



## Gender-Based Misconduct Policy

Effective Date	February 22, 2024
Policy Jurisdiction	University Wide
Responsible Executive	Vice President of Campus Life and Student Success
Responsible Office	Office of Title IX

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### Purpose

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.

\*Note: While the US Department of Education rule issued in May 2020 stated that incidents occurring in University programs outside the United States are not considered to fall under Title IX of the Education Act, the University considers any incident that would be addressed with this policy if the parties were in the United States to be subject to the specifics of this policy and the University response will follow the policy and procedures delineated here. Sexual assault, Domestic Violence, Dating Violence, and Stalking, previously referred to as Intimate Partner Violence or IPV, (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.

## Scope

This policy applies to all students, employees (faculty, staff and administrators), volunteers, guests, vendors, sites, and programs of the University. The policy adheres to requirements under Title IX of the Education Amendments of 1972, the Clery Act (20 USC § 1092(f)), Campus Sexual Violence Elimination (SaVE) Act (2013) and the Violence Against Women Act (as amended in 2022).

## Definitions

- **Acts of violence or intimidation:** includes sexual assault, intimate partner violence, stalking, and threats of violence.
- **Actual knowledge:** includes notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator, Deputy Coordinator, or Stetson employee with the authority to institute corrective measures.
- **Sexual Harassment:** includes conduct on the basis of sex or gender (or perceived sex or gender) that satisfies one of the following-
  - a) An employee of Stetson conditions the provision of aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
  - b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Stetson programs and activities; or
  - c) Sexual assault, dating violence, domestic violence, or stalking as defined below.
- **Sexual Misconduct:** includes a broad range of behavior prohibited within Title IX or University

policy that includes, but is not limited to, sexual harassment, sexual exploitation, and sexual violence.

- **Sexual Assault:** is an unwanted sexual act directed against another person, without the consent of the victim or instances where the victim is incapable of giving consent, including:
  - a) non-consensual sexual contact: the deliberate touching for sexual gratification with any object by a person upon another person's intimate or private parts (including genitalia, groin, breast, or buttocks, whether the intimate or private parts are covered by clothing or not covered ) that is without consent, is coerced, under threat of use of force, and/or by force. of 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.
  - b) non-consensual sexual intercourse: any penetration (anal, oral, or vaginal) by a penis, tongue, finger, instrument 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. 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 (e.g., unwanted touching or kissing of private parts for purposes of sexual gratification), and threat of sexual assault. See F.S. 784.011 (assault); 784.046(c) (sexual violence); 794.011 (sexual battery)
- **Sexual Violence:** includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent and include harm or injury. 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 that include an immediate threat to physical health or safety or the victim. All such acts of sexual violence are forms of sexual harassment included under the protections of Title IX of the Educational Amendments of 1972.
- **Sexual Exploitation:** taking non-consensual or abusive sexual advantage of another person including but not limited to:
  - a) causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person;
  - b) causing the prostitution of another person;
  - 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;
  - d) allowing third parties to observe private sexual acts;
  - e) engaging in voyeurism (such as watching a person undress, shower or engage in sexual

- activity without the consent of the person being observed);
- 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.
- **Consent:** Consent is clear, 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. 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. By Florida statute, the age of consent for sexual activity is 18 and it is illegal for an individual 24 and over to have sex with an individual under 18, even if both are students. Additionally, an individual under 16 cannot ever consent to sexual activity with an adult (FL §794.05, 794.11)
  - **Incapacitation:** 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 complainant and the complainant’s capacity to give knowing consent. Incapacitation covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, being too young to have capacity to consent, or from the taking of drugs unbeknownst to the complainant (e.g., rape drugs).
  - **Force and Coercion:** 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. 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.
  - **Domestic and Dating Violence (formerly Intimate Partner Violence):** 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.

- 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.” F.S. 741.28
- b) 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.” F.S. 784.046
- c) The Violence Against Women Act defines dating violence to include “violence committed by a person who has been in a social relationship of a romantic or intimate nature with the complainant; the existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.”
- d) The Violence Against Women Act defines domestic violence to include felony or misdemeanor crimes of violence committed by: a current or former spouse or intimate partner of the complainant, a person with whom the complainant shares a child, a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, a person similarly situated to a spouse of the complainant under the jurisdiction’s domestic or family violaws, or any other person against a complainant who is protected under the domestic or family violence laws of the jurisdiction.”

- **Stalking:** A course of conduct directed at a specific person that is unwelcome AND that would cause a reasonable person to fear for their safety or the safety of others or to suffer substantial emotional distress. A course of conduct includes a series of acts over any period of time which are 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. 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.
- **Retaliation:** Any adverse action (ex. Intimidate, threaten, coerce, discriminate, or interfere with rights or privileges) taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation includes an adverse action against an individual for engaging in the protected activity of alleging harassment, supporting a party bringing an allegation or for assisting or not assisting in providing information or testimony 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 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.

- **Complainant (formerly Reporting Party):** The person or party who is alleged to be the victim of conduct that could constitute sexual harassment or unwanted behavior that may violate University policy.
- **Respondent:** The person or party responding to the complaint of unwanted behavior that may violate University policy, who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- **Witness:** A person or party who provides information, knowledge or observation of behavior between the Complainant or Respondent, including the impact of an incident on either party.
- **Advisor:** A person of the complainant or respondent's choosing who may accompany the Complainant 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, except during the formal hearing process where the Advisor is responsible for conducting the cross examination of parties and witnesses. An attorney may serve as an Advisor but does not function in the role of an attorney including filing complaints, appeals, or other direct communication with Hearing Officers or Title IX staff.
- **Investigator:** A staff and/or faculty member within Stetson University who acts as a neutral factfinder, who, during the course of the investigation, typically conducts interviews with the Complainant, 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. If necessary, the University may appoint an outside professional to serve as an Investigator.
- **Hearing Officer:** A staff and/or faculty member within Stetson University who acts as the school official designated to manage the hearing process, determine relevance of questions, and make the final decision on responsibility. In some cases, the University may hire a professional outside the institution to serve as a Hearing Officer.
- **Appeals Officer:** 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.
- **Supportive measures:** includes non-disciplinary, non-punitive individualized services offered as appropriate, reasonably available, and without fee or charge to the Complainant or the Respondent before or after filing of a formal complaint or where no formal complaint has been filed.

- **Formal complaint:** a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting the University investigate the allegation of behavior defined by the Gender-Based Misconduct Policy.
- **Reporting party:** includes a third party, not the Complainant or Respondent, who reports a suspected incident of misconduct. The reporting party can be a University student or employee, or someone outside the University.
- **Mandatory Reporter:** An individual employee of the University who is required to report a suspected incident of misconduct.

## Policy

### A. Jurisdiction

This policy applies to any allegations of discrimination on the basis of sex or gender (including perceived sex or gender), including all forms of sexual harassment, sexual violence, and acts of violence or intimidation 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 temporary (“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
  - b) the conduct occurred in connection with a University program or activity, including University-sponsored study abroad, research, online, or internship programs; or
  - c) 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 Complainant 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.

## **B. 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.

## **C. 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 Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- a) On-Campus Licensed Professional Counselors and staff in Student Counseling Services (students only) DeLand/Celebration - 386-822-8900 Gulfport/Tampa - 727-562-7575
- b) On-Campus Student Health Service personnel (DeLand) 386-822-8150
- c) On-Campus Chaplains, when working within the scope of their position as a chaplain (all members of the community) 386-822-7523
- d) Off-Campus Employee Assistance Program 800-272-7252

The above-listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or the 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 has 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. Mandatory Reporters**

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 mandatory reporter, the complainant may expect the institution to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. Mandatory reporters are therefore not confidential resources for reporting an incident. A mandatory reporter 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 (Complainant), 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 Complainant. To the extent possible, information reported to a mandatory reporter will be shared only with the individuals responsible for handling the institution's response to the report. A mandatory reporter may not share information with law enforcement without the Complainant's consent or unless the Complainant has reported the incident to law enforcement. In the event of being approached with an information report, mandatory reporters are to promptly advise the reporting individual of their role as a mandatory reporter, 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 mandatory reporter will immediately advise the individual as to whom they may make a confidential report. Requests made by a Complainant 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 complainant requests confidentiality and the circumstances allow the University to honor that request the University will offer interim support and remedies to the Complainant and the community but will not otherwise pursue formal action. A Complainant 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 mandatory reporters 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. This report qualifies as a formal complaint under this policy. The Public Safety Department may also assist the Complainant 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 complainant and the University community. The contact information for the University's Public Safety department is provided below:

- i) Stetson University Public Safety Department (DeLand campus)  
386-822-7300 Amelia Ave, DeLand FL 32723
- ii) Stetson University Public Safety Department at the College of Law (Gulfport campus)  
727-343-1262 1219 61st St. South, Gulfport, FL 33707
- iii) Stetson University Public Safety Department at the College of Law (Tampa campus)  
[727-420-8868](tel:727-420-8868)  
1700 N Tampa St, Tampa, FL 33602

b) *Online Reporting Forms*

- i) Student Incident Reporting Form 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.
- ii) EthicsPoint 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*

i) *All Campuses- University level*

Lyda Costello Kiser Executive Director and Title IX Coordinator Carlton Union Building, Office 217, 421 N. Woodland Blvd. DeLand, FL 32723 (386)822-7960

ii) *DeLand Campus Deputy Title IX Coordinators*

(1) Barbs Hawkins (Students) Carlton Union Building, Office 218, 421 N. Woodland Blvd. Unit 8275, DeLand, FL 32723 (386)822-7205

(2) Graciela Dufour (Employees) Allen House, 421 N. Woodland Blvd. Unit 8327 DeLand, FL

32723 (386)822-7472

(3) Toni Oliverio (Athletics) Edmunds Center, 421 N. Woodland Blvd. Unit 8359 DeLand, FL

32723 (386)822-8141

*iii) Gulfport/Tampa Campus*

Deputy Title IX Coordinators

(1) Latoya Edwards (College of Law Students) 1401 61st St. South, Gulfport, FL 33707  
(727)562-7850

(2) Vi Bumgarner (Employees) Tower Building F Wing, 1401 61st St. South, Unit 293,  
Gulfport, FL 33707 (727)562-7984

*d. Off-Campus Reporting Options*

1. 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.

a. DeLand Police Department Emergency: 911 Non-Emergency: 386-626-7400

Victim Advocate Unit: 386-626-7418

b. Gulfport Police Department Emergency: 911 Non-Emergency: 727-893-1030

c. St. Petersburg Police Department Emergency: 911 Non-Emergency: 727-893-7780

d. Tampa Police Department Emergency: 911 Non-Emergency: 813-276-3200

**D. Other Resources Available**

1. Injunction for Protection.

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

a. Volusia County - Volusia County Clerk of Court Office, 101 North Alabama Avenue, DeLand, FL 32724  
386-736-5915

b. Pinellas County - Pinellas County Clerk of Court Office, 545 First Avenue North,  
St. Petersburg, FL 33701 727-464-7000

c. Hillsborough County - Hillsborough County Clerk of Court Office, George E. Edgecomb Courthouse,  
800 E. Twiggs Street, Tampa, FL 33602 813-276-8100

2. Local and National Resources

a. DeLand Campus – Community Resources

Volusia Rape Crisis Center 800-503-7621

The Beacon Center 386-255-2102

b. DeLand Campus – Stetson Resources

Crisis Counseling 386-822-8740 (choose either option 1 or 7)

SU Counseling 386-822-8900

Public Safety 386-822-7300

Title IX Office 386-822-7960 [titleix@stetson.edu](mailto:titleix@stetson.edu)

c. Gulfport and Tampa – Community Resources

FLCASV Statewide Hotline: 888-956-7273

Statewide DV/SA Crisis Hotline: 1-800-500-1119

Pinellas County –

Suncoast Center, Inc. (727) 530-RAPE (7273) Website: <http://www.suncoastcenter.org/sexual-assault-services>

The Haven of RCS (727) 442-4128 Website: <https://hopevillagesofamerica.org>

Community Action Stops Abuse (727) 895-4912 (Ext. 9)

Chat: <https://www.casapinellas.org/chat/>

Hillsborough County –

Crisis Center of Tampa Bay (813) 234-1234 or 211 Website: [www.crisiscenter.com](http://www.crisiscenter.com)

The Spring of Tampa Bay (813) 247-7233 Website: <https://www.thespring.org>

d. Gulfport and Tampa – Stetson Resources

Gulfport Campus After Hours and Emergency: (727) 343-1262

Tampa Law Center After Hours and Emergency: (727) 420-8868

COL Counseling Services (727) 562-7575

<https://www.stetson.edu/law/students/counseling-and-stress-management.php>

Public Safety Gulfport (727) 343-1262

Public Safety Tampa (727) 420-8868

Title IX Office (386) 822-7960 [titleix@stetson.edu](mailto:titleix@stetson.edu)

e. Florida Bar Resources

Florida Lawyers Assistance (FLA): 800-282-8981

Lawyer Referral Service of the Florida Bar: 800-342-8011 <https://www.floridabar.org/public/lrs/>

f. Florida Statewide Resources

Florida Council Against Sexual Violence <http://www.fcasv.org>

Statewide DV/SA Crisis Hotline: 1-800-500-1119

g. National Resources

RAINN 800-656-04673 (online chat feature, <https://hotline.rainn.org/online>)

National DV Hotline 800-799-7233 (online chat feature, <https://www.thehotline.org/>)

National Suicide Prevention Hotline 800-273-8255 (online chat feature, <https://suicidepreventionlifeline.org/chat/> )

Trevor Project LGBTQIA+ Resources 866-488-7386

(online chat feature, go to <https://thetrevorproject.org> click on “Get Help” and choose “Chat with Us”)

National Dating Abuse Hotline: 866-331-9474

**E. False Reports**

Deliberately making materially false and/or malicious accusations in bad faith 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.

#### **F. 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 complainant. 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 mandatory reporter 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 complainant 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 Complainant 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. Should the University determine that it cannot maintain privacy and/or honor an inaction request, the University will inform the complainant 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 Complainant. 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 complainant and respondent in accessing:

- available University advisors
- 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 Complainant 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.

#### **G. Consolidation of complaints**

Stetson University consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a process involves more than one complainant or more than one respondent, references in this policy to the singular "party," "complainant," or "respondents" include the plural, as applicable.

#### **H. Retaliation**

Stetson University strictly prohibits retaliation by, for, or against any participant (complainant, 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. Retaliation is defined as when a person, group, or institution intimidates, threatens, coerces, or discriminates against someone who has reported gender-based misconduct or participated in an investigation." Retaliation between individuals includes but is not limited to name calling, harassment on social media, threats, intimidation, vandalization of property, coercion or pressure to take a certain course of action, and social isolation. Retaliation from an institution includes but is not limited to threats, intimidation, coercion or pressure to take a certain course of action, discrimination, disciplining a student complainant for protest activities or for naming a respondent, failing to accommodate housing or other academic needs, forcing or pressuring a student complainant to take time off from school or to rearrange their class and/or work schedule, removing a

student complainant from sports teams or other extracurricular activities, pressuring a student complainant to stop talking to media, threatening to fire or demote an employee, and threats or actions to undermine work performance. Retaliation suspected by students will be handled by the Office of Community Standards. Retaliation suspected by faculty and staff will be handled by the Office of Human Resources. Retaliation is taken seriously by Stetson University and will be reviewed and appropriately dealt with immediately unless there are mitigating circumstances. Sanctions for retaliation include but are not limited to a warning to disciplinary action including but not limited to disciplinary probation, residential suspension, interim suspension, suspension, and expulsion. Educational sanctions will be used as needed and at the discretion of the hearing officer and are noted in the gender-based misconduct policy.

#### **I. 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. The University does not require a complainant to participate in the formal process or for any party to submit to cross examination in the live hearing.

#### **J. Amnesty for Complainant 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 complainant, 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.

#### **K. 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.

## **L. 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 Complainant 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 within the limits allowed. Students 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. Respondent 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 and Human Resources will reflect that status. 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 Complainant will be notified of the separation of the former employee from the University.

## **Procedures**

### **A. 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. The 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. However, in cases where the student respondent is not currently enrolled the University is not obligated to conduct a formal process under this policy.

Once the University has received notice of a Formal Complaint, all allegations are promptly acted upon. Complaints typically take a minimum of sixty to ninety (60-90) business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will avoid all undue delays within its control. Should there be a need for an extension beyond the standard sixty to ninety (60-90) days' timeframe, the reasons for the extension will be formally documented and communicated to both parties.

Each party may request a one-time delay in the Process of up to five (5) days for good cause. Granting or denying this extension is at the sole discretion of the Title IX Coordinator or designee, and the extension is determined upon whether the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five (5) day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five (5) day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator or designee shall have sole judgement to grant further pauses in the Process.

Additionally, in a formal process, the Complainant and Respondent (and their advisors) will have ten (10) days to review the draft Investigation Report and evidence used and provide a written response for the investigators to consider before completion of the Final Investigation Report. The Complainant, Respondent, and their advisors will have a minimum of 10 days between receipt of the Final Investigation Report and the hearing.

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 the nature and circumstances of the report, including the Complainant's safety and well-being and offer the University's immediate support and assistance; assess the risk to the University community;

- b. Inform the Complainant of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
- c. Inform the Complainant of the right to contact local law enforcement, decline to contact law enforcement, and/or seek a protective order;
- d. Inform the Complainant 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 Complainant of the right to seek Informal Resolution (where available) or Formal Resolution under these procedures; gain the Complainant's expressed preference for pursuing Informal or Formal Resolution, or neither, and discuss with the Complainant 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 Complainant 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. Supportive 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 Complainant and University community. This includes providing supportive measures and remedies pending the investigation and, if applicable, the hearing. These measures are available to the Complainant and Respondent. Supportive measures may assist in ensuring that a thorough and impartial investigation can take place in a timely manner. Decisions regarding reasonable supportive measures will be implemented with the input of the Complainant 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 Complainant(s) 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 Complainant's academic or work schedule, University housing arrangements, and/or University employment arrangements and to maintain this alteration as a supportive measure or for other discretionary safety reasons for as long as necessary;
- c. Imposing emergency probation and/or suspension on an employee, student, and/or organization pending the completion of the investigation and resolution process. The University may emergency

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 Complainant is a minor child. Emergency Removal of a Student requires specific findings:

- i. Conduct a prompt individualized safety and risk analysis
- ii. Make the required findings of
  1. Immediate threat
  2. To the physical health or safety of any student or other individual
  3. Arising from the allegations of sexual harassment
- iii. Evaluate the applicability of disability laws to the removal decision
- iv. Consider appropriateness of supportive measures in lieu of an emergency removal
- v. Provide the respondent with notice and an “immediate” opportunity to challenge the emergency removal.

\*\* Appeals of emergency removal under this policy will follow the appeal requirements in the Code of Community Standards, requiring the appeal in writing (or via the University’s conduct system, Maxient), as stated in section 10 on page 24 of this document.

In all cases in which an emergency 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 emergency 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 emergency suspension under this policy will be grounds for immediate expulsion or termination.

The institution will notify campus personnel of the emergency suspension only on an “as needed” basis and will otherwise maintain as confidential any emergency actions or protective measures, provided confidentiality does not impair the institution’s ability to provide the emergency actions or protective measures. Any emergency or supportive measures taken will be designed to minimize the burden on the complainant and/or respondent 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 Complainant 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 emergency measures imposed by the Title IX Coordinators' directives and/or administrative actions may lead to additional disciplinary actions.

**B. 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 and Tampa Law Center Campuses, 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 Complainant and Respondent will be provided a written copy of this policy as well as available resources and options. If the Complainant 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 Complainant prior to starting an investigation. If appropriate, the option for informal resolution of the complaint will be explored with the Complainant. A Complainant 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 Complainant'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 C

Complainant, Respondent, and the date(s), location(s) and nature of the alleged misconduct.

Both the Complainant and the Respondent will receive a formal, written notice of the investigation and potential charges. This will include prohibitions against retaliation and listing of supportive measures in place, as well as how to report any additional concerns. Both the Complainant and the Respondent will be provided a University Advisor who can assist with providing support during the process. The University Advisor may be present during all meetings with University officials to serve as a guide during the disciplinary process. If the University

advisor is not utilized, the Complainant 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 Complainant and Respondent are entitled to have one Advisor present during all meetings with University officials during the investigation and resolution process, should they so choose. During a hearing, the Advisor will conduct the cross examination of witnesses and other parties. However, the Advisor will not address the Hearing Officer otherwise or make any other arguments or statements during the hearing.

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. In cases where an employee is reported for violations towards a student, the formal process must be followed.

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 Complainant 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 complainant 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 Complainant 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 suggested by the parties must be able to provide relevant, first-hand information regarding the incident or the effect of the incident on the parties. 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 Complainant and Respondent(s), 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 draft summary of the information collected. This draft will be made available for both the Complainant 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 ten (10) 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, and findings of fact for each allegation. 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.

The Final Report will be sent to the parties and the hearing will be scheduled for at least 10 days or more after receipt of the Final Report by the parties. This period is to allow the parties to review and prepare for the hearing. The Title IX Coordinator will assist the parties in accessing the evidence used that is not included in the Final Report (i.e., videos, recordings).

**C. Hearing Process** The live hearing to determine responsibility will be held at a time identified by the Title IX Coordinator, not less than 10 days after the parties have received the final investigation report. The Complainant and Respondent may have an advisor present throughout the hearing. The hearing will take place in appropriate space identified by the Title IX Coordinator. Either party can request that the hearing be conducted by streamed video with the Complainant and Respondent in separate rooms, while simultaneously allowing the Hearing Officers and parties to see and hear the party or the witness answering questions. If a party

does not have an Advisor, the University will appoint one at no charge to the party. The Title IX Coordinator or (designee) will serve as the clerk to the hearing process and assist with bringing in witnesses, managing documents, and providing other support. The Title IX Coordinator (or designee) will not have any role in determining findings of responsibility.

1. The Hearing Officers (HO) will manage the process of the hearing, including determination of relevance of questions prior to the question being asked by either Advisor. There must be a minimum of two Officers present for the Hearing to continue. The HOs will explain any decision to exclude a question as not relevant.

2. Prior to the hearing, each party may submit a list of questions to be asked by their advisor of the other party and any witnesses.

3. All cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

4. Advisors are restricted from any other form of participation or statements, including addressing the Hearing Officers, during the hearing except consultation with the party and cross-examination.

5. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

6. Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Hearing Officer(s) may rely on any statement or evidence of that party or witness in reaching a determination regarding credibility and/or responsibility. The Hearing Officer(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions. Reports from outside experts, such as law enforcement or Forensic Nurse Examiners or other medical professionals may be considered by the hearing officer even when those individuals are not available at the hearing.

7. The University will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

8. The HOs will issue a written determination regarding responsibility, which will include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint

through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of the University's Code of Conduct to the facts;
- e) A statement of, and rationale from the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's programs or activities will be provided to the Complainant; and
- f) The University's procedures and permissible bases for the complainant and respondent to appeal.

9. The Hearing Officers will provide the written determination document to the Title IX Coordinator no more than five (5) days following the conclusion of the hearing.

10. The Title IX Coordinator will provide the written determination simultaneously to both parties.

11. The determination becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. 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 complainant 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 Student Affairs (Gulfport). In the case of an employee respondent, the case will be forwarded to the AVP of Human Resources and the Director of Human Resources at each respective campus.

#### **D. 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 Complainant 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.



### **E. 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 five (5) business days after the outcome has been decided by the Hearing Officers and communicated to the Title IX Coordinator or designee, 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 Complainant and Respondent will be informed of the outcome.

### **F. Sanctions**

Where there is a finding of responsibility, one or more sanctions may be imposed by the Hearing Officers in instances where a hearing has occurred and by the Title IX Coordinator in instances where a Respondent has accepted responsibility. 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
- 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 with restrictions 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. (A 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
- Transcript notation of the incident and finding
- 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
- Other appropriate sanctions at the Discretion of the University

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.

#### **G. 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

#### **H. 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 in 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. Appeals Officers will work in a timely manner to address the appeal, but are under no requirement to complete their work within a specific time frame.

Appeal requests must fall into one of the following grounds:

- a) 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;
- b) A significant procedural error or omission occurred that may have significantly impacted the outcome (e.g., substantiated bias, material deviation from established procedures, the preponderance of evidence does or does not support the findings, etc.);
- c) The sanctions fall outside of the range of sanctions the University has designated for this offense and the cumulative record of the Respondent;
- d) Conflict of interest or bias on the part of the Title IX Coordinator, Investigators, or Hearing Officer(s), either generally or individually, as supported by evidence.

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 Complainant 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 Complainant 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.

#### **I. Statement of the Rights of the Complainant**

- a. The Complainant may have their University Support Person present during the investigative process. If the University Support Person is not utilized, the Complainant may select an alternative advisor of their choice. This person will act as a support person or advisor but will not represent the Complainant.
- b. The Complainant has the right to have University policies and procedures followed without material deviation.
- c. The Complainant 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 Complainant 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 complainant so chooses. This also includes the right not to be pressured to report as well.
- e. The Complainant will be afforded similar and timely access to any information that will be used during the investigation process.
- f. The Complainant will be given periodic status updates throughout the process, which generally takes sixty (60) days.
- g. The Complainant will have an equal opportunity to present relevant witnesses and other information during the process.
- h. The Complainant will never be questioned directly by or be in the presence of the Respondent during the investigation process.
- i. The Complainant 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 Complainant may not have their irrelevant past conduct, including sexual history, discussed during the investigation process.
- k. The Complainant has the right to know the outcome of the disciplinary process. There is no limitation on the re-disclosure of this information.
- l. The Complainant has the right to a decision based solely on the evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact and without prejudice.
- m. The Complainant has the right to appeal the outcome of the investigative findings and any subsequent sanctions.
- n. The Complainant has the right to be treated with respect by University officials.

- o. The Complainant 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 Complainant has the right to preservation of privacy, to the extent possible and allowed by law.

**J. 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 to ninety (60-90) 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 Complainant during the investigation process.
- h. Respondents may submit a list of questions related to the alleged incident they feel the Complainant 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 the 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.

**K. Application of Other Policies**

If the reported incident(s) is found to not meet the requirements set forth in this policy, such as not rising to the Severe, Pervasive, and Objectively Offensive (SPOO) standard, they may meet the standards for other policy violations. This includes incidents related to students, employees, volunteers, and vendors/contractors. The Title IX Coordinator will provide the office who oversees the specific policy with all relevant information to move forward with possible disciplinary processes. It should not be assumed that dismissal of a Title IX allegation implies dismissal from any other University processes.

**L. 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) in the Findings of the Hearing Officer(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 and employee's record. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

**M. 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

**N. Record Keeping**

The University will maintain for a period of seven (7) years records of:

1. Each investigation conducted under this policy, including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to University programs or activities;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom;
4. Any supportive measures or actions taken in response to a report or formal complaint under this policy and the rationale for the measure/response; and
5. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These training materials will be available on the University website, as allowed by intellectual property law.

## Frequency of Review

This policy is reviewed upon direction by the U.S. Department of Education, Office of Civil Rights, as required by changes in Federal or State law, or every 3 years. 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.

## Related Information

Student Code of Community Standards

Code of Student Professionalism and Conduct

[Faculty and Staff Grievance Procedure for the College of Law](#)

[Faculty, Staff and Student Grievance Policy for the DeLand Campus](#)

[NSF Sexual Harassment Policy](#)

## Policy History

<b>Date of Revision</b>	February 1, 2024
<b>Action and Notes</b>	Removed requirement of presence for cross-examination Clarified that cross-examination not required Updated new members of leadership and steering teams Included limits on pausing process Included language specific to attorneys functioning as advisors Clarified that dismissal from Title IX does not imply dismissal from all University processes Clarified no specific timeframe to complete an appeal review
<b>Approving Authority</b>	Title IX Steering Team
<b>Effective Date</b>	February 22, 2024

<b>Date of Revision</b>	August 1, 2021
<b>Action and Notes</b>	Removed requirement of presence for cross-examination
<b>Approving Authority</b>	Title IX Steering Team
<b>Effective Date</b>	October 1, 2021

