

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

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**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  
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386-822-7472  
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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

<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;
	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.
	<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

<b>1. Acts of violence or intimidation:</b>	include sexual assault, intimate partner violence, and stalking
<b>2. Sexual Misconduct:</b>	includes a broad range of behavior that includes, but is not limited to, sexual harassment, sexual exploitation, and sexual violence

<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>
<p><b>5. Sexual exploitation:</b></p>	<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>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 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.</p>
<b>7. Incapacitation:</b>	<p>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 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</p>

	<p>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>
<p><b>8. Force and Coercion:</b></p>	<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. 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>
<p><b>9. Intimate Partner Violence (formerly Domestic Violence and Dating Violence)</b></p>	<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;"><i>F.S. 741.28</i></p> <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,</p>

	<p>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>
<b>11. Retaliation:</b>	<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 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.</p>
<b>12. Reporting Party (formerly Complainant):</b>	<p>The person or party who is the recipient of unwanted behavior that may violate University policy</p>
<b>13. Respondent:</b>	<p>The person or party responding to the complaint of unwanted behavior that may violate University policy</p>
<b>14. Witness:</b>	<p>A person or party who provides information, knowledge or observation of behavior between the Reporting Party or Respondent</p>

<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)

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)

## 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

