

WARNER UNIVERSITY

POLICY: Sexual Misconduct Policy and Procedures

POLICY #: P-786 (also P-380)

STATUS: Approved by Cabinet, April 2018

I. PURPOSE:

Warner University (University) is committed to maintaining a Christ-centered community, free of all forms of sexual misconduct as described in this policy. The University is committed to addressing sexual misconduct in a manner consistent with applicable law. The University also is committed to raising awareness of issues relating to sexual misconduct and its prevention, providing training and continuing education for students, staff and faculty, and providing adequate resources for prompt assistance to victims of sexual misconduct.

Specifically, it is the policy of the University that designated faculty and staff members take immediate and appropriate steps to investigate and take action when the university knows, or reasonably should know, of possible sexual misconduct. When sexual misconduct is determined to have occurred, the University shall take prompt and effective steps to end the misconduct, prevent its recurrence, and, as appropriate, remedy its effects. All complaints shall be processed in accordance with the procedures established in this policy.

It is also the policy of the University to protect any student, faculty, or staff member filing a complaint alleging sexual misconduct and to ensure that person's safety as necessary, including taking interim steps to protect the person prior to the final outcome of any inquiry or investigation.

The University is committed to resolving complaints promptly and equitably.

II. SCOPE:

This policy applies to all University students, faculty, staff, and campus visitors, contractors, consultants and vendors. This policy applies on all University property, on all property at which the University holds educational programs or activities, and on all means of transport utilized by or on behalf of the university for students, faculty, and staff. This policy applies to all University educational programs and other university sponsored activities.

III. POLICY:

Nondiscrimination Statement

The University does not illegally discriminate on the basis of race, color, gender, sex, age, religion, national or ethnic origin, genetic information, veteran or military status, disability, or on any other basis in the admission of students, educational policies and programs, employment policies and activities with the exception of allowed exemptions in the Title VII Civil Rights Act of 1964 as amended; and Title IX of the of the Education Amendments Act of 1972.

Rights of the Complainant and Respondent

The University's policy and procedures for the investigation and resolution of sexual misconduct complaints are designed to be accessible, prompt, equitable, and impartial.

Throughout this process, both the complainant and respondent have the following rights:

- To be treated with respect, dignity, and sensitivity.
- To receive appropriate support from the University.
- Privacy to the extent possible, consistent with applicable law and University policy.
- Information about the University's Sexual Misconduct Policy.
- The presence of a support person throughout the process.
- To participate or to decline to participate in the investigation or complaint resolution process. However, a decision not to participate in the process either in whole or in part will not prevent the University from proceeding with the information available.
- A prompt and thorough investigation of the allegations.
- To appeal a decision made by a Title IX Coordinator or Investigative body.
- To challenge a member(s) of the investigative process for a possible conflict of interest.
- To refrain from making self-incriminating statements.
- Notification, in writing, of the case resolution, including the outcome of any appeals.

The University will disclose information about its investigation and resolution of sexual misconduct complaints only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. This does not prohibit either a complainant or respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or other resources.

Title IX Information

Title IX of the Education Amendments of 1972 is a federal law that prohibits discrimination on the basis of sex in federally funded education programs and activities, including but not limited to athletic programs that receive federal funding.

Title IX 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." (20 U.S.C. Sec. 1681).

Under Title IX, discrimination on the basis of sex can include sexual harassment, sexual assault and sexual violence.

Title IX Coordinators and Responsibilities

In accordance with Title IX, the president of Warner University has designated a Title IX Coordinator who is responsible for coordinating compliance with Title IX.

The *Title IX Coordinator* is responsible for implementing and monitoring Title IX compliance on behalf of Warner University. This includes coordination of training, education, communications and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of Title IX.

The *Deputy Title IX Coordinator* is also responsible for implementing and monitoring Title IX compliance at Warner University and for notifying the *Title IX Coordinator* of any alleged or suspected violations of Title IX and the resolution of such alleged or suspected violations, regardless of whether a grievance is submitted.

Any student, faculty or staff member, or applicant for admission who has concerns about sexual misconduct, including but not limited to acts of sexual harassment, sexual assault or sexual violence, is encouraged to seek the assistance of either the Title IX Coordinator or Deputy Title IX Coordinator.

When A Title IX Coordinator Should Be Contacted:

An individual should contact a Title IX Coordinator for any of the following reasons:

- If a person wants to review options after encountering what they believe to be sexual misconduct;
- If a person learns of a situation that they may involve sexual misconduct;
- If a person needs help on how to handle a situation involving possible sexual misconduct in which they are indirectly affected;
- If a person wants information about possible informal remedies to de-escalate or alleviate a difficult situation involving possible sexual misconduct;
- If a person has questions about Warner University's Sexual Misconduct policy or procedures, or:
- For information about available training and resources designed to prevent sexual misconduct.

Warner University Title IX Coordinator Contact Information			
Coordinator Title	Name/Position	Office Location	Phone/Email
Title IX Coordinator	Janet Craigmiles Director of Human Resources	Ratzlaff Administration Building	863.638.7524 janet.craigmiles@warner.edu
Deputy Coordinator	Dawn Meadows Vice President for Student Life	Rigel Student Center	863-638-7606 dawn.meadows@warner.edu

Prohibited Conduct: Definitions

“Sexual misconduct” is a broad, non-legal term that encompasses a wide range of behaviors, including but not limited to: sexual harassment, sex discrimination, sexual assault, rape, acquaintance rape, stalking, and relationship violence (including dating and domestic violence). It is a violation of University policy as well as applicable law to commit or attempt to commit these acts.

Sexual misconduct can occur between strangers or acquaintances, or people who know each other well. It can be committed by anyone, regardless of gender. This policy prohibits all forms of sexual misconduct.

A. Sexual Assault

Sexual Assault is any type of sexual contact or behavior that occurs without consent of the recipient. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity. (Definition of Sexual Assault from the U.S. Department of Justice’s Office on Violence against Women)

B. Domestic Violence

Domestic Violence is a pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures, or wounds someone. (Definition of Domestic Violence from the U.S. Department of Justice’s Office on Violence against Women)

Examples of domestic violence include but are not limited to:

- Causing or attempting to cause physical or mental harm to a family or household member
- Placing a family or household member in fear of physical or mental harm
- Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress
- Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed or molested

C. Dating Violence

Dating Violence is violence and abuse committed by a person to exert power and control over a current or former dating partner. Dating violence often involves a pattern of escalating violence and abuse over a period of time. Dating violence covers a variety of actions, and can include physical abuse, physiological and emotional abuse, and sexual abuse. It can also include “digital abuse”, the use of technology, such as smartphones, the internet, or social media, to intimate, harass, threaten, or isolate a victim. (Definition of Dating Violence from the U.S. Department of Justice’s Office on Violence against Women)

Examples dating violence include but are not limited to:

- Trying to cut off the victim’s relationship with family and friends
- Humiliating the victim in front of friends
- Making the victim fearful by using threatening behavior
- Threatening to find someone else if the dating partner doesn’t comply with the abuser’s wishes or demands
- Using or threatening to use physically assaultive behaviors such as hitting, shoving, grabbing, slapping, beating, kicking and touching or forcing the victim to engage in unwanted sexual activity

D. Stalking

Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking is dangerous and can often cause severe and long-lasting emotional and psychological harm to victims. Stalking often escalates over time and can lead to domestic violence, sexual assault, and even homicide. Stalking can include frightening communications, direct or indirect threats, and harassing a victim through the internet. (Definition of Stalking from the U.S. Department of Justice’s Office on Violence against Women)

Examples of stalking include but are not limited to:

- Electronic or telephone harassment
- Following someone
- Giving unwanted gifts, and other similar forms of intrusive behavior.

E. Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited, and the behavior does not otherwise constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual viewing, videoing, audio-taping or broadcasting sexual activity;
- Engaging in voyeurism, which is the sexual interest in or practice of spying on people engaged in intimate behaviors, such as undressing, sexual activity or other actions usually considered to be of a private nature;
- Knowingly transmitting an STD or HIV to another person;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually based stalking and/or bullying may also be forms of sexual exploitation.

F. Sexual Harassment

Sexual harassment is unwanted sexual advances, requests for sexual favors, or other visual, verbal or physical conduct of a sexual nature when:

- Such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or academic status;
- An individual's submission to or rejection of such conduct influences employment or academic status decisions affecting that individual;
- Such conduct has the purpose or effect of interfering with an individual's work or academic performance; or
- Such conduct creates an intimidating, hostile, or offensive work or educational environment

While sexual harassment encompasses a wide range of conduct that may be verbal, visual or physical in nature, specifically prohibited conduct includes, but is not limited to:

- Promising an individual a reward, directly or indirectly, if the person complies with a sexually oriented request.
- Threatening retaliation against a person individual, directly or indirectly, if the person refuses to comply with a sexually oriented request.
- Denying a student or employee an employment or education related opportunity, directly or indirectly, if the student or employee refuses to comply with a sexually oriented request.
- Engaging in sexually suggestive conversation.
- Displaying pornographic or sexually oriented materials.
- Engaging in indecent exposure.

- Making sexual or romantic advances toward a person individual and persisting despite the person's rejection of the advances.
- Physical conduct such as assault, touching, or blocking normal movement.
- Retaliation for making reports of harassment or threatening to report harassment.

More subtle forms of inappropriate behavior such as offensive posters, cartoons, caricatures, comments, social media posts, e-mails, and jokes of a sexual nature are prohibited, as they may constitute sexual harassment when they contribute to a hostile or offensive work, academic or campus environment.

Sexual harassment can involve males or females being harassed by members of either, or the same, sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

Other Important Concepts and Definitions:

G. Consent

Consent must be informed and voluntary and can be withdrawn at any time. Consent can be given by words or actions as long as those words or actions create mutually understandable permission regarding the scope of sexual activity. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.

Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that he or she cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

Effect of drugs and alcohol on consent:

Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. If there is a question about whether someone consented to sexual activity after consuming drugs or alcohol, the University will examine the issue from the perspective of a reasonable person. Specifically, the University will consider whether the respondent reasonably should have known about the impact of alcohol and other drugs on the complainant's ability to give consent.

H. Incapacitation

Incapacitation is the inability, temporarily or permanently, to give consent, because the person is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the person is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. Some signs of incapacitation may include, but are not limited to, lack of control over physical movements (e.g., stumbling, falling down), lack of awareness of circumstances or surroundings, the inability to speak or communicate orally, or the inability to communicate for any reason.

It is a violation of this Policy and Florida law to engage in sexual activity with a person who is incapacitated, regardless of whether the person appeared to be a willing participant. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication.

I. Force

The use of force to cause someone to engage in sexual activity is, by definition, non-consensual contact, and is prohibited. Force may include words, conduct, or appearance. Force includes causing another's intoxication or impairment through the use of drugs or alcohol. Under this Policy, force includes the use of any of the following: physical force (including using violence or displaying a weapon), threats (verbal or nonverbal), intimidation and/or implied threats.

J. Coercion

Coercion is to force one to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, or emotional intimidation.

K. Hostile Environment

A hostile environment exists when sexual or sex-based harassment is sufficiently serious to deny or limit a student's ability to participate in or benefit from the University's programs or activities or has the effect of unreasonably interfering with an employee's work performance or altering the terms and conditions of the employee's employment. A hostile environment can be created by anyone involved in a University program or activity (e.g., administrators, faculty members, students, and campus visitors).

In determining whether sex-based harassment has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the student who was harassed. But the University will also need to find that a reasonable person in the student's position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.

To determine whether a hostile environment exists for a student or employee, the University will consider a variety of factors related to the severity, persistence, or pervasiveness of the

sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected the student's education or the employee's employment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

Miscellaneous Definitions

- *Complainant*: The person making the allegations of sexual misconduct.
- *Respondent*: The person against whom a complaint of sexual misconduct has been made.
- *Reporter*: A person who has information that sexual misconduct may have been committed by a University student or a participant in a University Program and who initiates a complaint.

Introductory Sexual Misconduct Complaint Information

Timing of Complaints

There is no time limit for filing a complaint to initiate a complaint of alleged sexual misconduct. However, individuals are strongly encouraged to report sexual misconduct in a timely manner to maximize the University's ability to gather evidence, and, if necessary, conduct a thorough, impartial, and reliable investigation.

L. Effect of Criminal Proceedings

The filing and processing of a complaint of sexual misconduct is separate from and independent of any criminal investigation or proceeding. Warner University will not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation although the University may delay temporarily the fact-finding component of the investigation while the police are gathering evidence. Neither law enforcement's determination as to whether or not to prosecute a respondent nor the outcome of any criminal prosecution is determinative of whether sexual misconduct occurred under the University's Sexual Misconduct Policy and Procedures.

M. Bystander Intervention & Conditional Immunity

Warner University is deeply committed to the health, safety and well-being of its students. Bystander intervention by students can be a critical aspect of enhancing the welfare of their peers. Students are strongly encouraged to contact University personnel, call 911 or seek other professional or medical attention when the health or safety of themselves or others is threatened or appears to be at risk.

The University wants to eliminate barriers for students who may be hesitant to seek medical or emergency help or report an incident to University officials for fear of being

held accountable for student or community policy violations (e.g., drinking alcoholic beverages). To encourage reporting, Warner offers conditional immunity from being charged with policy violations related to the particular incident to students who are accessing help for themselves or others. While there may be no community accountability sanctions for individuals covered under bystander intervention protections, the University may provide elements of help, support and education to these individuals.

N. Complainant and Respondent Support Person

The complainant and respondent may each choose a support person to accompany them to any meeting, interview or hearing related to a claim of sexual misconduct. A support person may not intervene in a meeting or interview, or address the Investigator. A support person may quietly confer or pass notes with the party in a non-disruptive manner. Warner University reserves the right to proceed with any meeting or interview, regardless of the availability of the party's selected support person.

O. Declining to Participate

A complainant and/or respondent may decline to participate in any portion of the investigative or complaint resolution process. The University may continue the process without the complainant's and/or respondent's participation. In most cases, a refusal to participate in the investigative process will preclude a complainant or respondent from appealing any determination.

P. Time Frame for Complaint Resolution

Warner University will seek to resolve every report of sexual misconduct within sixty (60) calendar days of the filing of a sexual misconduct complaint, not counting any appeals. Time frames may vary depending on the complexity of a case, the availability of witnesses, and at certain times of the academic year (for example, during breaks, study periods or final exams). The University may extend any time frame for good cause, with a written explanation to the complainant and respondent.

Q. Retaliation

It is illegal and a violation of Warner University's to retaliate against a person for filing a complaint of sexual misconduct or for cooperating in a sexual misconduct investigation. Any person who retaliates against a person for reporting sexual misconduct, filing a sexual misconduct complaint, or participating in a sexual misconduct investigation is subject to disciplinary action up to and including expulsion from the University for students and termination from employment for faculty and staff members.

R. Filing a False Complaint

Knowingly providing false information during any stage of a sexual misconduct case is prohibited and is considered misconduct subject to disciplinary action up to and including expulsion from the university or termination of employment.

S. Complaints Filed By Individuals Under the Age of 18

Before beginning an investigation, the University will inform and obtain consent from the parents of any individual involved in a sexual misconduct complaint who is under the age of 18.

Initiating and Filing a Complaint

Any person who believes they have experienced, or believe they have knowledge of, alleged sexual misconduct may file a complaint against the person(s) they believe is/are responsible for the alleged conduct.

There are several ways to initiate a complaint including, but not limited to:

- Making contact with a Title IX Coordinator in person, by phone, by text or by email.
- Contacting a Warner University security officer.
- Contacting any faculty or staff member that the individual trusts.

Initiating a complaint may be done in person, on the phone, through email, or in writing.

Privacy and Confidentiality

If the complainant requests confidentiality or asks that the report of sexual misconduct not be pursued, the University will, generally before taking any further investigative steps, evaluate the complainant's request.

The Title IX Coordinator(s) will attempt to balance the needs of the parties for privacy with the University's responsibility of ensuring a safe educational environment and workplace. Confidentiality is an aspiration but is not always possible or appropriate. An individual's requests regarding the confidentiality of reports of sexual misconduct will be considered in the dual contexts of the institution's legal obligation to ensure a working and learning environment that is free from sexual misconduct and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation and to ensure the University meets its obligations under Title IX and other applicable law. The University may be limited in its response and investigation if confidentiality is requested.

Even absent a request for confidentiality, every reasonable effort will be made to protect the privacy of all parties involved in a sexual misconduct complaint. Warner University will disclose information about its investigation and resolution of sexual misconduct complaints only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, interview, or hearing that they are expected to maintain the privacy of the process.

This does not prohibit either a complainant or respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or other resources.

Confidential Reporting and Counseling Resources

A complainant wishing to receive confidential help and support may utilize any of the on-campus or off-campus counseling resources listed below. If the complainant decides to file an official report of the incident, these resources are also prepared to assist the complainant in all aspects of reporting, up to and including the incident being investigated and the respondent confronted. Confidential counseling is also available to the accused individual by the following on-campus offices.

Confidential on-campus support is available by contacting the following departments:

Campus Counselor, 863-638-7585;

Director of Spiritual Life Programming, James Andrews, 863-638-7287,
james.andrews@warner.edu.

Dean of Faculty, Dr. Mike Sanders, 863-638-7239, michael.sanders@warner.edu.

Off-campus confidential support is available through the following agency:

Florida Council Against Sexual Abuse
Toll-free 24-hour hotline (1.888.956.7273)
Counselors are always available to provide support, information, education, and referrals.

Peace River Center Victim Services
Toll-free 24-hour hotline (1.877.688.5077)
24-hour hotline, information and referral, crisis intervention, advocacy and accompaniment.

Police Reporting

A complainant may choose to file both a sexual misconduct complaint and a criminal complaint simultaneously, or may choose to file one report or the other. A complainant may choose to file a police report directly. Any Student Life personnel or a Title IX coordinator can assist a complainant, upon request, in making such a report. A complainant may also directly contact the Polk County Sheriff's Police Southeast Substation at 863-378-4170 or in an emergency dial 911.

Anonymous Complaints

Anonymous complaints of sexual misconduct will be accepted, however, the University may be limited in its options for investigating and/or resolving anonymous complaints because of the unique challenges they present. There is no way to properly assess the author's claim and no ability to obtain additional information from the complainant if the complaint is unclear or

confusing. However, if the anonymous complaint contains sufficiently detailed information which, if true, would constitute a violation of this policy the complaint will be investigated to the best of the Title IX Coordinator's ability given the anonymous nature of the complaint. A record will be kept of all anonymous complaints.

Title IX Coordinator(s) Authority

Warner University's Title IX Coordinator has the authority to:

- Accept all complaints of alleged sexual misconduct.
- Keep accurate records of all complaints
- Conduct interviews and investigations to determine the presence or absence of sexual misconduct
- Make findings of fact
- Identify specific corrective measures to stop, remediate, and prevent sexual misconduct
- Ensure appropriate training and education of University students, faculty and staff members in sexual misconduct prevention.
- The Title IX Coordinator is responsible for the oversight and compliance with the University's Sexual Misconduct policy, however, the Deputy Title IX Coordinator, acting in the absence of the Title IX Coordinator, is vested with the same authority as the Title IX Coordinator.

Procedures for Informal Resolution

Warner University encourages informal resolution options when the parties desire to resolve the situation cooperatively, or when inappropriate behavior does not rise to the level of violation of University policy, as determined by the Title IX Coordinator, but nonetheless is adversely affecting the educational environment or workplace. Informal resolution may include an inquiry into the facts, but typically does not rise to the level of an investigation.

Information resolution includes, but is not limited to, options such as referral to another campus office or program, mediation, separation of the parties, referral of the parties to counseling programs, or conducting targeted educational and training programs.

Situations that are resolved through informal resolution are usually subject to follow-up after a period of time to assure that resolution has been implemented effectively. Steps taken by a Title IX Coordinator to help parties achieve an informal resolution will be documented.

Some reports of discrimination or harassment, including but not limited to forcible sex offenses, may not be appropriate for informal resolution.

Procedures for Formal Investigation

In response to reports of sexual misconduct in cases where the complainant does not wish to engage in informal resolutions, where informal resolution is not appropriate, or in cases where attempts at informal resolution are unsuccessful, the Title IX Coordinator may choose to conduct a formal investigation.

A decision to proceed with a formal investigation is normally preceded by the Title IX Coordinator making preliminary inquiries into the facts of a complaint. If the facts are not

disputed both the complainant and the respondent will be notified that the complaint has been resolved. Upon resolution the appropriate administrator will be notified of the respondent's behavior by the Title IX Coordinator (see chart below). Appropriate disciplinary action and/or sanctions will be determined by the appropriate administrator.

If the facts of the case are disputed, and the Title IX Coordinator decides a formal investigation is appropriate, the Title IX Coordinator will appoint investigators to investigate the complaint. In addition, the Title IX Coordinator will inform the complainant of campus resources available to him or her and make immediate (and temporary) provision for the physical and/or emotional safety of the complainant when necessary. The Title IX Coordinator will also notify the complainant and respondent in writing that the complaint is being investigated.

T. Interim Measures

Upon receiving a sexual misconduct complaint, the Title IX Coordinator(s) will review the allegations and determine the necessity and scope of any interim measures to prevent further acts of sexual misconduct in order to provide a safe educational and work environment. The range of interim measures may include, but not be limited to:

- Moving the complainant's or respondent's residence.
- Adjusting the complainant's or respondent's work schedule, assignment, or location for University employment.
- Changing the complainant's academic schedule, allowing the complainant to take an incomplete in one or more courses, allowing the complainant to drop (or retake) a course without penalty, or complete the course via independent study.
- Allowing the complainant to withdraw from or retake a class without penalty, or extending deadlines for examinations or other assignments.
- Providing an escort to ensure safe movement between classes and other activities.
- Reassigning the respondent to another course section, if the complainant and respondent are enrolled in the same course.
- Providing access to tutoring or other academic support.
- Issuing a no contact order.
- Interim suspension of the respondent.

U. Investigation Process

An investigation will generally include interviews with the parties, if available, and other witnesses as needed. It will also include a review of relevant documents as appropriate. Disclosure of facts to witnesses shall be limited to what is reasonable necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation and will be advised to refrain from discussing pending investigations.

A typical investigation should be completed within sixty (60) calendar days of the Title IX Coordinator's notice of the allegations. Depending on the circumstances the investigation may extend beyond sixty (60) days.

Upon completion of the investigation the Title IX Coordinator(s) will determine whether sexual misconduct occurred using the “preponderance of the evidence” standard as interpreted by the U.S. Department of Education’s Office of Civil Rights. A preponderance of the evidence means that the information and evidence gathered indicates that it is “more likely than not” that the respondent either committed, or did not commit, sexual misconduct.

Generally, an investigation will result in a written report that includes the conclusion(s) reached by the Title IX Coordinator(s). There are three conclusions that may result from an investigation:

1. **Substantiated:** Based on the totality of the circumstances and the information obtained pursuant to the investigation it is more likely than not that the respondent committed an act of sexual misconduct.

2. **Unsubstantiated:** It is not possible to determine whether the allegation(s) are true or untrue. There is insufficient evidence to prove or disprove that the allegation is true.

3. **Unfounded:** It is more likely than not that the allegation(s), while made in good faith, is not true. A finding that the allegation(s) is unfounded does not indicate that the complaint was improper or knowingly false.

If the Title IX Coordinator’s finding is that an allegation of sexual misconduct has been substantiated, the appropriate administrator will be notified of the respondent’s behavior (see chart below). Disciplinary action or sanctions will be determined by the appropriate administrator in consultation with the Title IX Coordinator.

Administrator’s Responsible for Administering Appropriate Disciplinary Actions or Sanctions

Respondent	Administrator
Student - Traditional	Vice President for Student Life
Student - Non-Traditional	Vice President for Student Life
Faculty Member	Vice President and Chief Academic Officer
Administrator/Staff Member	Appropriate Vice President

Appeals Process

Appeals of the decision of the Title IX Coordinator may be made within ten (10) calendar days of receiving notification of the decision. Appeals must be made in writing or sent electronically to the Title IX Coordinator.

If a Title IX Case decision is appealed the complainant and respondent will be both be notified. The appeal will be heard by an Appeals Hearing Board with members selected by the Title IX Coordinator. The appeals hearing will commence within ten (10) calendar days from the date the appeal was made, (reasonable extensions to this deadline may be made for good cause).

Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original investigation and pertinent documentation regarding the grounds for the appeal. Both the complainant and the respondent will have an opportunity to provide a brief oral statement to the Appeals Hearing Board. Witnesses may be called by the Appeals Hearing Board if necessary.

Appeals decisions will be deferential to the original decision, making changes to the finding only where there is a clear error. The original decision of the Title IX Coordinator is presumed to have been decided reasonably and appropriately, therefore the burden is on the appealing party to show clear reasoning for a reconsideration of the decision. The Appeals Hearing Board may affirm the Title IX Coordinator's initial decision, recommend changes to the initial decision, or reverse the initial decision.

After the appeals hearing has been concluded the complainant, the respondent and the Title IX Coordinator who made the initial ruling, will receive the Appeals Hearing Board's decision in writing within three (3) calendar days from the conclusion date of the hearing, (reasonable extensions to this deadline may be made for good cause).

The Appeals Hearing Board represents the final appeal for the complainant and the respondent.

Records Retention

The Title IX Coordinator(s) are responsible for maintaining records relating to sexual misconduct reports, investigations and resolutions. Records shall be maintained in accordance with University records policies, and will generally be kept up to seven years after the complaint has been resolved. Records may be maintained for a longer period of time at the discretion of the Title IX Coordinator in cases where the parties have a continuing affiliation with the University. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from University legal counsel.

Emergency Resources for Survivors of Sexual Assault

V. Emergency Procedures

Survivors who have been sexually assaulted or are in immediate danger may contact:

Polk County Sheriff's Police and EMS: 911

Warner Security: 863-638-7232

W. Medical Assistance

Following a sexual assault, the most important concern is for the health, safety and care of the survivor. As difficult as it can be, we strongly encourage campus community members to seek medical assistance at the nearest hospital following a sexual assault. A medical examination is vital for the health and well-being of the sexual assault survivor and also will offer assistance to law enforcement if a report is made. A medical examination is an important element of obtaining evidence if a person desires to press charges.

While the first inclination of a survivor may be to take a shower, it's important not to wash, shower, bathe or douche or to change, destroy or clean the clothes worn during the assault before having the exam. Forensic medical exams need to be conducted within 72 hours of an assault in order to obtain any evidence. It is important to bring a change of clothing if the person goes to the hospital. It may be necessary for the nurse or police to keep the clothes worn during the assault. If the person has already changed clothes, the articles of clothing that were worn can be brought in a paper bag.

Normally, there is no cost to the survivor and it is not documented through the person's health insurance. Survivors can request an advocate be present to assist during the exam. These exams can be performed without a report to law enforcement, and evidence can be collected and held for up to six months through an anonymous collection process. This gives the survivor time to consider whether to report the incident to law enforcement.