

2024

**ANNUAL
SECURITY REPORT**

DENVER SITE

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Thank you for taking the time to review this year’s AHU Annual Security Report. This report provides essential information about campus safety and security, including details on the various programs offered to support our community. It also includes crime statistics specific to AHU.

As you review the statistics, you’ll see that our university remains a safe place to study and work. This sense of safety is the result of coordinated efforts by multiple departments and individuals. However, safety is a shared responsibility, and we rely on everyone in our community to play a role. By reporting suspicious behavior and practicing good safety habits in your daily routines, you contribute to maintaining a secure campus.

The AHU Campus Security team is committed to developing services, programs, and strategies to promote a safe environment. We value our partnerships with the University community in achieving this goal.

We hope you find this report useful and that your time at AHU is both fulfilling and safe. If you have any questions or need additional information, please visit our website at ahu.edu/campus-safety-and-security or contact us at 407-303-8016.

To your safety,



Josh Garrido, M.Ed.
Dean of Students
AdventHealth University

A handwritten signature in dark ink, appearing to read 'Josh Garrido', written in a cursive style.

Preparing the Annual Security Report

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (or Clery Act) requires Colleges and Universities to:

1. Publish an annual report every year that contains (3) years of campus crime statistics and certain Campus Safety policy statements. This report must be provided on October 1 of each year.
2. Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities.
3. Provide Timely Warning Notifications of these crimes that have occurred and pose an ongoing serious threat to the campus community.
4. Disclose any crime that occurred on campus or within the patrol jurisdiction of the Campus Security office in a crime log that is available to the public.

The Dean of Students is responsible for preparing and distributing the annual disclosure of crime statistics in collaboration with AHU Campus Security, AdventHealth Porter Hospital Security, the AHU-Denver Chief Operations Officer, and local law enforcement. Campus community members are encouraged to use this report as a guide for safe practices on and off campus. It is available on the web at: <https://www.ahu.edu/campus-safety-and-security>

Each campus community member receives an email at least once a year describing the report's purpose, with a link to the report.

Clery Geography

AdventHealth University's main campus is located in Orlando, Florida, and currently offers degrees in Radiography, Sonography, and Nursing at its Denver, Colorado site. These degrees are offered using two distance education modalities: traditional asynchronous internet technology and synchronous broadcasts using Zoom and Microsoft Teams.

There are three physical buildings that comprise the campus: AdventHealth Porter Hospital, Porter Place, and the Mile High Building. Within the three physical buildings are three classrooms and three labs (Nursing, Sonography, and Radiography). The classrooms are outfitted with technology to allow for Zoom and Teams connections. There are ten offices, two work areas, and two student lounge areas all of which facilitate the education and management of the Denver site. The space in all three buildings is owned by AdventHealth Porter Hospital. Security of these areas is provided by AdventHealth Porter Hospital Security.

On-Campus Property

AdventHealth University-Denver

AdventHealth University-Denver is located at 1001 E. Yale Avenue, Denver, CO 80210. The Clery geography is defined by East Yale Avenue to the south and the University parking area and entrance on the back side of the building. The west side of Porter Place is a frontage road that leads onto

hospital grounds and is unnamed. The east side of Porter Place is occupied by Denver South Seventh-day Adventist Church. The north side of the building backs up to AdventHealth Porter hospital.

Mile High Building

The Mile High Building is located at 711 E. Yale Avenue, Denver, CO 80210. The Mile High Building's Clery geography is defined by East Yale Street to the south, Clarkson Street to the west. To the north and east are additional buildings associated with AdventHealth Porter Hospital.

AdventHealth Porter Hospital

The Nursing Lab for AHU-Denver is located in AdventHealth Porter Hospital at 2525 S. Downing Street, Denver, CO 80210 on the 1 North Nursing Unit.

Reporting Crimes

Campus community members play a vital role by promptly reporting crimes or emergencies to Porter Security and the Campus Security Authorities (CSA) listed below. This ensures that incidents are included in the annual statistical report and evaluated for the potential issuance of Timely Warning notifications when necessary.

Below is a list of Primary Campus Security Authorities:

- **Porter Hospital Security**
303-778-2463
- **AHU-Denver Chief Operations Officer**
303-765-6271
Katie.Shaw@ahu.edu
- **AHU-Orlando - Campus Security**
407-353-4002
Eric.Goebelbecker@ahu.edu
- **Dean of Students**
407-303-8016
Joshua.Garrido@ahu.edu
- **Title IX**
303-765-6271
Katie.Shaw@ahu.edu
- **Human Resources**
407-303-5727
Jennifer.Carpenter@ahu.edu

Campus Security Authorities (CSAs) are required to report any crimes or incidents. Additional CSAs on campus include, but are not limited to:

- Faculty

- Student Experience staff
- Student Academic Support Services staff
- Student Affairs staff
- Student Club and Organization advisors

To ensure everyone's safety, all crimes should be reported to AHU Campus Security via the [AHU Incident Report](#) for the purpose of potentially issuing a campus-wide alert and for disclosure in the annual crime statistics.

Behavioral Intervention Team (BIT)

AdventHealth University utilizes a behavioral intervention team, which operates as an additional line of defense in identifying potential behavioral issues on campus. The University is a member of the National Behavioral Intervention Team Association (NABITA). Annual training is provided for AHU employees regarding the identification and reporting of student and employee behaviors that may be pre-cursors to more serious misbehaviors or illnesses.

Voluntary Confidential Reporting Procedures

AHU-Denver faculty, staff, and administration encourages anyone who is a victim or witness to a crime to report this crime to the appropriate law enforcement entity. Because police reports are public record, the decision to file a police report is a decision left to the victim(s) or witness(es). AHU-Denver encourages victim(s) or witness(es) to report all crimes to any University employee or AdventHealth Porter Hospital Security and/or AHU Campus Security.

Students can remain anonymous and make a confidential report. The purpose of a confidential report is to comply with the students wish while also taking steps to ensure the future safety of the student and other campus community members. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there may be patterns of crime with regard to a particular location, method, or assailant, and alert the campus community to the potential danger. When applicable, these crimes are tallied and disclosed in the annual crime statistics for AdventHealth University-Denver.

AdventHealth University provides access to counseling, both with pastoral and licensed mental health counselors. The counselors abide by the confidentiality laws dictated by their professional organizations. When deemed appropriate by the counselors, a client will be encouraged to provide information regarding criminal activity to the University. This information can be provided anonymously, for the purpose of tracking the crime for reporting purposes and to ensure that AdventHealth University can take steps to protect other campus community members.

Security Awareness and Crime Prevention

Security awareness and crime prevention topics are presented at New Student Orientation and various program-specific student orientations that take place at the beginning of each trimester. These presentations provide opportunities for students and employees to engage with various safety topics and gain access to important resources.

Security & Access to On-Campus and Non-Campus Facilities

General Campus

During regular business hours, all campus buildings are accessible to students, employees, and visitors. AHU-Denver requires all students, employees, invitees and interested public to display permanent or visitor identification at all times. Students and employees who fail to provide identification badges are denied access to the University site until identification is presented. A temporary identification badge can be obtained until a permanent replacement badge is created and sent from the Orlando campus. After business hours, campus buildings are accessible to authorized individuals by key, or AdventHealth Porter Hospital Security.

Special Events

Occasionally, special events (public and private) are held on the AHU-Denver campus during or after regular business hours. All special events on campus are required to have AdventHealth Porter Hospital Security available to them for the duration of the event.

Physical Safety Considerations

Maintenance of Campus Facilities

Campus safety issues reported by AHU-Denver administration, faculty, or staff, are logged in a Security logbook by the AHU-Denver Chief Operations Officer.

All AHU-Denver campus maintenance or safety requests submitted by employees or students are submitted to Fleisher, Smyth, and Brokaw for Harvard Park Medical Offices, and Porter Plant Engineering for the Mile High Building.

AdventHealth Porter Hospital Security personnel are trained to recognize and report any safety and security issues observed during their normal security rounds such as lights that need replacement, hazardous placement of equipment, and potentially dangerous situations (i.e., wet floors, constructions sites, etc.).

Law Enforcement & Jurisdiction

AdventHealth University-Denver is monitored and secured by AdventHealth Porter Hospital Security. AdventHealth Porter Hospital Security officers do not possess the authority to arrest individuals, but they do work closely with local law enforcement when a crime is committed on the property. The security officer(s) are on duty during the Denver site normal business hours: 7:30am-4:30pm Monday through Thursday, and 7:30am-3:00pm on Friday.

AHU Campus Security on the main campus in Orlando, FL has a strong working relationship with AdventHealth Porter Hospital Security and liaises with other local, state, and federal law enforcement in implementing and coordinating law enforcement operations on site.

Currently, there is no memorandum of agreement with the Denver Police Department for the investigation of crimes alleged to have occurred on campus; however, both the hospital and university Security departments continue to build and maintain strong relationships with the city, state, and federal law enforcement agencies. Prosecution of criminal offenses is conducted by the appropriate court systems.

Security officers patrol the entire campus geography daily as defined by the Department of Education.

Reporting Crimes and Other Emergencies

All students, faculty, staff, and guests of AHU-Denver are encouraged to report all suspicious behavior, potential criminal activity, and/or any emergency incidents promptly and accurately by calling AdventHealth Porter Hospital Security at 303-778-2463 and notifying the AHU-Denver Chief Operations Officer.

This includes incidents that occur on public property running through or immediately adjacent to the campus, or other property that is owned or controlled by the hospital or university. Crimes should be accurately and promptly reported to AdventHealth Porter Hospital Security and appropriate law enforcement agencies when the victim of a crime elects to or is unable to make such a report. Individuals may also report incidents in person at the AHU-Denver site. Individuals who want to report incidents regarding sexual assault, domestic violence, dating violence, or stalking may report to the Deputy Title IX Coordinator at 303-765-6271.

Response to Reported Crimes

In response to a call, necessary action will be taken by responding agencies to the scene and/or victims will be asked to file an incident report. All incident reports that involve a crime or violation of university policy are forwarded to the Dean of Students' office for review and potential action, as appropriate. AHU Campus Security will investigate a report when it is deemed appropriate.

Any additional information obtained from initial and subsequent investigations will be directed to the Dean of Students' office. If assistance is required from the local law enforcement or emergency services, AHU Campus Security (in coordination with AdventHealth Porter Hospital Security and/or the AHU-Denver Chief Operations Officer) will contact the appropriate agency. If a sexual assault incident occurs, staff on the scene, including the responding Security officer, will offer the victim options of services, both on and off campus. The appropriate staff members will contact the Title IX office regarding incidents dealing with sexual assaults, stalking, domestic violence, or dating violence.

Anonymous Reporting Procedure

The Behavioral Intervention Team (BIT) allows anonymous reporting for campus community members who wish to file a report of concerning incidents/behavior. All forms should be submitted promptly and accurately, preferably within 24 hours of the incident, through the [BIT website](#).

The Office of Title IX has an anonymous reporting option for student reporters or reporting parties to report incidents dealing with sexual harassment, sexual assault, stalking, domestic violence, dating violence, and other forms of sex and gender-based discrimination.

While anonymous reporting is acceptable in most cases, it is important to note that the University may be limited in its ability to respond to anonymous reports where the identity of those involved is unknown. Separate from student reporters or reporting parties who want to report anonymously, staff and faculty who are required reporters under Title IX must not submit reports anonymously.

Pastoral and Professional Counselors

When acting as such, campus “pastoral counselors” and “professional counselors” are not considered a campus security authority for Clery Act purposes and are not required to report crimes for inclusion in the annual disclosure of crime statistics.

Pastoral Counselors

A pastoral counselor is an employee of an institution associated with a particular denomination, recognized by that denomination as someone who provides confidential counseling and functioning within the scope of that recognition as a pastoral counselor. Chaplains serve in the role of pastoral counselors at AdventHealth University.

Professional Counselor

A professional counselor is an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of their license or certification.

When deemed appropriate by the counselors, a client will be encouraged to provide information regarding criminal activity to the University for the purpose of tracking the crime for reporting purposes and to ensure that AHU can take steps to protect other campus community members.

Monitoring and Reporting Criminal Activity

AdventHealth University relies on local law enforcement agencies to provide information regarding incidents involving students off-campus. AHU Campus Security will actively investigate any information it receives concerning the involvement of a member of the campus community in a crime. If the University is notified of a situation, an emergency alert (phone/text, email) may be activated detailing the incident and providing tips to assist other student and/or employees in avoiding similar situations.

If AHU Campus Security is notified of a crime committed by a member of the campus community off-campus, the situation will be referred to the appropriate law enforcement agency, to the appropriate dean/chair/program director, Dean of Students office, and/or the Human Resources department.

Timely Warning Notification

The AHU-Denver Chief Operations Officer, Dean of Students or a designee will develop Timely Warning Notification to notify members of the community about serious crimes against people that occur within the AdventHealth University Clery Geography (On-campus, Non-campus, and Public Property) where determined that the incident may pose an ongoing or serious threat to members of the campus community. Timely Warning Notifications will be provided to students and employees

in a timely manner that withholds the victims' names as confidential and will aid in preventing similar occurrences.

Issuing Timely Warning Notifications will be considered for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications if reported to AHU Campus Security within 30 days of them occurring. Timely Warning Notifications are usually distributed for the following Clery-reportable classifications: major incidents of arson, criminal homicide, a series of burglaries or motor vehicle thefts that occur in reasonably close proximity to one another, and Robbery. Cases of Aggravated Assault, Hate Based Crimes, and Sex Offenses are considered on a case-by-case basis depending on the facts of the case and the information known to Campus Security personnel. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other campus community members; therefore, a Timely Warning Notifications would not be issued. Sexual assaults are considered on a case-by-case basis depending on the facts of the case, when and where the crime occurred, when it was reported, and the amount of information known by the Security personnel.

The following individuals are trained and empowered to send Timely Warning Notifications to the campus community to notify them about serious crimes against people where determined that the incident may pose an ongoing threat;

- Dean of Students
- Security Director
- Director & Dean of University Housing
- Chief Operations Officer, AHU Denver

To provide timely notice to the campus community, and in the event of a serious incident that may pose an ongoing threat, an email Timely Warning Notification is sent to all faculty, staff, and students. The AHU Denver Chief Operations Officer, Dean of Students, or designee generally writes the notices. Before the notifications are sent out, the information contained in them is shared with local law enforcement to ensure they have knowledge of the crime, and that information contained within does not jeopardize an ongoing police investigation. Updates to the campus community about any case resulting in a Timely Warning Notification may be distributed via email, social media, and the Campus Safety and Security website or shared with on-campus media. Timely Warning Notification posters may also be posted on campus, in non-campus facilities, or in the vicinity of where the original crime occurred when deemed necessary.

Everbridge Emergency Notification

AdventHealth University has developed a process to notify the campus community in cases of an emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples that may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire.

Individuals can report emergencies occurring at AHU-Denver by calling AdventHealth Porter Hospital Security at 303-778-2463 or dialing 911.

Immediate Threat

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

In the event of an emergency, AdventHealth University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the AHU campus community upon the confirmation of a significant emergency or dangerous situation affecting the health and safety of the members of the campus community. Some or all of these methods of communication may be activated in the event of an immediate threat to the AHU campus community. The AdventHealth University emergency notification system, Everbridge, allows campus community members to be notified of an emergency through cell phone, text message, home phone, AdventHealth University office phone, and email.

The University will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the emergency notification system unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

If an emergency message is sent to the community, follow-up information may be sent out using some or all of the same systems that were used to send the original message and/or the University may update the website with follow-up information, depending on the nature of the emergency.

The Office of Corporate Communications is responsible for disseminating emergency information to the larger community. This will be accomplished using some or all of the following methods of communication: local media, website, and/or liaison with community public information officers.

AdventHealth Porter Hospital Security, Maintenance, AdventHealth Facilities, and Risk Management are generally responsible for responding to reported emergencies and confirming that a significant emergency or dangerous situation exists, sometimes in conjunction with local first responders and/or national weather service.

The content of the immediate notification message, the determination of the appropriate segment(s) of the community to receive the message, and the initiation of the systems to be used to send the message to the community is typically determined by a consultation process involving the AHU-Denver Chief Operations Officer, Dean of Students and Director of AHU Campus Security. With no further approval, these individuals may send pre-scripted emergency messages approved for immediate use. Any other emergency notification messages must be approved individually before dissemination.

The three-level hierarchy for authorization and approval to send messages (starting with level 1) is as follows:

- Level 1: President
- Level 2: Senior VP of Finance, Senior VP of Academic Administration & Provost
- Level 3: AHU-Denver Chief Operations Officer, Dean of Students, Security Director

Additional AHU personnel have the capability to send emergency notification messages to the University. These personnel are the Director & Dean of University Housing and the Chief Operations Officer, AHU-Denver or their designee. Messages may only be sent to the AHU community by these individuals under the following circumstances:

1. Proper authorization has been obtained to send a message, as indicated in the aforementioned hierarchy;

OR

2. If everyone on the aforementioned hierarchy is rendered incapacitated to send messages, the sender will utilize their own campus authorization process.

Emergency Drills, Testing, and Evacuation

Emergency Communication Systems

The Everbridge system (which includes text messages, phone calls, and emails) is tested annually to ensure the system is in working order and reaches the appropriate audience. Everbridge testing occurs as follows:

- Fall Trimester
- Spring Trimester

Testing protocols will be drafted before each major Everbridge test twice per year, and after-action reports will be produced for system and process improvements.

Emergency Response Procedures

The AdventHealth University Campus Safety Manual includes information about the University's response planning and procedures, evacuation guidelines, and crisis communications plans. In conjunction with other emergency agencies, the University conducts at least one Emergency Response test annually. This test may be in the form of an exercise (tabletop or field exercise) and regularly scheduled drills, which tests a procedural operation or technical system. The tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. AdventHealth University will notify the appropriate members of the campus community of the exercise and remind the campus community of the emergency notification system, as well as the emergency response and evacuation procedures, in conjunction with at least one emergency exercise or test that meets all the requirements of the Higher Education Opportunity Act. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

If a serious incident occurs that causes an immediate threat to the AHU-Denver site, the first responders to the scene are usually AdventHealth Porter Hospital Security, Denver Police Department, and the Denver Fire Department. Emergencies occurring on campus should be reported to AdventHealth Porter Hospital Security at 303-778-2463, or by dialing 911.

Active Threat Response Procedures

AdventHealth University has adopted the Department of Homeland Security and City of Houston’s instructional video [“Run, Hide, Fight”](#) to educate the campus community on how to increase their chances of survival during an active shooter event. Member of the campus community are encouraged to have a plan should they find themselves in an active shooter event. Campus community members are encouraged to run if they can, hide if they cannot run, and fight if all else fails. Training is offered periodically throughout the academic year.

Emergency Evacuation Procedures

Students, employees, and guests are expected to evacuate campus buildings if they hear a fire alarm or if first responders or the campus administration notifies them that an evacuation is necessary. They receive information about emergency evacuation procedures during meetings and educational sessions that they participate in during the academic year.

The emergency evacuation procedures are tested at least once each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Security personnel does not inform building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by the time of day, the location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Campus Security personnel on the scene will communicate information to building occupants regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. During the drill, occupants practice drill procedures and familiarize themselves with the sound of the fire alarm, location of exits, and location of muster areas.

General Evacuation Procedures

Students, employees, and guests are expected to leave their work or study area, proceed to the nearest exit, and leave the building at the sound of a fire alarm or if they are instructed to evacuate. Those who are first to recognize a fire situation should activate the alarm, evacuate to a safe location using the nearest exit, and notify AdventHealth Porter Hospital Security at 303-778-2463, or dial 911. During a general evacuation, members of the University community are expected to adhere to the following:

1. Remain calm
2. Do NOT use elevators. Use the stairs.
3. Assist the physically impaired. If unable to exit without an elevator, secure a safe location near a stairwell and immediately inform Security or the responding fire department of the individual’s location.
4. Proceed to the designated muster area for the occupied building.
5. Keep all walkways clear for emergency vehicles.
6. Make sure all personnel are out of the building.
7. Do not re-enter the building.

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, & Stalking

Consistent with the requirements of Title IX of the Education Amendments of 1972 and the Clery Act as amended by reauthorization of the Violence Against Women Act, AdventHealth University prohibits discrimination based on sex in its educational programs and activities, including sexual harassment. This includes a prohibition against acts of domestic violence, dating violence, sexual violence/assault, and stalking.

In addition, the University prohibits any retaliation, intimidation, threats, coercion, or any other form of discrimination against any persons exercising their rights or responsibilities under the Clery Act or the policies and procedures set forth herein. A full statement of the University's Title IX policy and the procedures related to it may be found at: <https://www.ahu.edu/title-ix>.

The University provides programs that educate students and employees about the awareness of such offenses and steps that can be taken to prevent them and includes statements clearly regarding the prohibition of these offenses.

Primary Prevention and Awareness

AHU's Primary Prevention and Awareness Program includes a statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, and addresses these topics with all incoming students and new employees. Initially, all new applicants to AHU are strongly encouraged to successfully complete an online training module dealing with the prevention of dating violence, domestic violence, sexual assault and stalking, the procedures one should take if he or she becomes a victim of such an offense, and the procedures the University will take once such an offense has been reported.

New students are also required to complete New Student Orientation where these topics are presented and the University's policy statement prohibiting the acts of domestic violence, dating violence, sexual violence/assault, and stalking are thoroughly discussed and clearly defined. The online training and New Student Orientation are offered during all three trimesters (Fall, Spring, Summer).

The Primary Prevention and Awareness Program also includes instruction on safe and positive options for bystanders when there is a risk of domestic violence, dating violence, sexual assault or stalking against another. It also includes information on risk reduction, such as ways to stay alert and be prepared to avoid becoming a victim.

How to be an Active Bystander

Active bystander intervention refers to any safe and positive options that may be conducted by an individual or individuals to prevent harm or to intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional surroundings and cultural conditions that might facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystanders are those individuals who may observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it when it is safe to do so.

Below is a list of some ways to be an active bystander, which include acting directly, creating a distraction, and delegating to someone else for assistance. If you or someone else is in immediate danger, dial 911. This could be when one person is yelling at or being physically abusive towards another person, and it is not safe for you to interrupt.

- Watch out for friends and fellow students/employees.
- If you see someone who looks like they could be in trouble or need help, ask if they need assistance.
- Speak up when someone discusses plans to take sexual advantage of another person or makes inappropriate jokes or comments.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off-campus resources for support in health, counseling, or with legal assistance.
- Create a distraction if you witness a concerning situation. A distraction can be anything that helps the person being harmed to get out of the situation. For example, pretend to trip and stumble into the person or tell someone their car is being towed.
- Ask someone else to help if you aren't comfortable doing it yourself. You can delegate to a friend, another bystander, Security, the police, etc.

Bystanders play a vital role in preventing sexual and relationship violence. AHU seeks to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm.

Risk Reduction

As bystanders, students can learn ways of stepping in to prevent crimes like sexual assault from occurring. When it comes to personal safety, there are steps you can take as well, and some of those tips are outlined below. No tips can absolutely guarantee safety—sexual violence can happen to anyone, and it's not the only crime that can occur on a college campus.

The following tips (adapted from the Rape, Abuse, & Incest National Network, rainn.org) may help reduce the risk for various crimes, including sexual violence:

- *Stay alert.* When you are on-campus or surrounding areas, be aware of what is around you. Consider inviting a friend to join you or asking Security for an escort. If you are alone, only use headphones in one ear in order to stay aware of your surroundings.
- *Think about Plan B.* Spend some time thinking about backup plans for potentially tricky situations. Do you have a few essential phone numbers memorized in case your phone dies? Do you have emergency cash in case you can't use a credit card? If you drive, is there a spare hidden key, gas in your car, and a set of jumper cables?

- *Be careful about posting your location.* Geolocation is used by many social media sites to share your location publicly. Consider disabling this feature and ensuring that other social media settings are conducive to your safety.
- *Know your resources.* Educate yourself on who you should contact if you or a friend needs help. Be sure to know the physical locations of Security, Title IX, and Student Services and how to contact them by phone should the need arise.

Additional Training and Reminders

AdventHealth University provides additional training opportunities and reminders that highlight prevention and awareness for students and employees. These initiatives serve as refreshers for the topics addressed in the Primary Prevention and Awareness Program. Students are strongly encouraged to complete the online training course prior to registering for courses. Faculty and staff are required to complete their training as terms of employment.

In addition to the online training, there is one university-wide faculty/staff meeting that is dedicated to this topic annually which serves to re-emphasize the AHU policies and procedures relative to dating violence, domestic violence, stalking and sexual assault.

Every course syllabus is required to have an identical section that informs and reminds students of prohibited offenses as well as their rights and procedures in reporting any incident of dating violence, domestic violence, stalking or sexual assault. For purposes of this report, the University uses definitions of these crimes as contained in Colorado law:

Definitions - [Note the definition of "Consent"] C.R.S. 18-3-401.

As used in this part 4, unless the context otherwise requires:

(1) "Actor" means the person accused of a sexual offense pursuant to this part 4.

(1.5) "**Consent**" means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent under the provisions of this part 4. Submission under the influence of fear shall not constitute consent. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent under this part 4.

(2) "Intimate parts" means the external genitalia or the perineum or the anus or the buttocks or the pubes or the breast of any person.

(3) "Physically helpless" means unconscious, asleep, or otherwise unable to indicate willingness to act.

(4) "Sexual contact" means the knowing touching of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or the knowing touching of the clothing covering the immediate area of the victim's or actor's intimate parts if that sexual contact is for the purposes of sexual arousal, gratification, or abuse.

(5) "Sexual intrusion" means any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue, or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification, or abuse.

(6) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anilingus, or anal intercourse. Emission need not be proved as an element of any sexual penetration. Any penetration, however slight, is sufficient to complete the crime.

(7) "Victim" means the person alleging to have been subjected to a criminal sexual assault.

Sexual Assault - C.R.S. 18-3-402.

Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:

- The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or
- The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
- The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or
- At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or
- The victim is physically helpless, and the actor knows the victim is physically helpless and the victim has not consented.

Domestic Violence - C.R.S 18-6-800.3.

As used in this part 8, unless the context otherwise requires:

(1) "Domestic violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

(2) "Intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

Stalking - C.R.S. 18-3-602.

- (1) A person commits stalking if directly, or indirectly through another person, the person knowingly:
- (a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or

(b) Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or

(c) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.

(2) For the purposes of this part 6:

(a) Conduct "in connection with" a credible threat means acts that further, advance, promote, or have a continuity of purpose, and may occur before, during, or after the credible threat.

(b) "Credible threat" means a threat, physical action, or repeated conduct that would cause a reasonable person to be in fear for the person's safety or the safety of his or her immediate family or of someone with whom the person has or has had a continuing relationship. The threat need not be directly expressed if the totality of the conduct would cause a reasonable person such fear.

(c) "Immediate family" includes the person's spouse and the person's parent, grandparent, sibling, or child.

(d) "Repeated" or "repeatedly" means on more than one occasion.

Dating Violence

Colorado law does not have a separate definition of "dating violence." However, for the purposes of these policies and for reporting crime statistics, the University uses the definition contained in the Violence Against Women Act. See the definitions of crimes above or the VAWA definition of "dating violence."

Procedures for Dating Violence, Domestic Violence, Sexual Assault, or Stalking Crimes

If any faculty, staff, or student is the victim of sexual assault, dating violence, domestic violence, or stalking, they are encouraged to go to a safe place and call 911 or AdventHealth Hospital Porter Security at 303-778-2463. They should also contact the AHU-Denver Deputy Title IX Coordinator, Katie Shaw, at 303-765-6271 or Katie.Shaw@ahu.edu . An [online reporting form](#) is also available to report incidents involving suspected violation(s) of AHU's Title IX and Harassment and Non-Discrimination policies. The University will do its best to protect the confidentiality of victims. This includes maintaining any publicly available recordkeeping without the inclusion of identifying information about the victim to the extent permitted by law.

Upon receiving a complaint or notice of an offense, the Deputy Title IX Coordinator will meet with the individual and will go over the notice, offer supportive measures, and explain the process.

The Deputy Coordinator will stress the importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or that may be helpful in obtaining a protection order. This includes:

- Not removing clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence.
- Not bathing or washing or otherwise cleaning the environment in which the assault occurred.
- Preserving any electronic communications, especially in an instance of stalking.

Options for pressing charges can be deferred if the victim goes to the local hospital emergency room and asks for an exam and for evidence of the sexual assault to be collected and sealed.

The following options regarding notification to law enforcement include:

- Option to notify either campus security or local law enforcement;
- Option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses; or
- Option to decline to notify such authorities.

Where applicable, victims of sexual assault, domestic violence, dating violence, or stalking have the right to request and pursue orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court, or by the institution. The University will provide support and guidance in notifying law enforcement or pursuing protective measures, according to the victim's wishes. Additionally, the University will comply with any such orders, ensuring that institutional responsibilities regarding enforcement and compliance are met to protect the safety and well-being of the victim.

Written Notification

Available Victim Services

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration, and other services available to them, both within the University and in the surrounding community. On-campus services at AHU-Denver include pastoral and online mental health counseling. Denver currently has an off-campus service, Blue Bench, which is a comprehensive sexual assault prevention and support center. Information can be found at <http://thebluebench.org>.

Available Services and Accommodations

The University will provide written notification to all students and employees regarding the availability of existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims both within the institution and in the community.

In addition, the University will provide written notification to victims of sexual assault, domestic violence, dating violence, or stalking about their available options and assistance in changing

academic, living, transportation, and working situations, as well as other protective measures. This notification will include information on how to request these accommodations and who to contact at the institution to make such requests. Victims may contact the AHU-Denver Deputy Title IX Coordinator, Katie Shaw, at 303-765-6271 or Katie.Shaw@ahu.edu to request these changes. AHU will facilitate these accommodations, provided they are reasonably available, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

The University will keep information about these accommodations and any protective measures confidential, to the extent that maintaining confidentiality does not impair the institution's ability to provide the accommodations or protective measures.

Disciplinary Procedures for Alleged Offenses

The University's procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking will be provided in writing to both the reporting party and the respondent. These procedures include:

- A fair and impartial process from investigation to the final determination.
- The standard of evidence used in the decision-making process.
- The rights of both parties to have an advisor of their choice present during any meetings or proceedings.
- Information about the possible sanctions or protective measures that may result from the disciplinary process.

Both parties will be informed of the outcome of any institutional disciplinary proceeding in writing, in accordance with institutional policy.

The full Statement of the Parties' Rights can be found in [Appendix B](#).

Registered Sex Offenders

AdventHealth University is required, through the federal Campus Sex Crimes Prevention Act (CSCPA), to inform members of the campus community where to obtain information about sexual offenders. The act also requires registered sex offenders to provide to appropriate state officials notice of each institution of higher education in that state at which the offender is employed, carries on a vocation, or is a student.

In accordance with state law, convicted sex offenders in Colorado must register with either the local chief of police or county sheriff in each and any jurisdiction in which they reside, whether in Colorado, another state, or in multiple locations. The Colorado Bureau of Investigation (CBI) maintains the statewide sex offender registry in Colorado, which is available to local law enforcement officials and the public.

Any member of the AHU-Denver community who wishes to obtain further information regarding sexual offenders in the area may refer to the CBI website at <https://www.colorado.gov/apps/cdps/sor/>.

The Department of Justice maintains a website that provides national access to sexual offenders and predators. The web address is: <https://www.nsopw.gov/>.

Additionally, the CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning the presence of registered sex offenders.

Disciplinary Procedures for Alleged Title IX Violations

AdventHealth University is committed to providing a fair, impartial, and timely disciplinary process in cases involving allegations of dating violence, domestic violence, sexual assault, or stalking. The University's disciplinary process includes a prompt, fair, and impartial investigation and resolution process from the initial investigation to the final result. Furthermore, a prompt, fair, and impartial proceeding includes a proceeding that is:

1. Completed within reasonably prompt time frames designated by an institution's policy, including a process that allows the extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay and the reason for the delay;
2. Conducted in a manner that;
 - a. Is consistent with the institution's policies and transparent to the Complainant and the Respondent;
 - b. Includes timely notice of meetings at which the Complainant and Respondent, or both, may be present; and
 - c. Provides timely and equal access to the Complainant and the Respondent, and the appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
3. Conducted by officials who do not have a conflict of interest or bias for or against the Complainant and the Respondent.
4. The institutional disciplinary procedures will be conducted by officials who, at minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
5. The Complainant and the Respondent will have the same opportunities to have others present during any institutional disciplinary proceeding. The Complainant and the Respondent each have the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The University will not limit the choice of advisor or presence for either the Complainant or the Respondent in any meeting or institutional disciplinary proceeding. However, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties; and
6. The Complainant and the Respondent will be notified simultaneously, in writing, of the results of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. (The result must include any sanctions imposed by the institution.

Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.)

7. Where an appeal is permitted under the applicable policy, the Complainant and the Respondent will be notified, simultaneously in writing, of the procedures for the Respondent and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the Complainant and the Respondent will be notified simultaneously in writing of any change to the result prior to the time that it becomes final, as well as of the final result once the appeal is resolved.

AdventHealth University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination, harassment, and for allegations of retaliation.

AdventHealth University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process.

Equal Opportunity, Harassment and Non-Discrimination Policy

Purpose

AdventHealth University (hereinafter referred to as “the UNIVERSITY”) is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation for engaging in protected activity.

The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the resolution process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, the University has developed policies and procedures that provide for prompt, fair, and impartial resolution of allegations of protected characteristic discrimination, harassment or allegations of retaliation.

Notice of Nondiscrimination

AdventHealth University seeks to comply with all federal, state, and local laws, regulations, and ordinances prohibiting discrimination in private post-secondary educational institutions.

As such, no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, any educational program, or any activity of the University on the basis of (actual or perceived):

- Age (40 years and over in the employment context)
- Citizenship status
- Color

- Disability (physical or mental)
- Ethnicity
- National origin (including ancestry)
- Political belief or affiliation
- [Pregnancy or related conditions](#)
- Race
- Religion
- Sex
- Sexual orientation
- Veteran or military status (including disabled veteran; recently separated veteran; active-duty, wartime, or campaign badge veteran; and Armed Forces Service Medal veteran)

The University does not discriminate against any student, or applicant for admission on the basis of the actual or perceived protected characteristics listed above and prohibits sexual harassment, including sexual violence.

The University prohibits discrimination in its educational and employment policies and practices as required by Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964 and other applicable laws and University policies.

As a religious institution, the University retains its constitutional and statutory rights to make employment, admission and educational decisions in a manner that is consistent with the University's Code of Student Conduct (and with the tenets of the Seventh-day Adventist Church. Such rights are conferred upon religious institutions by various laws, including, but not limited to, 42 U.S.C. 2000e-1, 2000e-2; 6-15 of Federal Executive Order 11246; 41 CFR 60-1.5(5); 34 CFR 86.21, 86.31, 86.40, and 86.57, 106.12(a)(b); and 20 U.S.C. § 1681(a)(3).

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the University community whose acts deny, deprive, unreasonably interfere with or limit the education or employment, residential and/or social access, benefits, and/or opportunities of any member of the University's community, guest, or visitor on the basis of that person's actual or perceived protected characteristic(s), is in violation of this Policy.

The following person has been designated to handle inquiries regarding the equal opportunity and non-discrimination policies and serves as the University Title IX Officer: Sharda Sukhu-Gafoor, Chief Compliance Officer and Title IX Coordinator, Office of Human Resources and Compliance, 671 Winyah Drive, Orlando, FL 32803, sharda.sukhu-gafoor@ahu.edu.

The University will promptly and effectively address any such discrimination of which it has Knowledge/Notice using the resolution process in the Equal Opportunity, Harassment, and Nondiscrimination Procedures.

Nondiscrimination Team Contacts

The University has appointed the Nondiscrimination Team, comprised of the following individual(s), to coordinate the University's compliance with federal, state, and local civil rights laws and ordinances:

For discrimination and harassment allegations [not based on sex]:

Orlando Campus, Denver Site, and Tampa Site:

- **Jennifer Carpenter**
Director of Human Resources/HRBP
Office of Human Resources and Compliance
Campus Center Building (CC 215)
671 Winyah Drive, Orlando, FL 32803
407-303-5727
jennifer.carpenter@ahu.edu
<https://www.ahu.edu/title-ix>

For sex discrimination and sex-based harassment allegations:

Denver Site

- **Katie Shaw**
Chief Operations Officer/Deputy Title IX Coordinator
Administrative Office
Porter Place Building (PPL 126)
1001 E. Yale Ave., Denver, CO 80210
303-765-6271
katie.shaw@ahu.edu
<https://www.ahu.edu/title-ix>

For Student-related disability-based allegations:

- **Betty Varghese**
Licensed Mental Health Counselor and Disability Services Coordinator
Office of Spiritual Care and Counseling
Campus Center Building (CC 246)
671 Winyah Drive, Orlando, FL 32803garr
407-303-1870
counseling@my.ahu.edu
<https://my.ahu.edu/university-services/student-affairs/disability-services>

For Employee-related disability-based allegations:

- **Jennifer Carpenter**
Director of Human Resources
Office of Human Resources and Compliance
Campus Center Building (CC 215)
671 Winyah Drive, Orlando, FL 32803
407-303-5727
jennifer.carpenter@ahu.edu
<https://www.ahu.edu/title-ix>

Collectively, these individuals are responsible for providing comprehensive nondiscrimination education and training; coordinating the University's timely, thorough, and fair response,

investigation, and resolution of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of this Policy and related procedures to ensure an education and employment environment free from discrimination, harassment, and retaliation.

The University recognizes that allegations under this Policy may include multiple forms of discrimination and harassment as well as violations of other University policies; may involve various combinations of students, employees, and other members of the University community; and may require the simultaneous attention of multiple University departments. Accordingly, all University departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable University policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination, harassment, or retaliation.

External Contact Information

Concerns about the University's application of this Policy and compliance with certain federal civil rights laws may also be addressed to:

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

For Complaints involving employee-on-employee conduct: Equal Employment Opportunity Commission (EEOC)

- EEOC Regional Office¹
100 SE 2nd Street, Suite 1500
Miami, FL, 33131
- EEOC Regional Office
950 17th Street, Suite 300
Denver, CO 80202

Definitions

Words used in this Policy will have those meanings defined herein and/or in [Appendix A](#) and if not defined herein or in [Appendix A](#) will be construed according to their plain and ordinary meaning.

¹EEOC has jurisdiction over Title IX employment claims. ATIXA recommends providing local EEOC office contact information in this section. Please consult: <http://www.eeoc.gov/field/index.cfm> to locate your local office's contact information.

Mandated Reporting and Confidential Employees

All University faculty and employees (including student-employees), other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details of actual or suspected discrimination, harassment, retaliation and/or Other Prohibited Conduct to appropriate officials immediately, although there are some limited exceptions. Supportive measures may be offered as the result of such disclosures without formal University action.

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Title IX Coordinator.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or Policy violations, and these employees will immediately pass Notice to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following sections describe the University's reporting options for a Complainant or third party (including parents/guardians when appropriate):

Confidential Employees

There are three categories of Confidential Employees: 1) Those with confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and mental health counselors; 2) Those whom University has specifically designated as Confidential Resources for purposes of providing support and resources to the Complainant; and 3) Those conducting human subjects research as part of a study approved by the University's Institutional Review Board (IRB). For those in category 1), above, to be able to respect confidentiality, they must be in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving the Notice. **These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.**

To enable Complainants to access support and resources without filing a Complaint, the University has designated specific employees as Confidential Resources. Those designated by the University as Confidential Resources are not required to report actual or suspected discrimination, harassment, or retaliation in a way that identifies the Parties. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or University official unless a Complainant has requested the information be shared.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Employees:

- **Betty Varghese** - Licensed Mental Health Counselor and Disability Services Coordinator (Counselor)
Office: Office of Spiritual Care and Counseling, CC 246
Email: counseling@my.ahu.edu
Phone: 407-303-1870

- **Reynold Acosta** - Director of Spiritual Care (Chaplain)
Office: Office of Spiritual Care and Counseling, CC 247
Email: Reynold.Acosta@ahu.edu
Phone: 407-303-7747 x1101033
- On-campus licensed professional counselors and staff
- On-campus health service providers and staff
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination

Institutional counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who have confidentiality as described above, and who receive Notice within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act statistical reporting purposes unless they believe it would be harmful to their client, patient, or parishioner.

Failure of a Mandated Reporter, as described above in this section, to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of University Policy and can be subject to disciplinary action for failure to comply/failure to report. This also includes situations when a harasser is a Mandated Reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under this Policy.

A Mandated Reporter who is themselves a target of discrimination, harassment, or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

In addition, Complainants may speak with individuals unaffiliated with the University without concern that Policy will require them to disclose information to the institution without permission:

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

Disability-Based Grievances and Complaints

Grievances related to disability status and/or provision of accommodations are addressed using the procedures in the Equal Opportunity, Harassment, and Nondiscrimination policy. However, allegations of discrimination on the basis of an actual or perceived disability, including instances in which the provision of reasonable accommodations has a discriminatory effect, will be resolved under the [Disability Grievance Procedures](#).

For details relating to disability accommodations in the University's Resolution Process visit [Accommodations and Support During the Resolution Process](#).

Scope

This Policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of sex discrimination or sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available from the Title IX Coordinator and at <https://www.ahu.edu/title-ix/equal-opportunity-harassment-and-nondiscrimination-policy>

This Policy applies to all faculty, employees, students, and other individuals participating in or attempting to participate in the University's program or activities, including education and employment.

This Policy prohibits all forms of discrimination on the basis of the protected characteristic(s) listed in the Notice of Nondiscrimination. The Equal Opportunity, Harassment, and Nondiscrimination Procedures and may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this Policy.

Jurisdiction

This Policy applies to the University's education programs and activities (defined as including locations, events, or circumstances in which the University exercises substantial control over both the Respondent and the context in which the conduct occurred), circumstances where the University has disciplinary authority, and to misconduct occurring within any building owned or controlled by a University-recognized student organization. A Complainant does not have to be a member of the University community to file a Complaint, at the discretion of the Title IX Coordinator.

This Policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to the University's education program or activities. The University may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial University interest.

A substantial University interest includes:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
2. Any situation in which it is determined that the Respondent poses an imminent and serious threat to the health or safety of any student, employee, or other individual.
3. Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
4. Any situation that substantially interferes with the University's educational interests or mission.

For disciplinary action to be issued under this Policy, the Respondent must be a University faculty member, student, or employee at the time of the alleged incident. If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator will offer to assist the Complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). The University can also assist in contacting local or institutional law enforcement if the individual would like to file a police report about criminal conduct.

The University does business with various volunteers, vendors, contractors, and other third-parties who are not Students or Employees of the University. Notwithstanding any rights that a given volunteer, vendor, contractor, or third-party Respondent may have under this Policy, the University retains its right to limit any volunteer, vendor, contractor, or third-party's access to campus for any reason. And the University retains all rights it enjoys by contract or law to terminate its relationship with any volunteer, vendor, contractor, or third-party irrespective of any process or outcome under this Policy.

When a party is participating in a dual enrollment/early college program, the University will coordinate with the party's home institution to determine jurisdiction and coordinate providing supportive measures and responding to the complaint under the appropriate policy and procedures based on the allegations and identities of the Parties.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or employee's work or educational environment, those effects can often be addressed remedially by the Title IX Coordinator if brought to their attention.

Supportive Measures

The University will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all Parties and/or the University's educational environment and/or to deter discrimination, harassment, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Parties upon receiving Notice/Knowledge or a Complaint. At the time that supportive measures are offered, if a Complaint has not been filed, the University will inform the Complainant, in writing, that they may file a Complaint with the University either at that time or in the future. The Title IX Coordinator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The University will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the University's ability to provide those supportive measures. The University will act to ensure as minimal an academic/occupational impact on the Parties as possible. The University will implement measures in a way that does not unreasonably burden any party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact restrictions (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Administrator

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Complaint under this Policy.

The Parties are provided with a timely opportunity to seek modification or reversal of the University's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Title IX Coordinator. An impartial employee other than the employee who implemented the supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the Title IX regulatory definition of supportive measures. The University will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances materially change. The University typically renders decisions on supportive measures within seven (7) business days of receiving a request and provides a written determination to the impacted party(ies) and the Title IX Coordinator.

Online Harassment and Misconduct

University policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the University's education program and activities, or when they involve the use of University networks, technology, or equipment.

Although the University may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to the University, it will engage in a variety of means to address and mitigate the effects. These means may include use of the Resolution Process to address off-campus conduct whose effects contribute to limiting or denying a person access to the University's education program or activity.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the University only when such speech is made in an employee's official or work-related capacity.

Prohibited Conduct

Students and employees are entitled to an educational and employment environment that is free of discrimination, harassment, and retaliation. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive, subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under University Policy. When speech or conduct is protected by academic freedom, it will not be considered a violation of University Policy, though supportive measures will be offered to those impacted.

All offense definitions below encompass actual and/or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice-versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

Violation of any other University policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

Discrimination

Discrimination is different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed.

Discrimination can take two primary forms:

- *Disparate Treatment Discrimination:*
 - Any intentional differential treatment of a person or persons that is based on a person's actual or perceived protected characteristic and that:
 - Excludes a person from participation in;
 - Denies the person benefits of; or
 - Otherwise adversely affects a term or condition of a person's participation in a University program or activity.
- *Disparate Impact Discrimination:*
 - Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:
 - Excludes an individual from participation in;
 - Denies the individual benefits of; or

- Otherwise adversely affects a term or condition of an individual's participation in a University program or activity

Discriminatory Harassment

- unwelcome conduct on the basis of actual or perceived protected characteristic(s), that
- based on the totality of the circumstances,
- is subjectively and objectively offensive, and
- is so severe or pervasive,
- that it limits or denies a person's ability to participate in or benefit from the University's education program or activity

Sex-based Harassment (Applicable under Title IX, Title VII, and the Fair Housing Act)

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex¹ including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

- *Quid Pro Quo*:
 - an employee agent, or other person authorized by the University, to provide an aid, benefit, or service under the University's education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service, on a person's participation in unwelcome sexual conduct.
- *Hostile Environment Harassment*:
 - unwelcome sex-based conduct, that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from the University's education program or activity

The 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 and not based on a protected characteristic. Addressing such conduct will not result in the imposition of discipline under University Policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms.

For assistance with Alternative Resolution and other Informal Resolution techniques and approaches, contact the Title IX Coordinator.

- *Sexual Assault: (would include having another person touch you sexually, forcibly, and/or without their consent).*
 - Rape:
 - Penetration, no matter how slight,
 - of the vagina or anus of the Complainant,

¹ Throughout this Policy, "on the basis of sex" means conduct that is sexual in nature, or that is directed to the Complainant because of his/her/their actual or perceived sex or gender identity.

- with any body part of the Respondent or by Respondent’s use of an object, or
 - oral penetration of the Complainant by a sex organ of Respondent,
 - without the consent of the Complainant.
- Fondling:
 - The touching of the private body parts of the Complainant (buttocks, groin, breasts),
 - by the Respondent for the purpose of sexual gratification,
 - without the consent of the Complainant,
 - including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.
- Incest:
 - Sexual intercourse,
 - between persons who are related to each other,
 - within the degrees wherein marriage is prohibited by law.
- Statutory Rape:
 - Sexual intercourse,
 - with a person who is under the statutory age of consent of 18.
- Dating Violence, defined as:
 - violence,
 - on the basis of sex,
 - committed by a person,
 - who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 2. Dating violence does not include acts covered under the definition of domestic violence.
- Domestic Violence,¹ defined as:
 - violence,
 - on the basis of sex,
 - committed by a current or former spouse or intimate partner of the Complainant,
 - by a person with whom the Complainant shares a child in common, or
 - by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
 - by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of FL, or

¹ To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of FL.
 - Stalking, defined as:
 - engaging in a course of conduct,
 - on the basis of sex,
 - directed at the Complainant, that
 - would cause a reasonable person to fear for the person’s safety, or
 - the safety of others; or
 - Suffer substantial emotional distress.
 - For the purposes of this definition—
 - Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
 - Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
 - Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
- *Sexual Misconduct*
 - Sexual Exploitation:¹
 - A person taking non-consensual or abusive sexual advantage of another, that does not constitute Sex-based Harassment as defined above,
 - for their own benefit or for the benefit of anyone other than the person being exploited.
 - Examples of Sexual Exploitation include, but are not limited to:
 - Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - Invasion of sexual privacy (e.g., doxxing)
 - Knowingly making an unwelcome disclosure of (or threatening to disclose) a person’s sexual orientation, gender identity, or gender expression
 - Taking pictures, video, or audio recording of another person in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent), including the making or posting of non-consensual pornography
 - Prostituting another person

¹ This offense is not classified under Title IX as “Sex-based harassment,” but it is included here in this Policy as a tool to address a wider range of behaviors.

- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)

Other Prohibited Conduct

- *Bullying:*¹
 - repeated and/or severe aggressive behavior
 - that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant
 - that is not speech or conduct that is otherwise protected by the First Amendment
- *Endangerment:*
 - threatening or causing physical harm
 - extreme verbal, emotional, or psychological abuse
 - other conduct which threatens or endangers the health or safety of any person or damages their property}
- *Hazing:*
 - any act or action
 - which does or is likely to endanger the mental or physical health or safety of any person
 - as it relates to a person's initiation, admission into, or affiliation with any Recipient group or organization
 - For the purposes of this definition:

¹ For Bullying, Hazing, and Endangerment, these offenses can be applied when the conduct is on the basis of protected characteristics but is not a form of Sex-based Harassment.

- It is not necessary that a person’s initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the student group or student organization, for an allegation of hazing to be upheld.
 - It shall not constitute an excuse or defense to a hazing allegation that the participants took part voluntarily, gave consent to the conduct, voluntarily assumed the risks or hardship of the activity, or that no injury was suffered or sustained.
 - The actions of alumni, active, new, and/or prospective members of a student group or student organization may be considered hazing.
 - Hazing is not confined to the student group or student organization with which the person subjected to the hazing is associated.
- *Retaliation:*
 - Adverse action, including intimidation, threats, coercion, or discrimination,
 - against any person,
 - by the University, a student, employee, or a person authorized by the University to provide aid, benefit, or service under the University’s education program or activity,
 - for the purpose of interfering with any right or privilege secured by law or Policy, or
 - because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Resolution Process under the Equal Opportunity, Harassment, And Nondiscrimination Procedures, including an Informal Resolution process, or in any other appropriate steps taken by the University to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for the University to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under the Equal Opportunity, Harassment, and Nondiscrimination Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.
- *Unauthorized Disclosure:*¹
 - Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by the University; or
 - publicly disclosing institutional work product that contains personally identifiable information without authorization or consent.
- *Failure to Comply/Process Interference*

¹ Nothing in this section restricts the ability of the Parties to: obtain and present evidence, including by speaking to witnesses (as long as it does not constitute retaliation under this Policy), consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the Resolution Process.

- Intentional failure to comply with the reasonable directives of the Title IX Coordinator in the performance of their official duties, including with the terms of a no contact order.
- Intentional failure to comply with emergency removal or interim suspension terms
- Intentional failure to comply with sanctions
- Intentional failure to adhere to the terms of an Informal Resolution agreement
- Intentional failure to comply with mandated reporting duties as defined in this Policy
- Intentional interference with the Resolution Process, including but not limited to:
 - Destruction of or concealing of evidence
 - Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence
 - Intimidating or bribing a witness or party

Sanction Ranges

The following sanction ranges apply for Prohibited Conduct under this Policy. Sanctions can be assigned outside of the specified ranges based on aggravating or mitigating circumstances, or the Respondent's cumulative conduct record.

- *Discrimination*: warning through expulsion or termination.
- *Discriminatory Harassment*: warning through expulsion or termination.
- *Quid Pro Quo Harassment*: warning through expulsion or termination.
- *Hostile Environment Harassment*: warning through expulsion or termination.
- *Rape*: suspension through expulsion or termination.
- *Fondling*: warning through suspension (termination for employees).
- *Incest*: warning through probation.
- *Statutory Rape*: warning through suspension (termination for employees).
- *Stalking*: probation through expulsion or termination.
- *Dating/Domestic Violence*: probation through expulsion or termination.
- *Sexual Exploitation*: warning through expulsion or termination.
- *Bullying*: warning through expulsion or termination.
- *Endangerment*: warning through expulsion or termination.
- *Hazing*: warning through expulsion or termination.
- *Retaliation*: warning through expulsion or termination.
- *Unauthorized Disclosure*: warning through expulsion or termination.
- *Failure to Comply/Process Interference*: warning through expulsion or termination.

Consent, Force, and Incapacitation

As used in this Policy, the following definitions and understandings apply:

- *Consent*

Consent is defined as

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.¹

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to be kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, sexual activity should cease within a reasonably immediate time.

Silence or the absence of resistance alone should not be interpreted as consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Consent to some sexual contact (such as kissing or fondling) cannot be assumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected. If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of sexual assault.

Proof of consent or non-consent is not a burden placed on either party involved in a Complaint. Instead, the burden remains on the University to determine whether its Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

¹ The state definition of consent is applicable to criminal prosecutions for sex offenses in FL but may differ from the definition used by the Recipient to address Policy violations.

Going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence or sexual assault.¹

- *Force*

Force is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me. I’ll do what you want.”).

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person’s consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

- *Incapacitation*

Incapacitation is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of this Policy. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

¹ Consent in relationships must also be considered in context. When Parties consent to BDSM (bondage, discipline, sadism, masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual.

Expectations Regarding Unethical Relationships

There are inherent risks in any romantic or sexual relationship between persons in unequal positions, such as faculty member-student or supervisor-employee. In reality, these relationships may be less consensual than perceived by the person whose position confers power or authority. Similarly, each of the Parties may view the relationship differently, particularly in retrospect. Circumstances may change, and once welcome conduct may become unwelcome at some point in the relationship.

Even when the Parties have initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant Policy violation still exists. The University does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the University's goals and policies. However, for the personal protection of members of this community, relationships in which power differentials are inherent (e.g., faculty-student, staff-student) are generally discouraged. They may also violate standards of professionalism and/or professional ethics.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must promptly inform their supervisor and/or the Title IX Coordinator. The existence of this type of relationship will likely result in removing the supervisory or evaluative responsibilities from the employee or shifting a party from being supervised or evaluated by someone with whom they have established a consensual relationship. When an applicable relationship existed prior to adoption of this Policy or prior to employment, the duty to notify the appropriate supervisor still pertains.

This type of relationship includes Resident Assistants (RAs) and students for whom the RA has direct responsibility. While no relationships are specifically prohibited by this Policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee. The Title IX Coordinator will determine whether to refer violations of this provision to Human Resources for resolution, or to pursue resolution under this Policy, based on the circumstances of the allegation.

Standard of Proof

The University uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that the University will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s).

Reports/Complaints of Discrimination, Harassment, and/or Retaliation

A Report provides notice to the University of an allegation or concern about discrimination, harassment, or retaliation and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. A Complaint provides notice to the University that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Complaint. Reports or Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. File a Complaint with, or give verbal Notice directly to, the Title IX Coordinator or to any member of the Nondiscrimination Team. Such a Complaint may be made at any time (including during non-business hours) by using the telephone number, email address, or by mail to the office of the Title IX Coordinator or any other Nondiscrimination Team member listed in this Policy.
2. Submit online Notice via the [Title IX reporting form](#). Anonymous Notice is accepted, but the Notice may give rise to a need to try to determine the Parties' identities. Anonymous Notice typically limits the University's ability to investigate, respond, and provide remedies, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to Complainants who are the subject of anonymous Notice.

Reporting carries no obligation to initiate a Complaint, and in most situations, the University is able to respect a Complainant's request to not initiate a resolution process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where the University may need to initiate a resolution process. If a Complainant does not wish to file a Complaint, the University will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by giving Notice that allows the University to discuss and/or provide supportive measures, in most circumstances.

Time Limits on Reporting

There is no time limitation on providing Notice/Complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on Notice/Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Title IX Coordinator's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate University policies.

Confidentiality/Privacy

The University makes every effort to preserve the Parties' privacy. The University will not share the identity of any individual who has made a Complaint of discrimination, harassment, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the

purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.¹ Additional information regarding confidentiality and privacy can be found in [Appendix C](#).

Unauthorized Disclosure of Information

Parties and Advisors are prohibited from disclosing information obtained by the University through the Resolution Process, to the extent that information is the work product of the University (meaning it has been produced, compiled, or written by the University for purposes of its investigation and resolution of a Complaint), without authorization. It is also a violation of University Policy to publicly disclose institutional work product that contains a party or witness's personally identifiable information without authorization or consent. Violation of this Policy is subject to significant sanctions.

Emergency Removal/Interim Actions/Leaves

The University can act to remove a student Respondent accused of Sex Discrimination or Sex-based Harassment from its education program or activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an imminent and serious threat to the health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator and may be done in conjunction with the Behavioral Intervention Team using its standard objective violence risk assessment procedures. Employees are subject to existing procedures for interim actions and leaves

Federal Timely Warning Obligations

The University must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the University community.

The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

Amnesty

The University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to give Notice to University officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the University community that Complainants choose to give Notice of misconduct to University officials, that witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

¹ 1020 U.S.C. 1232g; 34 C.F.R. § 99

To encourage reporting and participation in the process, the University offers Parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by the University, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

The University also maintains an amnesty policy for students in addition to witnesses who offer help to others in need.

Sometimes, employees are hesitant to report discrimination, harassment, or retaliation they have experienced for fear of getting in trouble themselves. The University may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident.

Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. The University will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

Sexual Assault

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement)
- Seeking medical treatment can be essential, even if it is not for the purposes of collecting forensic evidence.

Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
 - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
 - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.
- During the initial meeting between the Complainant and Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

Federal Statistical Reporting Obligations

Certain institutional officials (those deemed Campus Security Authorities) have a duty to report the following for federal statistical reporting purposes (Clery Act):

1. All “primary crimes,” which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson
2. Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
3. Violence Against Women Act (VAWA-based crimes), which include sexual assault, domestic violence, dating violence, and stalking¹
4. Arrests and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on- or off-campus or in the surrounding area, but no addresses are given) must be shared with the Clery Act Coordinator (Dean of Students) for publication in the Annual Security Report and daily campus crime log. Campus Security Authorities include student affairs/student conduct staff, campus law enforcement/public safety/security, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

Independence and Conflicts of Interest

The Title IX Coordinator manages the Nondiscrimination Team and acts with independence and authority, free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures. The members of the Resolution Pool are vetted and trained to ensure they are not biased for or against any party in a specific Complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact Josef Ghosn, University President. Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Resolution Pool member should be raised with the Title IX Coordinator.

Revision of this Policy

This Policy succeeds previous policies addressing discrimination, harassment, sexual misconduct, and/or retaliation, though previous policies and procedures remain in force for incidents occurring before August 1, 2024. The Title IX Coordinator reviews and updates these policies and procedures regularly. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

¹ VAWA is the Violence Against Women Act, enacted in 1994 and codified in part at 42 U.S.C. sections 13701 through 14040.

If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

Resolution Process for Alleged Violations of Equal Opportunity, Harassment and Nondiscrimination Policy

Overview

The University will act on any Notice, Complaint, or Knowledge of a potential violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy (“the Policy”) that the Title IX Coordinator or any other Mandated Reporter receives by applying the Resolution Process below.

The procedures below apply to all allegations of discrimination on the basis of an actual or perceived protected characteristics, harassment, retaliation, or Other Prohibited Conduct involving students, employees, or third parties.

Notice/Complaint

Upon receipt of Notice, a Complaint, or Knowledge of an alleged Policy violation, the Title IX Coordinator will initiate a prompt initial evaluation to determine the University’s next steps. The Title IX Coordinator will contact the Complainant/source of the Notice to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

Collateral Misconduct

Collateral misconduct is defined to include potential violations of other University policies not incorporated into the Policy that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the Title IX Coordinator may consult with University officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the discretion of the Title IX Coordinator. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the student, faculty, and staff handbooks.

Initial Evaluation

The Title IX Coordinator conducts an initial evaluation typically within seven (7) business days of receiving Notice/Complaint/Knowledge of alleged misconduct.¹ The initial evaluation typically includes:

- Assessing whether the reported conduct may reasonably constitute a violation of the Policy.
 - If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. It may then be referred to another process, if applicable.
- Determining whether the University has jurisdiction over the reported conduct, as defined in the Policy.
 - If the conduct is not within University's jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate University office for resolution.
- Offering and coordinating supportive measures for the Complainant.
- Offering and coordinating supportive measures for the Respondent, as applicable.
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options, including a supportive and remedial response, an Informal Resolution option, or the Resolution Process described below.
- Determining whether the Complainant wishes to initiate a Complaint.
- Notifying the Respondent of the available resolution options, including a supportive and remedial response, an Informal Resolution option, or the Resolution Process described below, if a Complaint is made.

Helping a Complainant to Understand Resolution Options

If the Complainant indicates they wish to initiate a Complaint (in a manner that can reasonably be construed as reflecting intent to make a Complaint), the Title IX Coordinator will help to facilitate the Complaint, which will include:

- Working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:
 - a supportive and remedial response, and/or
 - Informal Resolution, or
 - the Resolution Process described below.

The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects for the Resolution Process below, and the Title IX Coordinator has determined the Policy applies and that the University has jurisdiction, they will route the matter to the appropriate Resolution Pool member, will provide the Parties with a Notice of Investigation and Allegation(s), and will initiate an investigation consistent with these Procedures.

¹ If circumstances require, the University President or Title IX Coordinator will designate another person to oversee the Resolution Process should an allegation be made about the Title IX Coordinator or the Title IX Coordinator be otherwise unavailable, unable to fulfill their duties, or have a conflict of interest.

If any Party indicates (either verbally or in writing) that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and refer the matter accordingly.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Title IX Coordinator), though the Complainant can elect to initiate one later, if desired.

Title IX Coordinator Authority to Initiate a Complaint

If the Complainant does not wish to file a Complaint, the Title IX Coordinator, who has ultimate discretion as to whether a Complaint is initiated, will offer supportive measures and determine whether to initiate a Complaint themselves. To make this determination, the Title IX Coordinator will evaluate that request to determine if there is a serious and imminent threat to someone's safety or if the University cannot ensure equal access without initiating a Complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Complaint:

- The Complainant's request not to initiate a Complaint.
- The Complainant's reasonable safety concerns regarding initiating a Complaint.
- The risk that additional acts of discrimination would occur if a Complaint is not initiated.
- The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
- The age and relationship of the Parties, including whether the Respondent is a University employee.
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals.
- The availability of evidence to assist a Decision-maker in determining whether discrimination occurred.
- Whether the University could end the alleged discrimination and prevent its recurrence without initiating its resolution process.

If deemed necessary, the Title IX Coordinator may consult with appropriate University employees, and/or conduct a violence risk assessment¹ to aid their determination whether to initiate a Complaint.

When the Title IX Coordinator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

Dismissal

The University **may** dismiss a Complaint if, at any time during the investigation or Resolution Process, one or more of the following grounds are met:

1. The University is unable to identify the Respondent after taking reasonable steps to do so

¹ See detailed information regarding Violence Risk Assessment in [Appendix D](#)

2. The University no longer enrolls or employs the Respondent
3. A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator declines to initiate a Complaint
4. The University determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven

In addition to the other members of the Nondiscrimination Team, as authorized by the Title IX Coordinator, a Decision-maker can recommend dismissal to the Title IX Coordinator if they believe the grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, the University will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the University will also notify the Respondent of the dismissal.

This dismissal decision is appealable by any party.

Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within five (5) business days of the notification of the dismissal.

The Title IX Coordinator will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the Title IX Coordinator must then provide the Respondent with a NOIA and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

Throughout the dismissal appeal process, the University will:

- Implement dismissal appeal procedures equally for the Parties.
- Assign a trained Dismissal Appeal Officer who did not take part in an investigation of the allegations or dismissal of the Complaint.
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal.
- Notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when the dismissal was decided.
- The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or

more Parties, the Title IX Coordinator will share the petition with all other Parties and provide five (5) business days for other Parties and the Title IX Coordinator to respond to the request. At the conclusion of the response period, the Title IX Coordinator will forward the appeal, as well as any response provided by the other Parties and/or the Title IX Coordinator to the Dismissal Appeal Officer for consideration.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the Dismissal Appeal Officer will deny the request, and the Parties, their Advisors, and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the Dismissal Appeal Officer will notify all Parties and their Advisors, and the Title IX Coordinator, of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Officer has seven (7) business days to review and decide on the appeal, though extensions can be granted at the discretion of the Title IX Coordinator, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Officer may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

Emergency Removal/Interim Suspension of a Student

The University may emergency remove a student accused of Sex Discrimination or Sex-based Harassment upon receipt of Notice/Knowledge, a Complaint, or at any time during the Resolution Process. Prior to an emergency removal, the University will conduct an individualized risk assessment and may remove the student if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies such action. Students accused of other forms of discrimination (not sex) are subject to interim suspension, which can be imposed for safety reasons.

When an emergency removal or interim suspension is imposed, wholly or partially, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal or interim suspension within two (2) business days of the notification. Upon receipt of a challenge, the Title IX Coordinator will meet with the student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate, should be modified, or lifted. When this meeting is not requested within two (2) business days, objections to the emergency removal or interim suspension will be deemed waived. A student can later request a meeting to show why they are no longer an imminent and serious

threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable for them to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Title IX Coordinator for review.

An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Title IX Coordinator will communicate the final decision in writing, typically within three (3) business days of the review meeting.

Placing an Employee on Leave

When the Respondent is an employee, or a student employee accused of misconduct in the course of their employment, existing provisions for interim action are typically applicable instead of the above emergency removal process.

Counter-Complaints

The University is obligated to ensure that the Resolution Process is not abused for retaliatory purposes. Although the University permits the filing of counter-complaints, the Title IX Coordinator will use an initial evaluation, described above, to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-complaints determined to have been reported in good faith will be processed using the Resolution Process below. At the Title IX Coordinator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

Advisors in the Resolution Process

Who Can Serve as an Advisor?

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews, and hearings within the Resolution Process, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.¹

The Title IX Coordinator will offer to assign a trained Advisor to any party if the party chooses. If the Parties choose an Advisor from the pool available from the University, the University will have trained the Advisor and familiarized them with the University's Resolution Process.

¹ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. The Advisor cannot have institutionally conflicting roles, such as being an administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions. Additionally, choosing an Advisor who is also a witness in the process creates potential for bias and conflicts of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-maker(s).

The University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide an attorney to advise that party.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

The University may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Title IX Coordinator. The decision to grant this request is at the Title IX Coordinator's sole discretion and will be granted equitably to all Parties.

If a party requests that all communication be made through their attorney Advisor instead of to the party, the University will agree to copy both the party and their Advisor on all communications.

Advisors appointed by the institution cannot be Confidential Employees, and although they will not be asked to disclose details of their interactions with their advisees to institutional officials or Decision-makers absent an emergency, they are still reminded of their Mandated Reporter responsibilities.

Advisor's Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to access relevant evidence, and/or the same written investigation report that accurately summarizes this evidence.

Advisors are expected to maintain the confidentiality of the records the University shares with them, per the section of the Policy addressing Confidentiality. Advisors may not disclose any University work product or evidence the University obtained solely through the Resolution Process for any purpose not explicitly authorized by the University.

Accordingly, Advisors will be asked to sign Non-Disclosure Agreements (NDAs). The University may decline to share materials with any Advisor who has not executed the NDA. The University may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's confidentiality expectations.

Advisor Expectations

The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings/interviews/hearings when planned, but the University may change scheduled

meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies.

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by the University. Advisors are expected to advise without disrupting proceedings.

Advisor Policy Violations

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with the University's established rules of decorum, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including the University requiring the party to use a different Advisor or providing a different University-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Resolution Options Overview

This Resolution Process, consisting of Informal Resolution or Hearing Resolution, is the University's chosen approach to addressing all forms of discrimination on the basis of protected characteristics, harassment, retaliation, and Other Prohibited Conduct under the Policy. The process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion.

Resolution proceedings are confidential. All individuals present at any time during the Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with University Policy.

Informal Resolution

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties, in writing. The University will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

Before initiation of an Informal Resolution process, the University will provide the Parties with a NOIA that explains:

- The allegations.
- The requirements of the Informal Resolution process.
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume the University's Resolution Process.
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution Process will preclude the Parties from initiating or resuming the Resolution Process arising from the same allegations.

- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties.
- What information the University will maintain, and whether and how it could disclose such information for use in its Resolution Process.

The University offers four categories of Informal Resolution:

1. *Supportive Resolution.* When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.
2. *Educational Conversation.* When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant’s concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct.
3. *Accepted Responsibility.* When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and the University are agreeable to the resolution terms.
4. *Alternative Resolution.* When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-maker, or Appeal Decision-maker.

It is not necessary to pursue Informal Resolution first in order to pursue a Hearing Resolution Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Hearing Resolution Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Hearing Process, should Informal Resolution not be successful, unless agreed to by all Parties.

If an investigation is already underway, the Title IX Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Categories of Informal Resolution

1. Supportive Resolution.

The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant’s access to the University’s education program and activity. Such measures can be modified as the Complainant’s needs evolve over time or circumstances change. If the Respondent has received the NOIA, the Title IX Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options, and the Title IX Coordinator does not initiate a Complaint

2. Educational Conversation.

The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Title IX Coordinator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with Policy.

3. Accepted Responsibility¹.

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.

If Informal Resolution is available, the Title IX Coordinator will determine whether all Parties and the University are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of University Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Resolution Process will either continue or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

Alternative Resolution

The institution offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate University officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution

¹ In another section below, there is a description of a process to waive the decision-making step of the Resolution Process if a Respondent decides to admit to violating the charged Policies. That section and this one are similar, but there are meaningful differences. In this section, the Parties must agree to the resolution, and the Respondent in essence self-sanctions as part of the Informal Resolution by agreeing to voluntarily comply with whatever the terms are to which the Parties agree. Section 20, in contrast, is unilateral. Neither the Complainant nor the Title IX Coordinator determine eligibility. It is simply a waiver of steps in the process by the Respondent, who can admit violations and accept sanctions assigned by the Decision-maker, if they choose to. No Complainant approval is sought or needed. Under Section 20, the outcome involves sanctioning imposed by the University, rather than an agreement to self-sanction, as outlined in this section.

mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Title IX Coordinator may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties' amenability to alternative resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Respondent's disciplinary history
- Whether an emergency removal or other interim action is needed
- Skill of the alternative resolution facilitator with this type of Complaint
- Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in alternative resolution (e.g., time, staff)

The Title IX Coordinator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). **The results of Complaints resolved by alternative resolution are not appealable.**

If an Informal Resolution option is not available or selected, the University will initiate or continue an investigation and subsequent Resolution Process to determine whether the Policy has been violated.

Hearing Resolution Process (see [Hearing Resolution Process](#) below)

Resolution Process Pool

The Resolution Process relies on a pool of administrators (“the Pool”) to carry out the process.¹

Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the discretion of the Title IX Coordinator:

- Appropriate intake of and initial guidance pertaining to Complaints
- Advisor to Parties
- Informal Resolution Facilitator
- Perform or assist with initial evaluation
- Investigator
- Hearing Facilitator
- Decision-maker for challenges to emergency removal and supportive measures
- Decision-maker
- Appeal of Dismissal Decision-maker
- Appeal Decision-maker

Pool Member Appointment

The Title IX Coordinator, in consultation with senior Title IX Coordinators as necessary, appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different Complaints, the University can also designate permanent roles for individuals in the Pool.

Training (see [Appendix F](#) for details of training for Pool Members)

Notice of Investigation and Allegations (NOIA)

Prior to an investigation, the Title IX Coordinator will provide the Parties with a detailed written NOIA. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

The NOIA typically includes:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures

¹ External, trained third-party neutral professionals may also be used to serve in Resolution Pool roles. This does not preclude the University from having all members of the Pool go through an application and/or interview/selection process.

- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator of any conflict of interest that the Investigator(s) may have in advance of the interview process
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence
- A statement that retaliation is prohibited
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share University work product obtained through the Resolution Process
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process
- A statement informing the Parties that the University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how a party may request disability accommodations or other support assistance during the Resolution Process
- A link to the University's [VAWA Brochure](#)
- An instruction to preserve any evidence that is directly related to the allegations

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address(es) as indicated in official University records, or emailed to the Parties' University-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

Resolution Timeline

The University will make a good faith effort to complete the Resolution Process within 60-90 business days, including any appeals, which the Title IX Coordinator can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

If a party or witness chooses not to participate in the Resolution Process or becomes unresponsive, the University reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Resolution Process.

The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence

of Parties and/or witnesses, and/or health conditions. The University will promptly resume its Resolution Process as soon as feasible. During such a delay, the University will implement and maintain supportive measures for the Parties as deemed appropriate.

University action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

The University will make a good faith effort to complete the Resolution Process as promptly as circumstances permit and will regularly communicate with the Parties to update them on the progress and timing of the process.

Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s), Decision-maker(s), and Appeal Decision-makers for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the Parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the University President.

The Resolution Process involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

Investigator Appointment

Once an investigation is initiated, the Title IX Coordinator appoints an Investigator(s) to conduct it. These Investigators may be members of the Resolution Process Pool, or any other properly trained Investigator, whether internal or external to the University's community.

Witness Role and Participation in the Investigation

Employees (not including Complainant and Respondent) are required to cooperate with and participate in the University's investigation and Resolution Process. Student witnesses and witnesses from outside the University community cannot be required to participate but are encouraged to cooperate with University investigations and to share what they know about a Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx), or, in limited circumstances, by telephone. The University will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

Interview Recording

It is standard practice for Investigators to create record of all interviews pertaining to the Resolution Process. The Parties may review copies of their own interviews, upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons should be made aware of the audio and/or video recording. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties.

Evidentiary Considerations

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible.

Relevant Evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

Impermissible evidence is defined as evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless 1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

The fact of prior consensual sexual conduct occurred between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Respondent Admits Responsibility

At any point in the proceedings, if a Respondent elects to admit to the charged violations and waive further process, the Decision-maker is authorized to accept that admission, adopt it as their finding/final determination, and administer sanctions. This would waive the Respondent role and the Respondent's right to appeal. If the Respondent rejects the finding/final determination/sanctions, or does not admit to all conduct charged, the Resolution Process

continues to its conclusion. The Complainant retains their right to appeal a determination when a Respondent admits responsibility.

Investigation

All investigations are adequate, thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

The University may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Determine the identity and contact information of the Complainant.
- Identify all offenses implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation.
- Work with the Title IX Coordinator, as necessary, to prepare the initial NOIA. The NOIA may be amended with any additional or dismissed allegations.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.
- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible.
- Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document which questions were asked with a rationale for any changes or omissions in the investigation report.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.

- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.
- Ask the Parties to provide a list of questions they would like asked of the other party or any witnesses. The Investigator will ask those questions deemed relevant, and for any question deemed not relevant, will provide a rationale for not asking the question.
- Write a draft investigation report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation, and party and witness interviews, and provides all relevant evidence.
- Provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- The Investigator may share the investigation report with the Title IX Coordinator and/or legal counsel for their review and feedback.

Hearing Resolution Process

Live Hearing Requirements

The following provisions apply to a live hearing:

- *Hearing Venue Options and Recordings.* The live hearing may occur in person or via video technology. The Decision-maker and Parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may also be made at the Title IX Coordinator's discretion.
 - The Parties may make a request to the Title IX Coordinator that the hearing occur in person or via video technology, but they must do so at least seven (7) business days prior to the hearing. The Title IX Coordinator retains discretion to determine whether the hearing will occur in person or via video technology.
 - All hearings will be recorded, and Parties may request a copy of the recording from the Title IX Coordinator following the live hearing.
 - No unauthorized recordings are permitted.
- *Hearing Participants.* Persons who may be present for a hearing include the Decision-maker(s), hearing facilitator, Investigator(s), the Parties and their Advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the Decision-maker. Witnesses are present only during their portion of the testimony.
- *Advisors.* The Parties may have the assistance of an Advisor of their choosing at the hearing or can request that the University appoint a trained Advisor for them. Appointed Advisors are not attorneys. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves.
 - During the pre-hearing meeting and live hearing, Parties may only be accompanied by their Advisor. No other persons (e.g., additional support persons, advisors, friends, family) may accompany, attend, or listen in on the hearing unless explicitly

authorized by the Title IX Coordinator, with each party being provided the same opportunity.

- Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a matter consistent with Policy.
- All questions during the hearing will be asked by the Decision-maker. Parties and Advisors may suggest questions to be posed by the Decision-maker during the pre-hearing meetings or by submission of written questions during the hearing. The method of submitting questions to the Decision-maker will be specified by the Decision-maker during the pre-hearing meetings.
- If the party does not have an Advisor, the Title IX Coordinator will provide the party with an Advisor for the purpose of Advisor-conducted questioning.
- *Impact Statements.* Each party may submit an impact and/or mitigation statement to the Title IX Coordinator that the Decision-maker will review during any sanction determination.
 - Upon receipt of an impact and/or mitigation statement, the Title IX Coordinator will review the impact/mitigation statement to determine whether any immediate needs exist.
 - The Title IX Coordinator will only provide the impact statements to the Decision-maker if the Decision-maker determines that the Policy has been violated. When the Title IX Coordinator shares the impact statements with the Decision-maker, they will also be shared with the Parties.
- *Disability Accommodations and Other Assistance.* Parties should contact the Title IX Coordinator at least seven (7) business days prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, if possible.
- *Conflicts of Interest or Bias.* The Decision-maker must not have a bias for or against complainants or respondents generally or the individual Complainant or Respondent in particular.
 - The Decision-maker must recuse themselves if such bias or conflict of interest exists.
 - If the Decision-maker believes there is possible conflict of interest or bias, they will consult with the Title IX Coordinator about possible recusal or removal.
 - The Parties may raise challenges that the Decision-maker is biased or has a conflict of interest. The Parties must raise challenges with the Title IX Coordinator within two (2) business days of receiving the hearing notice.
 - The Title IX Coordinator will only remove and replace a Decision-maker in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.
 - If a Decision-maker recuses themselves as the result of a conflict of interest or bias, or is removed, the Title IX Coordinator will promptly appoint a new Decision-maker who does not have a conflict of interest or bias and notify the Parties accordingly.
- *Evidence Provided to Decision-maker and Parties.*
 - The Decision-maker will be provided electronic copies of the Final Investigation Report and all relevant but not impermissible evidence, including the names of all
 - Parties, witnesses, and Advisors, at least seven (7) business days in advance of the hearing.

- The Parties will be provided with electronic copies of all the materials provided to the Decision-maker as part of the hearing notice, unless those materials have already been provided.¹

Hearing Notice

The Title IX Coordinator will send the Parties a Notice of Hearing with sufficient time for the Parties to prepare for the hearing, typically at least seven (7) business days prior to the hearing. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The hearing notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- A description of any technology that will be used to facilitate the hearing.
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the Parties and witnesses participating in the hearing, the identity of the Decision-maker, details related to questioning, the role of Advisors, impact/mitigation statements, and how to request disability accommodations or other assistance.

Witness Participation

Student witnesses are encouraged to participate in, and make themselves reasonably available for, the hearing. Employee witnesses are expected to participate in, and make themselves reasonably available for, the hearing. Witnesses may participate in-person or via video technology that allows the Decision-maker and the Parties to see and hear the witness while that person is speaking. Witnesses are not permitted to be accompanied by an advisor without express permission of the Title IX Coordinator. At the discretion of the Decision-maker, a witness may join by phone if no other reasonable alternative is available.

If any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Title IX Coordinator may reschedule the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet the University's resolution timeline and ensure a prompt resolution. Employees, including Parties and witnesses, who do not have 12-month contracts are still expected to participate in Resolution Processes that occur during months between contracts.

The Title IX Coordinator will notify all witnesses of their requested participation in the hearing at least seven (7) business days prior to the hearing. Witnesses will be present for the hearing only during their testimony.

¹ Hard-copy materials may be provided upon request to the Title IX Coordinator. The Final Investigation Report and relevant evidence may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless:

- All Parties and the Decision-maker assent to the new witness's participation in the hearing without remanding the complaint back to the investigator, and
- The Decision-maker deems the evidence presented by the new witness to be relevant, not impermissible, and not information already established in the record, and
- The witness's late involvement was not the result of bad faith by the witness, the Parties, or others.

If the above criteria are not met, but the witness's evidence is deemed relevant, not impermissible, and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing.
- Provide the Parties at least five (5) business days to review the relevant portions of the new witness's statements, if such statements are submitted.
- Remand the Complaint back to the Investigator for further investigation or verification.
- Allow the Parties to review and comment on the testimony of the new witness.

If the evidence is deemed not relevant or impermissible, the Decision-maker may proceed with the hearing absent the new witness's participation.

Pre-Hearing Meetings

The Decision-maker will offer to convene a pre-hearing meeting(s) with the Parties and their Advisors and invite them to submit the questions or topics they wish to ask or discuss at the hearing. This allows the Decision-maker to consider their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Parties from submitting a question at the hearing for the first time or asking for a reconsideration on a Decision-maker's pre-hearing decision based on any new information or testimony offered at the hearing. The Decision-maker will document and share their rationale for any evidence or question exclusion or inclusion, if any, at a pre-hearing meeting with each party.

The Decision-maker will work with the Parties to finalize a witness list for the hearing, and the Title IX Coordinator will notify any witnesses of the hearing's logistics. The Decision-maker, **only** with the agreement of all Parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the Final Investigation Report or during the hearing, and their presence is not essential to assess their credibility.

Pre-hearing meeting(s) will not be recorded. The pre-hearing meetings will typically be conducted as separate meetings with each party/Advisor, and can be done remotely, or as a written communication exchange. The Decision-maker will work with the Parties to establish the format and timing of the meetings and will circulate a summary of any rulings made to ensure all Parties and Advisors are aware.

Hearing Procedures

1. *Evidentiary Considerations*

The Parties must provide all evidence to the Investigator(s) prior to completing the Final Investigation Report. Evidence offered after that time will be evaluated by the Decision-maker for relevance. If deemed relevant and not impermissible, the Parties and Decision-maker must agree to admit it into the record. If the evidence is deemed not relevant or impermissible, the Decision-maker may proceed with the hearing absent the new evidence.

The new relevant evidence will be admitted to the record if:

- All Parties and the Decision-maker assent to the new evidence being included in the hearing without remanding the Complaint back to the investigator, and
- The evidence is not duplicative of evidence already in the record, and
- It is not impermissible, and
- The new evidence was either not reasonably available prior to the conclusion of the Final Investigation Report, or the failure to provide it in a timely manner was not the result of bad faith by the Parties, witnesses, or others.

If the above criteria are not met, but the evidence is deemed materially relevant and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing.
- Provide the Parties with at least five (5) business days to review the relevant evidence.
- Remand the Complaint back to the Investigator for further investigation or analysis.
- Allow the Parties to review and comment on the new evidence.

If the evidence is deemed not relevant or impermissible, the Decision-maker may proceed with the hearing without allowing the new evidence.

2. *Collateral Misconduct*

The Decision-maker has the authority to hear and make determinations on all allegations of discrimination, harassment, retaliation, and Other Prohibited Behavior under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the discrimination, harassment, retaliation, or Other Prohibited Behavior, even though those collateral allegations may not specifically fall within the Policy.

3. *Joint Hearings*

In Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or Complaint to be conducted separately if there is a compelling reason

to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each Complaint with respect to each alleged Policy violation.

4. *Introductions and Hearing Procedure Explanation*

The Decision-maker will explain the hearing procedures and introduce the participants. The Decision-maker will answer any procedural questions prior to and as they arise throughout the hearing.

5. *Investigator Presentation of Final Investigation Report*

The Investigator(s) will present a summary of the Final Investigation Report, including a review of the facts that are contested and those that are not. The Investigator may be questioned first by the Decision-maker and then by the Parties. The Investigator may attend the duration of the hearing or be excused after their testimony at the Decision-maker's discretion.

6. *Testimony and Questioning*

The Parties and witnesses may provide relevant information in turn, beginning with the Complainant's opening statement, then the Respondent's, and then questioning in the order determined by the Decision-maker. The Decision-maker will facilitate questioning of the Parties and witnesses first by the Decision-maker and then by the Parties through the Decision-maker.

All questions must be directed toward and asked through the Decision-maker and are subject to a relevance determination before they are asked. The Decision-maker will determine the method by which the Parties will submit their questions to the Decision-maker for their review and, if approved, to be posed. Questions that the Parties wish to have posed can be questions for that party themselves, another party, or witnesses.

The Decision-maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive. The Decision-maker has final say on all questions and determinations of relevance and appropriateness. The Decision-maker may consult with legal counsel on any questions of admissibility.

The Decision-maker then poses the questions deemed relevant, not impermissible, and appropriate to the party and/or witness.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Decision-maker may elect to address those issues, consult with legal counsel, refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not an issue at the hearing, the Decision-maker should not permit irrelevant questions that probe for Investigator bias.

The Decision-maker will allow witnesses who have relevant and not impermissible information to appear at a portion of the hearing to respond to specific questions from the Decision-maker and the Parties, and the witnesses will then be excused.

7. *Refusal to Submit to Questioning and Inferences*

Any party or student witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. Employee witnesses are required to participate in the hearing if they are reasonably available. The Decision-maker can only rely on the available relevant and not impermissible evidence in making the ultimate determination of responsibility. The Decision-maker may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer any or all questions.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

8. *Hearing Recordings*

The University records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recording of any kind is permitted during the hearing.

The Decision-maker, the Parties, their Advisors, Appeal Decision-makers, and other appropriate University officials will be permitted to review the recording or review a transcript of the recording upon request to the Title IX Coordinator. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted.

Deliberation and Determination

After closing statements from the Parties, the Decision-maker will deliberate in closed session to determine whether the Respondent is responsible for the alleged Policy violation(s) based on the standard of proof. If a panel is used, a simple majority vote is required to determine the finding. Deliberations are not recorded.

When there is a finding of responsibility for one or more of the allegations, the Decision-maker may then consider any previously submitted impact and/or mitigation statement(s) provided by the Parties in determining appropriate sanction(s). The Title IX Coordinator will ensure that any submitted statements are exchanged between the Parties if they are viewed by the Decision-maker. Impact/mitigation statements do not influence the finding, they only potentially influence the sanctions.

The Decision-maker will then prepare and provide the Title IX Coordinator with a written outcome letter detailing all findings and final determinations, the rationale(s) explaining the decision(s), the relevant and not impermissible evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and rationales explaining the sanction(s).

This statement is usually five to fifteen (5-15) pages in length and is typically submitted to the Title IX Coordinator within ten (10) business days from the conclusion of the hearing, unless the Title IX Coordinator grants an extension. The Title IX Coordinator will notify the Parties of any extension.

Sanctions

- Factors the Decision-maker may consider when determining sanctions and responsive actions include, but are not limited to:
- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the Parties
- The Respondent's acceptance of responsibility
- Any other information deemed relevant by the Decision-maker(s)

Student Sanctions

The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

The following are the common sanctions that may be imposed upon students singly or in combination:

- *Reprimand*: A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Restrictions*: A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or holding leadership roles in student organizations.
- *Probation*: An official sanction for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from extra-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Separation from the institution, or one or more of its facilities, for a defined period of time, typically not to exceed two (2) years, after which the student is eligible to

return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the student is eligible to return if the institution determines it is appropriate to re-enroll/readmit the student. The student is typically required to vacate institutional property within 24 hours of notification of the action, though this deadline may be extended at the discretion of the Title IX Coordinator or other appropriate official. During an institution-wide suspension, the student is banned from institutional property, functions, events, and activities unless they receive prior written approval from an appropriate institutional official. This sanction may be enforced with a trespass action, as necessary.

- *Expulsion*: Permanent separation from the institution. The student is banned from institutional property, and the student's presence at any institution-sponsored activity or event is prohibited. This action may be enforced with a trespass action, as necessary.
- *Withholding Diploma*: The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating Policy.
- *Revocation of Degree*: While very rarely exercised, the University reserves the right to revoke a degree previously awarded from the University for fraud, misrepresentation, and/or other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Other Actions*: In addition to, or in place of, the above sanctions, the University may assign any other sanctions as deemed appropriate.

Student Group and Organization Sanctions

The following are the common sanctions that may be imposed upon student groups or organizations singly or in combination:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation*: An official sanction for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the group or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of University funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student group or organization recognition and/or institutional support for a defined period of time not to exceed two (2) years and/or until specific criteria are met. During the suspension period, a student group or organization may not conduct any formal or informal business or participate in University-related activities, whether they occur on- or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the University.
- *Expulsion*: Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.

- *Loss of Privileges:* Restricted from accessing specific University privileges for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in discrimination, harassment, and/or retaliation include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Shift or schedule adjustments*
- *Reassignment*
- *Delay of (or referral for delay of) Tenure Track Progress*
- *Assignment to a New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension/Administrative Leave with Pay*
- *Suspension/Administrative Leave without Pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, the University may assign any other responsive actions as deemed appropriate.

Notice of Outcome

Within ten (10) business days of the conclusion of the Resolution Process, the Title IX Coordinator provides the Parties with a written outcome notification. The outcome notification will specify the finding for each alleged Policy violation, all applicable sanctions that the University is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker, supporting the findings to the extent the University is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

The Title IX Coordinator will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official University records, or emailed to the Parties' University-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

Withdrawal or Resignation Before Complaint Resolution

Students

Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from the University, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the University will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, the University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to the University in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Complaint. The Registrar, Office of Admissions, and HR may be notified, accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student is not permitted to return to the University unless and until all sanctions, if any, have been satisfied.

Employees

Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent leaves their employment with the University with unresolved allegations pending, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the University may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When an employee resigns and the Complaint is dismissed, the employee may not return to the University in any capacity. The Registrar, Office of Admissions, and HR will be notified, accordingly. A note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the University. The records retained by the Title IX Coordinator will reflect that status.

Appeal of the Determination

The Title IX Coordinator will designate an Appeal Decision-maker – either a three-member panel, or individual chosen from the Pool, or other trained internal or external individuals, to hear the appeal. No Appeal Decision-maker(s) will have been previously involved in the Resolution Process for the Complaint, including in any supportive measure challenge or dismissal appeal that may have been decided earlier in the process. If a panel is used, a voting chair will be designated by the Title IX Coordinator.

Appeal Grounds

Appeals are limited to the following grounds:

1. A procedural irregularity that would change the outcome.
2. New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility was made.
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific Complainant or Respondent that would change the outcome.
4. The Final Determination by the Decision-maker is substantially contrary to the weight of the evidence in the record (applicable to sanctions of suspension, expulsion, or termination, only).
5. The sanctions fall outside the range of sanctions designated for this offense, considering the cumulative conduct/disciplinary record of the Respondent (applicable to sanctions of suspension, expulsion, or termination, only).

Request for Appeal

Any party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds in this Policy, then the Appeal Decision-maker will notify all Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the Preponderance of the evidence standard of proof.

An appeal is not an opportunity for the Appeal Decision-makers to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

The Appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Title IX Coordinator (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new determination with new Pool members serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter (“Appeal Outcome”) will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which the University is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent the University is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official institutional records, or emailed to the Parties’ University-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the five (5) available appeal grounds.

Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures (detailed above) for a “show cause” meeting on the justification for doing so must be permitted within two (2) business days of implementation.

Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or the University community that are intended to stop the discrimination, harassment, and/or retaliation, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term supportive measures may also be provided to the Parties even if no Policy violation is found.

When no Policy violation is found, the Title IX Coordinator will address any remedies the University owes the Respondent to ensure no effective denial of educational access.

The University will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the University’s ability to provide these services.

Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker(s), including the Appeal Panel or Decision-maker or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or for any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University.

Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

Recordkeeping

For a period of at least seven (7) years following the conclusion of the Resolution Process, the University will maintain records of:

1. Each discrimination, harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation.
2. Any disciplinary sanctions imposed on the Respondent.
3. Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to the University's education program or activity.
4. Any appeal and the result therefrom.
5. Any Informal Resolution and the result therefrom.
6. All materials used to provide training to the Title IX Coordinator, Title IX Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitators, and any person who is responsible for implementing the University's Resolution Process, or who has the authority to modify or terminate supportive measures. The University will make these training materials available for review upon request.
7. All materials used to train all employees consistent with the requirements in the Title IX Regulations.

The University will also maintain any and all records in accordance with federal and state laws.¹

¹ A model record maintenance and access policy can be found in [Appendix E](#).

Accommodations and Support During the Resolution Process

Disability Accommodations

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's Resolution Process.

Anyone needing such accommodations or support should contact the Title IX Coordinator, who will work with disability support as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

Other Support

The University will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout the Resolution Process
- Other support as deemed reasonable and necessary to facilitate participation in the Resolution Process

Revision of these Procedures

These procedures succeed any previous procedures addressing discrimination, harassment, and retaliation for incidents occurring on or after August 1, 2024. The Title IX Coordinator will regularly review and update these procedures. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If governing laws or regulations change, or court decisions alter, the requirements in a way that impacts this document, this document will be construed to comply with the most recent governing laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background federal and state laws that frame such policies and codes, generally.

Alcohol and Drug Policy

Alcohol Policy

AdventHealth University believes that the use of alcohol is counterproductive to a successful and safe environment. Therefore, the possession, use, or being under the influence of alcoholic products on any campus premises or during any University-sponsored activity or event is strictly prohibited. Failure to abide by the stated policy will result in disciplinary actions.

Students at AdventHealth University are expected to be acquainted with and abide by state laws and University regulations regarding alcohol and drugs. AHU Campus Security enforces the drug and alcohol policies at AHU-Denver. The Denver Police Department is responsible for enforcing state underage drinking laws and federal and state drug laws. If an incident has evidence of

breaking federal/state drug or alcohol laws, the incident will be passed on to local law enforcement. Students are also expected to be aware of the social, physiological, and psychological consequences of excessive drinking. The University provides educational resources on alcohol and drug abuse and counseling services.

AdventHealth University abides by Colorado State laws regarding alcohol. These include:

- Individuals under the age of 21 may not possess and/or consume alcohol
- Individuals may not sell, give, or serve alcoholic beverages or permit alcohol to be served to persons under 21
- Individuals may not drive with a blood alcohol level of 0.08% or more. For drivers under the age of 21, there is a "Zero Tolerance" law, which makes it illegal to drive with a BAC of 0.02% or more
- Individuals may not possess open containers of alcohol, including secondary containers (i.e. cups or water bottles) on a street, sidewalk, or in a park. This applies both on and off campus.

Drug Policy

AdventHealth University is committed to providing a drug-free learning and working environment. The manufacture, distribution, possession, or use of illegal drugs and drug paraphernalia is strictly prohibited. In addition, the intentional misuse of prescription drugs is considered an infraction of this policy. Those who decide to learn and work at AHU agree to submit to random drug testing and are subject to search and surveillance at all times while on the campus premises. Failure to abide by the stated policy will result in disciplinary actions.

AdventHealth University prohibits the possession, use, sale, manufacture, or distribution of illegal substances or drug paraphernalia of any kind, in any amount. Additionally, the improper use, sale, or distribution of prescription medication shall also be considered a violation of the University's policy. AHU Campus Security enforces the drug and alcohol policies at AHU-Denver. The Denver Police Department is responsible for enforcing state underage drinking laws and federal and state drug laws.

Medical and Non-Medical Marijuana Use

The State of Florida's Compassionate Medical Cannabis Act and the current legislation legalizing cannabis use in Colorado does not change the University's prohibition regarding the possession, use, provision of, or sale of marijuana or otherwise authorize individuals to use medical marijuana on campus premises and at University-sponsored activities and events. Federal law, including the Drug Free Schools Act, continues to prohibit marijuana. Additional Federal legislation also prohibits any institution of higher education that receives federal funding from allowing the possession and use of marijuana on campus premises and at University-sponsored activities and events. Thus, marijuana possession or use, even if in compliance with the Compassionate Medical Cannabis Act, is prohibited.

Legally Obtained Substances

The use or misuse of any legally obtained substance to render oneself intoxicated or in a state of euphoria is strictly prohibited on campus premises and at University-sponsored activities and events. Students or employees found under the influence, using, manufacturing, or distributing

said substances for this purpose will face disciplinary actions up to and including permanent dismissal/termination.

Sanctions

Any violation of the Tobacco, Alcohol, and Drug policy is grounds for disciplinary action—up to and including immediate and permanent dismissal or termination. However, the sale, distribution, or manufacturing of drugs will automatically result in immediate and permanent dismissal or termination from AdventHealth University.

State and Federal Regulations

There are substantial legal sanctions pursuant to state or federal law which may be levied against students or employees for the unlawful manufacture, distribution, possession, or use of an illicit drug, controlled substance, tobacco, or alcohol. If an incident has evidence of breaking federal/state drug or alcohol laws, the incident will be passed on to local law enforcement in addition to institution-imposed sanctions. The law often treats drug offenses as a criminal matter, punishable by substantial fines, imprisonment, or other severe sanctions.

Colorado State Laws Concerning Drugs¹, Alcohol, and Tobacco

Complete information on Colorado's state laws regarding illicit drugs, alcohol, and tobacco can be found at:

[Colorado Legal Resources Public Access Website](#)

Federal Drug Laws and Penalties

The possession, use, or distribution of illegal drugs is prohibited by federal law. There are strict penalties for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction. Complete information of U.S. Federal laws regarding illicit drugs can be found at <https://www.law.cornell.edu/uscode/text/21/chapter-13/subchapter-I>.

Denial of Federal Benefits - 21 U.S.C. 862

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.

Forfeiture of Personal Property and Real Estate - 21 U.S.C. 853

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued, and property is seized at the time an individual is arrested on charges that may result in forfeiture.

¹ AdventHealth University recognizes federal drug laws over those of individual state statutes. Therefore, federal laws and penalties will be followed when there are discrepancies between state and federal law.

Federal Drug Trafficking Penalties - 21 U.S.C. 841

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

Federal Drug Possession Penalties

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

Drug and Alcohol Abuse Prevention

AdventHealth University abides by the Drug-Free Schools and Communities Act, which supports programs that prevent the illegal use of alcohol, tobacco, and drugs which include standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at university-sanctioned events; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for AdventHealth University students and employees. More information on this policy can be found at <https://www.ahu.edu/alcohol-and-drug-policy>.

In compliance with the Drug-Free Schools and Communities Act, AdventHealth University's DFSCA policy is available at <https://www.ahu.edu/alcohol-and-drug-policy>. AHU provides drug and alcohol abuse education programs that include information on the penalties that can be imposed under Federal, state, and local law for violating their drug and alcohol laws and information on the effects of drug and alcohol abuse on the body:

- Physical, printed information regarding the dangers of drug and alcohol use, as well as resources available to students and employees, can be obtained at the Office of Student Services.
- Information regarding counseling services for substance abuse issues can be found via the AHU main website and the my.AHU.edu student portal.
- Information for anonymous online screenings for students can be found via the my.AHU.edu student portal.
- Referral services for students needing additional assistance can be found at the Office of Spiritual Care & Counseling or by contacting the University Counselor at (407) 303-1870.

Biennial Review

The AHU Drug and Alcohol Policy will be reviewed biennially (a) to determine its effectiveness and to implement changes that may be needed; (b) to ensure that sanctions are consistently enforced, and (c) to meet the stated requirements for compliance with federal regulations.

Crime Statistics

Crime Definitions

The types of crimes reported in this Annual Security Report are defined as follows: those in italics are defined in accordance with the definitions provided by the Federal Bureau of Investigations' (FBI) Uniform Crime Reporting Handbook.

Murder and Non-Negligent Manslaughter is defined as *the willful (non-negligent) killing of one human being by another.*

Negligent Manslaughter is defined as *the killing of another person through gross negligence. (Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.)*

Forcible Rape is *the carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.*

Forcible Sodomy is *oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.*

Sexual Assault with an Object is *the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.*

Forcible Fondling is *the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.*

Incest is *non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.*

Statutory Rape is *non-forcible sexual intercourse with a person who is under the statutory age of consent.*

Robbery is *the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.*

Aggravated Assault is *an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.*

Burglary is *the unlawful entry of a structure to commit a felony or a theft. (Structure, which is defined as having four walls, a roof, and a door)*

Motor Vehicle Theft is *the theft or attempted theft of a motor vehicle.*

Arson is *any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.*

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship would be determined based on the length of the relationship the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Sexual Assault is an offense that meets the definition of rape, fondling, incest, or statutory rape.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

Hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias.

Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin. Any of the above crimes are also reported as a hate crime if motivated by one of these biases.

The following four offenses are only reported if they are found to have the elements of a hate crime:

1. **Larceny-Theft** is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) **Constructive possession** is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.
2. **Simple Assault** is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
3. **Intimidation** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
4. **Destruction/Damage/Vandalism of Property** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Offense	Year	On-Campus (University)	On-Campus (Hospital)	Non-Campus Property	Public Property
Criminal Offenses					
Murder/non-negligent manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Negligent manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Fondling	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Incest	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Robbery	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	2	0	0
Aggravated Assault	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	4	0	0
Burglary	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	3	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	5	0	0
Arson	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Offense	Year	On-Campus (University)	On-Campus (Hospital)	Non-Campus Property	Public Property
VAWA Offences					
Domestic Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Dating Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Stalking	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Offense	Year	On-Campus (University)	On-Campus (Hospital)	Non-Campus Property	Public Property
Arrests and Disciplinary Referrals					
Arrests: Weapons: Carrying, Possessing, etc.	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Arrests: Drug Abuse Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Arrests: Liquor Law Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Hate Crimes: There were no hate crimes reported for the years 2021, 2022, or 2023.

Unfounded Crimes: There were no unfounded crimes reported for the years 2021, 2022, or 2023.

Appendices

Appendix A: Definitions

The following definitions apply to the Nondiscrimination Policies and Procedures:

- **Advisor.** Any person chosen by a party, or appointed by the institution, who may accompany the party to all meetings related to the Resolution Process and advise the party on that process.
- **Title IX Coordinator.** The person with primary responsibility for overseeing and enforcing the Nondiscrimination Policies and Procedures. As used in these policies and procedures, the “Title IX Coordinator” also includes their designee(s).
- **Appeal Decision-maker.** The person or panel who accepts or rejects a submitted appeal request, determines whether any of the appeal grounds are met, and directs responsive action(s), accordingly.
- **Complainant.** A student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, retaliation, or Other Prohibited Conduct under the Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination or harassment or under the Policy and who was participating or attempting to participate in the University’s education program or activity at the time of the alleged discrimination, harassment, retaliation, or Other Prohibited Conduct.
- **Complaint.** An oral or written request to the University that can objectively be understood as a request for the University to investigate and make a determination about the alleged Policy violation(s).
- **Confidential Employee.**
 - An employee whose communications are privileged or confidential under federal or state law. The employee’s confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
 - An employee whom the University has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, retaliation, or Other Prohibited Conduct. If the employee also has a duty not associated with providing those services, the employee’s confidential status only applies with respect to information received about discrimination, harassment, retaliation, or Other Prohibited Conduct in connection with providing those services; or
 - An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, retaliation, or Other Prohibited Conduct. The employee’s confidential status only applies with respect to information received while conducting the study.

- **Day.** A Business day when the University is in normal operation. All references in the Policy to days refer to Business days unless specifically noted as calendar days.
- **Decision-maker.** The person or panel who reviews evidence, determines relevance, and makes the Final Determination of whether Policy has been violated and/or assigns sanctions.
- **Education Program or Activity.** Locations, events, or circumstances where the University exercises substantial control over the context in which the discrimination, harassment, retaliation, and/or Other Prohibited Conduct occurs and also includes any building owned or controlled by a student organization that the University officially recognizes.
- **Employee.** A person employed by the University either full- or part-time, including student employees when acting within the scope of their employment.
- **Final Determination.** A conclusion by the standard of proof that the alleged conduct did or did not violate Policy.
- **Finding.** A conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).
- **Informal Resolution.** A resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a Final Determination in the Resolution Process.
- **Investigation Report.** The Investigator’s summary of all relevant evidence gathered during the investigation. Variations include the Draft Investigation Report and the Final Investigation Report.
- **Investigator.** The person(s) authorized by the University to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report.
- **Knowledge.** When the University receives Notice of conduct that reasonably may constitute harassment, discrimination, retaliation, or Other Prohibited Conduct in its Education Program or Activity.
- **Mandated Reporter.** A University employee who is obligated by Policy to share Knowledge, Notice, and/or reports of discrimination, harassment, retaliation, and/or Other Prohibited Conduct with the Title IX Coordinator.¹
- **Nondiscrimination Team.** The Title IX Coordinator, any deputy coordinators, and any member of the Resolution Process Pool and any other University appointees.
- **Notice.** When an employee, student, or third party informs the Title IX Coordinator of the alleged occurrence of discriminatory, harassing, retaliatory, or Other Prohibited Conduct.
- **Parties.** The Complainant(s) and Respondent(s), collectively.

¹ Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of persons with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility under this Policy. The Title IX Coordinator designated to receive information from Mandated Reporters may vary depending upon the type of alleged discrimination, harassment, or retaliation (e.g., on the basis of sex, on the basis of race, on the basis of disability).

- **Pregnancy or Related Conditions.** Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.
- **Protected Characteristic.** Any characteristic for which a person is afforded protection against discrimination and harassment by law or University Policy.
- **Relevant Evidence.** Evidence that may aid a Decision-maker in determining whether the alleged discrimination, harassment, retaliation, or Other Prohibited Conduct occurred, or in determining the credibility of the Parties or witnesses.
- **Remedies.** Typically, post-resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to the University's Education Program and Activity.
- **Resolution Process.** The investigation and resolution of allegations of prohibited conduct under this Policy, including Informal Resolution and/or Hearing Resolution.
- **Respondent.** A person who is alleged to have engaged in conduct that could constitute discrimination based on a protected characteristic, harassment, retaliation, or Other Prohibited Conduct for engaging in a protected activity under this Policy.
- **Sanction.** A consequence imposed on a Respondent who is found to have violated this Policy.
- **Sex.** Sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- **Student.** Any person who has gained admission.
- **Title IX Coordinator.** At least one official designated by the University to ensure ultimate oversight of compliance with Title IX and the University's Title IX program. References to the Title IX Coordinator throughout the Policy may also encompass a designee of the Title IX Coordinator for specific tasks.

Appendix B: Statement of the Parties' Rights

Under this Policy and procedures, the Parties have the right to:

- An equitable investigation and resolution of all credible allegations of prohibited discrimination, harassment, retaliation, and Other Prohibited Conduct, when reported in good faith to University officials.
- Timely written notice of all alleged violations, including the identity of the Parties involved (if known), the specific misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated Policies and procedures, and possible sanctions.
- Timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants) by updating the Notice of Investigation and Allegation(s) (NOIA) as needed to clarify potentially implicated Policy violations.
- Be informed in advance of any University public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- Have all personally identifiable information protected from the University's release to the public without consent, except to the extent permitted by law.
- Be treated with respect by University officials.
- Have University Policy and these procedures followed without material deviation.
- Voluntarily agree to resolve allegations under this Policy through Informal Resolution without University pressure, if Informal Resolution is approved by the Title IX Coordinator.
- Not be discouraged by University officials from reporting discrimination, harassment, retaliation, and Other Prohibited Conduct to both on-campus and off-campus authorities.
- Be informed of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by the University in notifying such authorities, if the party chooses. This also includes the right to not be pressured to report.
- Have allegations of violations of this Policy responded to promptly and with sensitivity by University law enforcement, security, and/or other University officials.
- Be informed of available supportive measures, such as counseling, advocacy, health care, student financial aid, visa and immigration assistance, and/or other services, both on-campus and in the community.
- A University-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- Be informed of available assistance in changing academic, living, and/or employment situations after an alleged incident of discrimination, harassment, retaliation, and/or Other Prohibited Conduct if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur for this option to be available. Such actions may include, but are not limited to:
 - Referral to counseling, medical, and/or other healthcare services
 - Referral to the Employee Assistance Program
 - Referral to community-based service providers
 - Visa and immigration assistance

- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact restrictions (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications and/or withdrawals
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Administrator
- Have the University maintain supportive measures for as long as necessary, ensuring they remain confidential, provided confidentiality does not impair the University's ability to provide the supportive measures.
- Receive sufficiently advanced written notice of any University meetings or interviews involving another party, when possible.
- Identify and have the Investigator(s) and/or Decision-maker question relevant available witnesses, including expert witnesses.
- Provide the Investigator(s)/Decision-maker with a list of questions that, if deemed relevant and permissible by the Investigator(s)/Decision-maker, may be asked of any party or witness.
- Have Complainant's inadmissible sexual interests/prior sexual history or any Party's irrelevant character evidence excluded by the Decision-maker.
- Access the relevant evidence obtained and respond to that evidence.
- A fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- Receive a copy of all relevant and permissible evidence obtained during the investigation, subject to privacy limitations imposed by federal and state law and be given ten (10) business days to review and comment on the evidence.
- The right to receive a copy of the Final Investigation Report, including all factual, Policy, and/or credibility analyses performed, and to have at least ten (10) business days to review the report prior to the determination.
- Be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- Regular status updates on the investigation and/or Resolution Process.

- Have reports of alleged Policy violations addressed by Resolution Process Pool members who have received relevant annual training as required by law.
- A Decision-making panel that is not single-sex in its composition, if a panel is used.
- Preservation of confidentiality/privacy, to the extent possible and permitted by law.
- Meetings, interviews, and/or hearings that are closed to the public.
- Petition that any University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- Apply the appropriate standard of proof, Preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all relevant and permissible evidence.
- Be present, including presence via remote technology, during all testimony given and evidence presented during any live hearing.
- Have an impact and/or mitigation statement considered by the Decision-maker following a determination of responsibility for any allegation, but prior to sanctioning.
- Be promptly informed of the Resolution Process finding(s) and sanction(s) (if any) and be given a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written outcome letter delivered to the Parties simultaneously (without undue delay).
- Be informed in writing of when a University decision is considered final and any changes to the Final Determination or sanction(s) that occur post outcome letter delivery.
- Be informed of the opportunity to appeal the Resolution Process finding(s) and sanction(s), and the procedures for doing so in accordance with the University's grounds for appeal.
- A fundamentally fair resolution as defined in these procedures.

Appendix C: Privacy, Privilege, and Confidentiality

For the purpose of this Policy, the terms privacy, confidentiality, and privilege have distinct meanings.

- **Privacy.** Means that information related to a complaint will be shared with a limited number of University employees who “need to know” in order to assist in providing supportive measures or evaluating, investigating, or resolving the Complaint. All employees who are involved in the University’s response to Notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with federal and state law.
- **Confidentiality.** Exists in the context of laws or professional ethics (including Title IX) that protect certain relationships, including clinical care, mental health providers, and counselors. Confidentiality also applies to those designated by the University as Confidential Employees for purposes of reports under this Policy, regardless of legal or ethical protections. When a Complainant shares information with a Confidential Employee, the Confidential Employee does not need to disclose that information to the Title IX Coordinator. The Confidential Resource will, however, provide the Complainant with the Title IX Coordinator’s contact information, assist the Complainant in reporting, if desired, and provide them with information on how the Title IX Office can assist them. With respect to Confidential Employees, information may be disclosed when: (1) the reporting person gives written consent for its disclosure; (2) there is a concern that the person will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or persons with disabilities. Non-identifiable information may be shared by Confidential Employees for statistical tracking purposes as required by the Clery Act/Violence Against Women Act (VAWA). Other information may be shared as required by law.
- **Privilege.** Exists in the context of laws that protect certain relationships, including attorneys, spouses, and clergy. Privilege is maintained by a provider unless a court orders release or the holder of the privilege (e.g., a client, spouse, parishioner) waives the protections of the privilege. The University treats employees who have the ability to have privileged communications as Confidential Employees.

The University reserves the right to determine which University officials have a legitimate educational interest in being informed about student-related incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the Complaint. Information will be shared as necessary with Investigators, Decision-makers, Appeal Decision-makers, witnesses, the Parties, and the Parties’ Advisors. The circle of people with this knowledge will be kept as tight as possible to preserve the Parties’ rights and privacy, and release is governed by the institution’s unauthorized disclosure policy.

The University may contact students’ parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student prior to doing so.

Appendix D: Violence Risk Assessment

Threat assessment is the process of assessing the actionability of violence by a person against another person or group following the issuance of a direct or conditional threat. **A Violence Risk Assessment (VRA)** is a broader term used to describe assessment of any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

Implementing a VRA requires specific training. It is typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct professionals, and/or other Behavioral Intervention Team members.

A VRA occurs in collaboration with the Behavioral Intervention Team and must be understood as an ongoing process, rather than as a single evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations. It is supported by research from law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use(s) an evidence-based process consisting of:

1. An appraisal of **risk factors** that escalate the potential for violence.
2. A determination of stabilizing influences, or **protective factors**, that reduce the risk of violence.
3. A contextual **analysis of violence risk** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of the threat; fixation and focus on target; grievance collection; and action and time imperative for violence.
4. The application of **intervention and management** approaches to reduce the risk of violence.

To assess a person's level of violence risk, the Title IX Coordinator will initiate the VRA process through the Behavioral Intervention Team. The Behavioral Intervention Team will assign a trained person(s) to perform the assessment, according to the specific nature of the complaint.

The assessor(s) will follow the process for conducting a VRA as outlined in the Behavioral Intervention Team manual and will rely on a consistent, research-based, reliable system that allows for the evaluation of the risk levels.

Some examples of formalized approaches to the VRA process include The NABITA Risk Rubric¹ The Structured Interview for Violence Risk Assessment (SIVRA-35),² Violence Risk Assessment of the Written Word (VRAWW),³ Workplace Assessment of Violence Risk (WAVR-21),⁴ Historical Clinical Risk Management (HCR-20),⁵ and MOSAIC.⁶

¹ <https://www.nabita.org/training/nabita-risk-rubric/>

² <https://www.nabita.org/training/sivra-35/>

³ <https://www.nabita.org/training/vraww/>

⁴ www.wavr21.com

⁵ <http://hcr-20.com>

⁶ www.mosaicmethod.com

The VRA is conducted independently from the Resolution Process, informed by it, but free from outcome pressure. The person(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The Behavioral Intervention Team member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or imminent and serious threat to the health and/or safety of a person or the community.

In some circumstances, the Title IX Coordinator may determine that a VRA should be conducted by the Behavioral Intervention Team as part of the initial evaluation of a Complaint under this Policy. A VRA can aid in critical and/or required determinations, including:

1. Whether to remove the Respondent on an emergency basis because of an immediate threat to a person or the community's health/safety (Emergency Removal)
2. Whether the Title IX Coordinator should pursue/initiate a Complaint absent a willing/able Complainant
3. Whether the scope of an investigation should include an incident, and/or pattern of misconduct, and/or climate of discrimination or harassment
4. To help identify potential predatory conduct
5. To help assess/identify grooming behaviors
6. Whether it is reasonable to try to resolve a Complaint through Informal Resolution, and if so, what approach may be most successful
7. Whether to impose transcript notation or communicate with a transfer institution about a Respondent
8. Assessment of appropriate sanctions/remedies (to be applied post-determination)
9. Whether a Clery Act Timely Warning/Trespass order/Persona Non Grata is needed

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Institutions may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes

Appendix E: ATIXA Record Maintenance and Access Policy

Policy Scope

This Policy covers records maintained in any medium that are created pursuant to the University's Equal Opportunity, Harassment, and Nondiscrimination Policy and/or the regular business of the University's the Title IX Office. All such records are considered private or confidential by the Title IX Office, in accordance with FERPA and the directive from the Department of Education to maintain the confidentiality of records related to discrimination, harassment, and retaliation. These records may be shared internally with those who have a legitimate educational interest and will be shared with the Parties to a Complaint under applicable federal and/or state law. The Title IX Office controls the dissemination and sharing of any records under its control.

Types of Records Covered Under this Policy

Records pertaining to the Equal Opportunity, Harassment, and Nondiscrimination Policy include, but are not limited to:

- The Complaint
- NOIAs
- Documentation of notice to the institution, including incident reports
- Anonymous reports later linked to a specific incident involving known Parties
- Any documentation supporting the initial evaluation
- Investigation-related evidence (e.g., physical and documentary evidence collected and interview transcripts)
- Dismissal-related documentation and appeals
- Documentation related to Emergency Removals, leaves, and interim actions and challenges
- Documentation related to the Resolution Process
- The Final Investigation Report and file
- Remedy-related documentation
- Supportive measures-related documentation
- Appeal-related documentation
- Informal Resolution records
- Outcome Notices
- Any other records typically maintained by the University as part of the Complaint file

Drafts and Working Files: Preliminary drafts and “working files” are not considered records that the University must maintain, and these are typically destroyed during the course of an investigation or at the conclusion of the Resolution Process. They are preliminary versions of records and other documents that do not state a final position on the subject matter reviewed or are not considered to be in final form by their author and/or the Title IX Coordinator. An example of a “working file” would be the Investigator’s notes made during an interview on topics that they want to revisit in subsequent interviews. Sole possession records maintained as such in accordance with FERPA are also included in this category. All drafts of investigation reports shared with the Parties are maintained.

Attorney Work-Product: Communications from the Title IX Office or its designees with the University’s legal counsel may be work product protected by attorney-client privilege. These privileged communications are not considered records to be maintained by the Title IX Office or

accessible under this Policy unless the Title IX Coordinator, in consultation with legal counsel as necessary, determines that these communications should be included as accessible records.

Record Storage

Records may be created and maintained in different media formats; this Policy applies to all records, irrespective of format. All records created pursuant to the Policy, as defined above, must be stored in digital format and maintained by the Title IX Office. The complete file must be transferred to the Title IX Office, typically within fourteen (14) business days of the complaint resolution (including any appeal), if the file is not already maintained within the Title IX Office. Security protocols must be in place to preserve the integrity and privacy of any parts of any record that are maintained in the Title IX Office during the pendency of an investigation.

The Title IX Office will store all records created pursuant to the Policy, regardless of the identities of the Parties. Any extra (non-essential) copies of the records (both digital and paper) must be destroyed.

A copy of records showing compliance with any applicable Clery Act/Violence Against Women Act (VAWA) requirements will be maintained along with the Complaint file by the Title IX Office.

Title IX Training Materials

The University will also maintain copies of the slides or other materials from all Title IX training for the Resolution Process Pool members, the Nondiscrimination Team, and employees. Trainings occurring prior to August 1, 2024, are posted online at <https://www.ahu.edu/title-ix>, and trainings occurring after August 1, 2024, are available for review upon request to the Title IX Coordinator.

Record Retention

All records created and maintained pursuant to the Policy will be retained by the Title IX Office for a minimum of seven (7) years in database, digital, and/or paper form. Except for records pertaining to Title IX and the Clery Act/VAWA, the Title IX Coordinator may authorize destruction or expungement acting under their own discretion, or in accordance with a duly executed and binding claim settlement and/or by court or government order.

Record Access

Access to records created pursuant to the Policy or housed in the Title IX Office is strictly limited to the Title IX Coordinator and any person they authorize in writing, at their discretion, or via permission levels within the database. Those who are granted broad access to the Title IX Office records are expected to access only those pertinent to their scope, work, or specific assignment. Anyone who accesses such records without proper authorization may be subject to an investigation and possible discipline/sanction. The discipline/sanction for unauthorized access of records covered by this Policy will be at the discretion of the appropriate disciplinary authority, consistent with other relevant University policies and procedures.

Student Parties may request access to their complaint file. The University will provide access or a copy within 45 days of the request. Appropriate redactions of personally identifiable information may be made before inspection, or any copy is shared.

During the investigation, materials may be shared with the Parties using secure file transmission software. The Title IX Office will watermark any such file with the watermark identifying the role of

the person in the process (e.g., Complainant, Respondent, Decision-maker; Complainant's Advisor) before sharing.

The University will maintain an access log of each case file, showing when and by whom it was accessed and for what purpose.

Record Security

The Title IX Coordinator is expected to maintain appropriate security practices for all records, including password protection, lock and key, and other barriers to access as appropriate. Record security should include protection from floods, fire, and other potential emergencies. Clothing, forensic, and other physical evidence should be securely stored in the Title IX Office or another appropriate secure location. All physical evidence will be maintained in a facility that is reasonably protected from flood and fire. A catalog of all physical evidence will be retained with the Complaint file.

Appendix F: Training for Members of the Resolution Process Pool

Resolution Process Pool members receive annual training related to their respective roles. This training may include, but is not limited to:

- The scope of the University’s Equal Opportunity, Harassment, and Nondiscrimination Policy
- The University’s Resolution Process
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias and confirmation bias
- Treating Parties equitably
- Disparate treatment
- Disparate impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner
- Trauma-informed practices pertaining to investigations and resolution processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all prohibited conduct
- How to conduct an investigation and grievance process, including administrative resolutions, hearings, appeals, and Informal Resolution Processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance and creating an Investigation Report that fairly summarizes relevant and not impermissible evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Additional Training Elements Specific to Title IX

All investigators, Decision-makers, and other persons who are responsible for implementing the University’s Title IX policies and procedures will receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX or this part, and annually thereafter. Materials will not rely on sex stereotypes. Training topics include, but are not limited to:

- How to conduct a sex discrimination resolution process consistent with the Nondiscrimination Procedures, including issues of disparate treatment, disparate impact, sex-based harassment, quid pro quo, hostile environment harassment, and retaliation
- The meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the Title IX Regulations
- Training for Informal Resolution facilitators on the rules and practices associated with the University’s Informal Resolution process
- The role of the Title IX Coordinator
- Supportive Measures
- Clery Act/VAWA requirements applicable to Title IX
- The University’s obligations under Title IX
- How to apply definitions used by the University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with Policy
- Reasonable modifications and specific actions to prevent discrimination and ensure equal access for pregnancy or related conditions
- Any other training deemed necessary to comply with Title IX

Emergency 911

Denver Police Department

720-913-2000 (Non-Emergency)

2024

AHU-Denver

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