillsclerk.com/publicweb/Home.aspx>

## Local and National Resources

### Medical and Behavior Health Options:

- Florida Hospital, DeLand
  - (386) 943-4650
- Florida Hospital, DeLand – Behavioral Health Crisis Help Line
  - 1-800-539-4228
- St. Anthony’s Hospital, St. Petersburg
  - 727-825-1100

### General Resources, Referrals, and Support:

- Domestic Abuse Hotline
  - 1-800-500-1119 or (386) 255-2102
- National Sexual Assault Hotline
  - 1-800-656-4673
- National Domestic Violence Hotline
  - 1-800-799-7233
- National Domestic Violence Hotline
  - 1-866-331-9474
- The Federal Government’s Sexual Violence Resource Website
  - [www.notalone.gov](http://www.notalone.gov)
- Betty Griffin House
  - 24-hour Crisis hotline
  - (904) 824-1555
- Family Life Center
  - 24-hour Crisis hotline
  - (386) 437-3505
- Florida Council Against Sexual Violence
  - <http://www.fcasv.org/>
- Rape Crisis Hotline
  - 1-888-956-RAPE (7273)
- Crisis Center of Tampa Bay  
One Crisis Center Plaza  
Tampa, Florida 33613  
(813) 964-1964
- Trauma counseling services:  
(813) 264-9955

National Sexual Assault Hotline: 800-656-4673

National Domestic Violence Hotline: 800-799-7233

National Dating Abuse Hotline: 866-331-9474

The Federal Government's [Sexual Violence Resource](#) website

## **I. False Reports**

Deliberately making false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith are a serious offense and will be subject to appropriate disciplinary action.

## **J. Requests for Formal and Informal Resolution**

The University respects and supports the protection of privacy regarding the identity of a person or persons who formally report an act of violence or intimidation. The institution provides information regarding the courses of action available, obtaining medical aid, counseling, and the initiation of investigations through both the institution and local law enforcement. The Public Safety department will assist with contacting the appropriate law enforcement agency, if requested by the reporting party. However, if the police initiate an investigation and the State Attorney files a criminal charge, privacy may not be maintained.

The Title IX Coordinator(s) must weigh formal and informal resolution requests against the institution's obligation to provide a safe, nondiscriminatory environment for all students, faculty and staff members. Once the Title IX Coordinator(s), or any responsible employee of the University, is on notice of an act of violence or intimidation, weighing an individual's request for privacy and whether or not to move forward with the formal resolution process, must factor in consideration of overriding laws. The same applies to requests that might be made of the administration that no investigation take place, or that discipline not be pursued. These overriding factors may include:

- The increased risk that the respondent will commit additional acts of sexual or other violence, such as:
  - Whether there have been other reports of acts of violence or intimidation about the same respondent;
  - Whether the respondent has a history of arrests or records from prior school indicating a history of violence;
  - Whether the respondent threatened further acts of violence or intimidation or other forms of violence against the reporting party or others;
  - Whether the act of violence or intimidation was committed by multiple perpetrators;
- Whether the act of violence or intimidation was perpetrated with a weapon;
- Whether the reporting party is a minor;
- Whether the University possesses other means to obtain relevant evidence of an act of violence or intimidation in order to take action of its own accord (e.g., security cameras or personal, physical evidence);
- Whether the present report reveals a pattern of perpetration or behavior (e.g., illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead or allow the University to investigate through the formal resolution process and, if appropriate, pursue disciplinary action. If none of these factors are present, a request for privacy and an informal resolution will most likely be maintained.

Should the University determine that it cannot maintain privacy and/or honor an inaction request, the University will inform the reporting party prior to starting an investigation. A respondent alleged to have violated this policy is afforded certain rights. One of those rights includes the ability to know one's accuser. The respondent will be provided with the

name of the reporting party. Further, the institution will, to the extent possible, only share information with those responsible for handling the University's response. The University will take steps to protect the individual(s) from retaliation or harm. Retaliation, whether by students or employees, against anyone for either filing a report and/or cooperating in an investigation will not be tolerated.

The University will also assist both the reporting party and respondent in accessing:

- available University support personnel
- academic, living, and work arrangements
- counseling, health, and/or mental health services
- no-contact order or trespass from University property
- local law enforcement, if requested

The University may not require a reporting party to participate in any investigation or disciplinary proceeding.

The University takes violations of this policy extremely seriously and considers it a continuing obligation to address the issue of acts of violence and intimidation. Reports of acts of violence or intimidation (including non-identifying reports) will prompt the University to consider broader remedial actions on an ongoing basis—such as adding resources for security monitoring; increasing education and prevention efforts; conducting climate assessments and surveys; and maintaining readily available and relevant policies and practices.

#### **K. Retaliation**

Stetson University strictly prohibits retaliation by, for, or against any participant (reporting party, respondent, or witness) for making a good faith report of any conduct, act or practice believed to violate this policy, or any other University policy or standard of conduct, or participating in good faith in the University's investigation of any reported violation. Retaliatory action of any kind is conduct subject to discipline. Any person who thinks they have been the recipient of retaliation should contact the Title IX Coordinator(s) immediately.

#### **L. Obligation to Participate and Provide Truthful Information**

Students and employees are expected to cooperate in any investigation conducted under this policy. Failure of any student or employee to cooperate in an investigation under this policy may subject the student or employee to disciplinary action.

#### **M. Amnesty for Reporting Party and Witnesses**

Stetson University's primary concern is ensuring that individuals feel comfortable reporting a violation of misconduct and crimes. As such, the University does not want to discourage reporting parties from reporting an incident because they fear that they themselves may be accused of policy violations such as underage consumption of alcohol or use of drugs at the time of the incident. A reporting party, in addition to bystanders and witnesses acting in good faith, who are helping others in need and/or who are reporting a violation of this policy, will not be subject to the University's disciplinary proceedings for minor policy violations related to the incident. The University will provide educational options rather than punishment to those who assist others in need. In addition, the use of alcohol and/or drugs by either party will not diminish the respondent's responsibility as consent is not valid if given while an individual is incapacitated by alcohol and/or drugs.

#### **N. Release of Documents**

The investigative report, statements of one party shared with another party during the course of the process described herein, and any documents prepared by the University in investigating and resolving a complaint under this policy constitute education and/or personnel records, which are subject to federal privacy laws and may not be disclosed outside of the proceedings, except as required or authorized by law. The University does not impose restrictions on the parties' re-disclosure of the incident, their participation in the process stated herein, or the final outcome letter. Documents will only be exchanged between the University and the student and/or personnel involved in the report.



Records collected and retained by the University under this policy may be obtained by contacting the Title IX Coordinator(s).

It shall be the policy of the University that any recordings or documentation leaving the custody of the Title IX office shall include redactions of any personal or identifying information of other involved parties, including names at the expense of the requesting party.

#### **O. Withdrawal, Graduation or Resignation While Charges Pending**

When there are charges pending the University will continue its investigation regardless of the withdrawal, the end of the term or the resignation of the reporting party and/or respondent. Additionally, the following will apply to:

##### **1. Students**

Responding students who are scheduled to graduate during an investigation may be restricted from participation in commencement related events. A registration hold will be placed on academic transcripts and diplomas until such time that the investigation is complete and any appeals are resolved. If there is a finding of responsibility, the sanctions imposed begin immediately. In the event that the sanction is Suspension from the university, the student's degree will be conferred AFTER the suspension period is completed and only after any additional sanctions have been satisfied. If the sanction imposed is expulsion, the student would no longer be eligible to receive their degree or diploma. Should an investigation be underway when a semester ends and student respondents depart the campus for the break, or when student respondents choose to withdraw and/or not participate in the formal resolution process, the University process will nonetheless proceed. Withdrawn students and those on break may choose to participate in the proceedings, or an in absentia process will occur. Students found responsible for violating this policy will not be permitted to return to the University unless all sanctions have been satisfied. Responding students will not have access to an academic transcript until the disciplinary process has been concluded and only if there is not a sanction of Suspension or Expulsion.

Additionally, the Title IX Coordinator or Deputy Title IX Coordinator will direct the University Registrar to include a notation on the academic transcript of any student who has been found responsible for a violation of this policy when the determined sanction is either Suspension or Expulsion. Such notation will reflect the following language: "Disciplinary Suspension" or "Disciplinary Expulsion." The Title IX Coordinator will direct the University Registrar to remove such notation when a student who has been found responsible met the terms of the sanctions and is in good standing pursuant to all applicable University academic and non-academic standards.

##### **2. Employees**

If an employee respondent chooses to resign with unresolved allegations or the University terminates the employee during an investigation, the records of the Title IX Coordinator will reflect that status, and any University responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire. The University reserves the right to take additional actions against a former employee, such as being trespassed from campus or restricted from participation in university events to ensure the safety of the University community. In either case, the reporting party will be notified of the separation of the former employee from the University.

#### **P. Applicable Procedures under this Policy**

##### **1. Standard of Evidence**

The standard of evidence used for determining a violation of this policy is the preponderance of the evidence. Preponderance of the evidence is whether or not it is deemed to have been more likely than not based on the evidence that an action occurred in violation of this policy.

## 2. Timeframes

There is no time limit for reporting a violation of this policy. Nevertheless, students, employees, and third parties are encouraged to report allegations immediately in order to maximize the University's ability to obtain evidence, and conduct a thorough, impartial and reliable investigation. Failure to promptly report a violation of this policy may result in the loss of relevant evidence and witness testimony, and may impair the University's ability to enforce this policy.

A typical University response to allegations under this policy will be completed within sixty (60) days, if not sooner. Should there be a need for an extension beyond the standard sixty (60) day timeframe, the reasons for the extension will be formally documented and communicated to both parties. Extensions will only be considered and granted for good cause.

## 3. Receipt of Report

Upon receipt of a report of an alleged violation of this policy, the Title IX Coordinator(s), and/or their designees, will:

- a) Assess nature and circumstances of the report, including the reporting party's safety and well-being and offer the University's immediate support and assistance; assess the risk to the University community
- b) Inform the reporting party of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
- c) Inform the party of the right to contact local law enforcement, decline to contact law enforcement, and/or seek a protective order;
- d) Inform the reporting party about University and community resources, the right to seek appropriate and available remedial and protective measures, and how to request those resources and measures;
- e) Inform the reporting party of the right to seek Informal Resolution (where available) or Formal Resolution under these procedures; gain the reporting party's expressed preference for pursuing Informal or Formal Resolution, or neither, and discuss with the reporting party any concerns or barriers to participating in any University investigation and resolution under these procedures;
- f) Explain the University's Retaliation policy;
- g) Ascertain the ages of the reporting party and respondent, if known, and, if either of the parties is a minor (under 18), contact the appropriate child protective service agency; and
- h) Communicate with the appropriate University officials to determine whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations.

## 4. Interim Measures

Following the receipt of the report, the Title IX Coordinator(s) and/or their designees will assess the nature and circumstances of the report and take prompt and effective action as is reasonably practicable under the circumstances to support and protect the reporting party and University community. This includes providing interim measures and remedies pending the investigation and, if applicable, the hearing. Interim measures may assist in ensuring that a thorough and impartial investigation can take place in a timely manner.

Decisions regarding reasonable interim measures will be implemented with the input of the reporting party as long as the desired actions do not interfere with protecting the community from any immediate threat of harm. The Title IX

Coordinator(s), or appropriate University personnel, may take any further protective action that they deem appropriate concerning the interaction of the parties pending the investigation and resolution including but not limited to:

a) Imposing a campus “no-contact order” (NCO) which will prohibit all communication between the reporting party(ies) and/or the respondent(s), including in person, through third parties, or via electronic means; NCOs are not always mutual, can be amended, and may or may not include restrictions regarding proximity while on campus. For non-affiliated third party respondents, a criminal trespass notice can be issued.

b) Directing appropriate University officials to alter the respondent’s and/or reporting party’s academic or work schedule, University housing arrangements, and/or University employment arrangements and to maintain this alteration for as long as necessary;

c) Imposing interim probation and/or suspension on an employee, student, and/or organization pending the completion of the investigation and resolution process. The University may interim suspend a student, employee or organization pending the completion of an investigation in cases where pattern, predation, threat, weapons or violence is reported; or when the reporting party is a minor child. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the option to meet with the Title IX Coordinator or in the absence of the Title IX Coordinator, a designated Deputy Title IX Coordinator, prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator or designee, has sole discretion to implement or stay an interim suspension and to determine its conditions and duration.

During an interim suspension or administrative leave, a student, student organization or employee respondent may be denied access to University housing and/or the University campus/facilities/events. As determined by the Title IX Coordinator, this restriction can include classes and/or all other University activities or privileges for which the respondent might otherwise be eligible. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued, as requested, to ensure as minimal an impact as possible on the respondent.

Violation of an interim suspension under this policy will be grounds for immediate expulsion or termination. The institution will notify campus personnel of the interim suspension only on an “as needed” basis and will otherwise maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the institution’s ability to provide the interim actions or protective measures.

Any interim measures taken will be designed to minimize the burden on the reporting party as much as possible. In addition to the actions provided after the receipt of a report, reporting parties will be provided written notification of their options and available resources. These options are available regardless of whether the reporting party discloses the incident to the campus public safety department or to law enforcement. When a decision is reached to initiate an investigation or to take any other action under these procedures that impacts a respondent (including the imposition of interim measures), the Title IX Coordinator(s) and/or their designees will notify the respondent and provide the respondent with available resources and options.

Violation(s) of interim measures imposed by the Title IX Coordinators’ directives and/or administrative actions may lead to additional disciplinary actions.

##### **5. Resolution and Investigation** – for all complaints involving a Stetson affiliated respondent.

For Employees, reports of violations of this policy fall outside of the jurisdiction of the University Grievance Procedures and Committees outlined in the Stetson University Personnel Policies (Section 4), Part 3: “Faculty and Staff Grievance Procedures.”

For students at the DeLand campus reports of violations of this policy fall outside the jurisdiction of the Code of Community Standards Disciplinary Adjudication Process. For students at the Gulfport Campus, reports of violations of this policy fall outside the jurisdiction of the Student Conduct Code Adjudication Process.

Regardless of the informal or formal resolution request, the reporting party and respondent will be provided a written copy of this policy as well as available resources and options.

If the reporting party requests *not* to move forward with the formal resolution process, the University will weigh the overriding factors and determine its ability to grant this request. Should the University determine that it cannot maintain anonymity and/or honor an inaction request, the University will inform the reporting party prior to starting an investigation. If appropriate, the option for informal resolution of the complaint will be explored with the reporting party.

A reporting party may change their mind at any point in time and pursue a formal resolution process, regardless of where they are currently engaged in the informal resolution process. Some minor incidents can be resolved through informal or other interventions as long as both parties agree to participate voluntarily.

Mediation is not appropriate for any form of sexual assault, intimate partner violence, or stalking and will not be an option. Regardless of the reporting party's request for an informal or formal resolution, the University is still required to provide reasonable remedies that are deemed appropriate for the situation, including but not limited to, directing appropriate University officials to alter the respondent's and/or reporting party's academic schedule, University housing arrangements, and/or University employment arrangements, providing targeted training or prevention programs, and/or providing or imposing other remedies tailored to the circumstances as a form of information resolution.

Once there is a determination that the formal resolution process will commence, the complaint will be sent to the investigator(s) for further investigation. The complaint will set forth the name of the reporting party, respondent, and the date(s), location(s) and nature of the alleged misconduct.

Both the reporting party and the respondent will be provided a University support person who can assist with providing support during the process. The University support person may be present during all meetings with University officials to serve as a guide during the disciplinary process. If the University support person is not utilized, the reporting party and/or the respondent may select an alternative advisor of their choice (i.e., parent, friend, attorney, etc.). This person will act as a support person but will not represent either party. The reporting party and respondent are entitled to have one support person present during all meetings with University officials during the investigation and resolution process, should they so choose.

Reports filed against Stetson University faculty, staff, or third parties for violations of this policy will follow the resolution process that corresponds to the employee or student status of the alleged individual (respondent). Should the respondent carry the status of both employee and student, the Title IX Coordinator(s) will determine the more appropriate and fitting process to invoke. For those cases that involve students or employees and the respondent is a third party vendor or contractor, the Title IX Coordinator(s) will work with appropriate University and local officials to determine an appropriate course of action. The University will still offer all resources and available options and assure that protective measures are in place.

The investigation process is outlined below:

- a) Students: All Campuses
- b) Employees: All Campuses

The formal investigation process commences with the notice of investigation being sent to both the reporting party and respondent. The complaint is then forwarded to the investigator(s) designated by the appropriate Deputy Title IX Coordinator (either for students or for employees).

As quickly as feasibly possible, after receipt of a report and notice to initiate an investigation from the Deputy Title IX Coordinator, the investigator(s) will notify the parties of their interview dates.

Investigations will be conducted by investigator(s) who have received annual training on issues related to acts of sexual or gender-based misconduct, and how to conduct an investigation that protects the safety of the reporting party and

promotes accountability. The investigator(s) will identify all policies allegedly violated, coordinate and initiate a thorough, reliable, and impartial investigation by developing a strategic investigation plan including, interviewing the reporting party and respondent, developing a credible witness list to gain information and collect evidence. Both parties have the right to suggest witnesses and provide evidence to the investigator(s) for consideration during the investigation process. Witnesses must be able to provide relevant, first-hand information regarding the incident. The appropriateness and relevancy of the witnesses and their testimony in the investigation will be determined at the investigator(s)' discretion. Under certain and appropriate circumstances, the identities of certain parties involved may be withheld from the investigative report. The investigator(s) reserves the right to add to or modify the alleged policy violations at any time during the investigation process and will notify the appropriate parties of such modifications.

The investigators will provide regular updates to the reporting and responding parties, as appropriate; Students and employees are expected to participate in an investigation under this policy. Failure of any student or employee to cooperate in the investigation may be subject to disciplinary action. Should the respondent choose not to participate in the investigation, the investigator(s) will proceed with the investigation and conclusions of alleged policy violation.

Upon completion of the investigation, the investigator(s) will prepare a written summary of the information collected. The investigator(s) will provide an opportunity for both parties to review the investigative report prior to the determination of findings of any policy violations. The investigative report will be made available for both the reporting party and respondent to review. Replication and/or distribution of the investigative report is strictly prohibited. The parties must submit any comments or supplemental information about this summary to the investigator(s) within three (3) business days after review of the written summary.

The investigator(s) will then prepare the final investigative report, which provides an overview of the alleged policy violations, due diligence taken, evidence considered, credibility assessments, findings of fact and determination of whether or not the respondent is responsible or not responsible for each allegation, using the preponderance of the evidence standard. The investigator(s) will also determine appropriate sanctions should the alleged be found responsible for violation of this policy.

The Title IX Coordinator, or designee, will review the findings, contents, conclusions and rationale of the findings in the investigation report. The Title IX Coordinator, or designee, will oversee each investigation and ensure sufficiency of evidence gathered, that the facts gathered support the findings, that the preponderance of evidence standard was applied, that best practices are followed, and that each allegation is addressed in the investigator(s)' investigative report. The Title IX Coordinator will either accept the investigator(s)' findings and recommendations, request the investigator(s) collect additional information, or amend the investigators' findings and recommendations based on the evidence collected to ensure that a preponderance of evidence was used to determine findings and that the misconduct has stopped, measures have been taken to prevent the reoccurrence of that conduct and that measures have been taken to remedy the effects of the harassment.

Appropriate sanctions may include the entire range available under University policy. Appropriate sanction(s) for violation of this policy are determined by the investigator(s) upon the conclusion of their investigation and confirmed by the Title IX Coordinator. An outcome letter will be provided to both the respondent and reporting party without undue delay between notifications. The letter will include the investigation findings, sanction(s), and appeal process.

The investigators may determine at any point in the investigation that the matter does not involve violations of this policy. In the case of a student respondent the case will be forwarded to the Director of Community Standards (DeLand) or the Assistant Dean of Students (Gulfport). In the case of an employee respondent, the case will be forwarded to the Director of Human Resources at each respective campus.

## **6. Acceptance of Responsibility**

The respondent may, at any time, choose to resolve the formal resolution process by notifying the investigators of their acceptance of responsibility for the alleged violation. The respondent will meet with a Title IX Coordinator to formally

accept responsibility for the policy violation. The Title IX Coordinator will sanction the respondent based on the specific policy violation, the impact upon the reporting party and the impact upon the Stetson University community. A respondent who accepts responsibility limits the right for either party to appeal the decision to one ground: the sanctions fall outside the range of sanctions Stetson University has designated for this offense and the cumulative record of the respondent. Both parties will have three (3) days to submit their request for an appeal in writing to the Title IX Coordinator.

## **7. Notification of Outcome**

The outcome decision will be communicated to both parties in writing without undue delay between notifications. This letter will be sent within three (3) business days after the outcome has been decided, barring any exigent circumstances that may cause reasonable delays. The final outcome letter will include, the name of the respondent; the alleged violation(s) and the outcome, i.e., responsible, or not of a University policy violation; the sanction(s) imposed, if any; and information regarding the appeal process. Both the reporting party and respondent will be informed of the outcome.

## **8. Sanctions**

Where there is a finding of responsibility, one or more sanctions may be imposed. Factors considered in determining sanction(s) include: the nature, severity of and circumstances surrounding the violation, an individual's disciplinary history, as well as the nature and severity of the past violation(s), previous allegations or allegations involving similar conduct; the need to bring an end to, prevent future recurrence of and remedy the effects of the harassment, discrimination and/or retaliation will be considered. Sanctions may include, but are not limited to (varies depending upon role within university):

- Warning
- Required Counseling
- Required Training or Education
- Administrative Warning: a written notice that the behavior violated University policy
- Restriction of Privileges: denial of specific privileges for a definite period of time. Restrictions will be clearly defined.
- Revocation of admission
- Revocation of degree
- Withholding diploma: withholding a student's diploma for a specified period of time and/or deny a student participation in commencement activities
- Probation: an encumbrance on the student/employee's good standing at the University. Subsequent violation of University policy during the probation period may result in immediate separation from the University.
- Student Suspension: termination of the student's enrollment and separation of the student from the University for a specific period of time.
- Student Expulsion: termination of the student's enrollment and permanent separation of the student from the University
- Organizational Sanctions: Deactivation, de-recognition; loss of privileges, loss of funding for a specific period of time
- Employee Performance Management Process
- Employee Loss of Annual Pay Increase
- Employee Loss of Managerial or Supervisory Responsibility
- Employment Demotion
- Employee Suspension With or Without Pay
- Termination of Employment

This policy prohibits a broad range of conduct. In accordance with the University's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, this policy provides latitude in the assignment of sanctions while supporting the University's educational mission and legal obligations.

Sanctions are effective immediately unless otherwise specified.

## 9. Remedial Actions

Upon the receipt of a report of prohibited conduct under this policy, and/or upon the conclusion of the formal resolution process, the Title IX Coordinator may implement remedies or actions to end the harassment or discrimination, remedy its effects, and prevent its recurrence. Remedial actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Providing educational programming to the University community
- Providing a Public Safety escort on campus, when available
- Assistance with academics, including scheduling and working with instructors in regard to assignments and exams
- Relocation and/or housing assignment alterations
- Permanently altering work arrangements for employees
- Implementing no-contact orders
- Climate surveys
- Policy modification
- Access to the Stetson Zipcar service

## 10. Appeals

Any party may request appeal consideration by submitting a written appeal to the Title IX Coordinator or appropriate Deputy Title IX Coordinator, within three (3) days after delivery of the written finding. When a party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three (3) days and/or bring their own appeal on separate grounds.

The Title IX Coordinator will determine the appropriate Appeals Officer (s) for evaluating the appeal, and notify both parties in writing of the appeal request. The designated Appeals Officer(s) will be individual (s) who have not been involved the process previously. Appeals Officers include the Dean of Students (DeLand campus), the Vice President for Campus Life and Student Success (DeLand campus); the Dean of the College of Law, all Deputy Title IX Coordinators, the Executive Vice-President/ Provost, Executive Vice President/CFO and for employee respondents holding the position of Vice-President, The President or designee. All Appeals Officers may consult with University Counsel, or others as deemed appropriate.

Appeal requests must fall into one of the following grounds:

- *New evidence exists*, which was unavailable to the party submitting the appeal request at the time of the decision, and which could substantially impact the original finding or sanction. A summary of the new evidence and its potential impact must be included in the appeal request. Deliberate omission of information during an investigation by an appealing party is not sufficient grounds for appeal;
- *A significant procedural error or omission* occurred that may have significantly impacted the outcome (e.g., substantiated bias, material deviation from established procedures, preponderance of evidence does or does not support the findings, etc.);
- The *sanctions* fall outside of the range of sanctions the University has designated for this offense and the cumulative record of the respondent.



The Appeals Officer(s) will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) days. All appeal responses and appeal requests will be shared with each party.

The Appeals Officer (s) may determine an outcome based on the information provided in the appeal without further action of the parties involved. In very rare circumstances the Appeals Officer may determine the need for a meeting with involved parties; the meeting is not intended to be a full re-hearing (de novo) of the allegation and evidence. The Appeals Officer(s) will meet with both the reporting party and respondent equitably if necessary. The Appeals Officer(s) may also refer the matter back to the investigator(s) when the appeal is granted based on new evidence to consider additional information.

Appeal decisions will affirm the original decision(s) or modify the original decision and/or sanctions. The Appeals Officer's decision is the final determination of University violations. If the Appeals Officer upholds the original findings, the effective date of any sanctions imposed will be the date of the original decision letter, there will be no stay of implementation. The Title IX Coordinator will provide both the reporting party and the respondent with written notice of the final outcome of the appeal within five (5) days of the outcome of the Appeals Officer(s), without significant time delay between notifications.

In cases where the investigative findings or appeal resolutions result in reinstatement to the University or a resumption of privileges, all reasonable attempts will be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

#### **11. Statement of the Rights of the Reporting Party**

- a) The Reporting Party may have their University Support Person present during the investigative process. If the University Support Person is not utilized, the reporting party may select an alternative advisor of their choice. This person will act as a support person or advisor but will not represent the reporting party.
- b) The Reporting Party has the right to have University policies and procedures followed without material deviation.
- c) The Reporting Party has the right to be informed in advance of any public release of information regarding the incident; and the right not to have any personally identifiable information released to the public without their consent.
- d) The Reporting Party has the right to be informed by University Officials of options to notify proper law enforcement authorities, including local police and to be assisted by campus authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report as well.
- e) The Reporting Party will be afforded similar and timely access to any information that will be used during the investigation process.
- f) The Reporting Party will be given periodic status updates throughout the process, which generally takes sixty (60) days.
- g) The Reporting Party will have equal opportunity to present relevant witnesses and other information during the process.
- h) The Reporting Party will never be questioned directly by or be in the presence of the respondent during the investigation process.

- i) The Reporting Party may submit a list of questions related to the alleged incident they feel the respondent should be asked during the investigation process. Questions asked are at the discretion of the investigator(s).
- j) The Reporting Party may not have their irrelevant past conduct, including sexual history, discussed during the investigation process.
- k) The Reporting Party has the right to know the outcome of the disciplinary process. There is no limitation on the re-disclosure of this information.
- l) The Reporting Party has the right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact and without prejudice.
- m) The Reporting Party has the right to appeal the outcome of the investigative findings and any subsequent sanctions.
- n) The Reporting Party has the right to be treated with respect by University officials.
- o) The Reporting Party has the right to be notified of available counseling, mental health, medical, or student services for victims of sexual assault or gender-based misconduct both on campus and in the community.
- p) The Reporting Party has the right to preservation of privacy, to the extent possible and allowed by law.

## **12. Statement of the Rights of the Respondent**

- a) Respondents may have their University Support Person present during the investigative process. If the University Support Person is not utilized, respondents may select an alternative advisor of their choice. This person will act as a support person or advisor but will not represent the respondent.
- b) Respondents have the right to have University policies and procedures followed without material deviation.
- c) Respondents have the right to be informed in advance of any public release of information regarding the incident; and the right not to have any personally identifiable information released to the public without consent.
- d) Respondents will be afforded similar and timely access to any information that will be used during the investigation process.
- e) Respondents will be given periodic status updates throughout the process, which generally takes sixty (60) days.
- f) Respondents will have equal opportunity to present relevant witnesses and other information during the process.
- g) Respondents will never be questioned directly by or be in the presence of the reporting party during the investigation process.
- h) Respondents may submit a list of questions related to the alleged incident they feel the reporting party should be asked during the investigation process. Questions asked are at the discretion of the investigator(s).
- i) Respondents have the right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact and without prejudice.
- j) Respondents may not have their irrelevant past conduct, including sexual history, discussed during the investigative process.

- k) Respondents have the right to know the outcome of the investigative process. There is no limitation on the re-disclosure of this information.
- l) Respondents have the right to appeal the outcome of the investigative findings and any subsequent sanctions.
- m) Respondents have the right to be treated with respect by University officials.
- n) Respondents have the right to be informed of and have access to campus resources for medical, counseling, and advisory services.
- o) Respondents have the right to preservation of privacy, to the extent possible and allowed by law.

#### **Q. Failure to Complete Sanctions/Comply with Interim and Long-Term Remedies/Responsive Actions**

All responding parties are expected to comply with conduct sanctions, responsive actions and corrective actions within the timeframe specified by the Title IX Coordinator(s). Failure to abide by these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the University and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

#### **R. Disabilities Accommodation**

Stetson University is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Title IX resolution process. Students needing accommodations or support should contact the Associate Director of Academic Success & Accessibility who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation. Employees needing accommodations or support should contact the Director of Human Resources

#### **S. Related Policies**

Policy language may be subject to change due to regulatory mandates and/or guidance. The University reserves the right to make changes to this policy. For the most current version of this policy, visit <http://www.stetson.edu/other/title-ix/>

Related policies may also be found in the following:

- The Student Code of Community Standards
- 4.3.1 Faculty and Staff Grievance Procedures

## APPENDIX B: Examples of Prohibited Conduct

The following list is intended to provide examples of prohibited conduct under each rule in an effort to educate students and provide clarification on potential policy violations. Examples include, BUT ARE NOT LIMITED TO, the following:

### **Academic Honesty**

- *Cheating on an exam; plagiarizing a paper; paying someone to complete your academic assignments*

### **Alcohol**

- *Consuming alcohol while under the legal drinking age; purchasing a box of beer for underage residents*

### **Controlled Substances**

- *Smoking marijuana in your residence; providing/selling your prescription Adderall to friends*

### **Smoking/Tobacco**

- *Smoking cigarettes outside of buildings; using e-cigarettes; consuming chewing tobacco*

### **Disorderly Conduct**

- *Being disruptive in class; engaging in riots; intentionally parking your car in the middle of Bert Fish Road preventing other vehicles from accessing campus; Getting drunk and screaming outside of a sorority house in the middle of the night; engaging in prank activities that disrupt the normal operations of the university or the rights of others*

### **Harmful Behavior**

- *Punching, kicking, slapping, pinching; engaging in brawling and fighting activities; using derogatory or obscene language towards someone; posting threats via social media; Using physical or digital means excessively to monitor or gain information about another person; repeatedly maintaining a visual or physical proximity to a person without legitimate purpose; providing unwanted gifts or displays of affection*

### **Sexual Misconduct**

- *Grabbing someone's breast without their consent; Having sex with someone when they are asleep; Slipping a drug into someone's drink and then engaging in sexual activity while they are incapacitated; Displaying explicit sexual pictures on the exterior of a residence hall door or in a common, public area; Repeatedly sending sexually oriented jokes to someone on your floor despite them asking you to stop*

### **Hazing**

- *Forcing someone to drink excessive amounts of alcohol in order to join an organization; paddling; branding; forced calisthenics; requiring someone not to shower for a week*

### **Retaliation**

- *Threatening or intimidating someone who reported you to Community Standards*

### **Audio/Video Recording**

- *Recording someone in the shower, bathroom on your phone without their consent; recording a private phone conversation; posting unauthorized pictures or recordings on social media*

### **Interference**

- *Contacting witnesses to dissuade them from providing information to Community Standards; threatening Student Conduct Board members prior to, during, or following a hearing*

### **Identification**

- *Utilizing your friend's ID to gain access to Chadoin Hall; purchasing a fake ID to get into the bars downtown; providing a fake name to a Resident Assistant*

### **Misrepresentation/Filing False Reports**

- *Submitting a false report to Public Safety; forging a University official's signature on a Financial Aid form; lying on your application when it asks whether you have ever received disciplinary action from a previous educational institution*

### **Failure to Comply**

- *Refusing to provide identification to the Resident Assistants when asked*

### **Respect for University Employees**

- *Calling a University representative a rude name; utilizing an obscene gesture; writing or drawing inappropriate messages on the whiteboard of a University representative*

### **Unauthorized Entry**

- *Going into a friend's room without their permission; unlocking the door of a staff member's office; deciding to go on the roof of a building without permission to gain a better view of an eclipse*

**Theft**

- Using your roommate's Hatter ID card to purchase food; stealing a sign from downtown DeLand; not paying for groceries at Wal-Mart

**Property Damage**

- Keying someone's vehicle; Spray-painting the back porch of a fraternity house; breaking your roommate's TV after an argument

**Vehicles**

- Doing donuts in the grass with your vehicle; repeatedly parking in a clearly designated handicapped parking space without having the appropriate permit; engaging your friend in a street race down Minnesota Ave.

**Technology Resources**

- Stealing a friend's file from their USB device; signing in under someone else's username to take a test

**Fire Safety**

- Refusing to evacuate your residence hall; cooking noodles in the microwave with no water, causing the fire alarm to sound; lighting several candles in your residence; taking a fire extinguisher and emptying the contents of it without an emergency need

**Solicitation**

- Posting flyers of a St. Patrick's Day celebration all over Nemec Hall without prior approval

**Animals**

- Leaving behind an animal in a residence hall during university breaks

**Weapons**

- Being in possession of a gun on campus; playing with pellet guns outside on campus; possessing a sword; setting off fireworks outside of your building

**University Housing Policies**

- Leaving excessive garbage outside of your front door; playing loud music past Quiet and Courtesy Hours; having alcohol in a room with all assigned residents under the age of 21; having displays of liquor containers

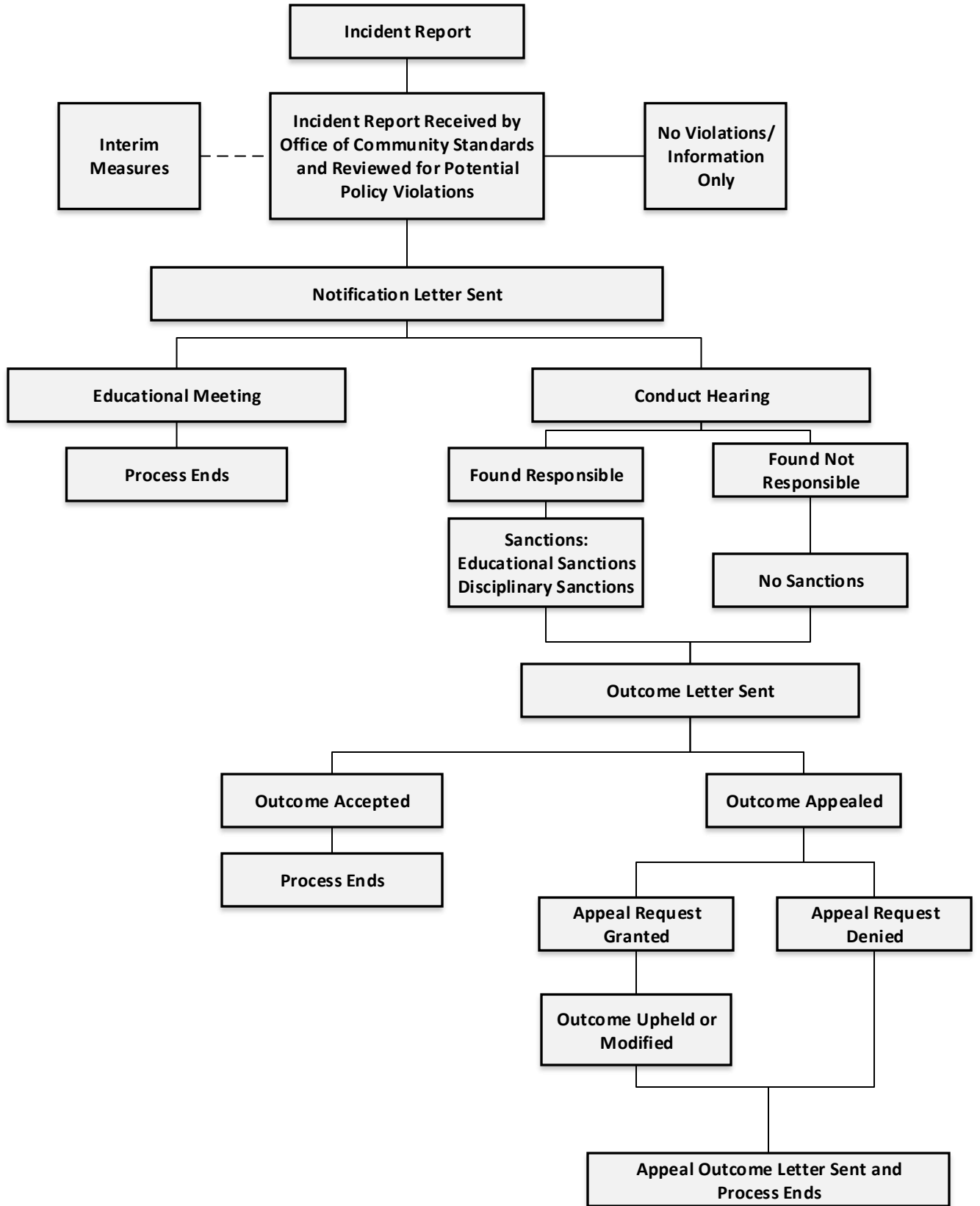
**University Policies**

- Failure to abide by the regulations regarding parking on campus

**Federal, State, and Local Laws**

- Being in possession of an open container in the community; driving with a suspended license; any violation that could result in a felony or misdemeanor

## Appendix C: Community Standards Process Flowchart



# Gender-Based Misconduct, Sexual Assault, and Interpersonal Violence Policy Process Flowchart

