

# SAINT LEO UNIVERSITY

Savannah Campus



Annual Security Report  
University Safety and Emergency Management  
2023-2024

Crime and Fire Statistics



## Important Phone Numbers

### **UNIVERSITY CAMPUS**

**352-588-8200**

University Safety Emergency Line

352-588-8333

University Safety Non-emergency Line

352-588-8432

Counseling Center

352-588-8354

Residence Life

352-588-8268

Health& Wellness Center

Ext. 352-588-8347

Student Affairs

352-588-8992

### **Title IX Coordinator**

**352-588-8406**

### **Chatham County Police Department**

**(912) 652-6500**

Rape Crisis Hotline

1-888-956-RAPE (7273)

Substance Abuse Hotline

(800) 662-4357

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## Introduction

A university's campus is an important part of the local community that it serves. As in any neighborhood, it is important that the students, faculty, and staff realize they should take every possible precaution to prevent assault and crime against themselves or others.

The University Safety staff of Saint Leo University recognizes that the university campus is part of the community and experiences the risks and threats of society as a whole. Saint Leo University has established programs and systems involving personnel, procedural methods, and physical means to provide as safe and secure an environment on campus as is reasonably possible.

The Department of University Safety provides information and assistance on self-protection to students and residents. However, each person also must take action to protect him or herself.

Lack of vulnerability is the key to protection. A criminal looks for and exploits perceived weaknesses. The less vulnerable the person, residence, or vehicle appears, the less likely assault, loss, theft, or robbery is to occur. The information provided in this booklet is designed to inform, advise, and alert individuals about Saint Leo University policies and procedures on crime awareness and reporting. Also, crime methodology and crime prevention techniques are provided to assist in self-protection.

## Annual Reporting Policies

The annual security report is prepared by the Director of University Safety who collects the required information from the various departments as needed.

Crimes are logged on a Daily Crime Log and sent to the Director of University Safety upon request. Additional geographic information is gathered from local law enforcement for each center as needed.

## Geographic Locations:

### Savannah Location

The Savannah Education Center is located:

325 West Montgomery Crossroads  
Savannah, GA 31406  
(912) 352-8331

And is described for Clery purposes as the following:

#### **Savannah Center**

- Entire building
- Sidewalk into building
- Parking lots
- Both streets (1/4 mile) on the two sides of the building

### Reporting Offenses

The Saint Leo University Safety Department is open 24 hours a day, seven days a week to provide service to the students, faculty, staff, and visitors. This department also is an information center for visitors. University Safety officers patrol the campus by foot and also in marked vehicles. University Safety has an emergency telephone extension 8333 for all individuals living and working on campus. This is a 24-hour telephone service always staffed for immediate response.

**PLEASE NOTE:** In a life-threatening or emergency medical situation, always dial 911 first and then call 352-588- 8333. This will avoid any delay in alerting law enforcement or emergency medical professionals.

Students living off campus should always use the 911 service for law enforcement, rescue, ambulance, and fire.

The Department of University Safety should be contacted as soon as possible in all instances of criminal occurrences such as loss of property, threats, assaults, injury, or attempted crimes. Remember though, in a life-threatening or emergency medical situation, always dial 911 first and then call 8333. University Safety, in turn, will work to assist local law enforcement and emergency personnel.

Quick response and good communication with University Safety help eliminate threats and hazards. Therefore, all Saint Leo University students, employees, faculty, and staff members should contact University Safety with any and all concerns for safety and security at:

<b>On University Campus:</b>
Ext. 8333 (Emergency)
Ext. 8432 (Non-emergency)
<b>From Mobile Phone:</b>
(352) 588-8333 (Emergency)
(352) 588-8432 (Non-emergency)
(352) 588-7777 (Tip line)

## Voluntary Confidential Reporting

The university will make reasonable efforts to preserve an individual's privacy and protect the confidentiality of information. The degree to which confidentiality can be protected, however, depends upon the professional role of the person being consulted. The professional being consulted should make these limits clear before any disclosure of facts.

Members of the Saint Leo community are encouraged to be alert for suspicious or criminal activity and to accurately and promptly report criminal action and other emergencies which occur on the Saint Leo University campus. Emergency phones are located throughout the Saint Leo University campus for the safety and convenience of students, faculty, staff, and visitors. Additionally, anyone can provide a confidential tip by calling extension 7777 (or 352-588-7777) and leaving a message regarding information about suspicious activities of concern.

Students are under a continuing duty to report any arrests, pending criminal charge(s) (excluding minor traffic citations), notice to appear citation(s), or criminal conviction(s), even if the adjudication or sentence has been withheld.\*This reporting obligation includes specifying the charge(s), when and where it occurred, and the case number (if any). This information must be provided in writing (email or letter) to the Director of Residence Life within ten (10) business days following the reportable event as listed above. Failing to report is an independent conduct violation and/or falsification of the admissions application is grounds for admission revocation when discovered.

## Access to Facilities

When the appropriate university officials plan to seek access to a student room in a residence hall for improvement or repair, attempts will be made to notify occupants in advance, although there may be entry without notice where life, limb or property are jeopardized, or there is reasonable suspicion that University policy or law is being or has been violated. All visible violations of State, Local, and Federal Laws or University policy

will be documented. Building maintenance has access to all locations and to all rooms at all times.

## Enforcement and Jurisdiction

University Safety officers are not sworn law enforcement personnel; therefore, they do not have any arrest powers beyond the citizen's arrest. Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the University. They enforce (or refer for enforcement) the University's policies. They have the authority to issue parking citations and otherwise manage campus traffic. Criminal incidents are referred to the local law enforcement who have jurisdiction on the campuses.

### Relationship with local law enforcement

The university does not have any written agreements or memoranda of understanding with local law enforcement agencies for the investigation of alleged criminal offenses on campus. Rather crime reports and investigations are handled in accordance with the responding agency's own policies and procedures.

### Confidential Reporting

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they may make informed choices about where to turn should they become a victim of a crime. Saint Leo University encourages victims to talk with someone identified in one or more of these groups. For more information pertaining to sexual misconduct, please visit our Lion's Care website at: <https://www.saintleo.edu/student-experience/support/lions-care/resources> or <https://www.saintleo.edu/about/disclosures/sexual-misconduct-resources>.

Saint Leo University encourages victims of crime or sexual violence to talk to somebody about what happened – so victims can receive the support they need, and so the university may respond appropriately. Individual employees on campus have different abilities to maintain a victim's confidentiality.

### Disclosing to Confidential Resources

**Complete Confidential Resources.** Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication" and include the professional and Pastoral Counselors, Therapists and Counselors, Health and Wellness nurses, who are professional and licensed. Counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) and those listed above are not required to report any information about an incident to the Title IX Coordinator without a



victim's permission.

A victim who speaks with a professional counselor, pastor, or advocate must understand that, if the victim wants to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health/wellness or mental health services, and changes to living, working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so.

Note: While these professional and non-professional counselors and advocates may maintain a victim's confidentiality vis-à-vis Saint Leo University, they may have reporting or other obligations under state law.

Also Note: If the college determines that alleged perpetrator(s) pose a serious and immediate threat to the college community, certain professional staff may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

### **Criminal Activity by Off-Campus Student Organizations**

The University does not have any officially recognized off-campus student organizations. Therefore, local police are not used for police monitoring of such entities. Off-campus criminal activity by individual students is reportable to Student Affairs, while employees should report any arrest to the Human Resources Department.

## Timely Warnings and Emergency Notifications (Everbridge System)

Timely Warnings are warnings issued by the University (typically by the head of the University Safety Department or Office of University Communications) for, at a minimum, any CLERY Act crime that occurs in our campus geography that is reported to local police or campus law enforcement; and is considered by the institution to represent a serious and continuing threat.

Timely warnings are intended to caution the campus community about immediate threats, thereby enabling community members to take precautions to protect themselves. Therefore, a public warning may not be issued if the University determines in the exercise of professional judgment that it will compromise efforts to assist the victim, respond to or otherwise contain the emergency.

### Emergency Notification Policy

Emergency notifications are used to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.

In the case of any threat or emergency that requires notification of students, faculty and staff; Saint Leo University will use Everbridge. This service provides the University a timely notification process through one or more of the following options: Voice messages, email, and/or text messaging, Everbridge Mobile App.

### Drills, Testing and Evacuation Procedures

The Emergency Management Plan is updated annually and found on the Saint Leo University Intranet.

Information provided in the following table describes the current Fire Safety Systems in place within the Saint Leo University Campus Residence Hall facilities and the number of Fire Drills conducted during the previous calendar year.

### Fire Safety Policies and Procedures

All Saint Leo University students are provided access to the University's Student Code of Conduct and Guides to Residence and are expected to follow all stated policies and procedures. This is available online at <http://www.saintleo.edu/code-of-conduct>.

# Sexual Misconduct Policies and Programs

## Programs to Prevent Sexual Misconduct

The Title IX Office, Student Affairs, Counseling Center, Residence Life, and the Office of Student & Family Engagement offers sexual assault information to students upon request. Literature on date rape education and risk reduction are available for the entire campus through the Office of Student Affairs or Counseling Services.

Saint Leo University provides education through several different venues to ensure that each community group receives and understands their role in reporting and reacting to potential violations in the areas of Title IX and Title VII particularly in the areas of dating violence, domestic violence, sexual assault and stalking.

A Sexual Misconduct brochure has been created and distributed to various departments on campus and is updated as needed. It is also housed at: <https://www.saintleo.edu/about/disclosures/sexual-misconduct-resources> and in the appendix.

Education efforts are tracked by the Title IX coordinator and include:

- Faculty and staff training, which is completed by the first day of classes.
- Student training is completed during orientation at the beginning of each term.
- Brochure will be distributed on campus and made available on the Saint Leo University website.
- Poster series are developed for classrooms and break-rooms – both centers and on-campus – and available each year.
- The student population that access Saint Leo University through the College of Online Learning receive information at the time of registration through the portal.
- Third-party vendors or areas that have limited computer access such Dining Services, Facilities Management, and the Bookstore receive training at the beginning of each year in person.
- Confidential source training provided at the beginning of each term for new employees of those areas.
- Board of Trustee training is completed through the President’s office each year.

The Student Code of Conduct explicitly states that the University considers sexual misconduct a violation and is prohibited by Saint Leo University, whether or not it constitutes a violation of law. Sexual misconduct is defined as including dating violence, domestic violence, sexual assault and stalking. For a complete list of definitions, see the definitions section below.

### **Sexual Misconduct includes:**

**“Dating Violence** “Violence committed by a person who has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined by factors such as length, type, and frequency of interaction.

**“Domestic Violence”** Violent misdemeanor and felony offenses committed by the victim’s current or former spouse, current or former cohabitant, a person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

**“Sexual Assault”** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.

**“Stalking”** A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or other’s safety, or to suffer substantial emotional distress.

## Definitions

**Awareness Program:** Community-wide and audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Bystander Intervention:** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. This includes recognizing situations of potential harm and understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

**Complainant:** A person who reports he or she has been subjected to discrimination, harassment, or related retaliation.

**Consent:** Consent is a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

**Dating Violence:** Violence committed by a person who has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined by factors such as length, type, and frequency of interaction.

**Domestic Violence:** Violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, a person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

**Harassment:** Verbal, emotional, or physical conduct related to a person's protected class that unreasonably interferes with an individual's work or academic performance or creates an intimidating or hostile work or educational environment.

**Hostile Environment:** Unwelcome conduct by an individual or individuals against another individual based upon her/ his protected class that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile, or offensive.

**Impaired:** Temporary incapacity to evaluate or control conduct, because the person is unconscious, asleep, intoxicated or under the influence of drugs or for any other reason is physically unable to communicate or grant consent.

**Impartial Proceeding:** A proceeding that is completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the

extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay. Must be conducted in a manner that:

- Is consistent with the institution's policies and transparent to both parties;
- Includes timely notice of meetings at which the complainant and the respondent or both, may be present
- Provides timely and equal access to the complainant, the respondent and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings
- Conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent.

***Incapacitation/Impairment:*** Incapacity to evaluate or control conduct, because an individual is unconscious, asleep, intoxicated, or under the influence of other drugs or, for any other reason, physically, mentally or legally unable to communicate or grant consent.

***Intimidation:*** Unlawfully placing 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.

***Non-Responsible Employees:*** Contracted or third-party employees who are not mandated reporters and do not have to report any disclosures of sexual misconduct to the Title IX coordinator.

***Ongoing Prevention and Awareness Campaigns:*** Programming, initiatives and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the university.

***Primary Prevention Program:*** Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.

***Proceeding:*** All activities related to a non-criminal resolution of an institutional disciplinary complaint, including but not limited to, fact finding investigations, formal or informal meetings, and hearings.

***Professional and Pastoral Counselors:*** Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the university community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission.

**Protected Class (as defined in the official Saint Leo University Non-discrimination EEO Statement):** Saint Leo University has a strong commitment to principles of equal employment opportunity and equal access to education. Saint Leo University does not discriminate on the basis of age, color, disability, ethnic origin, genetic information, gender, nationality, race, religion, or veteran status, or any other category protected by federal, state, or local law in its educational programs, admissions policies, financial aid, employment, or other university administered programs.

The policy is enforced by Saint Leo University and by applicable laws such as Title IX of the Education Amendments of 1972, Title VI and Title IX of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Florida Civil Rights Act of 1992.

**Public Indecency:** Exposing portions of one's body in such a manner that it may be seen by someone who reasonably could be offended.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim.

**Respondent:** A person who is charged with committing acts of discrimination, harassment, or retaliation.

**Responsible Employee:** A university employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. A responsible employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the victim and that the university will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

**Result:** Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution and should include any sanctions imposed by the university.

**Retaliation:** An individual's adverse action against another person because that person has filed a complaint or participated in an investigation. Retaliation is prohibited by Saint Leo University policy.

**Risk Reduction:** Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

**Sex Discrimination:** An umbrella term encompassing multiple types of actions involving the unfavorable treatment of an individual or a group of identifiable individuals based on gender.

**Sexual Exploitation:** Occurs when a person or group of people takes advantage of another person by doing something sexual in a nonconsensual, abusive, or unjust manner. Examples include nonconsensual video or audio taping of a sexual activity, nonconsensual photography of a sexual nature, voyeurism, knowingly transmitting a sexually transmitted infection (STI) or HIV, or prostituting another person.

**Sexual Harassment:** One type of sex discrimination under Title IX. The U.S. Department of Education's Office for Civil Rights ([www2.ed.gov/ocr](http://www2.ed.gov/ocr)) states that sexual harassment is "unwelcomed conduct of a sexual nature." That is, "any unwelcome conduct of a sexual nature."

**Sexual Imposition:** Sexual touching or requests for sex when the offender knows, or should reasonably understand, that such behavior is offensive to the victim or when the victim's judgment is impaired.

**Sexual Misconduct:** Sexual misconduct of a student can deny or limit, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities from the institution's programs. Therefore, it is a form of gender-based discrimination prohibited by Title IX.

**Sexual Violence:** A severe form of hostile environment sexual harassment that represents conduct involving physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's incapacity. An individual's incapacity may arise from use of drugs or alcohol or individual conditions including intellectual or other disability.

**Stalking:** A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or other's safety, or to suffer substantial emotional distress.

**Voyeurism:** Trespassing, spying, or eavesdropping.



# Prevention and Awareness

## Risk Reduction Tips

Listed below are some reminders of how to promote better security:

- Keep your residence hall/vehicle doors locked at all times.
- Do not prop doors open.
- Walk, jog, or travel with a friend.
- Notice and be aware of suspicious persons and conditions.
- Stay in well-lit areas (on and off campus).
- Call University Safety (Ext. 8333) to report any suspicious incident/crime. Note: If off campus, call local law enforcement (911).
- Anonymous calls are always accepted. You are not required to provide your name (352-588-7777).
- Avoid giving out personal information about yourself or making appointments with strangers over the phone.
- To help deter theft of personal property, engrave or mark all valuable property.
- Your property should be with you or locked in your room at all times. Do not leave your property (keys, laptop, iPod, etc.) unattended.
- Do not offer rides to strangers.
- When using your vehicle, keep doors locked at all times. Before you enter your vehicle, always look under the vehicle and in the back seat.

## Prevention and Awareness Campaigns

*Take Back the Campus and other public awareness events*

Public awareness events such as “Take Back the Campus,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents of sexual violence, are not considered notice to the University of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about students’ Title IX rights at these events.

## CARE Grant

The Campus Advocacy, Resources, and Education (CARE) Project provides students and employees with ongoing training, prevention, and education efforts for dating violence, domestic violence, sexual assault, and stalking (DVDVSAS). Through partnerships with local criminal justice authorities and community-based victim services agencies, CARE helps strengthen the University’s response to DVDVSAS. CARE activities include but are not limited to:

1. **New and Incoming Student Training.** All new and incoming students on and off-campus must complete a Bystander Intervention and Sexual Violence Prevention online training. The Sexual Violence Prevention training is tailored to the needs of undergraduate, graduate, and adult learners.
2. **Discipline-Specific Training.** All student conduct personnel are required to complete a 2.5 hour Online VAWA Adjudicator Training Program. The training program is designed for institutional officials involved in the development and management of the resolution process (i.e., disciplinary proceedings) for dating violence, domestic violence, sexual assault, and stalking offenses involving students and employees. Through partnership with our community-based victim services agency, Saint Leo's Campus Safety Officers receive Trauma-Informed Training and additional trainings as needed.
3. **Employee Training.** In addition to discipline-specific training, all Saint Leo employees must complete an annual compliance training that includes information on DVDVSAS and available resources.
4. **Prevention and Education Efforts.** Prevention and education events are hosted throughout to school year to help bring awareness and education around dating violence, domestic violence, sexual assault, and stalking. The "Basics of Gender-Based Violence" are provided in first-year classrooms and available upon request. CARE collaborates across departments and with various student groups to engage the community on these sensitive issues.
5. **The Coordinated Community Response Team.** Saint Leo personnel and community members participate in a monthly Coordinated Community Response Team meeting. Members use this multidisciplinary team to provide interagency internal information sharing, develop coordinated responses to DVDVSAS, ensure a victim-centered response to violence, and equitable access to community resources.

## 2020 Prevention Programming

Various areas on campus have prevention and education programming throughout the academic year of which many are repeating annually.

[RA Training, Counseling Services Overview](#)

[Welcome Week, Counseling & Prevention Overview](#)

[RA Program: Guide to Self-Care \(Shedae Thelwell\)](#)

[Green Dot and CARE These Hands Don't Hurt](#)

[Coffee and Consent with CAB](#)

[Purple Thursday](#)

[My Costume is Not Consent](#)

[Valentine's Day Pop Up - Leo Love Week, w/ Green Dot & CARE; Education on Healthy Relationship](#)

[Sexual Misconduct Awareness And Prevention Training:](#)

<https://www.saintleo.edu/hubfs/Resource%20PDFs%20and%20DOCs/Policies%20and%20Procedures/VAWA-PPT.pdf>

## CLERY Reporting

In compliance with the Jeanne CLERY Disclosure of Campus Security Policy and Campus Crime Statistics Act, a detailed report of various safety policies and crime statistics may be found on-line. A complete copy of the law is available in the Student Affairs office located in the Student Activities Building, first floor and the University Safety Office.

Each year, Saint Leo University produces an Annual Security Report that contains the following information:

- Three calendar years of select crime statistics, security policies and procedures and information on the basic rights guaranteed to victims of sexual assault
- Procedures on timely warnings
- Procedures for missing students
- Annual fire report handling
- Emergency response, notification, and testing policy

## Anonymous Reporting

Any individual may report an alleged violation of the Student Code of Conduct, and the appropriate office will conduct a follow-up investigation. Community members are encouraged to use the Community Report Form which is located at <https://www.saintleo.edu/about/title-ix/File-a-report>.

Please Note: Anonymous reporting of incidents is allowed but discouraged because it limits the ability of the appropriate office to gather further information and adequately address the issue. Every effort, however, will be made to protect confidentiality, where possible and allowed by law, particularly where a safety concern exists.

## Amnesty

The Medical Amnesty Policy also applies to Saint Leo University students who are a victim of sexual assault and have also engaged in underage alcohol consumption and/or drug use.

## Confidentiality of Reporting

The University will make reasonable efforts to preserve an individual's privacy and protect the confidentiality of information. The degree to which confidentiality can be protected, however, depends upon the professional role of the person being consulted. The professional being consulted should make these limits clear before any disclosure of facts.

An individual can speak confidentially with certain individuals in legally protected roles. They include sexual assault counselors such as those under the Employee Assistance Program for employees and the University Counseling Center for students, medical clinicians accessed through the Health and Wellness Center, and clergy. Exceptions to maintaining confidentiality are generally set by law; for example, physicians and nurses who treat a physical injury sustained during sexual assault are often required to report it to law enforcement. Also, physicians, nurses, psychologists, psychiatrists, and social workers typically must report a sexual assault committed against a minor.

Information shared with other individuals is not legally protected from being disclosed. For example, the Director of Residence Life or other faculty or staff members may need to inform other individuals to protect the safety or rights of those individuals, in fairness to the persons involved, or in response to legal or institutional requirements. In addition, under the CLERY Act, the University is required by law to report specified factual details about numbers and types of incidents occurring on campus. These reports are for statistical purposes and do not include individual identities.

In addition, if law enforcement initiates an investigation and the State Attorney files a criminal charge, confidentiality may not be maintained. If a complaint is filed or referred under the Student Code of Conduct, the Student Grievance Procedure for Discrimination Complaints or other internal university process, then the accused student may need to be provided with the name of the complainant and victim.

As required by law, all disclosures to any university employee of an on-campus sexual assault must, at a minimum, be reported for statistical purposes only (without personal identifiers) to the Department of University Safety, which has the responsibility for tabulating and annually publishing sexual assault and other crime statistics. To promote public safety, the Department also alerts the campus community to immediate threats to campus safety by issuing timely warnings or emergency notifications as applicable.

When a sexual assault victim contacts the University Safety Department, the appropriate law enforcement agency may also be notified if requested by the victim. The University will assist the individual in any reports to law enforcement if requested. For students, a representative from the Office of Student Affairs and the Title IX Office will also be notified. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and/or available university processes. A University representative from the University Safety Department, Title IX Office, or the Office of Student Affairs will offer support to the victim regarding the available options and, to the extent reasonable, support the victim in his or her decision. Counseling is available for students through the

campus Counseling Center. Counseling and support is available for employees through the Employee Assistance Program.

## Change in Academic or Living Conditions

Student victims have the option to change their academic and/or on-campus living situations after an alleged sexual assault, if such changes are reasonably available. Such requests should be coordinated through the Office of Residence Life.

## Preserving Evidence

An individual who has been sexually assaulted, whether by rape or another unwanted sexual contact, is urged to make an official report to University Safety Department. Whether or not a victim of sexual assault chooses to make an official report, he or she is urged to seek appropriate help. There are numerous resources for faculty, staff, students, and visitors to campus.

Specific resources, either on or off campus, for medical treatment, legal evidence collection, and obtaining information, support and counseling are listed below. Each resource can assist a person to access the full range of services available.

- **Medical Treatment** — An individual who has been sexually assaulted is urged to seek appropriate medical evaluation as promptly as possible. For life-threatening conditions, call 911 or go to the Emergency Room of the nearest hospital. For treatment of less serious injuries or for evaluation and prevention of sexually transmitted diseases and pregnancy, as well as consultation for other health issues, individuals and/or their spouses/domestic partners should seek medical treatment using ordinary channels such as local clinics or personal physicians.
- **Medical-Legal Evidence Collection** — An individual who has been sexually assaulted (particularly by rape, forcible oral copulation, or sodomy) is encouraged to request collection of medical-legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action. To obtain a free medical-legal exam, the individual may need to contact the police and file a police report if choosing to report at that time. For individuals choosing not to report or undecided about reporting to law enforcement, the individual should contact the SAVE team through Pasco Kids First.
- **Obtaining Information, Support, and Counseling** — Whether or not one chooses to make an official report, an individual who has been sexually assaulted is encouraged to obtain information, support and counseling. The degree to which confidentiality can be protected depends upon the professional role of the person being consulted and should be addressed with that person before specific facts are disclosed. Options are listed below

Counseling Center (students).....	Ext. 8255
MHNet (Employee Assistance Program).....	877.398.5816
Student Affairs.....	Ext. 8992
Health and Wellness Center.....	Ext. 8347
University Ministry.....	Ext. 8331 or 8991
University Safety.....	Ext. 8432
Residence Life.....	Ext. 8268
Rape Crisis Hotline ..... See also, Florida Council Against Sexual Violence ( <a href="http://www.fcasv.org/">http://www.fcasv.org/</a> ) for additional resources	1-888-956-RAPE (7273)
Sunrise Domestic Violence and Sexual Assault Center: 24-hour hotline.....	(352) 521-3120

## Sexual Misconduct Response Process

When a report is filed via University Safety, Residence Life, Student Affairs or any other department or responsible employee, the following is enacted:

1. The immediate needs for the complainant are assessed and the following is offered by the staff:
  - All options, such as contacting the police or reporting to a professional counselor or health services, for example, are discussed with the student. The student is given the **Sexual Misconduct Information Guide** which provides additional resources and information about reporting sexual misconduct at the university.
  - All remedial actions are addressed including but not limited to contacting law enforcement or calling EMS and issuing a **No-Contact Order**, if needed.
2. The employee completes an **Incident Report** and sends it to the Title IX coordinator
3. The Title IX coordinator completes a preliminary investigation to determine if further investigation is required.
  - a. If no, then the incident is logged and closed. **Final Outcome Notification** is sent to both parties.
  - b. If yes, then the complainant and the respondent are assigned a process advisor by the Title IX coordinator. Advocacy resource information is given to both parties.
4. A **Notice of Investigation** is sent to both the complainant and the respondent by the Title IX coordinator.

## Grievance Policy for Students

### **Saint Leo University Non-Discrimination EEO Statement**

Saint Leo University has a strong commitment to principles of equal employment opportunity and equal access to education. Saint Leo University does not discriminate on the basis of age, color, disability, ethnic origin, genetic information, sex, gender, national origin, race, religion, or veteran status, or any other category protected by federal, state, or local law in its educational programs, admissions policies, financial aid, employment, or other school administered programs.

The policy is enforced by Saint Leo University and by applicable laws such as Title IX of the Education Amendments of 1972, Title VII and Title IX of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act, Age Discrimination Act of 1975, and Florida Civil Rights Act of 1992.

The Title IX coordinator information is as follows:

**Name:**

**Office Location:** Benedictine Hall, 3rd Floor room 327 and  
Kirk Hall, 2nd Floor room 221 (by appointment only)

**Email Address:** [titleixcoordinator@saintleo.edu](mailto:titleixcoordinator@saintleo.edu)  
**Telephone Number:** (352) 588-7429  
**Mailing Address:** Saint Leo University Human Resources  
ATTN: Title IX Coordinator,  
33701 S.R. 52, PO Box 6665, Saint Leo, FL 33574

The Director of Accessibility Services and The Section 504 Coordinator, Michael Bailey, may be contacted at [michael.bailey02@saintleo.edu](mailto:michael.bailey02@saintleo.edu).

## **Introduction**

### **What is the purpose of the Title IX Sexual Harassment Grievance Policy?**

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>

Based on the Final Rule, Saint Leo University will implement the following Title IX Sexual Harassment Grievance Policy, effective August 14, 2020.

### **How does the Title IX Sexual Harassment Grievance Policy impact other campus disciplinary policies?**

In recent years, "Title IX" cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, Saint Leo University must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. **Only** incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Sexual Harassment Grievance Policy defined below.

Saint Leo University remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.



Specifically, our campus has a Student Code of Conduct that defines certain behavior as a violation of campus policy for incidents involving students that do not meet the standards of Title IX. The University also has protocol that the Human Resources Department will follow to address any issues that do not meet the standards of Title IX.

To the extent that alleged misconduct falls outside the Title IX Sexual Harassment Grievance Policy, or misconduct falling outside the Title IX Sexual Harassment Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations involving students under the policies and procedures defined within the Student Code of Conduct through a separate grievance proceeding.

The policies and procedures established in the Title IX Sexual Harassment Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the University for any violation of the Student Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the University and may not be cited for or against any right or aspect of any other policy or process.

### **How does the Title IX Sexual Harassment Grievance Policy impact the handling of complaints?**

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full throughout Section 2.

### **General Rules of Application**

#### **Effective Date**

The Title IX Sexual Harassment Grievance Policy will become effective on August 14, 2020, and will only apply to sexual harassment alleged to have occurred on or after August 14, 2020. Incidents of sexual harassment alleged to have occurred before August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred

#### **Revocation by Operation of Law**

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Sexual Harassment Grievance Policy be revoked in this manner, any conduct covered under the Title IX Sexual Harassment Grievance Policy shall be investigated and adjudicated under other existing University policy.

#### **Disclaimer**

At the time this publication went to print all the information contained in it was accurate. Since this document is a printed version and prepared in advance of the academic year, changes may be

necessary after publication. If this occurs, all members of the Saint Leo University community will be notified electronically, and the online version will be updated on the University website. Students and employees are encouraged to always reference the online version <https://www.saintleo.edu/about/title-ix> for the most up-to-date information.

Members of Saint Leo University community are provided a copy of the Title IX Sexual Harassment Grievance Policy annually in the form of a link on the Saint Leo University website. Hard copies of this policy are available upon request from the Title IX Coordinator.

### **Non-Discrimination in Application**

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

### **Definitions**

#### **Covered Sexual Harassment:**

For the purposes of this Title IX Sexual Harassment Grievance Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes 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 state of residency's domestic or family violence laws 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 state of residency or where the incident occurred.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Student Code of Conduct or Human Resources Policies.

**Consent:**

For the purposes of this Title IX Sexual Harassment Grievance Policy, “consent” means a voluntary agreement to engage in a specific sexual activity with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely chosen to engage in a sexual activity.

**Education Program or Activity:**

For the purposes of this Title IX Sexual Harassment Grievance Policy, Saint Leo University’s “education program or activity” includes:

- Any on-campus premises
- Any off-campus premises that Saint Leo University has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Saint Leo University’s programs and activities over which the Saint Leo University has substantial control.

**Formal Complaint:**

For the purposes of this Title IX Sexual Harassment Grievance Policy, “formal complaint” means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Saint Leo University’s education program or activity and requesting initiation of the procedures consistent with the Title IX Sexual Harassment Grievance Policy to investigate the allegation of sexual harassment.

**Complainant:**

For the purposes of this Title IX Sexual Harassment Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

**Relevant evidence and questions:**

“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

“Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Sexual Harassment Grievance Process:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:
  - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
- Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

**Respondent:**

For the purposes of this Title IX Grievance policy, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

**Privacy vs. Confidentiality:**

Consistent with Student Code of Conduct and Human Resources Policies, references made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean Saint Leo University offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Saint Leo University will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

**Disability Accommodations**

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Sexual Harassment Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

**Making a Report Regarding Covered Sexual Harassment to the Institution**

Any person may report sex discrimination, including sexual harassment (whether or not the

person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

**Name:**  
**Title:** Title IX Coordinator and HR Investigator  
**Office Location:** Benedictine Hall, 3rd Floor room 327 and  
Kirk Hall, 2nd Floor room 221 (by appointment only)  
**Email Address:** [titleixcoordinator@saintleo.edu](mailto:titleixcoordinator@saintleo.edu)  
**Telephone Number:** (352) 588-7429  
**Mailing Address:** Saint Leo University Human Resources  
ATTN: Title IX Coordinator,  
33701 S.R. 52, PO Box 6665, Saint Leo, FL 33574

Such a report may be made at any time (including during non-business hours) by using the telephone number, electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

### **Confidential Reporting**

The following Officials may provide confidentiality:

- Counseling Services staff
- University Health Center staff
- University Ministry staff

The following are examples of Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator
- Associate Vice President of Human Resources
- Director of Human Resources
- Senior Human Resources Business Partner
- Vice President of Student Affairs
- Associate Vice President of Student Affairs
- Director of Residence Life
- Assistant Directors of Residence Life
- Any other officials designated as Official's with Authority

### **Non-Investigatory Measures Available Under the Title IX Grievance Policy**

#### **Supportive Measures:**

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from Saint Leo University regardless of whether they desire to file a complaint. These supportive measures may include, but may not be limited to, counseling, course-related adjustments, or restrictions on

contact between the parties. Supportive measures are non-disciplinary and non-punitive. See 85 Fed. Reg. 30401.

### **Emergency Removal**

Saint Leo University retains the authority to remove a respondent from Saint Leo University's program or activity on an emergency basis, where Saint Leo University (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Saint Leo University determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. Saint Leo University's Threat Assessment Behavioral Intervention Team (TABIT) assists in addressing situations where students, faculty, or staff are displaying disruptive or threatening (real or perceived) behaviors that potentially impede their own or others' ability to function successfully or safely. The process is designed to help identify persons whose behaviors potentially endanger their own or others' health and safety.

### **Administrative Leave**

Saint Leo University retains the authority to place an employee respondent on administrative leave during the Title IX Grievance Process.

### **Filing a Formal Complaint**

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) business days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Saint Leo University, including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in the Student Code of Conduct and/or Human Resources procedures.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. Saint Leo University will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Sexual Harassment Grievance Policy prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

### **Informal Resolution**

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the Institution's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent. Information about this Process is contained in the Procedure for Entering and Exiting Informal Resolution Process.

### **Multi-Party Situations**

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same alleged facts or circumstances.

### **Determining Jurisdiction**

The Title IX Coordinator, or designee without conflict of interest or bias, will determine if the Title IX Sexual Harassment Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in Saint Leo University's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Saint Leo University will investigate the allegations according to the Title IX Sexual Harassment Grievance Process.

### **Allegations Potentially Falling Under Two Policies**

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied to investigation and adjudication of only the sexual harassment allegations and other procedures will appropriately handle other conduct.

### **Mandatory Formal Complaint Dismissal**

If any one of these elements are not met, the Title IX Coordinator, or designee without conflict of interest or bias, will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Sexual Harassment Grievance Policy. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

### **Discretionary Formal Complaint Dismissal**

The Title IX Coordinator, or designee without conflict of interest or bias, may dismiss a Formal Complaint brought under the Title IX Sexual Harassment Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by Saint Leo University; or,
- If specific circumstances prevent Saint Leo University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

### **Notice of Formal Complaint Dismissal**

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

Upon dismissal for the purposes of Title IX, Saint Leo University retains discretion to utilize the Student Code of Conduct, Human Resources Policies, or other University Policies to determine if a violation of other University Policy has occurred

### **Notice of Allegations**

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator, or designee without conflict of interest or bias, may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Formal Complaint Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Formal Complaint Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

### **Contents of Notice**

The Notice of Allegations will include the following:

- Notice of the institution’s Title IX Sexual Harassment Grievance Process, including any informal resolution process, and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct



allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.

- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- A statement that other University policy prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

### **Ongoing Notice**

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Sexual Harassment Grievance Policy, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

### **Advisor of Choice and Participation of Advisor of Choice**

Saint Leo University will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

The Saint Leo University has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of Saint Leo University.

Saint Leo University will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

Saint Leo University's obligations to investigate and adjudicate in a prompt timeframe under

Title IX and other college policies apply to matters governed under this Policy, and Saint Leo University cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. Saint Leo University will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by Saint Leo University.

### **Notice of Meetings and Interviews**

Saint Leo University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

### **Delays**

Each party may request a one-time delay in the Title IX Sexual Harassment Grievance Process of up to five (5) days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

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

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

### **Investigation**

#### **General Rules of Investigations**

The Title IX Coordinator and/or designee will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

Saint Leo University, and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from Saint Leo University and does not indicate responsibility.

Saint Leo University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. Saint Leo University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

## **Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review, through an electronic format or a hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension as their designated extension request. Such request for extension must be made prior to the end of the ten (10)-business day review period.

The institution will provide copies of the parties' written responses to the investigator to all parties and their advisors, if any. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

The institution may provide the parties five (5) business days after the initial inspection and review of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the parties five (5) business days to inspect, review, and respond to the party's additional evidence through a written response to the investigator. Those written responses may be disclosed to the parties. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

The parties and their advisors agree not to photograph or otherwise copy the evidence. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

### **Inclusion of Evidence Not Directly Related to the Allegations**

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigative report. Information within evidence may be appropriately redacted as deemed necessary by the investigator. See, 85 Fed. Reg. 30026, 30438 (May 19, 2020).

### **Investigative Report**

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator, will create an Investigative Report that fairly summarizes relevant evidence, and will provide that Report to the parties at least ten (10) business days prior the hearing in an electronic format or a hard copy for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is otherwise relevant. See, 85 Fed. Reg. 30026, 30304 (May 19, 2020).

## **Hearing**

### **General Rules of Hearings**

Saint Leo University will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing, unless otherwise resolved through an informal resolution process.

For the purpose of this document, all Administrative Hearing Officers are decision-makers in accordance with the Federal Title IX Regulations.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at Saint Leo University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through a remote video conferencing option. This technology will enable participants simultaneously to see and hear each other. At its discretion, Saint Leo University may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audio recording, audiovisual recording, or transcript. That recording or transcript will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

### **Continuances or Granting Extensions**

Saint Leo University may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, Saint Leo University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

### **Newly-discovered Evidence**

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Administrative Hearing Officers will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Administrative Hearing Officers answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

### **Participants in the live hearing**

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

#### *Complainant and Respondent (The Parties)*

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a “statement” by that party. 85 Fed. Reg. 30026, 30361 (May 19, 2020).
  - For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a “prior statement” that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint. See, OCR Blog (May

22, 2020), available at

<https://www2.ed.gov/about/offices/list/ocr/blog/20200522.html>

- Saint Leo University will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation. See 34 C.F.R. § 106.71; see also 85 Fed. Reg. 30026, 30216 (May 19, 2020).
- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a "statement" by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions. See 34 C.F.R. §106.45(b)(6)(i).
- The parties shall be subject to the institution's Rules of Decorum.

#### *The Decision-maker*

- Also referred to in this document by the title of Administrative Hearing Officer and Administrative Appellate Officer.
- The hearing body will consist of a panel of three decision-makers.
- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

#### *Advisor of choice*

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination and direct examination.
- In addition to selecting an advisor to conduct cross-examination, the parties may select an advisor who may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party.
- The parties are not permitted to conduct cross-examination; *it must be conducted by the advisor*. As a result, if a party does not select an advisor, the institution will select

an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.

- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor of or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
- If neither a party nor their advisor appear at the hearing, Saint Leo University will provide an advisor to appear on behalf of the non-appearing party. See, 85 Fed. Reg. 30026, 30339-40 (May 19, 2020).
- Advisors shall be subject to the institution's Rules of Decorum, and may be removed upon violation of those Rules.

#### *Witnesses*

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. See, 85 Fed. Reg. 30026, 30360 (May 19, 2020).
- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020).
- Witnesses shall be subject to the institution's Rules of Decorum.

#### **Hearing Procedures**

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- An Administrative Hearing Officer will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- Administrative Hearing Officers will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the Administrative Hearing Officers conduct their initial round of questioning; During the Parties' cross-examination, the Administrative Hearing Officers will have the authority to pause cross-examination at any time for the purposes of asking the Administrative Hearing Officer's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Administrative Hearing Officers. A Party's waiver of cross-examination does not eliminate the ability of the Administrative Hearing Officers to use statements made by the Party.

### **Live Cross-Examination Procedure**

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, an Administrative Hearing Officer will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Administrative Hearing Officers may be deemed irrelevant if they have been asked and answered.

### **Review of Recording**

Once the entire hearing process is completed, the recording of the hearing will be available for review by the parties within five (5) business days, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice.

### **Determination Regarding Responsibility**

#### **Standard of Proof**

Saint Leo University uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred.

#### **General Considerations for Evaluating Testimony and Evidence**

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Administrative Hearing Officers.

Administrative Hearing Officers shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Administrative Hearing Officers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.



Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that Saint Leo University allow parties to call "expert witnesses" for direct and cross examination. Saint Leo University does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the Administrative Hearing Officers will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that Saint Leo University allow parties to call character witnesses to testify. Saint Leo University does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that Saint Leo University admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the Administrative Hearing Officers will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Administrative Hearing Officers may draw an adverse inference as to that party or witness' credibility.

### **Components of the Determination Regarding Responsibility**

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of University Policies, if any, the respondent has or has not violated.
5. For each allegation:
  - a. A statement of, and rationale for, a determination regarding responsibility;

- b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
  - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
6. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

**Sanctioning:**

**Potential Disciplinary Sanctions for Student Respondents**

One or more of the sanctions listed below can be issued to a student.

**Apology:**

An apology reflecting an understanding of the inappropriateness of actions and the impact it had on the letter's recipient. Specific guidelines will be outlined in the sanction letter.

**Reflection Paper:**

Reflective paper on a specific incident and its impact. Specific guidelines will be outlined in the sanction letter.

**Research Paper:**

Research paper on a specific topic citing at least three sources. Specific guidelines will be outlined in the sanction letter.

**Probationary Review Meetings:**

Scheduled meetings with the Associate Vice President for Student Affairs or designee. Specific guidelines will be outlined in the sanction letter.

**Contact Restriction:**

Restriction of personal contact with another individual or group for a stated period of time. Specific guidelines will be outlined in the sanction letter.

**Behavioral Agreement:**

A signed behavioral agreement to live responsibly within the Saint Leo University community outlining specific behavior guidelines that must be followed. Specific guidelines will be outlined in the sanction letter.

**Alcohol and/or Drug Education:**

An online course designed to assist students with healthy lifestyle choices. Additionally, there is a fee associated with this sanction. Instructions for completion will be outlined in the sanction letter.

**Substance Use Evaluation:**

A required substance use evaluation. Students are responsible to make arrangements for this evaluation in accordance with the outlined terms in the sanction letter. Students are required to meet the recommendations of the certified treatment professionals as indicated in this evaluation.

Results must be released to appropriate University officials as per sanction letter.

**Counseling:**

An assessment or an initial counseling session either at the University Counseling Center or at an approved community mental health provider. Students are required to abide by any treatment plan provided by provider.

**Other Restrictions:**

Loss of specific privileges including, but not limited to, attendance at athletic and social events; organization participation; and access to specified University facilities for a designated period of time. Specific guidelines will be outlined in the sanction letter.

**Written Warning:**

Notice in writing to the student that he or she is violating or has violated a specific University policy and that continuation or repetition of similar misconduct, may be cause for further disciplinary action and more severe sanctions.

**Disciplinary Probation:**

Designated period that includes the probability of more severe disciplinary sanctions, which may include suspension or dismissal from the University if the student is found violating the *specified* policy during the probationary period.

**Community Probation:**

Designated period of time that includes the probability of more severe disciplinary sanctions, such as suspension or dismissal from the University if the student is found violating *any* policy during the probationary period.

**Residence Hall Probation:**

Designated period of time that includes the probability of expulsion from campus housing and/or revocation of privileges to live in campus housing if the student is found violating *any* policy during the probationary period.

**Organizational Probation:**

Designated period of time that includes the probability of revocation of organizational privileges during the probationary period.

**Residence Hall Suspension:**

Immediate removal from the University housing without refund for a designated period of time.

**Residence Hall Dismissal:**

Immediate and permanent removal of the student from the residence halls without refund.

**University Suspension:**

Separation of the student from the University for a definite period of time without refund, after which the student is eligible to return. Conditions for readmission may be specified.

**Organizational Suspension:**

Prohibition of all organizational activities, formal and informal, both on and off campus for a designated period of time after which the organization is eligible for reinstatement/recognition. Conditions for reinstatement/recognition may be specified.

**Dismissal:**

Immediate and permanent separation of the student from the University without refund.

**Deferred Sanction:**

When significant mitigating factors are present, one or more sanctions may be deferred for implementation. Deferral may be rescinded and additional sanctions may be imposed for any new violations which occur during the deferred period.

**Potential Disciplinary Sanctions for Employee Respondents**

One or more of the sanctions listed below can be issued to an employee.

**Written Warning:**

The documentation will include the reason for the written warning, any previous counseling regarding the problem, the steps the employee must take to correct the situation, and the next step if the problem is not resolved within the specified time.

**Disciplinary Suspension:**

Employee suspension may be with pay or without pay depending on the circumstances. Suspension notices must include the reason for the suspension, the inclusive dates of the suspension, and whether the suspension is with pay or without pay. The suspension notice will include the reason for the suspension, the steps the employee must take to correct the situation in order to return from the suspension, and the next step if the problem is not resolved within the specified time.

**Dismissal/Termination:**

An employee's employment may be terminated when circumstances warrant.

**Timeline of Determination Regarding Responsibility**

If there are no extenuating circumstances, the determination regarding responsibility will be issued by Saint Leo University within ten (10) business days of the completion of the hearing.

**Finality**

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, or if an appeal is not filed, the date on which the opportunity to appeal expires.

## **Appeals**

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the University's procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

The submission of appeal suspends any sanctions for the duration of an appeal. Supportive measures and remote learning opportunities remain available during the duration of the appeal.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals will be decided by an Administrative Appellate Officer, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or an Administrative Hearing Officer in the same matter.

Appeal outcomes will be provided in writing simultaneously to both parties, and include rationale for the decision.

## **Retaliation**

Saint Leo University attempts keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Sexual Harassment Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Sexual Harassment Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Sexual

Harassment Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be addressed within the Student Code of Conduct or Human Resources Policies.

## Sex Offender Information

The Florida Jimmy Ryce Act requires institutions of higher education to inform students and employees at orientation and on its website of the existence of the Department of Law Enforcement Sexual Predator and Sexual Offender Registry website and the toll-free telephone number that gives access to sexual predator and sexual offender public information.

Please visit the Florida State Department of Law Enforcement's Sexual Offenders and Predators website for more information.

(<http://offender.fdle.state.fl.us/offender/homepage.do>)

To reach the Florida State Department of Law Enforcement's Sexual Offenders and Predators unit by telephone, please call 1-888-357-7332.

With the advent of electronic education and the university having locations in other states, the university also notes that information in other states can be obtained through the U.S. Department of Justice Dru Sjodin National Sex Offender Public Website, located at <http://www.nsopr.gov/>.

## Specific Policies and Procedures

This section attempts to educate students and others reading this booklet about some of the policies that may impact campus safety and security issues. The full text of various policies and procedures can be found in other university publications, such as the Student Code of Conduct and the University Policy Manual. This section is limited to those policy statements required under the CLERY Act.

## Drug and Alcohol Policies

The possession, sale, or furnishing of alcohol on the university campus is governed by the university's alcohol policy and applicable state law. In keeping with the Drug-Free Schools and Committees Act Amendments of 1989, abusive or unlawful use of alcohol or use of any controlled or unlawful substance is prohibited on the university's property at any time, or at any university-sponsored activity.

It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. Students that are 21 or older have the privilege to use alcoholic beverages responsibly in designated areas **only**. This privilege may be suspended and other actions taken if in the opinion of staff that student, either individually or as a group, are not exhibiting reasonable concern for the alcohol policy. With the exception of designated rooms in the Apartments, Alumni and Roderick Hall, alcoholic beverages may NOT be possessed or consumed in the residence halls. Students under the age of 21 who live on campus may not consume or possess alcoholic beverages.

It is unlawful for anyone to sell, serve, give or provide alcohol to someone under the legal drinking age. The law prohibits anyone who is under 21 years of age from legally possessing or consuming alcoholic beverages. Any person who sells, gives, or permits access to alcoholic beverages to anyone under the age of 21 is in violation of campus policy and state law. Students "of age" may consume alcohol only in approved areas and only with other students also of legal age. Possession or consumption of alcohol in the presence of minors is considered a violation of university policy.

It is illegal under both state and federal laws to manufacture, distribute, dispense, possess, or use a controlled substance on university property or at any university-sponsored activity. A student's violation of the policy will subject the student to sanctions as set forth in the Code of Student Conduct. In addition, the student, staff or faculty member is subject to referral for prosecution under applicable state and federal law.

All faculty, staff and students should familiarize themselves with the detailed policies and resources applicable to their status. These have been listed below and, when available, linked to the website locations where the most current versions can be viewed.

### Student Drug and Alcohol Policies and Resources

Code of Conduct generally, and Article IV, Sections B3, B4, B17, B19 and C5, available at <http://www.saintleo.edu/code-of-conduct>

Impact of Drug Convictions on Financial Aid, available at Article IV, Section B17 at <https://www.saintleo.edu/code-of-conduct>

For student employees, Section 2.2.1, Section 3.3.5, and Section 3.3.14.6, and Section 3.3.16 of the University Policy Manual, available through Human Resources.

Guide to Residence Living available at

<https://cloud.3dissue.net/28470/28417/28664/72716/index.html>

Alcohol Health Risks and Prevention Resources

<https://www.saintleo.edu/student-experience/support/lions-care/resources>

## Employee Drug and Alcohol Policies and Resources

Section 2.2.1, Section 3.3.5, and Section 3.3.14.6, Section 3.3.16, and Section 3.6.7.1 of the University Policy Manual, available through Human Resources or on the intranet.

Information for students regarding area drug and alcohol counseling and rehabilitation programs is available through the Counseling Center. Employees may receive counseling through the university's EAP program and/or information provided by the Human Resources Department



# Annual Crime Statistics for Savannah Location

Annual Crime Statistics for Savannah Campus				
CATEGORY	VENUE	2020	2021	2022
CRIMINAL HOMICIDE: Murder and Non-Negligent Manslaughter	On Campus	0	0	0
	On public property	0	0	0
Negligent Manslaughter	On Campus	0	0	0
	On public property	0	0	0
SEX OFFENSES: Forcible	On Campus	0	0	0
	On public property	0	0	0
Non-forcible	On Campus	0	0	0
	On public property	0	0	0
ROBBERY	On Campus	0	0	0
	On public property	0	0	0
AGGRAVATED ASSAULT	On Campus	0	0	0
	On public property	0	0	0
BURGLARY	On Campus	0	0	0
	On public property	0	0	0
ARSON	On Campus	0	0	0
	On public property	0	0	0
MOTOR VEHICLE THEFT	On Campus	0	0	0
	On public property	0	0	0
VIOLENCE AGAINST WOMEN ACT OFFENSES (for crimes reported in 2013 forward)				
STALKING (Includes CYBERSTALKING)	On Campus	0	0	0
	On public property	0	0	0
DOMESTIC VIOLENCE	On Campus	0	0	0
	On public property	0	0	0
DATING VIOLENCE	On Campus	0	0	0
	On public property	0	0	0

ARRESTS				
ARRESTS: Weapons Violations	On Campus	0	0	0
	On public property	0	0	0
Weapons Violations	On Campus	0	0	0
	On public property	0	0	0
ARRESTS: Drug Abuse Violations	On Campus	0	0	0
	On public property	0	0	0
Drug Abuse Violations	On Campus	0	0	0
	On public property	0	0	0
ARRESTS: Liquor Law Violations	On Campus	0	0	0
	On public property	0	0	0
Liquor Law Violations	On Campus	0	0	0
	On public property	0	0	0

ANNUAL CRIME STATISTICS SAVANNAH CAMPUS				
Hate Offenses – On-Campus				
TYPES	2020	2021	2022	
Murder And Non-Negligent Manslaughter	0	0	0	
Negligent Manslaughter	0	0	0	
Sex Offenses: Forcible	0	0	0	
Sex Offenses: Non-Forcible	0	0	0	
Robbery	0	0	0	
Aggravated Assault	0	0	0	
Burglary	0	0	0	
Arson	0	0	0	
Motor Vehicle Theft	0	0	0	
Aggravated Assault	0	0	0	
Other Crimes with Bodily Injury	0	0	0	
Larceny Theft	0	0	0	
Simple Assault	0	0	0	
Intimidation	0	0	0	
Criminal Mischief/Vandalism	0	0	0	

**ANNUAL CRIME STATISTICS SAVANNAH CAMPUS**

**Hate Offenses – Public Property**

TYPES	<u>2020</u>	<u>2021</u>	<u>2022</u>
Murder And Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses: Forcible	0	0	0
Sex Offenses: Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Arson	0	0	0
Motor Vehicle Theft	0	0	0
Aggravated Assault	0	0	0
Other Crimes with Bodily Injury	0	0	0
Larceny Theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Criminal Mischief/Vandalism	0	0	0

# APPENDIX I

## Informal Resolution Process

### **Procedures for Entering and Exiting Informal Resolution Process**

Parties who do not wish to proceed with an investigation and live hearing, but instead seek Saint Leo University's assistance to resolve allegations of Title IX-covered misconduct, may elect to enter the informal resolution process. Generally speaking, these resolution options are less time intensive than an investigation and live hearing, while still affording students an opportunity to actively participate in a process led by the University for resolution of their complaints.

The Parties may elect to enter the University's Informal Resolution Process any time after the filing of the Formal Complaint through an informed written consent. This informed written consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.

No Party is required to participate in informal resolution, and Saint Leo University may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the formal resolution process recommences. In participating in the informal resolution process, the Parties understand that the timeframes governing the formal process temporarily cease, and only recommence upon reentry into the formal process.

For the purpose of this document, all Administrative Hearing Officers are decision-makers in accordance with the Federal Title IX Regulations.

### **Determination to Approve Entry into Informal Resolution Process**

Even where the Parties agree to submit a matter to informal resolution, the Title IX Coordinator or other designated official must approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator or other designated official may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the respondent is a repeat offender, and whether the Parties are participating in good faith. This determination is not subject to appeal.

Informal resolution is only permitted to address allegations of student-on-student sexual harassment, and is never allowed as an option to resolve allegations that an employee sexually harassed a student. See, 85 Fed. Reg. 30026, 30054 (May 19, 2020).

At any time after the commencement of the informal resolution process, the Title IX Coordinator or other designated official may determine that the informal resolution process is not an appropriate method for resolving the matter, and may require that the matter be resolved through the formal process. This determination is not subject to appeal.

### **Role of the Facilitator**

Informal resolution processes are managed by an Administrative Facilitator or other designated official, who may not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific Parties in the matter. The Title IX Coordinator shall not serve as the Administrative Facilitator.

### **Confidentiality:**

By selecting the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the Formal Complaint is confidential while the parties are participating in the informal resolution process. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. Should the Parties withdraw from the informal resolution process, information disclosed or obtained for purposes of the informal resolution process may be incorporated into the formal investigation and live hearing, provided that this information is disclosed and reviewed by the Parties under the investigatory and hearing procedures described in the Title IX Grievance Process.

### **Informal Resolution Options**

Saint Leo University offers the following informal resolution procedures for addressing Formal Complaints of sexual harassment covered under this Policy.

#### Administrative Resolution

Should the Parties mutually determine to enter the informal resolution process, and the respondent elects to accept responsibility for the allegations of the Formal Complaint at any point during the informal resolution process, the institution may administratively resolve the Formal Complaint.

The Parties will receive simultaneous written notification of the respondent's acceptance of responsibility, and the Administrative Hearing Officer will convene to determine the respondent's sanction and other remedies, as appropriate and consistent with institutional policy. The Parties will be given an opportunity to present information for an administrative hearing, including but not limited to the submission of impact statements, and the Parties may be accompanied by their Advisor, but questioning of Parties or witnesses will not be permitted. The Parties will receive simultaneous written notification of the decision regarding sanctions and remedies, which may be appealed according to the process described within the Title IX Sexual Harassment Grievance Policy.

#### Mediation

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The purpose of mediation is for the parties who are in conflict to identify the implications of a student's actions and, with the assistance of an Administrative Facilitator, identify points of agreement and appropriate remedies to address them. Either party can request mediation to seek resolution; mediation will be used only with the consent of both parties, who will be asked not to contact one another during the process. The Administrative Facilitator or other designated official will also review any request for mediation, and may decline to mediate based on the facts and circumstances of the particular case. Either party has the right to terminate the mediation process and choose or resume another option for resolution at any time.

The mediation process will typically commence within approximately ten (10) business days after the Administrative Facilitator or designated official receives consent to mediate from both parties, and will continue until concluded or terminated by either party or the Administrative Facilitator or designated official. During mediation, any potential investigation will halt, and calculations for time frames will be paused. If the mediation results in a resolution, the disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the matter will be referred to a designated official whom is trained in the Title IX process to re-evaluate other options for resolution, including investigation.

During mediation, the Administrative Facilitator will guide a discussion between the parties. In circumstances where the parties do not wish to meet face to face, either party can request "caucus" mediation, and the Administrative Facilitator will conduct separate meetings. Whether or not the parties agree to meet face to face, each party will be permitted to bring an advisor of their choice to any meetings who may be, but is not required to be, an attorney.

At the conclusion of the mediation, the Administrative Facilitator will finalize the agreement in writing. A designated office, such as Student Affairs or Human Resources, will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

### Restorative Justice

A restorative justice meeting is a dialogue, facilitated by an Administrative Facilitator or designated official, intended to restore relationships and repair harm after a conflict has occurred. Both parties come together to identify what harm was caused and, collaboratively, determine how conflict and trust might be, respectively, resolved and repaired.

A Party may request in writing to engage in restorative justice at any stage of the process, however, restorative justice may not be an appropriate mechanism for all conflicts. To qualify for restorative justice, the individual accused of wrongdoing must accept responsibility and express remorse for the harm that was caused. The harmed party must also be willing to accept an apology offered by the person accused of wrongdoing. Additionally, all involved parties must agree to and abide by measurable and timely actions within the scope of this Policy. The Administrative Facilitator or designated official will review any request for restorative justice, and may decline to initiate RJ based on the facts and circumstances of the particular case.

The restorative justice meeting proceeds only if all parties agree to participate willingly. Upon doing so, the restorative justice process typically commences within ten (10) business days after the Administrative Facilitator or designated official receives written agreements from all

involved parties. The meeting will continue until the successful conclusion or until the Administrative Facilitator or designated official determines that the conference will not be successful. If successful, an agreeable resolution is reached by all involved parties, at which time the process is concluded, and the matter is resolved. If a resolution cannot be reached, the matter will be referred to the designated official whom is trained in the Title IX process to re-evaluate other options for resolution.

A designated office, such as Student Affairs or Human Resources, will monitor the parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory.

## APPENDIX II

### Decorum Policy for Title IX Sexual Harassment Grievance Process Hearings

#### **Purpose of the Rules of Decorum**

Rules of Decorum require that all parties, advisors, and institutional staff treat others who are engaged in the process with respect.

For the purpose of this document, all Administrative Hearing Officers are decision-makers in accordance with the Federal Title IX Regulations.

#### **Rules of Decorum**

Rules of Decorum are to be observed in the live hearing, and applied equally to all parties and advisors, regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent.

1. Questions must be conveyed in a neutral, respectful tone.
2. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
3. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
4. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
5. The advisor may not yell, scream, badger, or physically “lean in” to a party or witness’s personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Administrative Hearing Officers.
6. The advisor may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be investigative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
7. The advisor may not ask repetitive questions. This includes questions that have already been asked by the Administrative Hearing Officer(s) or by the advisor in cross-examination. When the Administrative Hearing Officer(s) determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.
8. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.



### **Warning and Removal Process**

The Administrative Hearing Officers shall have sole discretion to determine if the Rules of Decorum have been violated. The Administrative Officers will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules of Decorum, the Administrative Hearing Officers shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the Administrative Officers removes a party's advisor, the party may select a different advisor of their choice, or must accept an advisor provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor in this circumstance.

The Administrative Hearing Officers shall document any decision to remove an advisor in the written determination regarding responsibility.

For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis

### **Relevant Questions Asked in Violation of the Rules of Decorum**

When or if an advisor asks a relevant question in a manner that violates the Rules of Decorum, the question may not be deemed irrelevant by the Administrative Hearing Officers simply because of the manner it was delivered. Under that circumstance, the Administrative Hearing Officers will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules of Decorum). See, 85 Fed. Reg. 30331.

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## Saint Leo University Non-discrimination Statement

Saint Leo University has a strong commitment to principles of equal employment opportunity and equal access to education. Saint Leo University does not discriminate on the basis of age, color, disability, ethnic origin, genetic information, gender, nationality, race, religion, or veteran status, or any other category protected by federal, state, or local law in its educational programs, admissions policies, financial aid, employment, or other school administered programs.

The policy is enforced by Saint Leo University and by applicable laws such as Title IX of the Education Amendments of 1972, Title VII and Title IX of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Florida Civil Rights Act of 1992.

The Title IX coordinator may be contacted at [titleixcoordinator@saintleo.edu](mailto:titleixcoordinator@saintleo.edu).

