



POLICY MANUAL

VOLUME VIII

Sexual and Gender-Based Misconduct

RESOURCES AVAILABLE TO VICTIMS OF SEXUAL AND GENDER-BASED MISCONDUCT (BOTH IMMEDIATELY FOLLOWING AN INCIDENT AND ON AN ONGOING BASIS) ARE SET FORTH IN APPENDIX A ATTACHED TO THIS POLICY.

THE LYNN UNIVERSITY DEPARTMENT OF CAMPUS SAFETY AND SECURITY IS LOCATED AT THE CAMPUS COMMUNICATION CENTER AND IS AVAILABLE BY PHONE AT 561-237-7226 (24 HOURS)

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Volume VIII
Sexual and Gender-Based Misconduct

8.1 Introduction

Lynn University is a community dependent upon trust and respect among its members. The University is committed to maintaining a healthy and safe learning, living and working environment that promotes responsibility and respect in all matters where no one is unlawfully excluded from participation in, denied the benefits of, or subjected to discrimination in any University program or activity on the basis of gender, sex, sexual orientation, sexual identity, gender identity, or gender expression (“sex discrimination”).

Sexual and Gender-Based Misconduct, as defined in Section V 8.5 of this Policy is a form of sex discrimination that may deny or limit an individual’s ability to participate in or benefit from University programs or activities. Sexual and Gender-Based Misconduct offenses within the University community are a violation of trust and respect, are prohibited and will not be tolerated by Lynn University. This prohibition applies to Sexual and Gender-Based Misconduct incidents occurring between members of the University community (students, employees, and contractors, consultants, or vendors doing business or providing services to the University) on or off campus at any University academic, educational, co-curricular, athletic, study abroad, residential or other University sponsored program, as well off-campus incidents not associated with University programs if the conduct has the effect of creating a hostile environment impacting members of the University community. This conduct and any Retaliation or Intimidation associated with it is prohibited by the University and may also violate federal and state law.

The University is dedicated to preventing Sexual and Gender-Based Misconduct offenses by providing:

- Education, prevention, and training programs that inform the community about the risks and myths that contribute to Sexual and Gender-Based Misconduct;
- Assistance and support, including procedures sensitive to a person who has been the victim of a Sexual and Gender-Based Misconduct offense; and
- A process for the prompt and equitable investigation and resolution of incidents of Sexual and Gender-Based Misconduct that includes appropriate disciplinary sanctions for those who commit Sexual and Gender-Based Misconduct offenses, as well as the imposition of remedial actions to address and remedy the effects of such offenses.

The University is committed to eliminating Sexual and Gender-Based Misconduct, preventing its recurrence, and addressing and remedying its effects and makes this Policy and accompanying information readily available to all students, employees and other members of the University community. Violations of this Policy may result in the imposition of sanctions up to and including termination, dismissal, or expulsion.

8.2 Scope and Jurisdiction

8.2.1 *Scope of Policy*

This Policy addresses Lynn University's responsibilities under Title IX and the Violence Against Women Reauthorization Act of 2013. Title IX prohibits discrimination on the basis of sex (gender) in educational programs and activities and programs that receive federal assistance. Similarly, Section 304 of the Violence Against Women Reauthorization Act of 2013 requires that universities have procedures in place to respond to matters of Sexual Assault, Domestic Violence, Dating Violence and Stalking.

Lynn University's Sexual and Gender-Based Misconduct Policy applies to any allegation of Sexual or Gender-Based Misconduct made by or against a student or an employee of the University or a Third Party regardless of the sex, sexual orientation, sexual identity, gender, gender expression, or gender identity ("gender-related status") of any party. The University's prohibition against Sexual and Gender-Based Misconduct applies not only in the educational, student residential and working environment, but also to all other academic, educational, athletic, residential life, extracurricular or work-related settings and activities, such as business trips and business-related social functions, as well as educational field trips, athletic trips, and internship placements. Moreover, the University's prohibition against Sexual and Gender-Based Misconduct applies not only to physical contact, but also to oral, written and electronic and other technology-assisted communications, such e-mail, voicemail, Internet communications and searches.

There is no geographical limitation to invoking this Policy. The University's prohibition against Sexual and Gender-Based Misconduct applies whether or not the incident(s) occurs on the Lynn University campus and whether or not the incident(s) occurs during educational or working hours. This means that students, employees and third parties affiliated with the University are protected under this Policy regardless of where the incident occurred and that the University will respond to incidents of Sexual and Gender-Based Misconduct that arise from events that initially occurred off University property or outside a University program or activity if both parties are members of the University community. In responding to off campus events, the University will consider the effects of the off-campus conduct on an individual's educational, working, or resident life experience, including the impact on the individual's ability to participate in University activities or programs. Although there is no geographical limitation to invoking this Policy, Sexual and Gender-Based Misconduct that is alleged to have occurred at a significant distance from the University and/or outside of University property may be more difficult for the University to investigate.

8.2.2 *Period of Limitations*

There is no window of time after an incident of Sexual or Gender-Based Misconduct has occurred in which a report must be made. The University, however, strongly encourages early reporting in order to preserve evidence for a potential legal or University resolution proceeding. Delays in reporting, while permitted, may limit the University's ability to respond fully to the report.

If the alleged perpetrator is no longer a student or employee, the University may not be able to take disciplinary action against the individual, but it will still seek to meet its Title IX obligation

by providing support for a Complainant and taking steps to end the harassment, prevent its recurrence, and address its effects.

8.2.3 Summary of the University's Confidentiality Policy

Lynn University encourages victims and witnesses of an incident of Sexual or Gender-Based Misconduct, Retaliation or Intimidation to talk to somebody about what happened – so victims can get the support they need, and so the University can respond appropriately.

Different University employees have different abilities to maintain a victim's confidentiality:

- Some University employees, such as those in the Counseling and Health Centers, are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Most employees are required to report all the details of an incident (including the identities of both the victim and respondent) to the University's Title IX Coordinator. A report to these employees (called “Responsible Employees”) constitutes a formal report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This Policy is intended to make members of the University community aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of Sexual or Gender-Based Misconduct. The University encourages victims to talk to someone identified in one or more of these groups. For detailed information regarding the various options for reporting an incident of Sexual or Gender-Based Misconduct, including how one can maintain confidentiality see *Section 8.6 – Reporting Sexual and Gender-Based Misconduct, Retaliation and Intimidation Incidents*.

8.2.4 Coordination with the University's Non-Discrimination and Anti-Harassment Policy

The University recognizes that harassment related to an individual's gender related status can occur in conjunction with misconduct related to an individual's race, color, religion, age, national origin, ancestry, citizenship, disability, pregnancy, genetic disposition, veteran or military status, marital status, familial status or other legally protected characteristic (“protected characteristics”). Targeting individuals on the basis of these protected characteristics is also a violation of University policy. When misconduct relates to both a person's gender related status and other protected characteristics, the University will coordinate the investigation and resolution efforts by following the process set forth in this Policy to address any and all harassment and discrimination.

8.3 Notice of Non-Discrimination

Lynn University is committed to a work, academic, and residential environment in which all individuals are treated with respect and dignity. Each individual has the right to work, study, and live in a professional, academic, and residential atmosphere that promotes equal employment and educational opportunities and prohibits discriminatory practices, including harassment. Therefore, Lynn University expects that all relationships among persons in the workplace, academic, and residential environment will be free of bias, prejudice, and harassment.

This Policy applies to all employees, students, and independent contractors, vendors, and others doing business with Lynn University. Furthermore, it prohibits unlawful discrimination in any form, including verbal, physical, and visual harassment. It also prohibits retaliation of any kind against individuals who file complaints or who assist in a Lynn University investigation.

Lynn University takes positive action to insure that students and employees are treated in compliance with applicable laws and regulations governing non-discrimination on the basis of race, color, religion, sex, sexual orientation, sexual identity, gender, gender expression, or gender identity, age, national origin, ancestry, citizenship, disability, gender related status, pregnancy, genetic disposition, veteran or military status, marital status, familial status or any other legally protected characteristic in accordance with federal and Florida State law. It is therefore a violation of Lynn University policy to discriminate in the provision of educational or employment opportunities, benefits, programs, activities, or privileges; to create discriminatory work or academic conditions; or to use discriminatory evaluative standards in employment or educational settings if the basis of that discriminatory treatment is, in whole or part, the person's race, color, religion, sex, sexual orientation, sexual identity, gender, gender expression, or gender identity, age, national origin, ancestry, citizenship, disability, gender related status, pregnancy, genetic disposition, veteran or military status, marital status, familial status or any other protected characteristic as established by law.

The following persons have been designated to handle inquiries regarding the University's non-discrimination policies:

- Inquiries concerning nondiscrimination on the basis of sex may be referred to **Lynn University's Title IX Coordinator** (or to the U.S. Department of Education's Office for Civil Rights (District of Columbia Office)). Lynn University's Title IX Coordinator is Lorna Fink, University Compliance Officer, whose office is located in the Office of General Counsel (in the Green Center) 3601 North Military Trail, Boca Raton, Florida, 33431. Ms. Fink may be contacted by phone at 561-237-7727 or by email at lfink@lynn.edu.
- Inquiries concerning nondiscrimination on the basis of a student's disability may be referred to **Lynn University's ADA Specialist**, Stacey Hearn. Ms. Hearn's office is located in the Institute for Achievement and Learning (in the Green Center) (Room 002 of the Earle Infirmary), 3601 North Military Trail, Boca Raton, Florida, 33431. Ms. Hearn may be contacted by phone at 561-237-7069 or by email at shearn@lynn.edu.
- All other inquiries concerning nondiscrimination may be referred to **Employee Services** located in the Office of Employee Services (in the Green Center) 3601 North Military Trail, Boca Raton, Florida, 33431. Employee Services may be contacted by phone at 561-237-7915.

8.4 Title IX and the Title IX Coordinators

8.4.1 Title IX

On June 23, 1972, then President Richard Nixon signed Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., into law. Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX states in part:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

The principal objective of Title IX is to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance.

Title IX prohibits all forms of discrimination on the basis of sex (gender), including all forms of sexual violence, sexual assault and sexual harassment. This prohibition applies to all Lynn University faculty, staff, students and third parties in both the educational and employment settings. If inappropriate sexual behavior occurred, the University will take prompt and effective steps to end the behavior, prevent its reoccurrence and address the effects.

8.4.2 Title IX Coordinator

The Title IX Coordinator is responsible for monitoring the overall Title IX implementation for Lynn University and coordinating compliance with all areas and departments covered under Title IX regulations. If a Complaint is filed, the Title IX Coordinator will meet with the Complainant to explain the available options, the process used to investigate the Complaint, and any available support, resources, and protective measures.

Inquiries concerning the application of Title IX and its implementation may be referred to the Title IX Coordinator or to the U.S. Department of Education or the Office for Civil Rights.

Lynn University Title IX Coordinator:

Lorna Fink

University Compliance Officer

Office of General Counsel (in the Green Center)

3601 North Military Trail, Boca Raton, Florida, 33431

Ms. Fink may be contacted in person, by phone at 561-237-7727 or by email at lfink@lynn.edu.

Title IX Coordinator Responsibilities: The Title IX Coordinator is a neutral administrator in any Sexual or Gender-Based Misconduct investigatory and resolution proceedings, including any allegations pertaining to incidents of Retaliation and Intimidation as defined in Section 8.5. The Title IX Coordinator is responsible for:

- Overseeing all Title IX complaints and investigations to provide prompt, fair, and equitable resolutions and working with all parties (the Title IX Coordinator does not, however, determine if a Sexual or Gender-Based Misconduct Policy violation has occurred);
- Identifying and addressing any patterns or systemic problems that may arise;
- Being available to meet with students and employees, provide support and answer questions;
- Working with other University officials;
- Coordinating training, education, and communication pertaining to Title IX, as well as

periodic reviews of the University's climate and culture with regard to Sexual and Gender-Based Misconduct;

- Determining appropriate Interim Measures for a Complainant upon learning of a report or complaint of Sexual or Gender-Based Misconduct;
- Being available to assist with Campus Safety and Security and local law enforcement if necessary;
- Ensuring that appropriate policies and procedures are in place for working with local law enforcement and coordinating services with local victim advocacy organizations and service providers, including rape crisis centers;
- Ensuring that the University carries out its Title IX responsibilities.
- The Title IX Coordinator also assists with:
 - Access to medical and mental health treatment;
 - Victim support and resources; and
 - Serving as someone to talk to.

In addition, the Title IX Coordinator maintains an annual report documenting: (1) the number of reports or Complaints received pursuant to the University's Sexual and Gender-Based Misconduct Policy; (2) the categories of those involved in the allegations; (3) the number of Policy violations found; and (4) examples of sanctions imposed for each violation of this Policy.

8.4.3 Deputy Title IX Coordinators

The Deputy Title IX Coordinators work under the oversight of the Title IX Coordinator to assist with the handling of Title IX-related Complaints. The Title IX Coordinator may, at his or her discretion, designate one of the Deputy Title IX Coordinators as the Assigned Title IX Coordinator in connection with a given Complaint.

Deputy Title IX Coordinator for Students

Dr. Phillip Riordan
Vice President for Student Affairs
Lynn University
E.M. Lynn Residence Center
3601 North Military Trail
Boca Raton, FL 33431
561-237-7749
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Deputy Title IX Coordinator for Employees

Mr. Aaron Greenberg
Director of Employee Services
Lynn University
3601 North Military Trail
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561-237-7915
AGreenberg@lynn.edu

Deputy Title IX Coordinator for Athletics

Mr. James R. Stein
Director of Athletics Compliance
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3601 North Military Trail
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561-237-7019
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8.5 Prohibited Conduct and Definitions

8.5.1 Prohibited Conduct

1. Prohibition Against Sexual and Gender-Based Misconduct

Lynn University prohibits all forms of Sexual and Gender-Based Misconduct as defined in Section 8.5.2 below. Sexual and Gender-Based Misconduct is a broad term that includes Sexual Harassment, Sexual Violence (non-consensual sexual contact and non-consensual sexual intercourse), Sexual Assault, Sexual Exploitation, Domestic Violence, Dating Violence, Stalking, and aiding or facilitating the commission of a violation of this Policy.

The University also prohibits Hostile Environment Harassment, which includes acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex, gender identity, or gender expression, even if those acts do not involve conduct of a sexual nature.

Sexual and Gender-Based Misconduct can occur between people of different sex or gender or of the same sex or gender. All members of the University community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

2. Anti-Retaliation and Intimidation

In addition, the University strictly prohibits Retaliation against anyone who files a complaint, serves as a witness, or otherwise participates in the enforcement of this Policy is strictly prohibited. The University does not allow threats or other forms of Retaliation or Intimidation against any students, employees, or Third Party who files a complaint or participates in the enforcement of any Lynn University Policy. Any form of Retaliation should be reported promptly to Campus Safety and Security or the Title IX Coordinator. Violations of the Anti-Retaliation and Intimidation Policy may result in disciplinary action independent of the sanctions or Interim Measures imposed in response to the underlying allegations.

Initiating a complaint of Sexual or Gender-Based Misconduct will not affect a Complainant's employment, compensation or work assignments or, in the case of students, grades, class selection, or any other matter pertaining to student status. .

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, gender identity, gender expression or any other legally protected characteristic, from participating in business, work-related, student or residential life social activities or discussions in order to avoid allegations of harassment. The law and the policies of

Lynn University prohibit disparate treatment on the basis of sex, gender identity, gender expression or any other legally protected characteristic, with regard to terms, conditions, privileges and perquisites of employment or admission as a student. The prohibitions against Sexual and Gender-Based Misconduct and Retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

8.5.2 *Sexual and Gender-Based Misconduct Definitions*

For purposes of this Policy, **Sexual and Gender-Based Misconduct** is defined to include the following:

Sexual Harassment: For purposes of this Policy, Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, other verbal, visual or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence or other offensive behavior directed toward an individual because of or on account of the individual's sex, whether by a person of the opposite or same gender, when either:

- Submission to, rejection, or toleration of such conduct is made explicitly or implicitly a term or condition of an individual's employment, education (i.e., grades), living environment, or participation in a Lynn University program or activity; or
- Submission to, rejection, or toleration of such conduct is used as a basis for or a factor in decisions affecting that individual's employment, education, living environment or participation in a Lynn University program or activity; or
- Such conduct creates a Hostile Environment (see Hostile Environment Harassment).

Hostile Environment Harassment: For purposes of the Policy, Hostile Environment Harassment is defined as the unlawful harassment against an individual on the basis of his or her sex, or gender-related status when the conduct is either:

- Sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit the individual's ability to participate in or benefit from the University's programs or activities; or
- The conduct has the purpose or effect of unreasonably interfering with an individual's employment or education.

The determination of whether an environment is "hostile" must be based on all of the circumstances, giving consideration to whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered:

- The degree to which the conduct affected one or more students' education or individual's employment;
- The nature, scope, frequency, duration, severity, and location of incident or incidents; and
- The identity, number, and relationships of persons involved.

A single or isolated incident of Hostile Environment Harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a

repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical in nature.

Forms of Sexual Harassment or Gender-Based Hostile Environment Harassment: Sexual Harassment or Hostile Environment Harassment based on one's sex or gender-related status may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or gender-related status, even if the acts do not involve conduct of a sexual nature. In either type of harassment, the effect will be evaluated based on the standard of a reasonable person in the position of the Complainant. Sexual Harassment or Hostile Environment Harassment can take many forms:

- It may be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- It does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- It may be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships (e.g., supervisor to subordinate, faculty member to student, coach to student-athlete, student leader to first year student), harassment can occur in any context and between persons of equal power status (e.g., student to student, staff to staff, faculty member to faculty member, visitor/contracted employee to staff).
- It may be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- It may be committed by or against an individual or may be a result of the actions of an organization or group.
- It may occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- It may occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting.
- It may be a direct proposition of a sexual nature.
- It may be a one-time event or part of a pattern of behavior.
- It may be committed in the presence of others or when the parties are alone.
- It may affect the complainant and/or third parties who witness or observe harassment.

Examples of behavior that might be considered Sexual or Hostile Environment Harassment include, but are not limited to:

- Threats, either directly or by implication, of adverse employment or academic action if sexual favors are not granted or punishing, either directly or by

implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment;

- Promising favorable treatment or continued employment in return for sexual favors;
- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex or gender-related status;
- Unwanted, unnecessary and objectively inappropriate physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body;
- Sexual Assault;
- Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances;
- Display or distribution of pornographic material or sexual explicit drawings, pictures, or written materials;
- Sexual rumors or ratings of sexual activity/performance or the circulation, display, or creation of e-mails or websites of a sexual nature;
- Excessively offensive remarks, including unwelcome graphic or suggestive comments about an individual's body, appearance or dress,
- Jokes and humor about sex or gender-specific traits;
- Inappropriate use of sexually explicit or offensive language or derogatory language directed at another person's sexuality, gender, gender identity, sexual orientation or gender expression;
- Insults and threats based on sex, gender, gender identity, sexual orientation or gender expression;
- The display in the workplace of sexually suggestive objects or pictures which create an intimidating or hostile work environment;
- The display or circulation of written materials or pictures degrading to an individual(s) or gender group where such display is not directly related to an educational/pedagogical, artistic, or work goal;
- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping. Harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex, or for failing to conform to stereotypical notions of masculinity and femininity, regardless of actual or perceived gender related status of the harasser or her/his/their target;
- Abusive, disruptive or harassing behavior, whether verbal or physical, which endangers another's mental or physical health, including but not limited to threats, acts of violence, or assault based on gender related status and/or in the context of intimate partner violence;

- Other unwelcome and unwanted conduct of a sexual nature, such as leering, name calling, suggestive comments and sexual propositions or innuendos and other oral, written or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome.

Sexual Violence: Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because of an intellectual or another disability that prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including **Rape, Sexual Assault, Sexual Battery, Sexual Abuse** and **Sexual Coercion**. All such acts of Sexual Violence are forms of sex discrimination prohibited by Title IX.

Sexual Assault: Sexual Assault is defined by this Policy to include:

Non-Consensual Sexual Contact: Any intentional sexual touching, however slight and with any object or body part, that is without consent (as defined in this Policy) and/or by threat, intimidation, coercion, duress, violence, or by causing a reasonable fear of harm. This includes intentional contact with breasts, buttocks, groin, mouth, or genitals, as well as any other intentional bodily contact that occurs in a sexual manner.

Non-Consensual Sexual Intercourse (Rape): Any sexual penetration or copulation, however slight and with any object or body part that is without consent and/or by force or coercion. Intercourse includes anal or vaginal penetration by a penis, object, tongue, or finger, and oral copulation (mouth and genital/anal contact), no matter how slight the penetration or contact.

The above definition will be used in determining whether a Respondent has violated this Policy.

Sexual Coercion: Sexual Coercion is the improper use of unreasonable and persistent pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. Coercion may be emotional, intellectual, psychological or moral. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity.

Force: Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity.

Domestic Violence: For purposes of this Policy, Domestic Violence is defined as felony or misdemeanor crimes of violence committed by a current or former spouse 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence: For purposes of this Policy, Dating Violence is defined as violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

Stalking: For purpose of this Policy, “Stalking” is defined as engaging in a course of conduct (e.g., repeatedly following, harassing, threatening or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method) directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer other emotional distress.

The University also considers Stalking to include the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Examples of stalking include:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on on-line bulletin boards;
- Unwelcome/unsolicited communications about a person, their family, friends, or co-workers;
- Sending/posting unwelcome and/or unsolicited messages with another username;
- Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person.

Stalking in the State of Florida is defined as the willful, malicious and repeated following or harassing of a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress; or an aggravated stalking, which means the willful, malicious and repeated following or harassing another with credible threats with the intent to place that person in reasonable fear of death or bodily injury; or willfully, maliciously, repeatedly following or harassing a minor under age 16; or after injunction for protection or any court-imposed prohibition of conduct, knowingly, willfully, maliciously and repeatedly follows or harasses another person. Florida law enforcement agencies will utilize this definition in determining whether to pursue criminal Stalking charges.

Sexual Exploitation: Sexual exploitation is an act or omission to act that involves a member of the Lynn University community taking non-consensual, unjust, humiliating, or abusive sexual advantage of another, either for the individual’s own advantage or to benefit anyone other than the one being exploited. Examples of sexual exploitation include but are not limited to the following:

- Creating pictures, movies, web cam, tape recording, graphic written narrative or other means of memorializing sexual behavior or a state of undress of another person without the other’s knowledge and consent;

- Sharing items described in the paragraph above, beyond the boundaries of consent where consent was given. For example, showing a picture to friends where consent to view it was given for oneself only;
- Observing or facilitating observation by others of sexual behavior or a state of undress of another person without the knowledge and consent of that person;
- “Peeping Tom”/Voyeuristic behaviors;
- Engaging in sexual behavior with knowledge of an illness or disease (HIV or STD) that could be transmitted by the behavior;
- Engaging in or attempting to engage others in illegal “escort services” or illegal “dating services” which include or encourage in any way sexual behavior in exchange for money;
- Surreptitiously providing drugs or alcohol to a person for the purpose of sexual exploitation; and
- Causing another person to be exposed to pornographic material without the person’s advance knowledge or consent.

Retaliation: Retaliation is defined as taking adverse action against an individual making a complaint under this Policy or against any person cooperating or participating in the investigation of a complaint or the enforcement of any interim measures or sanctions under this Policy. Retaliation includes intimidation, threats, harassment, and other adverse action including adverse job action and adverse academic action against any such complainant or third party.

Intimidation: Intimidation is defined as implied threats or acts that cause an unreasonable fear of harm in another.

Aiding or Facilitating Sexual or Gender-Based Misconduct: Promoting, aiding, facilitating or encouraging the commission of any behavior prohibited under this Policy.

8.5.3 *Other Definitions*

Assigned Title IX Coordinator. The “Assigned Title IX Coordinator” means either the Title IX Coordinator or the Deputy Title IX Coordinator assigned by the Title IX Coordinator to handle a given Complaint.

Awareness Programs: Community-wide or 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. Bystander intervention includes:

- Recognizing situations of potential harm;
- 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 “Complainant” is an alleged victim of Sexual or Gender-Based Misconduct who files a Complaint, or on whose behalf a Complaint is filed.

Complaint. A “Complaint” is an allegation of Sexual or Gender-Based Misconduct asserted against another party and initiated pursuant to Section 8.9.

Consent: The person must act freely and voluntarily, and have knowledge of the nature of the act or transaction involved. Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent is clear permission and can only be given by one of legal age. The following are essential elements of effective consent:

- *Informed and reciprocal:* All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting, and a willingness to do the same thing, at the same time, in the same way.
- *Freely and actively given:* Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.
- *Mutually understandable:* Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. Relying solely upon nonverbal communication can lead to a false conclusion as to whether consent was sought or given.
- *Not indefinite:* Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout the stages of sexual activity. Withdrawal of consent can be an expressed “NO” or can be based on the outward demonstration that conveys that an individual is hesitant, confused and uncertain or no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately, and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.
- *Not unlimited:* Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

Alcohol and Other Drugs: In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person’s decision-making capacity, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of

the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, sexual violence and stalking or intimate partner violence, and does not diminish one's responsibility to obtain informed and freely given consent.

Incapacitation: Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because she/he lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) and/or is physically helpless. An individual is incapacitated, and therefore unable to give consent, if she/he is asleep, unconscious or otherwise unaware that sexual activity is occurring.

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness or emotional volatility.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments;
- Capacity to appreciate the nature and the quality of the act; or
- Level of consciousness.

Evaluating incapacitation also requires an assessment of whether a respondent should have been aware of the complainant's incapacitation based on objectivity and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent's position.

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity is in violation of this Policy.

Day. A "day" is a business day, unless otherwise specified.

Ongoing Prevention & 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 institution.

Personally Identifiable Information. "Personally Identifiable Information" (as that term is defined by FERPA) includes, but is not limited to

- A student's name;
- The name of a student's parent(s) or other family members;

- The address of a student or a student's family;
- A personal identifier, such as a student's social security number, student number, or biometric record;
- Other indirect identifiers, such as a student's date of birth, place of birth, or mother's maiden name;
- Other information that, alone or in combination, is linked or linkable to a specific student and that would allow a reasonable person in the University community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- Information requested by a person whom the University reasonably believes knows the identity of the student to whom the Education Record relates.

Primary Prevention Programs: 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: As provided by federal law, all activities related to a non-criminal resolution of an institutional disciplinary report pertaining to Sexual Assault, Stalking, Domestic Violence, or Dating Violence, including, but not limited to, fact finding investigations, formal or informal meeting, and hearings. Proceeding does not include communications and meetings between officials and Reported Victims concerning accommodations or protective measures to be provided to a Reported Victim.

Respondent. A “Respondent” is an individual who has been accused in a Complaint of committing Sexual or Gender-Based Misconduct.

Responsible Employee: A “Responsible Employee” is a University employee who has the authority to redress Sexual or Gender-Based Misconduct, who has the duty to report incidents of Sexual or Gender-Based Misconduct or other student misconduct, or who a student could reasonably believe has this authority or duty.

Risk Reduction: Options designed to decrease sexual or gender-based misconduct 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.

Student: A “Student of the University” includes all persons taking courses at the University both full and part-time, pursuing undergraduate, graduate or professional studies; and those who attend post-secondary education institutions other than Lynn University and who reside in University residence halls. Persons who are not officially enrolled for a term, but who have a continuing relationship with the University are considered students. Solely for purposes of this definition, the term “employee of the University” does not include students who are employed by the University through a work-study or similar program.

Third Party: A “Third Party” is any contractor, consultant, or vendor doing business or providing services to Lynn University.

8.5.4 *State Law*

If a person would like to press criminal charges for an alleged violation of any of the below criminal laws, or would like to seek an order of protection, the definitions contained in the Florida Statutes would apply; not the internal definitions used in this Policy.

Sexual Battery: In the State of Florida, Sexual Assault is legally referred to as sexual battery and law enforcement will utilize this definition in determining whether to pursue criminal charges. Florida State Statute 794.011 defines sexual battery as: “Any oral, anal, vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object performed without consent and not for a bona fide medical purpose.”

Consent: Florida Statute 794.011 defines consent as follows: “Consent” means intelligent, knowing, and voluntary consent and does not include coerced submission. “Consent” shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

Dating Violence: In the State of Florida, dating violence is defined as violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

- A dating relationship must have existed within the past six months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

Florida law enforcement agencies will utilize this definition in determining whether to pursue criminal Dating Violence charges.

Domestic Violence: In the State of Florida, domestic violence is defined as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. “Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common, regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

8.6 Reporting Sexual and Gender-Based Misconduct, Retaliation or Intimidation Incidents

Lynn University encourages all individuals to report alleged incidents of Sexual or Gender-Based Misconduct, Retaliation or Intimidation to the University and to report any potential criminal conduct to law enforcement.

Individuals have the option not to report alleged Sexual or Gender-Based Misconduct to campus officials or to law enforcement authorities. The University respects the individual's decision in regards to reporting; however, subject to the Confidentiality provisions outlined in Section 8.7 of this Policy, if information about Sexual or Gender-Based Misconduct comes to the attention of the University, the University (1) will start an investigation even in the absence of a filed report or formal Complaint and/or (2) may notify appropriate law enforcement authorities if required or warranted by the nature of the information of which it becomes aware.

8.6.1 Reporting Options within the University

Victims or witnesses of Sexual or Gender-Based Misconduct or associated incidents of Retaliation or Intimidation are encouraged to talk to somebody about what happened – so victims can get the support they need, and so the University can respond appropriately. Victims and witnesses do not need to determine whether incidents of Sexual or Gender-Based Misconduct created a hostile environment before reporting the incident to the University.

The various confidential and non-confidential disclosure options available to members of the Lynn University community are set forth below:

8.6.1.1 Privileged and Confidential Communications to University Confidential Sources

Individuals have the option to report alleged Sexual and Gender-Based Misconduct to the Confidential Sources on campus listed below. Individuals may choose this option if they want to report the incident but do not want any further action to be taken. Confidential Sources can provide individuals with both immediate and long-term help. They will listen and help access additional assistance, and explain options for obtaining additional support from the University and others. The licensed professionals at both centers will preserve an individual's privacy to the extent possible by the law. This means that Personally Identifiable Information shared with these professionals is not part of students' or employees' University records and will not be reported to other University personnel (including the Title IX Coordinator), to the Respondent, or to others (unless the disclosing individual gives his or her consent to the disclosure or the law requires it (as may be the case with alleged Sexual or Gender-Based Misconduct involving a minor or under conditions involving imminent harm to one or more members of the University community, for example)). Therefore, disclosures to these employees generally will not trigger a University investigation into an incident against the victim's wishes. See Section 8.7 – Requesting Confidentiality from Lynn University. Individuals choosing this option can decide to make a formal Complaint and/or criminal report in the future.

8.6.1.1.1 *Counseling & Health Center Professionals (Strict Confidential Sources)*

Individuals can make a confidential report of Sexual or Gender-Based Misconduct by contacting a professional, licensed counselor at the **Counseling Center** at 561-237-7237 during normal business hours.

Individuals also have the option of making a confidential report of Sexual or Gender-Based Misconduct by contacting a licensed clinician at the **Health Center** at 561-237-7231 during normal business hours.

The licensed professionals at both the Counseling Center and Health Center may also be visited in person during normal business hours at their respective locations in the E.M. Lynn Residence Hall.

8.6.1.1.2 *Confidential Student Advocate (Non-Professional Advocate-Confidential)*

Individuals can make anonymous or confidential report of Sexual or Gender-Based Misconduct by contacting the Confidential Student Advocate/Coordinator of the Women's Center, a Non-Professional Victim Advocate, at 561-237-7955.

The Confidential Student Advocate/Coordinator of the Women's Center can generally talk to a victim without revealing any personally identifying information about an incident to the University. A victim can seek assistance and support from the Confidential Student Advocate without triggering a University investigation that could reveal the victim's identity or that the victim has disclosed the incident. While maintaining a victim's confidentiality, the Confidential Student Advocate should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.

8.6.1.1.3 *Palm Beach County Victim Services (Strict Confidential Source)*

Through a Memorandum of Understanding with the University, PBCVS makes available a 24-hour rape crisis hotline services available to students and employees of the University and provides confidential crisis intervention, counseling, information and referral, and accompaniment to medical and legal services as re-quested by students and employees. Victim Advocates with PBCVS provide students and employees with information about how to file a complaint with the University and how to report a crime to campus or local law enforcement and offer to assist students and employees with filing a complaint or report. Additionally, Victim Advocates from PBCVS are available 24 hours a day to accompany students and employees as they make reports to Campus Safety or to local law enforcement. Students or employees making a report of sexual and gender-based misconduct will be made aware of their option to have a Victim's Advocate from PBCVS present and University administrators will assist the student or employee in contact PBCVS. To speak with a Victim's Advocate, please contact (866)891-7273(RAPE).

Palm Beach County Victim Services (PBCVS) and Certified Rape Crisis Center is a nonprofit, community-based organization dedicated to the elimination of sexual violence in all its forms. Palm Beach County Victim Services and Certified Rape Crisis Center provides free, confidential services including a 24-hour hotline, therapeutic services, medical and legal advocacy, community education and training for professionals. Through direct services and education, Palm Beach County Victim Services and Certified Rape Crisis Center provides services to more than 3500 individuals annually. Palm Beach County Victim Services and Certified Rape Crisis Center provides empowerment-based services that focus on healing, support, and justice for victims of sexual assault.

8.6.1.2 **Formal, Non-Confidential Reporting to the University**

Individuals who believe that they have been the subject of or have witnessed an incident of Sexual or Gender-Based Misconduct, Retaliation or Intimidation are encouraged to report the conduct to the University so that it can take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions), and, if it is determined that Sexual or Gender-Based Misconduct has occurred, take appropriate steps to address the situation.

There are several ways to formally report Sexual or Gender-Based Misconduct, Retaliation or Intimidation incidents to the University:

8.6.1.2.1 *Title IX Coordinator or a Deputy Title IX Coordinator*

A report may be made to the Title IX Coordinator regardless if the Complainant or witness is a student, employee, or third party. Lynn University's **Title IX Coordinator** is Lorna Fink, University Compliance Officer, whose office is located in the Office of General Counsel (in the Green Center) 3601 North Military Trail, Boca Raton, Florida, 33431. Ms. Fink may be contacted by phone at 561-237-7727 or by email at lfink@lynn.edu.

In addition, the following University community members have the option to make a report to one of the following Deputy Title IX Coordinators:

Students: Students may also make a formal report to the **Deputy Title IX Coordinator for Students**. Lynn University's Deputy Title IX Coordinator for Students is Dr. Phillip Riordan, Vice President for Student Affairs, whose office is located in E.M. Lynn Residence Center at 3601 North Military Trail, Boca Raton, FL 33431. Dr. Riordan may be contacted by phone at 561-237-7749 or by email at prirordan@lynn.edu.

Employees: Employees may also make a formal report to the **Deputy Title IX Coordinator for Employees**. Lynn University's Deputy Title IX Coordinator for Employees is Aaron Greenberg, Director of Employee Services, whose office is located in the Green Center at 3601 North Military Trail, Boca Raton, FL 33431. Employee Services may be contacted by phone at 561-237-7915.

Student-Athletes: Student-Athletes may also make a formal report to the **Deputy Title IX Coordinator for Athletics**. Lynn University's Title IX Deputy Coordinator for Student-Athletes is Ms. James R. Stein, Director of Athletic Compliance, whose office is located in De Hoernle Sports and Cultural Center at 3601 North Military Trail, Boca Raton, FL 33431. Mr. Stein may be contacted by phone at 561-237-7019 or by email at jrstein@lynn.edu

Individuals may also utilize the Sexual and Gender-Based Misconduct Reporting Form, which can be accessed at: https://publicdocs.maxient.com/reportingform.php?LynnUniv&layout_id=6

8.6.1.2.2 *Campus Safety*

Sexual and Gender-Based Misconduct, Retaliation or Intimidation may be reported to Campus Safety regardless if the Complainant or witness is a student, employee, or third party.

Lynn University Campus Safety and Security is located in front of Frieburger Residence Hall. Lynn University Campus Safety is also available by phone at 561-237-7226. Lynn University Campus Safety Officers are available 24 hours a day, seven days a week.

Campus Safety personnel will immediately report to the Title IX Coordinator all relevant details about the alleged Sexual or Gender-Based Misconduct 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.

8.6.1.2.3 *Employee Services*

In addition to the Title IX Coordinator, incident of Sexual and Gender-Based Misconduct, Retaliation or Intimidation may also be reported to the Employee Services if the Complainant or witness is an employee, or Third Party. Employee Services is located in the Green Center. Employee Services is available during business hours (9:00 a.m. to 5:00 p.m., Monday through Friday) by phone at 561-237-7915.

8.6.1.2.4 *Responsible Employees*

Any member of the University community has the option to report an incident of Sexual Misconduct, Retaliation or Intimidation to a “Responsible Employee” of the University. A Responsible Employee is a University employee who either has the authority to redress Sexual or Gender-Based Misconduct, has the duty to report incidents of Sexual or Gender-Based Misconduct or other student misconduct, or is an individual who a student could reasonably believe has this authority or duty.

The following positions have been designated by the University to be “Responsible Employees”: The President; the Vice Presidents; Deans; the Title IX Coordinator and Deputy Title IX Coordinators; all Student Affairs staff, including resident assistants and professional residence life staff; all Athletic Department Staff, including coaches; and all Campus Safety officers. In addition, faculty and staff are required to report Sexual and Gender-Based Misconduct offenses to the Title IX Coordinator.

The University will exercise sensitivity with respect to the privacy concerns of the reporting person. However, the privacy interests of the reporting source must be balanced with the University’s legal obligations; its need to protect the University community; and to ensure that appropriate disciplinary processes are implemented.

When a member of the University community tells a Responsible Employee, faculty or staff member about an incident of Sexual or Gender-Based Misconduct, Retaliation or Intimidation, the individual has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A Responsible Employee must report to the Title IX Coordinator or as soon as reasonably possible all relevant details about the Complaint 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. Any Responsible Employee who knew about a violation of this Policy and took no action to stop it or failed to report the prohibited act may be subject to disciplinary action.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the University’s response to the report. A Responsible Employee will not share information with law enforcement without the Complainant’s consent or unless he or she has also reported the incident to law enforcement or otherwise required by law.

Before a victim reveals any information to a Responsible Employee, the employee should make reasonable efforts in light of the circumstances to ensure that the victim understands the employee’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the victim that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the coordinator of the victim’s request for confidentiality.

Responsible Employees will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for the University to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full Complaint if the victim is not ready to.

8.6.2 Reporting Options Outside the University

8.6.2.1 Privileged and Confidential Communications to Community Resources

Off-campus counselors, advocates, and health care providers will generally maintain confidentiality and not share information with the University unless the victim requests the disclosure and signs a consent or waiver form. Confidential community resources are set forth in the Resource Table of Appendix A.

Note: While off-campus community counselors and advocates may maintain a victim’s confidentiality vis-à-vis the University, they may have reporting or other obligations under state law.

8.6.2.2 Law Enforcement

Any member of the University community who has experienced an incident of Sexual and Gender-Based Misconduct involving potential criminal conduct has the option to report the conduct to a law enforcement agency that has jurisdiction over the location where the incident occurred. If the conduct is reported to the University, the victim will be informed of his or her option to also report any potential criminal activity to law enforcement. The University, however, may be obligated to report the matter to local law enforcement as required by law.

A criminal charge and a report with the University may be pursued at the same time, however, individuals may pursue a Complaint with the University without pursuing criminal charges and vice versa. The University, however, may still be obligated to investigate the matter even if the victim elects not to file a formal Complaint with the University.

Victim support and resources are available even if a student, employee or Third Party elects not to pursue criminal charges or file a report or Complaint with the University. Because Sexual and Gender-Based Misconduct may in some instances constitute both a violation of University policy and criminal activity, and because the University resolution process is not a substitute for instituting legal action, the University encourages individuals to report alleged Sexual and Gender-Based Misconduct promptly to University officials and to law enforcement authorities that have jurisdiction over the location where the incident occurred, where appropriate.

The University will assist individuals in making a report to local law enforcement. Reporting to local law enforcement is the option of the victim and the University respects and supports the individual's decision with respect to reporting; however, if information about Sexual or Gender-Based Misconduct comes to the attention of the University, the University may notify appropriate law enforcement authorities if required or warranted by the nature of the information of which it becomes aware.

A criminal investigation into the matter does not preclude the University from conducting its own investigation. If a report is filed with both the University and law enforcement, the University will proceed with its normal investigation process. The University, however, may need to temporarily delay its fact-finding portion of the investigation while law enforcement is gathering initial evidence. This delay typically takes three to ten calendar days, although it may be longer in certain instances. If a delay in the University's Title IX investigation occurs, it will take Interim Measures to protect the Complainant in the educational or work setting as applicable. Moreover, the Title IX Coordinator will continue to update the parties on the status of the investigation and inform them when the University's Title IX investigation resumes, which will occur promptly after law enforcement notifies the University that it has completed its evidence gathering stage of the criminal investigation. The University will not, however, delay its investigation until the ultimate outcome of the criminal investigation or the filing of any charges.

Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate the matter is determinative of whether Sexual or Gender-Based Misconduct, for purposes of this Policy, has occurred.

Individuals can file a police report by contacting Lynn University's Department of Campus Safety at 561-237-7226, 24 hours a day. The On-Duty Campus Safety supervisor will provide information and support concerning legal reporting options and assistance with filing a report. Individuals can seek information without filing an official police report.

Off-campus incidents will need to be reported to law enforcement in the town where the incident occurred. However, Campus Safety and Security can assist with facilitating this process.

If the incident occurred off campus in Boca Raton, individuals can file a report with the Boca Raton Police Department:

- Emergency Contact: 911
- Non-Emergency Contact: 561-338-1333

If a victim chooses to file a police report, those on and off-campus resources listed in the Resources Table of Appendix A, including Palm Beach County Victim Services, can provide assistance in contacting local law enforcement.

8.6.2.3 External Agencies

In addition to the University's internal remedies, members of the campus community should also be aware that the Office of Civil Rights ("OCR") investigates and prosecutes complaints of prohibited sex discrimination. This agency may be contacted as follows:

The OCR office for Florida is located at:

United States Department of Education, Office for Civil Rights

Atlanta Office
61 Forsyth St. S.W., Suite 19T10
Atlanta, GA 30303-8927
Telephone: 404-974-9406
FAX: 404-974-9471
TDD: 800-877-8339

Email: OCR.Atlanta@ed.gov

The OCR National Headquarters is located at:

United States Department of Education, Office for Civil Rights

U.S. Department of Education, Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
FAX: 202-453-6012;
TDD: 800-877-8339
Email: OCR@ed.gov

Complaints with the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the complainant believes was discriminatory. There is no time limit for making a report to the University.

Employees, Employment Applicants, and other Third Parties: In addition, employees, applicants for employment and other 3rd Parties may also file a formal complaint of sex discrimination with the following agency:

U. S. Equal Employment Opportunity Commission

Miami Tower
100 SE 2nd Street, Suite 1500
Miami FL 33131
1-800-669-4000

8.6.3 Mandatory Reporting of Suspected Child Abuse

Under the State of Florida's Protection of Vulnerable Persons Act, every individual in the state is required to immediately report known or suspected child abuse and child sexual abuse to the Florida Department of Children and Family Services' Abuse Hotline, with the definition of "child" including any person under the age of eighteen. This includes reporting suspected abuse committed by adults who are not the child's legal guardian and by juvenile sexual offenders.

Failure to report a known instance of child abuse of any kind is a third-degree felony, punishable by up to five years in prison and up to a \$5,000 fine. In addition, the failure of a University administrator to report suspected abuse potentially exposes the University to a \$1 million fine. "Administrator" is defined as the President, Vice Presidents, Deans, Director of Campus Safety and Security, the Athletic Director, and the Title IX coordinator.

To report possible child abuse using the Abuse Hotline please go to: reportabuse.dcf.state.fl.us, call toll-free 1-800-962-2873 (TDD 1-800-453-5145), or report by fax to 1-800-914-0004.

Reports may be made (24 hours a day, 365 days a year) by phone using a toll-free telephone number, by fax, or by web-based report. For more information and tips on successful reporting please go to: www.myflfamilies.com/service-programs/abuse-hotline/howtoreport. Anyone reporting in good faith is immune from any civil or criminal liability.

8.7 Requesting Confidentiality from Lynn University

Victims of Sexual and Gender-based Misconduct have the right not to file a report or formal Complaint with the University or report criminal activity to law enforcement. However, victims of Sexual or Gender-Based Misconduct are encouraged to seek medical attention, including counseling, either on or off campus. Victims of Sexual or Gender-Based Misconduct who wish to file a report at a later date may do so by contacting the Title IX Coordinator or Campus Safety. Please note that a delay in reporting could weaken or result in a loss of evidence used to determine whether an individual is responsible for Sexual or Gender-Based Misconduct.

Alleged victims may (i) request that the University not investigate the information or allegation(s) reported, (ii) request confidentiality, (iii) refuse to file a Complaint, and/or (iv) refuse to cooperate in the investigation and/or resolution of allegation(s).

The University takes such requests and decisions seriously; however, such requests and decisions may limit the University's ability to investigate and take reasonable action in response to a report of Sexual or Gender-Based Misconduct. In such cases, the University will evaluate such requests and decisions in the context of the University's commitment to provide a reasonably safe and non-discriminatory environment.

In order to make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual or Gender-Based Misconduct and may weigh such requests and decisions against the following factors:

1. The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
 - a. Whether there have been other Sexual or Gender-Based Misconduct complaints about the same alleged perpetrator;

- b. Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - c. Whether the alleged perpetrator threatened further Sexual or Gender-Based Misconduct or other violence against the victim or others;
 - d. Whether the Sexual or Gender-Based Misconduct was committed by multiple perpetrators.
2. The seriousness of the alleged Sexual or Gender-Based Misconduct, including but not limited to whether the Sexual or Gender-Based Misconduct was perpetrated with a weapon;
 3. Whether the victim is a minor;
 4. The Respondent's right to receive information about the allegations if the information is maintained by the University as an "Education Record" under FERPA;
 5. Whether the University possesses other means to obtain relevant evidence of the Sexual or Gender-Based Misconduct (e.g., security cameras or security personnel, physical evidence);
 6. Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group or person.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the victim's request for confidentiality. If the University honors the request for confidentiality, a victim must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. There are times when the University may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all members of the University community. If the University determines that it cannot maintain a victim's confidentiality, the Assigned Title IX Coordinator will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The University will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to implement interim measures. Retaliation against the victim, whether by students, University employees or third parties, will not be tolerated. The University will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The University will not require a victim to participate in any investigation or disciplinary proceeding.

Because the University is under a continuing obligation to address the issue of Sexual and Gender-Based Misconduct, reports of Sexual and Gender-Based Misconduct (including non-identifying reports) will also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported Sexual or Gender-Based Misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the University determines that it can respect a victim's request for confidentiality, the University will also take immediate action as necessary to protect and assist the victim.

8.8 General Provisions

8.8.1 Time Frame for Resolutions

The investigation and resolution of all reports of Sexual and Gender-Based Misconduct will generally be completed within 60 days. Extenuating circumstances, including, but not limited to, the complexity and severity of a Complaint may arise that require the complaint process to extend beyond 60 days. In general, a Complainant and Respondent can expect to receive periodic updates from the Title IX Coordinator and/or Investigator as to the status of the review or investigation.

This timeframe may be extended by the Title IX Coordinator for good cause based on factors such as, but not limited to, criminal investigations, schedule and availability of witnesses, holidays or semester breaks, and complexity of the complaint. Moreover, any party may request an extension of any deadline by providing the Title IX Coordinator with a written request for an extension that includes the basis for the request. If an investigation cannot be completed within sixty days, the Title IX Coordinator will notify the Complainant and Respondent(s) of that fact and provide a timeframe for completing the investigation.

8.8.2 Right to an Advisor

All parties are entitled to an advisor of their choosing to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them, as long as the advisor does not play any other role in the process, such as serving as a witness. The University maintains a pool of trained (non-attorney) advisors who are available to the parties. The parties may choose advisors from outside the pool, or outside the campus community, but those advisors may not have the same level of insight and training on the campus process as do those trained by the University. Outside advisors are not eligible to be trained by the University.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one.

However, the university maintains a listing of local attorneys who may offer their services pro bono. Additionally, accused individuals may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)

- SAVE (<http://www.saveservices.org>),

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors are not permitted to speak for, represent, appear in lieu of anyone, address any other party other than the one they are advising, or otherwise actively participate directly in a meeting, interview, or other proceeding, but may only communicate with the party they are advising by providing advice and support in a manner that is not disruptive to the meeting or proceeding at hand. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors may be given an opportunity to meet in advance of any interview or hearing with the individual assigned to conduct that interview or meeting for the purpose of answering any general questions the advisor may have about the process. Advisors are expected to refrain from interference with the University investigation and resolution. Any advisor who steps out of their role or causes a disruption in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor and the advisor's absence shall not require a delay or affect the validity of the proceedings. Subsequently, the Title IX Coordinator or a deputy will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The University expects that the parties will wish to share documentation related to the allegations with their advisors. The University provides a consent form that authorizes such sharing. The parties must complete this form before the University is able to share records with an advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations. Additionally, communication regarding any resolution process will be directed towards the involved party, and will not be done through the advisor except in circumstances in which the Title IX Coordinator or designee has granted an exception for special circumstances.

The University expects an advisor to adjust their schedule to allow them to attend university meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies when appropriate and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

(This information is adapted from the ATIXA VAWA Section 304-Compliant Process Advisor Model Language).

8.8.3 Public Awareness Events

Public awareness events such as candlelight vigils, protests, or other forums in which students disclose incidents of Sexual and Gender-Based Misconduct, are not considered notice to the University of Sexual or Gender-Based Misconduct 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.

8.8.4 False Information and Malicious Accusations

Any individual who knowingly files a false report or Complaint under this Policy, who knowingly provides false information to University officials, or who intentionally misleads University officials who are involved in the investigation or resolution of a report of Sexual or Gender-Based Misconduct, Retaliation, and/or Intimidation may be subject to disciplinary action up to and including termination or dismissal.

8.8.5 Clery Act Reporting Obligations

8.8.5.1 Statistical Reporting

The Clery Act is a federal law requiring institutions of higher education to collect and report statistics on certain crimes in an annual Security Report. Campus Security Authorities at the University have a duty to provide the University's Campus Safety department with information regarding certain crimes when they are reported to them. All personally identifiable information is kept confidential, but statistical information regarding Clery reportable crimes must be shared, including the date and location of the incident (but not the specific address) and information about the reported crime to allow for proper classification. This report provides the University community with information about the extent and nature of crime on the University's campus and helps ensure greater community safety.

The following individuals are considered to be Campus Security Authorities and are required to inform Campus Safety of crimes reported to them: Vice Presidents, Deans, Department Chairs, Directors and Athletic Coaches; Any employee in a supervisory or management role; Any faculty member responsible for supervising any activities or programs that include direct contact with students outside of classroom (including faculty advisors to recognized student organizations); Campus Safety personnel; Any staff member whose primary job description includes providing academic advice to students; Residence Hall staff; and Student Affairs staff; and any other staff with significant responsibility for student and campus activities.

8.8.5.2 Timely Warning Notifications

If a report of Sexual or Gender-Based Misconduct reveals that there is an immediate threat to the health or safety of students or employees on campus, or that an ongoing serious or continuing threat to the campus community exists, an emergency Timely Warning notification will be issued. The purpose of the Timely Warning notification is to enable individuals to protect themselves and to increase safety awareness, as well as seek information that will lead to the arrest and conviction of the perpetrator. The victim's names and other personally identifiable information will not be included in any emergency notification or public safety advisory.

8.8.6 *Amnesty Policy*

As partners with the University in promoting health and safety, all students have a responsibility and obligation to seek immediate assistance for any student known to be experiencing a serious health crisis, including one resulting from high risk drinking or the abuse of other drugs. As such, students who seek assistance on behalf of a peer and are themselves under the influence of alcohol, will not receive a Code of Conduct sanction, for this action. Additionally, the student who is the subject of the report will not receive a Code of Conduct sanction, for this action.

It is the University's intention to partner with students in promoting health and safety. The University will provide students with the assistance needed to respond to high risk drinking and other drug abuse. In a crisis, students are encouraged to seek such assistance by contacting Campus Safety at 561-237-7226.

After the crisis is resolved, the student who experienced the health crisis, as a result of alcohol intoxication or other drug consumption, will be referred to the substance abuse prevention and treatment specialist, who will provide further assessment, substance abuse education, counseling, recommendations and/or referral as applicable to the individual student's need.

8.8.7 *Record Retention*

The University will retain documentation (including but not limited to the records of each report and formal Complaint, notifications, the investigation report, any written findings of fact, petitions for appeal, and any written communication between the parties), for at least seven years. Documentation pertaining to expulsions or degree revocations will be retained indefinitely or in accordance with University policy.

8.8.8 *Individuals with Disabilities*

This Policy is accessible to students, employees and third parties with disabilities. The University will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations as needed to participate in the steps and procedures outlined in this Policy.

Requests for accommodations by students must be made to Lynn University's ADA Specialist. All other members of the campus community should contact the Employee Services. The ADA Specialist or Employee Services as applicable will review the supporting disability-related documentation, make a decision about the request, notify the individual about approved accommodations and make arrangements for the accommodations. Accommodations may include, but are not limited to, providing interpreters for the deaf, providing recordings of materials for the blind, and assuring a barrier-free location for any proceedings.

8.8.9 *International Students*

Title IX protects all students in the United States regardless of national origin, immigration status, or citizenship status. Accordingly, this Policy is accessible to international students and students who are English language learners and is distributed on campus in such a way that all students are aware of their rights under Title IX and the Violence Against Women Act.

Lynn University will provide appropriate interim measures to all Complainants in accordance with this Policy. For international students, this may include, but is not limited to, assistance with immigration and visa issues. For example, foreign nationals who are victims of a crime may be

eligible for two types of visas, a T visa and a U visa. There is no requirement to be in immigration status to apply for either. The U nonimmigrant status is set aside for victims of certain crimes who have suffered substantial mental or physical abuse as a result of the crime and are helpful to law enforcement agency in the investigation or prosecution of the qualifying criminal activity. The T nonimmigrant status is available for victims of severe forms of human trafficking who generally comply with a law enforcement agency in the investigation or prosecution of the human trafficking and who would suffer extreme hardship involving unusual and severe harm if they were removed from the United States.

International students should also be mindful that certain student visas require the student to maintain a full-time course load (generally at least 12 academic credit hours per term). Should an international student need to take a reduced course load while recovering from the effects of an incident of Sexual or Gender-Based Misconduct, the student must typically seek prior approval of the University's Designated School Official Erin Hari, Director of International Student Services.

A student, the student's advisor or the student's advocate may contact the Office of International Student Services (561-237-7201), located in the Trinity Residence Hall (North Entrance), for assistance with visa as well as other immigration issues. In addition, the Title IX Coordinator may be contacted for additional information regarding visa and immigration matters.

8.8.10 Sharing Records with Law Enforcement

The University will share with law enforcement, when appropriate, any information or records permitted to be released under any exception to the privacy protections of the Family Educational Rights and Privacy Act (FERPA), including the Health and Safety Emergency exception and/or records/information otherwise protected by any other state laws or local ordinances. It should be noted that FERPA applies only to records created by the University and to information derived from tangible records. FERPA does not protect the confidentiality of information in general and, therefore, does not apply to the disclosure of information derived from a source other than an education record, even if education records exist which contain that information. As a general rule, information that is obtained through personal knowledge or observation and not from an education record is not protected from disclosure under FERPA. Thus, a non-confidential verbal report of an offense of violence or sexual assault can be reported to the appropriate law enforcement agency.

The Department of Campus Safety and local law enforcement will exchange, in as timely a manner as is practicable, police investigatory information and copies of police/incident reports reporting any alleged offense of violence or sex offense - including nonpublic information (e.g., the name of uncharged suspects).

In those instances when a student is formally charged by law enforcement with a crime of violence or sexual assault, the University may provide to local law enforcement the name of the student found responsible for violating the University's Code of Student Conduct; the Code of Student Conduct violation, and the final results of the disciplinary proceedings.

In the event there is a concern that some information/record regarding a Sexual or Gender-Based Misconduct incident may not be shared because of FERPA constraints, the University's legal counsel will be consulted.

8.9 Initiating a Formal Complaint

8.9.1 Initiation of a Formal Complaints

A report of Sexual and Gender-Based Misconduct becomes a formal Complaint in one of the following ways:

1. An alleged victim may file a written Complaint with the University or a Third Party may file a written Complaint on his or her behalf. An alleged victim may complete a Complaint form (see https://publicdocs.maxient.com/reportingform.php?LynnUniv&layout_id=6) or may submit a written statement in his or her own words to the Title IX Coordinator providing sufficient information for the University to investigate the allegations contained therein (including but not limited to the name of the alleged victim, the name of the alleged perpetrator, and the date, location, and nature of the alleged Sexual or Gender-Based Misconduct);
2. An alleged victim can meet in person with the Title IX Coordinator, a Deputy Title IX Coordinator or a designated Responsible Employee to report alleged Sexual or Gender-Based Misconduct. Reports made to a Responsible Employee or Deputy Title IX Coordinator will be referred to the Title IX Coordinator, who will ask the alleged victim to complete a Complaint form provided by the University (see: https://publicdocs.maxient.com/reportingform.php?LynnUniv&layout_id=6); or
3. The University can determine, based on the information of which it becomes aware, that it is necessary and/or appropriate for it to investigate and respond to an incident of Sexual and Gender-Based Misconduct. Pursuant to Title IX, the University has an obligation to address all incidents of Sexual and Gender-Based Misconduct of which it becomes aware. If the Title IX Coordinator decides to proceed with a formal Complaint under these circumstances, a University administrator will serve as the “Complainant.”

Once a formal Complaint is initiated, an alleged victim will be referred to as a “Complainant” and an alleged perpetrator will be referred to as a “Respondent.”

8.9.2 Interim Protective and Disciplinary Sanctions

Once a Complaint has been initiated, the Title IX Coordinator or designee, in consultation with the appropriate administrative officials and the Director of Campus Safety (or a designee), will determine whether any Interim Measures and Interim Disciplinary Sanctions are needed to address the Complaint and protect the Complainant and the campus community. If at any point during the Complaint, investigation or disciplinary processes, the Title IX Coordinator or designee reasonably believes that a Respondent who is a member of the University community poses a substantial threat of harm to the Complainant, the Respondent, or other members of the campus community; threatens or endangers University property; or disrupts the stability and continuance of normal University operations and functions, the Title IX Coordinator or designee, in consultation with appropriate University administrators, may take interim actions such as those listed below.

The University may also implement such measures regardless of whether a report has been made (with either campus officials or law enforcement agencies) or whether an investigation has commenced. As noted earlier, a victim who has not reported the misconduct to a Title IX Coordinator(s), Campus Safety or a Responsible Employee has the option to disclose the

misconduct to a professional counselor from the Counseling or Health Centers, the Confidential Student Advocate, or an off-campus victim advocate, who in turn can request Interim Measures on the victim's behalf from the University. Under this option, victims should be aware that when a counselor or advocate requests Interim Measures on their behalf from the Title IX Coordinator and discloses that the reason for the request is Sexual or Gender-based Misconduct, the request may trigger the University's Title IX obligation to investigate. To the extent the counselor or advocate makes such a disclosure, but, consistent with the victim's wishes, asks that the University not investigate or otherwise notify the alleged perpetrator of the report, the Title IX Coordinator will consider whether it can honor the request while still providing a safe and nondiscriminatory environment for all students, as set forth in the University's Confidentiality Policy and take Interim Measures to protect the victim as necessary.

1. Interim Protective Measures for Complainants

When warranted to protect the Complainant, the Title IX Coordinator or designee may implement one or more Interim Measures, if appropriate and/or reasonably available, including but not limited to the following:

- a. Issuing of mutual no-contact orders to prevent any contact between the Complainant, the Respondent, witnesses, and/or third parties to ensure the safety of all parties and the integrity of the process;
- b. Providing the Complainant an escort to ensure that he or she can move safely between classes, work, and/or activities;
- c. Changing a Complainant's or a Respondent's on-campus housing, if any, to a different on-campus location and providing assistance from University support staff in completing the relocation;
- d. Rescheduling class work, assignments, and examinations;
- e. Changing work arrangements or schedules;
- f. Providing academic support services such as: providing alternative course completion options, dropping a course without penalty, or transferring to a different class section (with the agreement of the appropriate faculty);
- g. Limiting an individual or organization's access to certain University facilities or activities pending resolution of the matter;
- h. Transportation accommodations, such as shuttle service, cab voucher, or parking arrangements to ensure safety and access to other services;
- i. Preserving eligibility for academic, athletic, or other scholarships, financial aid, internships, study abroad, or foreign student visas.

Note: Failure to comply with the terms of Interim Measures may be considered a separate violation of this Policy.

2. Interim Disciplinary Measures for Respondents: Examples of possible interim disciplinary measures may include:

a. For Student Respondents:

- Temporarily suspend the Student Respondent from the University; or

- Summarily suspend the Respondent from campus housing on an interim basis and/or restrict his or her movement on campus.
- b. For Employee Respondents:**
- Take such steps as are reasonable, appropriate and necessary to restrict the Respondent’s movement on campus; or
 - Temporarily adjust the job duties of or place on administrative leave such Respondent.
- c. For Student-Athlete Respondents:**
- Place the Respondent on temporary probation or suspension pending the resolution of the Complaint.

The specific Interim Measures, whether protective or disciplinary in nature, implemented and the process for implementing those measures will vary depending on the facts of each case. The Title IX Coordinator or designee will consider a number of factors in determining what Interim Measures to take, including, for example, the specific need expressed by the Complainant; the age of the parties involved; the severity or pervasiveness of the allegations; any continuing effects on the Complainant; whether the Complainant and Respondent share the same residence hall, dining hall, class, transportation, or job location; and whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

In general, when taking Interim Measures, the University will minimize the burden on the Complainant. For example, if the Complainant and Respondent share the same class or residence hall, the University will typically not remove the Complainant from the class or housing while allowing the Respondent to remain without carefully considering the facts of the case.

Even when the Title IX Coordinator has determined that the University may not be able to respond fully to an allegation of Sexual and Gender-Based Misconduct and initiate formal action against a Respondent because of the victim’s request for confidentiality, the Title IX Coordinator will take immediate action to protect the Complainant and the University community while keeping his or her identity confidential. These actions may include: providing support services to the Complainant; changing living arrangements or course schedules, assignments, or tests; and providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred.

Throughout the University’s investigation and resolution process, the Title IX Coordinator will periodically check with the Complainant to ensure interim measures are effective and, if not, identify alternatives.

8.9.3 Initial Meetings with the Title IX Coordinator

1. Meeting with the Complainant

Within five (5) days following the filing of a Complaint (or as soon as is reasonably practicable), the Title IX Coordinator or designee will contact the Complainant to schedule an initial meeting. (If the person who reported the alleged Sexual or Gender-Based Misconduct is a Third-Party Reporter, the Title IX Coordinator or designee will attempt to meet with him or her as soon as possible to gather information.) At this initial meeting, the Title IX Coordinator will, as applicable:

- Provide the Complainant a copy of this Policy, including a review of his or her rights under the Policy (see Appendix C);
- Provide written notification of the counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims both within the University and in the community and the availability of changes to academic, living, transportation, and working situations or protective measures regardless of whether the victim reports to law enforcement, including a copy of the University's Sexual and Gender-Based Misconduct Rights and Resources Guide (see Appendix D);
- Explain the avenues for formal and, if applicable, informal resolution of the Complaint;
- Explain the steps involved in a Title IX investigation;
- Advise the Complainant that he or she may have an advisor of his or her choice present throughout the Title IX investigation and resolution process. If the Complainant is a member of the Lynn University community and does not have an advisor, the University will assist the Complainant in finding an advisor (see Section 8.8.2);
- Discuss confidentiality standards and concerns;
- Determine whether the Complainant wishes to pursue an informal (if applicable) or formal resolution through the University, law enforcement, both or no resolution of any kind;
- Refer the Complainant to the Counseling Center, the Confidential Student Advocate, Health Center and other on and off-campus resources, as appropriate;
- Discuss the importance of preserving relevant evidence or documentation in the case (e.g., texts, emails, notes, photographs (etc.);
- Discuss protection from, and reporting of, Retaliation and Intimidation; and
- Discuss with the Complainant, as appropriate, possible Interim Measures that can be provided to him or her during the pendency of the investigative and resolution processes. (If Interim Protective Measures have already been implemented pursuant to Section 8.9.2 above, the Title IX Coordinator or designee will evaluate whether they should continue to be provided and whether other Interim Measures should also be implemented.) The University may implement such measures regardless of whether a formal Complaint has been filed (with either campus officials or law enforcement agencies) or whether an investigation has commenced (by either campus officials or law enforcement agencies). These Interim Measures may include the Interim Protective Measures listed in Subsection 8.9.2 above and/or other appropriate Interim Measures including, but are not limited to:
 - Arranging for the Complainant to withdraw from or take an incomplete in a class without penalty;
 - Providing academic support services (e.g., tutoring);
 - Providing alternative course completion options; and
 - Providing counseling services.

The Title IX Coordinator or designee will promptly inform the Complainant (no later than it is communicated to the Respondent) of the imposition of any Interim Measures and, to the extent that it affects him or her, the Respondent.

2. Meeting with Respondent

If the Complainant wishes to pursue resolution through the University or if the University otherwise deems that further investigation is warranted, within 5 days or as soon as is reasonably practicable after the Title IX Coordinator's initial meeting with the Complainant, the Title IX Coordinator or designee will schedule an initial meeting with the Respondent. During the initial meeting with the Respondent, the Title IX Coordinator or designee will, as applicable:

- Provide the Respondent, in writing, information consistent with state and federal privacy laws and, if applicable, the alleged victim's request for heightened confidentiality, that is sufficient to allow him or her to respond to the substance of the allegation, including, if possible, the name of the Complainant and the date, location, and nature of the alleged Sexual or Gender-Based Misconduct;
- Provide the Respondent a copy of this Policy, including a review of his or her rights under the Policy (see Appendix C);
- Explain the University's procedures for resolution of the Complaint;
- Explain the steps involved in a Title IX investigation;
- Advise the Respondent that he or she may have an advisor of his or her choice present throughout the Title IX investigation and resolution process. If the Respondent is a member of the Lynn University community and does not have an advisor, the University will assist the Respondent in finding an advisor (see Section 8.8.2);
- Discuss confidentiality standards and concerns with the Respondent;
- Discuss non-Retaliation and Intimidation requirements with the Respondent;
- Inform the Respondent of any Interim Measures already determined and to be provided to the Complainant that directly affect the Respondent (e.g., changing the Respondent's class schedule, or moving the Respondent to an alternate residence hall);
- Discuss the importance of preserving relevant evidence or documentation in the case (e.g., texts, emails, notes, photographs (etc.));
- Refer the Respondent to the Counseling Center or other resources, as appropriate; and
- Discuss with the Respondent, as appropriate, possible Interim measures that can be provided to the Respondent during the pendency of the investigative and resolution processes. The University may implement such measures if requested and/or appropriate, and reasonably available, whether a formal Complaint has been filed (with either campus officials or law enforcement agencies) or whether an investigation has commenced (by either campus officials or law enforcement agencies). Such determination will promptly be communicated to the Respondent (no later than it is communicated to the Complainant) and, to the extent that it affects him or her, the Complainant.

8.9.4 Title IX Coordinator's Initial Assessment

After meeting with the Complainant and the Respondent, the Title IX Coordinator or designee will make a determination as to whether (a) a Formal Title IX Investigation is warranted to resolve the case; (b) the case can possibly be resolved through Informal Resolution; (c) the case can be resolved through other means of resolution including but not limited to referral to the Office of Student Conduct and Community Standards upon receipt of a full investigative report from Campus Safety without need for an additional Formal Title IX Investigation; or (d) there are no reasonable grounds exist for believing that the conduct at issue constitutes Sexual or Gender-Based Misconduct.

In the event that the Title IX Coordinator or designee determines there are no reasonable grounds for believing that the conduct at issue constitutes Sexual or Gender-Based Misconduct, the Title IX Coordinator or designee will determine (in consultation, as necessary, with the Complainant, the Respondent, and other University administrators) and document the appropriate resolution of the Complaint, will promptly notify the parties of such resolution, and will close the Complaint.

8.10 Informal Resolution

The University recognizes that in some limited circumstances voluntary informal resolution options may be an appropriate means of addressing some behaviors reported under this Policy. Mediation will never be used in cases alleging acts of sexual violence. The Title IX Coordinator or designee will determine if Informal Resolution is appropriate, based on the willingness of the parties and the nature of the conduct at issue. For cases involving student Respondents, the Office of Student Conduct and Community Standards will conduct the informal resolution process. For all other Respondents, the Title IX Coordinator (or designee), in collaboration with the appropriate administrator, will conduct the informal resolution process.

While Informal Resolution will never be the primary resolution mechanism used to address a report of sexual assault, the University may utilize Informal Resolution measures as appropriate in such cases under the following circumstances:

- To determine Remedial Actions when the Office of Student Conduct and Community Standards determines there are no reasonable grounds for believing that a report constitutes Gender-Based Discrimination, Harassment and/or Sexual Misconduct as defined by this Policy;
- To determine Disciplinary Sanctions and/or Remedial Actions when the Respondent has admitted that he or she has violated this Policy;
- To determine appropriate Remedial Actions whenever a Complainant does not wish to start or continue a formal resolution process, and no pattern, predation, threat, violence or weapon conditions as outlined in Section 8.7 (Requesting Confidentiality from Lynn University) presents the University with the obligation to proceed formally despite the Complainant's request; or
- To determine appropriate steps for reintegrating the Respondent into the University community after a period of separation and addressing any lingering community concerns.

It is not necessary to pursue Informal Resolution first, and anyone participating in Informal Resolution can stop that process at any time and request a Formal Resolution. Participating parties

must voluntarily elect to pursue an Informal Resolution process without pressure or compulsion from others. The University or the parties may, at any time, elect to end such proceedings and initiate Formal Resolution instead. In such cases, information provided by the parties in the course of the investigation and Conflict Resolution may be considered in the subsequent Formal Resolution. Moreover, the Complainant and Respondent may be accompanied by an advisor at any meetings related to the Informal Resolution process. If a satisfactory resolution is reached through, the matter will be considered completed. If these efforts are unsuccessful, the Formal Resolution process will commence.

Information shared or obtained during an Informal Resolution process will be treated as confidential to the extent permitted by law. Any agreements reached in an Informal Resolution process must be approved by the Title IX Coordinator to ensure consistency with the University's Title IX obligations.

The Title IX Coordinator will maintain records of all reports and conduct resolved through Informal Resolution. Informal Resolution will typically be completed within 60 business days as is reasonable and practicable.

8.11 Formal Title Investigation and Resolution Procedures

If the Title IX Coordinator determines that a Formal Resolution is warranted to resolve the Complaint, the Title IX Coordinator will refer the matter for Formal Resolution, which includes a thorough and prompt investigation and provides for a fair and impartial evaluation and resolution. The Formal Resolution process utilized by the University is determined by the role of the Respondent:

- Complaints against **Students** will be investigated and resolved pursuant to the *Formal Resolution Procedures for Complaints of Sexual and Gender-Based Misconduct Against Students* outlined below.
- Complaints against **Faculty, Staff and Third Parties** will be investigated and resolved pursuant to the *Formal Resolution Procedures for Complaints of Sexual and Gender-Based Misconduct Against Faculty, Staff and Third Parties* outlined below.

8.11.1 Formal Resolution Procedures for Complaints Against Students

The University will determine whether a student is responsible for a violation of the Lynn University Sexual or Gender Based-Misconduct and what, if any, disciplinary sanctions and/or remedial actions are appropriate, in accordance with the procedures described below:

8.11.1.1 Assignment of Investigator

If the Title IX Coordinator determines that a Formal Title IX Investigation is warranted to resolve a Complaint of Sexual or Gender-Based Misconduct, the Title IX Coordinator will appoint an investigator or an investigative team ("investigator") who has specific training and experience investigating allegations of Sexual and Gender-Based Misconduct. The appointed investigator may include a Campus Safety Officer or a staff member with the Office of Student Conduct and Community Standards. The Title IX Coordinator will notify both the Complainant and the Respondent in writing of the Formal Title IX Investigation and the name of the investigator(s). The investigator(s) may be an employee(s) of the University or an external investigator(s) engaged to assist the University in its fact gathering.

The Respondent and the Complainant may protest the appointment of the investigator(s) by identifying a possible conflict of interest in writing to the Title IX Coordinator within twenty four (24) hours after the appointment of the Investigator(s). The Title IX Coordinator will carefully consider such statements and will assign a different investigator(s) if it is determined that a material conflict of interest exists.

8.11.1.2 The Investigator's Activities

The formal investigation may include, but is not limited to, conducting interviews of the Complainant, the Respondent(s), and any witnesses¹ (witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character); reviewing law enforcement investigation documents, if applicable; reviewing student and personnel files; and gathering, examining, and preserving other relevant documents and physical, written (including medical records), and electronic evidence (including social media, security camera footage, etc.). The parties will have an equal opportunity to present relevant witnesses and evidence to the investigator(s), as well as identify witnesses who may have relevant information. Moreover, both the Complainant and Respondent(s) may have an advisor accompany (but not actively participate) him or her through the investigation process.

In gathering the facts, prior allegations of, or findings of responsibility for, similar conduct by the Respondent may be considered to the extent such information is relevant.

The investigation will be discreet and only disclosed on a "need to know" basis. In cases where the Complainant is a student, the University will take reasonable care to protect the student's privacy by using student ID numbers in incident report and in publicly available recordkeeping (without the inclusion of identifying information) as defined in 42 U.S.C. 1395 (a)(20).

8.11.1.3 The Investigator's Report

The Investigator(s) will complete within approximately 30 days after the investigation begins a written Investigative Report that includes items such as summaries of all interviews conducted, photographs, and descriptions of relevant evidence, summaries of relevant electronic records, and a detailed report of the events and findings of fact in question.

8.11.1.4 The Evaluation of the Investigator's Report

The Office of Student Conduct and Community Standards will evaluate the Investigative Report and will determine whether reasonable grounds exist to believe that the conduct at issue constitutes Sexual or Gender-Based Misconduct. If it is clear from the Investigative Report that no reasonable grounds exist for believing that the Respondent engaged in Sexual Misconduct, the Office of Student Conduct and Community Standards will determine (in consultation, as necessary, with the Complainant, Respondent, the Title IX Coordinator, and other University

¹ The investigator should obtain, where applicable and where possible, the written consent of any third-party witnesses to the disclosure of any personally identifiable information (as that term is defined by FERPA) contained in the Complaint, the investigative report, and/or any other documents the disclosure of which is contemplated by this Policy in order to further the resolution of the complaint. If the Investigator is unable to obtain the consent of such third-party witnesses, he or she must redact the investigative report to the extent necessary to avoid disclosure of such witness's personally identifiable information, while ensuring that such redaction does not prevent resolution of the Complaint.

administrators) and document the appropriate resolution of the Complaint and will promptly notify the parties of that determination. Appropriate resolutions may include, but are not limited to, dismissal of the Complaint, conferences with one or more of the parties, and the introduction of remedial and community-based efforts such as educational initiatives and/or trainings, (see Section 8.11.17 - Remedial Action below for additional information).

If, however, the Office of Student Conduct and Community Standards determines that there are reasonable grounds to believe that the Respondent engaged in Sexual or Gender-Based Misconduct, a formal hearing will be conducted. At any time prior to the date of the hearing, the Respondent may elect to acknowledge his or her actions and take responsibility for the alleged Sexual or Gender-Based Misconduct. In such a situation, the Office of Student Conduct and Community Standards will propose sanction(s) for the Respondent. If the Complainant and the Respondent agree to such proposed sanction(s), then the Complaint will be resolved without a hearing and without any further rights of appeal by any party. If either the Complainant or the Respondent objects to such proposed sanction(s), then a Student Conduct Officer will convene a hearing for the exclusive purpose of determining a sanction.

8.11.1.5 Process for Formally Resolving Complaints

If the Respondent is a student, the matter will be referred to the Office of Student Conduct for formal resolution. The Office of Student Conduct will allow the Complainant and Respondent access to the Investigative Report. All parties to whom access to the Investigative Report is granted pursuant to this Policy are encouraged to maintain it in confidence (even after the resolution of the Complaint). The Office of Student Conduct will conduct a hearing in which it will interview and question the Complainant and the Respondent (at no time will the Respondent and the Complainant be required to be in the same room at the same time), as well as any witnesses or other third parties whose testimony the Student Conduct Officer deems relevant.

a. Pre-Hearing Meeting

The Respondent and the Complainant will be notified in writing of the need for a Student Conduct Hearing and a date and time will be set for the each party to meet with the Student Conduct Officer for a Pre-Hearing Meeting. At the Pre-Hearing Meeting, the Respondent and the Complainant will be advised of the following:

- The possible Student Conduct Code Violations to be considered at the Hearing.
- Both parties will be treated fairly and equitably.
- Both parties are entitled to an advisor of their choice. The advisor may be an attorney, retained at the student's own initiative. Any advisor may participate as a silent observer in any meeting or proceeding related to the investigation or adjudication. T
- Both parties are allowed to submit a list of witnesses in writing to the Student Conduct Officer twenty four (24) hours prior to the hearing.
- The Respondent is presumed not responsible until determined responsible for the alleged violation(s) based upon a preponderance of the evidence, or more likely than not, standard.
- Participants will be afforded the opportunity to inspect and review information contained within the case file, which will include the Investigative Report. These materials include documents pertaining to the specific disciplinary matter and is considered an educational

record pursuant to FERPA. The personal notes of University faculty and staff and privileged information of other students are not included in the Case File and thus are not accessible.

- Formal rules of evidence shall not be applicable; nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a student respondent of the University may result.
- The Student Conduct Officer will interview and question the Complainant, the Respondent, and any relevant witnesses or third parties. At no time will the Respondent and the Complainant be required to be in the same room at the same time.
- Witnesses must have observed the conduct in question or have information relevant to the incident. The Student Conduct Officer will not hear from individuals whose sole purpose is to provide character information.
- The Student Conduct Officer may call any member of the University community to participate in a proceeding. Admission of any person to the hearing will be at the discretion of the Student Conduct Officer.
- Pertinent records, video-surveillance images, relevant exhibits, and written statements may be accepted as information for consideration by the Student Conduct Officer. The applicability and weight of such evidence is determined at the sole discretion of the Student Conduct Officer. The Student Conduct Officer may use a recording device during any or all review proceedings. All recordings shall remain the property of the University.
- Any relevant omission of fact, untruthfulness, falsification, or misrepresentation presented to the Student Conduct Officer may be considered a separate violation of the Student Code of Conduct.
- Any interference with the orderly process of Hearing proceedings may be considered a separate violation of the Student Code of Conduct. Moreover, the Student Conduct Officer shall exclude that person, including the student charged and/or his/her adviser, and proceed with the proceeding in the individual's absence.
- Any attempt to discourage another's participation or truthful account of events in the Hearing proceedings may be considered a separate violation of the Student Code of Conduct.

b. Student Conduct Hearing

A Student Conduct Hearing is conducted for the purpose of determining whether it is more likely than not that the Respondent committed an act of Sexual or Gender-Based Misconduct in violation of this Policy. Student Conduct Hearings allow for the resolution of complaints in a manner that not only seeks to hold parties found responsible under the preponderance of the evidence standard accountable for their actions but also allows for a forum in which both Complainants and Respondents can receive the resources necessary to better their experience within the Lynn University community. The following rules and regulations apply to Student Conduct Hearings for Matters of Sexual or Gender-Based Misconduct:

- Complainants and Respondents will have equal access to the Student Conduct Hearing Officer but will NOT have equal access to each other. Cross Examination is permitted in

the form of the submission of question to the Student Conduct Hearing Officer. The use of the submitted questions is to the Student Conduct Hearing Officer's discretion.

- Hearings in Absentia: If the Respondent or the Complainant fails to appear for the scheduled Hearing, the Hearing will be conducted in the student's absence without the benefit of their explanation. During all conduct review proceedings, reasonable efforts will be undertaken to encourage the involved students to actively participate. If all reasonable attempts to contact an involved student have been exhausted, the Student Conduct Officer may proceed with the review in the involved student's absence. If the student is subsequently determined to have violated any section of the Student Conduct Code, the corresponding sanction imposed will be effective immediately. All relevant information presented at the review will be considered. The involved student will be sent a written notification of the decision. The absent student will still maintain their right to appeal.
- After the review, the Student Conduct Officer shall determine whether or not the Respondent was responsible for violating any section(s) of the Student Code of Conduct within three business days, unless the Student Conduct Officer determines additional time is needed to make a decision. The Student Conduct Officer will set forth a list of appropriate sanctions to address and remedy the unique hostile environment created in the individual case.
- The Complainant and the Respondent will be notified of the findings and any applicable sanctions. See Outcome Letter – Section 8.11.1.9. If the Respondent is found responsible for violating a specific section(s) of the Student Code of Conduct, the applied sanction will be explained in the outcome letter. The Student Conduct Officer will authorize all pertinent documents.
- In addition to any sanctions imposed on the Respondent, promptly following the conclusion of the hearing(s) and the Student Conduct Officer's issuance of a determination of responsibility, the Title IX Coordinator (or their designee) will determine the final remedial actions to be provided to the Complainant, if any, and the Title IX Coordinator (or their designee) will communicate such decision to the Complainant, and, to the extent that it affects him or her, to the Respondent. See Section 8.11.17 - Remedial Actions below.

Note: Should a student Respondent that has a complaint pending for violation of this policy decide to leave or withdraw from the University, the process may still proceed to a reasonable resolution, even in the absence of the Respondent. The Respondent will not be permitted to return to Lynn University unless all sanctions have been satisfied, if applicable, and a hold may be placed on the student's account to prohibit re-enrollment and the release of transcripts.

8.11.1.6 Sanctions

In light of the facts and circumstances of each case, the following sanctions, or combination of sanctions (with or without appropriate modifications) may be applied by the Student Conduct Officer to any student found responsible for violating the Student Code of Conduct:

- No Action.
- Written Warning: A written notice to the involved students expressing disapproval of acts committed.

- **Disciplinary Probation:** The disciplinary probation notice informs the student that for a specified period of time, additional violations shall lead to removal from University housing, suspension or expulsion from the University. Disciplinary probation may also be assigned with specific restrictions, as outlined below.
- **Restrictions:** During a specified period of time, a student may be restricted from a particular aspect of student life within the University community including, but not limited to the following:
 - Serving in a leadership role within any University-recognized student club or organization;
 - Participating in intercollegiate athletics;
 - Participating in intramural or club sports;
 - Pledging a Greek organization;
 - Ability to host an overnight guest in the University residence halls;
 - Participating in a University-sponsored study tour or study abroad program;
 - Access to a specific area of the campus and property owned or controlled by the University;
 - Participating in any event or program sponsored by the University;
 - On-Campus Employment.
- **Educational Assignment:** A student may be assigned additional sanctions, educational in nature, to aid in his/her development and better understanding of his/her choices. The student will be given a definite time frame for each assignment and is expected to complete assignments within that time frame in order to avoid further conduct action.
- **Removal from University Housing:** Removal from University housing involves exclusion or removal of a student, either temporary or permanent, from the residence halls for a definite period of time. Students assigned this sanction may not enter the residence halls during the definite period of time of the removal except for official University business during regular business hours. There may be specific conditions for readmission to University housing.
 - Once notice of the removal from University housing is given, the student will be given a specific time frame in which to remove all belongings from the living space and vacate the residence halls. The student may be monitored or escorted during the removal process.
- **Suspension:** A suspended student is excluded or removed from the University for a definite period of time, after which the student may be eligible to return. Students suspended from the University may not return to the campus or attend any University-sponsored events for the duration of the suspension. There will be specific conditions for return to the University.
 - Once notice of suspension is given, the student will be given a specific time frame in which to remove all belongings from University housing and vacate the campus. The student may be monitored or escorted during the suspension

process.

- A student suspended from Lynn University is not eligible for a refund of any kind, regardless of the date of the violation.
- Expulsion: Expulsion involves permanent separation of the student from the University. An expelled student may not enter the campus or attend any University-sponsored events and is not eligible for return to the University.
 - Once notice of expulsion is given, the student will be given a specific time frame in which to remove all belongings from University housing and vacate the campus. The student may be monitored or escorted during the expulsion process.
 - A student expelled from Lynn University is not eligible for a refund of any kind, regardless of the date of the violation.
- Other Sanctions can include any, or a combination, of the following options, including but not limited to:
 - Restitution: monetary reimbursement to the University, an individual or organization for any property damages or losses resulting from the acts committed.
 - Community Service: A student may be required to complete work assignments or other service to the University community.
 - Residence Hall Relocation: a change in a resident student's current on-campus residence to another location within the University housing system as assigned by the Office of Residence Life.
 - Exclusion from specific campus privileges or activities including but not limited to:
 - Loss of driving and/or parking privileges on property owned or controlled by the University;
 - Campus jobs;
 - Participation in extracurricular activities;
 - Registration for future semesters;
 - Loss of computing privileges at the University.
 - Internal Referral: referral to a specific department or University official for the purposes of evaluation and education
 - Fines: Monetary reimbursement to the University must be paid by the date specified. All financial obligations must be satisfied prior to or at the time of course registration for the next semester

8.11.1.7 Remedial Actions

In addition to the imposition of disciplinary sanctions, the Title IX Coordinator may take remedial action to remedy the hostile environment. These remedies may be imposed to protect the

Complainant and the University community and are considered separate from, and in addition to, any disciplinary sanction or interim measure that may have been provided prior to the conclusion of the University's investigation.

1. Examples of Remedial Action for the Complainant:

Remedies for the Complainant, as determined by the Title IX Coordinator may include, but are not limited to:

- Providing an effective escort to ensure that the complainant can move safely between classes and activities;
- Ensuring the Complainant and Respondent do not share classes or extracurricular activities;
- Moving the Respondent or Complainant (if the Complainant requests to be moved) to a different residence hall;
- Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring; and
- Arranging for the Complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty.

2. Examples of Remedial Action for the Broader University Population:

Remedies for the broader University population, as determined by the Title IX Coordinator may include, but are not limited to:

- Designating an individual from the Counseling Center or the Confidential Student Advocate, who is specifically trained in providing trauma-informed comprehensive services to victims of sexual violence to be on call to assist students whenever needed;
- Training or retraining employees on the University's responsibilities to address allegations of Sexual and Gender-Based Misconduct and how to conduct Title IX investigations;
- Developing materials on Sexual or Gender-Based Misconduct;
- Conducting bystander intervention and Sexual or Gender-Based Misconduct prevention programs with students;
- Issuing policy statements or taking other steps that clearly communicate that the University does not tolerate Sexual or Gender-Based Misconduct and will respond to any incidents and to any student who reports such incidents;
- Conducting a campus climate check to assess the effectiveness of efforts to ensure that the University is free from Sexual or Gender-Based Misconduct, and using that information to inform future proactive steps that the school will take;
- Targeted training for a group of students if, for example, the Sexual or Gender-Based Misconduct created a hostile environment in a residence hall or on an athletic team; and
- Developing a protocol for working with local law enforcement.

8.11.1.8 Final Outcome Letters

Title IX requires both parties be notified, in writing, about the outcome of both the investigation and any appeal. This notification will be provided concurrently in writing. If providing notification concurrently is impracticable, the Complainant will be notified prior to the Respondent to reduce the risk of retaliation or any potential safety problems. The Student Conduct Officer or designee will inform the Complainant as to whether or not the investigation found that the alleged conduct occurred, any individual remedies offered or provided to the Complainant or any sanctions imposed on the Respondent that directly relate to the Complainant, as well as other steps the University has taken to eliminate the hostile environment, if the school finds one to exist, and prevent its recurrence. The Respondent will NOT be notified of the individual remedies offered or provided to the Complainant. A list of remedies, services, and accommodations provided to the Complainant along with additional methods utilized to eliminate the hostile environment and prevent recurrence are set forth in the Remedial Action section above (see Section 8.11.1.7). The notice of outcome letters will also provide each party with their appeal options. The University may also notify appropriate University officials, including a direct supervisor of a Respondent, as necessary to implement the outcome, sanctions and/or remedial actions.

8.11.1.9 Appeals

Complainants and Respondents may file an appeal within twenty four (24) hours of their notification of the Student Conduct Officer's decision. Such appeals must be requested in writing (not email) to the Vice President for Student Life or his/her designee.

The appeal shall be limited to a review of the initial proceeding and supporting documents for one or more of the following purposes:

- The original conduct review meeting was inconsistent with the established procedures;
- Evidence is now available that could not have been obtained at the time of the conduct review meeting; or
- The sanction is excessive, inconsistent or insufficient with the nature of the offense.

If the Vice President for Student Life, or their designee, determines there is merit for an appeal, the facts of the incident will be reviewed with the student. Appeals can result in one of the following ways:

- The student will be found not responsible for the violation of the Student Code of Conduct.
- The student's original sanction will be upheld.
- The student's original sanction will be modified.
- In rare circumstance, a new Formal Title IX Investigation will be conducted and the case will be reevaluated under the preponderance of the evidence standard and submitted to a different Hearing Officer for review.

8.11.1.10 Confidentiality and Disclosure

In order to comply with FERPA, Title IX, and other applicable laws, and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, documents prepared in anticipation of the hearing (including the Complaint, the Investigative Report, the notice of hearing, and the pre-hearing submissions referenced above); documents, testimony, or other information introduced at the hearing; and the Outcome Letter may not be disclosed, except as may be required or authorized by law. If it is determined, however, that the Respondent committed Sexual Assault or one or more Non-forcible Sex Acts, University policy does not prohibit the further disclosure of the Outcome Letter by either the Complainant or the Respondent.

8.11.1.11 Parental Notification

Ordinarily, parents will not receive notification from the University about violations by the student of the University's Code of Conduct. However, if a student is held accountable for a violation of the alcohol or other drug policies, or if the student is found responsible for a serious violation of University policies or regulations involving the possession, use or distribution of alcohol or drugs, the parent or legal guardian, at the discretion of the Vice President for Student Life, or designee, may receive notice documenting the violation and outcome of the conduct review meeting. Federal regulations permit this notification without the student's consent for those students who are dependents, under the age of 21. The notification would be via telephone conversation or notice mailed to the address of record for the parent or guardian. The Vice President for Student Affairs also has the discretion to notify parents of students under the age of 21, regardless of their dependency status or consent, of violations involving alcohol and other drugs.

8.11.2 Formal Resolution Procedures for Complaints Against Faculty, Staff & 3rd Parties

The University will determine whether a faculty member, staff employee or Third Party is responsible for a violation of the Lynn University Sexual or Gender Based-Misconduct and what, if any, disciplinary sanctions and/or remedial actions are appropriate, in accordance with the procedures described below:

8.11.2.1 Assignment of Investigator

If the Title IX Coordinator or designee determines that a Formal Title IX Investigation is warranted to resolve a Complaint of Sexual or Gender-Based Misconduct, the Title IX Coordinator or designee will appoint an investigator or an investigative team ("investigator") who has specific training and experience investigating allegations of Sexual and Gender-Based Misconduct. The Title IX Coordinator or designee will notify both the Complainant and the Respondent in writing of the Formal Title IX Investigation and the name of the investigator(s). The investigator(s) may be an employee(s) of the University or an external investigator(s) engaged to assist the University in its fact gathering.

The Respondent and the Complainant may protest the appointment of the investigator(s) by identifying a possible conflict of interest in writing to the Title IX Coordinator or designee within twenty four (24) hours after the appointment of the Investigator(s). The Title IX Coordinator or

designee will carefully consider such statements and will assign a different investigator(s) if it is determined that a material conflict of interest exists.

8.11.2.2 The Investigator's Activities

The Title IX investigation will be conducted in a manner appropriate in light of the circumstances of the case. The formal investigation may include, but is not limited to, conducting interviews of the Complainant, the Respondent(s), and any witnesses² (witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character); reviewing law enforcement investigation documents, if applicable; reviewing student and personnel files; and gathering, examining, and preserving other relevant documents and physical, written (including medical records), and electronic evidence (including social media, security camera footage, etc.). The parties will have an equal opportunity to present relevant witnesses and evidence to the investigator, as well as identify witnesses who may have relevant information. Moreover, both the Complainant and Respondent(s) may have an advisor accompany (but not actively participate) him or her through the investigation process (see Section 8.8.2).

In gathering the facts and arriving at a conclusion, the investigator may consider the Respondent's prior conduct history if:

- The Respondent(s) was previously found to be responsible;
- The previous incident was substantially similar to the present allegation; and/or
- The information indicates a pattern of behavior by the respondent(s).

Additionally, the investigator will refrain from posing questions about or considering the Complainant's sexual history with anyone other than the Respondent. The mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of Sexual Misconduct. The investigator(s) will also ensure that the investigation is conducted in a manner that does not inflict additional trauma on the Complainant.

Finally, the investigation will be discreet and only disclosed on a "need to know" basis. In cases where the Complainant is a student, the University will take reasonable care to protect the student's privacy by using student ID numbers in incident report and in publicly available recordkeeping (without the inclusion of identifying information) as defined in 42 U.S.C. 1395 (a)(20).

8.11.2.3 The Investigator's Report and Conclusions

The Investigator will complete within 30 days after the investigation begins a preliminary written report that makes (1) findings of fact and (2) conclusions as to whether the Respondent violated

² The investigator should obtain, where applicable and where possible, the written consent of any third-party witnesses to the disclosure of any personally identifiable information (as that term is defined by FERPA) contained in the Complaint, the investigative report, and/or any other documents the disclosure of which is contemplated by this policy in order to further the resolution of the complaint. If the Investigator is unable to obtain the consent of such third-party witnesses, he or she must redact the investigative report to the extent necessary to avoid disclosure of such witness's personally identifiable information, while ensuring that such redaction does not prevent resolution of the Complaint.

any provision of the University's Sexual and Gender-Based Misconduct Policy. The standard of proof shall be by a preponderance of the evidence.

The findings of fact portion of the report will include items such as summaries of all interviews conducted, photographs, and descriptions of relevant evidence, summaries of relevant electronic records, and a detailed report of the events in question. The conclusion(s) will be clearly explained and address each element necessary to establish whether the Respondent violated the University's Sexual and Gender-Based Misconduct Policy so that the reader understands how the investigator(s) reached the conclusions outlined in the report in light of the available evidence and the standard of proof.

In general, the investigator(s) may redact information that is irrelevant, more prejudicial than probative, or immaterial. Statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty may also be redacted.

Before the report is finalized, the Complainant and Respondent will be given the opportunity to review the preliminary report and all information that was used in reaching a determination of whether this Policy has been violated. Consistent with FERPA or safety concerns, identifying information about the Complainant or third parties may be redacted at the discretion of the Title IX Coordinator or designee. A Complainant and Respondent may submit any additional comment or evidence to the investigator within five (5) business days of the opportunity to review the report.

Upon receipt of any additional information by the Complainant or Respondent, or after the five (5) day comment period has lapsed without comment, the investigator(s), in consultation with the Title IX Coordinator or designee, will issue a final report to both parties outlining the findings of fact and indicating conclusions as to whether the Respondent, by the preponderance of the evidence, violated any provision of the University's Sexual and Gender-Based Misconduct Policy. (See Section 8.11.2.5 - Final Outcome Letter).

1. Determination Not to Proceed to Disciplinary Action

If the investigator(s), in consultation with the Title IX Coordinator or Designee, determines that the Respondent did not violate any provision of the University's Sexual and Gender-Based Misconduct Policy, the final outcome letter to both parties will inform them of the right to appeal that decision on the grounds of either: (a) a lack of fairness in the procedures or process used to investigate the Complaint that may alter the outcome of the investigation; or (b) significant new information (previously unknown) that has been revealed or discovered which materially alter the facts of the matter and may alter the outcome of the investigation.

2. Determination to Proceed to Disciplinary Action

If the investigator(s), in consultation with the Title IX Coordinator or Designee, determines that there is sufficient information to find, by a preponderance of the evidence, that the Respondent violated the University's Sexual and Gender-based Misconduct Policy, the final written report to both parties will inform them that the matter will be referred for disciplinary action to the appropriate Administrative Officer. In addition, the matter will be referred to the Title IX Coordinator or designee for the imposition of remedial actions.

8.11.2.4 Disciplinary Sanctions and Remedial Actions

1. Assignment of the Administrative Officer

The Administrative Officer will be designated based on the role of the Respondent:

- For complaints against **Staff**, the Administrative Officer is typically the Director of Employee Services or a designee in conjunction with the appropriate supervisor.
- For complaints against **Faculty**, the Administrative Officer is typically the Director of Employee Services or designee in conjunction with the appropriate supervisor.
- For a complaint against a **Student Employee** who is acting solely within the scope of his/her University employment at the time of the incident, the Administrative Officer is typically the Director of Employee Services or designee in conjunction with the appropriate supervisor.

The Administrative Officer must be a neutral and impartial decision-maker. Any Administrative Officer who has reason to believe s/he cannot make an objective determination must recuse oneself from the process.

2. Imposition of Disciplinary Sanctions

If the Respondent is found responsible, the assigned Administrative Officer will consider the imposition of a disciplinary sanction designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and Title IX and VAWA obligations. Disciplinary sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

The Administrative Officer is responsible for determining the appropriate disciplinary sanction. Both the Complainant and Respondent will be provided two days from the date they are provided the investigator's report to submit a written impact statement for consideration by the Administrative Officer. These written statements provide the parties an opportunity to inform the Administrative Officer how the incident has impacted them and whether any facts or mitigating circumstances should be considered. The Administrative Officer, in reaching a final decision on an appropriate sanction, will review the investigator's report and impact statements, as well as consult with the Title IX Coordinator.

The Administrative Officer may impose any sanction deemed appropriate after a consideration of all of the relevant information.

- For **Staff** employees, the sanction may include any form of progressive discipline or termination as set forth in Volume III of the Lynn University Policy Manual, including training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination.
- For **Faculty**, the sanction may include any form of progressive discipline or termination as set forth in Volume IV of the Lynn University Policy Manual, including training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination.
- For a **Student Employee** who is acting within the scope of his/her employment at the time

of the incident, the sanction may include any permissible sanction from the Student Code of Conduct or the Volume III of the Lynn University Policy Manual.

3. Remedial Actions

In addition to the imposition of disciplinary sanctions, the Title IX Coordinator or designee may take remedial action to remedy the hostile environment. These remedies may be imposed to protect the Complainant and the University community and are considered separate from, and in addition to, any disciplinary sanction or interim measure that may have been provided prior to the conclusion of the University's investigation.

a. Examples of Remedial Action for the Complainant:

Remedies for the Complainant, as determined by the Title IX Coordinator may include, but are not limited to:

- Providing an effective escort to ensure that the complainant can move safely between classes and activities;
- Ensuring the Complainant and Respondent do not share classes or extracurricular activities;
- Moving the Respondent or Complainant (if the Complainant requests to be moved) to a different residence hall;
- Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring; and
- Arranging for the Complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty.

b. Examples of Remedial Action for the Broader University Population:

Remedies for the broader University population, as determined by the Title IX Coordinator may include, but are not limited to:

- Designating an individual from the Counseling Center who is specifically trained in providing trauma-informed comprehensive services to victims of sexual violence to be on call to assist students whenever needed;
- Training or retraining employees on the University's responsibilities to address allegations of Sexual and Gender-Based Misconduct and how to conduct Title IX investigations;
- Developing materials on Sexual or Gender-Based Misconduct;
- Conducting bystander intervention and Sexual or Gender-Based Misconduct prevention programs with students;
- Issuing policy statements or taking other steps that clearly communicate that the University does not tolerate Sexual or Gender-Based Misconduct and will respond to any incidents and to any student who reports such incidents;
- Conducting a campus climate check to assess the effectiveness of efforts to ensure that the University is free from Sexual or Gender-Based Misconduct, and using that information to inform future proactive steps that the school will take;

- Targeted training for a group of students if, for example, the Sexual or Gender-Based Misconduct created a hostile environment in a residence hall or on an athletic team; and
- Developing a protocol for working with local law enforcement.

8.11.2.5 Final Outcome Letters

Title IX requires both parties be notified, in writing, about the outcome of both the investigation and any appeal. This notification will be provided concurrently in writing. If providing notification concurrently is impracticable, the Complainant will be notified prior to the Respondent to reduce the risk of retaliation or any potential safety problems. The Title IX Coordinator or designee will inform the Complainant as to whether or not the investigation found that the alleged conduct occurred, any individual remedies offered or provided to the Complainant or any sanctions imposed on the Respondent that directly relate to the Complainant, as well as other steps the University has taken to eliminate the hostile environment, if the school finds one to exist, and prevent its recurrence. The Respondent will NOT be notified of the individual remedies offered or provided to the Complainant. A list of remedies, services, and accommodations provided to the Complainant along with additional methods utilized to eliminate the hostile environment and prevent recurrence are set forth in the Remedial Action section above (see Section 8.11.2.4(3)). The notice of outcome letters will also provide each party with their appeal options. The University may also notify appropriate University officials, including a direct supervisor of a Respondent, as necessary to implement the outcome, sanctions and/or remedial actions.

8.11.2.6 Appeals

Either the Complainant or the Respondent or both may appeal the determination of the final outcome letter. Appeals are decided by the Vice President of Business and Finance or a designee. The three grounds for appeal are:

- The original conduct review meeting was inconsistent with the established procedures;
- Evidence is now available that could not have been obtained at the time of the conduct review meeting; or
- The sanction is excessive, inconsistent or insufficient with the nature of the offense.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. The appeal must be submitted within twenty four (24) hours of the date of the final outcome letter to the Vice President of Business and Finance's Office.

Upon receipt of the appeal, the Vice President of Business and Finance (or designee) will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within five (5) business days from receipt of the appeal. In the event that both parties initially appeal the findings, each party will be provided notice and a copy of the other party's appeal. The Title IX Coordinator will be copied on all matters related to the appeal.

The appeal will be conducted in an impartial manner by the Vice President of Business and Finance (or designee). In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The Vice President of Business and Finance (or designee) shall consider the merits of an appeal only on the basis of the grounds for appeal. The Vice President of Business and Finance (or designee) will review the written investigation report and all supporting documents and may consult with both parties independently.

The Vice President of Business and Finance (or designee) can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal. If the appeal is based on procedures not having been followed in a material manner, the Vice President of Business and Finance (or designee) can ask that a new investigation and/or imposition of sanctions occur. In the case of new and relevant information, the Vice President of Business and Finance (or designee) can recommend that the case be returned to the Administrative Officer to assess the weight and effect of the new information and render a determination after considering the new facts.

The Vice President of Business and Finance (or designee) will communicate the result of the appeal to the Complainant and Respondent in writing within ten (10) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

8.12 Prevention and Education

8.12.1 Bystander Intervention Programs

The Lynn University Bystander Intervention program was started in 2012. Since then, various student leaders, staff, and faculty members have been trained to facilitate presentations in the classroom to educate the campus community on Bystander Intervention.

Starting during the Fall 2015 Semester, all first year students will be required to complete the Bystander Intervention Course as part of the First Year Dialogues of Self and Society Course.

Why it matters

Lynn University is committed to ensuring the safety and well-being of its entire community. The University prohibits all forms of sexual violence, coercion, intimidation and harassment. The University does not permit any form of sexual misconduct, including, but not limited to, sexual assault and interpersonal violence.

Goals

The goals of the Lynn University Bystander Intervention program are to educate, prepare, and empower students and staff to better recognize how to safely intervene, and to give them the confidence and comfort to intervene in situations that involve, or have the potential to involve, Sexual Assault or an incident of Domestic Violence, Dating Violence or Stalking.

8.12.2 Additional Educational and Training Programs

8.12.2.1 Primary Prevention and Awareness Programs

Lynn University has developed primary prevention and awareness programs for all incoming students to prevent Sexual and Gender-Based Misconduct. This includes, but is not limited to information on (a) Title IX and a review of the University's prohibition against Dating Violence, Sexual Assault, Domestic Violence and Stalking, (b) how to file a formal Title IX Complaint with the University, (c) resources available to Sexual and Gender-Based Misconduct victims such as counseling, health services and interim measures, and (d) options for reporting an incident of Sexual or Gender-Based Misconduct to campus or local law enforcement. In addition, all incoming students are educated regarding the legal definitions for Dating Violence, Sexual Assault, Domestic Violence, Stalking and Consent in the State of Florida.

Through a comprehensive prevention and awareness campaign, the University seeks to empower individuals to make smart decisions and take responsible actions. The University's prevention and awareness programming has been designed to reduce the risk of sexual and gender-based misconduct and to encourage students, staff, and third-parties to play an active role in creating a safe and respectful living, learning, and working environment. Primary and ongoing awareness and prevention campaigns and programming seek to stop domestic violence, dating violence, sexual assault, or stalking before it occurs and to increase awareness of issues of sexual and gender-based misconduct while sharing information and resources to prevent interpersonal violence, promote safety, and reduce perpetration.

Incoming first year students will be required to complete online educational modules during their first week on campus. These online modules, provided by Campus Clarity, include the following:

- Complete copies of the University's Sexual and Gender-Based Misconduct Policy;
- The definition of domestic violence, dating violence, sexual assault, stalking and harassment in the applicable jurisdiction;
- The definition of consent to sexual activity;
- Information on risk reduction and recognizing abusive behaviors;
- Information on how to report incidents of stalking, sexual violence, or interpersonal violence and how to seek support and services.

Additionally, the online training modules provided by Campus Clarity include sections designed to prepare students to address issues related to the use and misuse of alcohol and other drugs, including information about risk reduction and a copy of the University's policy on Alcohol and Other Drugs.

8.12.2.2 Ongoing Awareness and Prevention

In an effort to reduce the risk of sexual and gender-based misconduct, various programs and safety measures, including but not limited to a comprehensive Bystander Intervention program, the creation of individual and community safety plans and strategies, self-defense courses, and general crime prevention education, have been created and are available to members of the campus community during new student and new staff orientations and throughout the academic year.

Educational programs are offered each year for all students and staff and the University's ongoing annual prevention and awareness program includes:

- First-Year Student Welcome Weekend
- New Faculty and Staff Orientation
- Parent Orientation
- First Year Student Online Training by Campus Clarity
- New Faculty and Staff Online Training Programming by LawRoom
- Mandatory Bystander Intervention Training for First Year Students
- Healthy Relationship and Personal Responsibility Curriculum Integrated into First Year Dialogues of Self and Society Seminar Course required for all First Year Students
- Escalation Project Program for Interpersonal Violence hosted by the One Love Foundation
- Title IX Workshops for Faculty and Staff, including Resident Assistants (RAs) and Community Advisor (CAs)
- Residence Hall Floor Programming
- Know Your IX on 9/9 Awareness Fair
- Project Date Safe "Can I Kiss You?" Presentation
- First Year Student "First 40" Transitional Program
- Sexual Assault Awareness Month Programming
- Consent and Safe Sex Education Sponsored by the Health Center

8.12.2.3 Professional Staff Training

Specialized training in understanding victim responses, trauma, and the dynamics of sexual harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking and other forms of Sexual and Gender-Based Misconduct are a high priority and are scheduled for selected professional staff including but not limited to the Title IX Coordinator and Title IX Deputy Coordinators, student affairs staff, Campus Safety, the Office of Student Conduct, the Counseling Center, and the Health Center. All professional employees designated as judicial and/or investigative staff receive annual training on methods and best practices related to Domestic Violence, Dating Violence, Sexual Assault and Stalking. Training is a high priority and all "Responsible Employees" have completed an online training hosted by LawRoom entitled "EDU: Eliminate Campus Sexual Violence". The required online training module includes the following:

- Statements that the University prohibits acts of sexual and gender-based misconduct including dating violence, domestic violence, sexual assault, stalking and harassment.
- The definition of domestic violence, dating violence, sexual assault, stalking and harassment in the applicable jurisdiction.
- The definition of consent to sexual activity.

- Information on risk reduction and recognizing abusive behaviors.
- Information on how to report incidents of stalking, sexual violence, or interpersonal violence and how to seek support and services.
- Requirements for “Responsible Employees” to report incidents of sexual and gender-based misconduct to the Title IX Coordinator and information on how to respond to a report of sexual and gender-based misconduct.

Additionally, all professional employees designated as judicial and/or investigative staff will also receive annual training on methods and best practices related to domestic violence, dating violence, sexual assault and stalking. These trainings will focus on how investigations and the hearing process are to be conducted, in a manner that protects the safety of victims and promotes accountability.

Various staff groups received targeted in person trainings conducted by the Title IX Coordinator. Specifically, professional staff members within Housing and Residence Life as well as Resident Advisors and Community Advisors received bi-annual training regarding methods and best practices related to domestic violence, dating violence, sexual assault and stalking and how to respond to the needs of a survivor. Staff Members of Housing and Residence Life, including Resident Advisors and Community Advisors, are considered “Responsible Employees” and receive training on reporting requirements and how to effectively serve as a first responder in cases of dating violence, domestic violence, sexual assault, and stalking.

Appendix A: Immediate Assistance

IMMEDIATE ASSISTANCE FOLLOWING A SEXUAL OR GENDER-BASED MISCONDUCT INCIDENT

Lynn University recognizes that deciding how to respond to an incident of Sexual or Gender-Based Misconduct can be difficult and encourages all individuals to seek the immediate support of and use all available resources on- and off-campus, regardless of when or where the incident occurred. Confidential and non-confidential care and support resources, which are listed below, are available both on and off campus on an immediate and ongoing basis.

A. IMMEDIATE ASSISTANCE AND RESOURCES

It is the University's goal to empower individuals who believe they have experienced an incident of Sexual or Gender-Based Misconduct to make the decisions that are best for them. Various campus and community advocates, counselors and emergency first responders are available to offer assistance in this regard. Moreover, seeking assistance and advice from promptly from one of these resources may also be important to ensure one's physical safety or to obtain medical care or other support. It may also be necessary to preserve evidence, which can assist the University and/or law enforcement in responding effectively. Assistance is available 24 hours a day, 7 days a week. The Resource Table below provides contact information for the various campus and community advocates, counselors and emergency first responders available to provide assistance.

Get to a Safe Place: First and foremost, an individual who is the victim of Sexual Assault (non-consensual sexual contact and non-consensual sexual intercourse), Domestic Violence, Dating Violence, Stalking or other violent actions is urged to get to a safe place away from the perpetrator or from any other potential danger as soon as possible. Individuals on campus that are not in a safe place should contact Campus Safety and Security at 561-237-7226 (24 hours) or Local Law Enforcement at 911 immediately (24 hours). Individuals off campus should contact Local Law Enforcement at 911 immediately (24 hours).

Preserve Evidence: Collecting evidence does not obligate an individual to any particular course of action but can assist law enforcement should criminal charges ultimately be pursued. For evidence collection purposes, it is important that, if possible, victims do not shower, bathe, wash, comb their hair, use the toilet, smoke, brush their teeth, eat or drink, and wash clothes, sheets, blankets or other items. Anything of evidentiary value should be placed in a paper bag (plastic bags are discouraged). Also, victims are urged to photograph visible injuries. Pictures should be taken zoomed in and panned out to show location. A credit card, coin, or dollar bill should be used for reference of size.

Contact a Confidential Counselor or Healthcare Providers: Individuals who believe that they or someone they know has been a victim of Sexual or Gender-Based Misconduct may seek medical, counseling, support and reporting information from any of the University or off campus confidential resources listed in the Resource Table (see Appendix B). Discussing a matter with these offices or individuals is not considered a report to the University or a request that any action be taken by the University in response to a Sexual or Gender-Based Misconduct incident unless

specifically requested by the victim. Conversations with these resources are confidential, except as described in the Resources Table (see Appendix B).

The confidential counselors and healthcare members listed in the Resources Table can provide individuals with both immediate and long-term help. They will listen and help access additional assistance, and explain options for obtaining additional support from the University and others. They can also arrange for medical care and accompany victims, or arrange for someone to accompany individuals, to seek such care. In addition, they can provide assistance in filing a complaint with local law enforcement. These resources may be used regardless of whether the victim wants to file an official report or participate in University investigation and resolution proceedings or the criminal process. They are familiar with the University's investigation and resolution process, can explain what to expect, and provide support while University or legal processes are pending, all on a confidential basis.

Contact a Non-Confidential University Resources: In addition to confidential resources, any individual who has experienced or witnessed an incident of Sexual or Gender-Based Misconduct has the option and is encouraged to contact any of the *non-confidential* University resources listed in the Resource Table below for immediate assistance.

Upon the receipt of the initial report, the victim's immediate health and safety needs will be assessed by the First Responder (usually a Campus Safety and Security Officer). The First Responder will outline all of the options for the Complainant, including but not limited to medical treatment, access to an on-campus safe room, the importance of preserving relevant evidence or documentation, and filing a report with the appropriate law enforcement authority. Additionally, the First Responder will advise the Complainant that the University has a duty to investigate the report in order to remedy the effects of any hostile environment created for the Complainant and the campus community.

Make a Report to Local Law Enforcement (Non-Confidential): Any member of the University community who has experienced an incident of Sexual or Gender-Based Misconduct involving potential criminal conduct has the option to report the conduct to the law enforcement agency that has jurisdiction over the location where the incident occurred. If the conduct is reported to the University, a victim will be informed of his or her option to also report any potential criminal activity to law enforcement. A criminal charge and a report with the University may be pursued at the same time, however, individuals may pursue a Complaint with the University without pursuing criminal charges and vice versa. The University, however, may still be obligated to investigate the matter even if the victim elects not to file a formal Complaint with the University. Because the standards for finding a violation of criminal law are different from the standards in this Policy, criminal investigations or reports are not determinative of whether or not Sexual or Gender-Based Misconduct under this Policy has occurred. Any of the University resources listed in the Resource Table can provide assistance in filing a complaint with local law enforcement.

Seek Medical Care (Health Care Options): Whether a member of the University community who has experienced an incident of Sexual Assault (non-consensual sexual contact and non-consensual sexual intercourse), Domestic Violence, Dating Violence, or other violent actions elects to report the incident or not, it is important that medical attention be sought as soon as possible. This will allow the individual to get care for any injuries that may have resulted from the assault, receive medications in order to prevent sexually transmitted infections in the event of a Sexual Assault and to properly collect and preserve evidence, if the patient consents to do so. A

medical examination within 72 hours is critical in preserving evidence of Sexual Assault and proving a criminal or civil case against a perpetrator.

A listing of local hospitals that have rape kits and/or Sexual Assault Nurse Examiners (SANE), which will assist law enforcement should criminal charges ultimately be pursued by the victim, are set forth in the Resources Table.

Getting to the Hospital: For victims with injuries that require emergency medical care, it is imperative that Campus Safety and Security be called at 304-704-9111 or that Emergency Medical Services be contacted at 911 to request emergency transport.

Transportation Assistance: If there are no pressing medical needs, the individual may make arrangements for travel to the hospital or contact any of the University or off-campus resources listed in the Resource Table for assistance in seeking medical attention off campus.

Request Interim Measures: Interim measures are those services (counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, etc.), accommodations (academic, living, transportation, and working situations), protective measures or other assistance that the University puts in place for Complainants after receiving notice of alleged Sexual and Gender-Based Misconduct but before any final outcomes – investigatory, disciplinary, or remedial – have been determined. These services and accommodations are available regardless of whether the Reported Victim reports to law enforcement.

The University offers victims of Sexual and Gender-Based Misconduct two options for reporting the misconduct and requesting Interim Measures required by Title IX. The first option allows the victim to report the misconduct to the Title IX Coordinator(s), Campus Safety & Security or a Responsible Employee. The second option allows a victim who has not reported the misconduct to a Title IX Coordinator(s), Campus Safety or a Responsible Employee to disclose the misconduct to a professional counselor from the Counseling or Health Centers, the Confidential Student Advocate, or off-campus victim advocate, who in turn can request Interim Measures on the victim's behalf from the College. Under the second option, victims should be aware that when a counselor or advocate requests Interim Measures on their behalf from the Title IX Coordinator and discloses that the reason for the request is Sexual or Gender-based Misconduct, the request may trigger the University's Title IX obligation to investigate. To the extent the counselor or advocate makes such a disclosure, but, consistent with the victim's wishes, asks that the University not investigate or otherwise notify the alleged perpetrator of the report, the Title IX coordinator will consider whether it can honor the request while still providing a safe and nondiscriminatory environment for all students, as set forth in the University's Confidentiality Policy and take Interim Measures to protect the victim as necessary.

Seek Legal Assistance

Lynn University does not provide legal assistance or attorneys. Legal and victim resources are available via the Palm Beach County District Attorney's Office:

Palm Beach County District Attorney
401 North Dixie Highway
West Palm Beach, Florida, 33401
Phone: 561-355-7100

Hours: 8 a.m. to 4:30 p.m. Monday thru Friday

B. ONGOING ASSISTANCE

1. Counseling, Advocacy and Support

The counseling and support programs listed in the Table are available for victims of Sexual or Gender-Based Misconduct at any time, whether or not the victim chooses to make an official report or participate in a University disciplinary or criminal process.

2. Interim Measures

Upon learning of an incident of Sexual or Gender-Based Misconduct involving a member of the University community, the Title IX Coordinator will take immediate steps and interim measures to ensure the safety and well-being of the victim, such as the ability to move dorms, change work schedules, alter academic schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). Additional Interim Measures that may be implemented while an investigation is pending may include the issuance of no contact orders and changing the Respondent's living arrangements or course schedule.

3. No Contact Orders Issued By a Court of Law

The University will enforce active no-contact orders (and restraining orders) issued by a court of law. If you are a student and have a court issued no-contact order, please contact the Title IX Coordinator or Campus Safety and Security. Please be aware that if you notify the University of an existing no-contact order, the Title IX Coordinator may follow up with you as prescribed by Title IX.

Appendix B: Resource Table

Resource	Phone	E-Mail	Office Location	Availability	Confidential Resource?	Reporting Obligations
Title IX Coordinator: Lorna Fink, Compliance Officer	561-237-7727	lfink@lynn.edu	Green Center	Normal Business Hours	No	<p>The Title IX Coordinator will supervise the investigation and response to reported Sexual or Gender-Based Misconduct incidents;</p> <p>If the incident is a crime, the Title IX Coordinator will report it without any identifying information to Public Safety & Security for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning;</p> <p>The Title IX Coordinator will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>
Deputy Title IX Coordinator for Students Dr. Phillip Riordan, Vice President of Student Affairs	561-237-7749	prirordan@lynn.edu	E.M. Lynn Residence Center	Normal Business Hours	No	See Title IX Coordinator.

Deputy Title IX Coordinator for Faculty/Staff Director of Employee Services Aaron Greenberg 561-237-7915 agreenberg@lynn.edu Green Center Normal Business Hours No See Title IX Coordinator.

Deputy Title IX Coordinator for Athletics 561-237-7019 jrstein@lynn.edu De Sports Cultural Center Hoernle and Center Normal Business Hours No See Title IX Coordinator.

Mr. James R. Stein, Director of Athletics Compliance

Campus Safety & Security 561-237-7226 In front of Frieburger Residence Hall 24/7 No Campus Safety will report to the Title IX Coordinator all information received about Sexual and Gender-Based Misconduct incidents so the University can investigate and respond.

If the incident is a crime, Campus Safety will include it in a crime log and annual crime statistics without identifying the alleged victim.

If the incident is a crime and poses a serious or continuing threat, Campus Safety will issue an emergency notification or timely warning.

If the incident is a crime under Florida or federal law, Campus Safety will report it to the law enforcement and cooperate in any investigation.

If there is reasonable cause to suspect that a minor has been sexually abused, Campus Safety & Security will notify Child Protective Services.

Campus Safety & Security will share information with University personnel who need to know it in order to carry out University policies and procedures.

Director of Campus Safety & Security, Larry Rickard	561-237-7118	LRickard@lynn.edu	See Campus Safety & Security.	Normal Business Hours	No	See Campus Safety & Security.
Counseling Services for Students	561-237-7237		E.M. Lynn Residence Hall	Normal Business Hours. After Hours, Contact Campus Safety & Security (non-confidential).	Yes	If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, Mental Health officials will be contacted.
Nicole Ovedia, Director of Counseling Services	561-237-7140	novedia@lynn.edu	E.M. Lynn Residence Hall	Normal Business Hours.	Yes	If there is reasonable cause to suspect that a minor has been sexually abused, Child Protective Services will be contacted. Same as Counseling Services for Students
Gail Decina, Substance Abuse Prevention and Treatment Specialist	561-237-7468	gdecina@lynn.edu	E.M. Lynn Residence Hall	Normal Business Hours.	Yes	Same as Counseling Services for Students
Kelly Farrell, Licensed Psychotherapist	561-237-7121	kfarrell@lynn.edu	E.M. Lynn Residence Hall	Normal Business Hours.	Yes	Same as Counseling Services for Students

Mark Levinsky, Licensed Psychotherapist	561- 237- 7411	mlevinsky@lynn.edu	E.M. Lynn Residence Hall	Normal Business Hours.	Yes	Same as Counseling Services for Students
Sandra Whitmer, Licensed Psychotherapist	561- 237- 7956	swhitmer@lynn.edu	E.M. Lynn Residence Hall	Normal Business Hours.	Yes	Same as Counseling Services for Students
Referral for Counseling Services for Employees- Employee Services	561- 237- 7915				Yes, if the reason for the referral is not disclosed by the employee to Employee Services Staff.	If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, Mental Health officials will be contacted. If there is reasonable cause to suspect that a minor has been sexually abused, Child Protective Services will be contacted.
Health Center	561- 237- 7231	E.M. Lynn Residence Hall	Normal Business Hours	Yes, if treated by a nurse/nurse practitioner.	If the incident is a crime, these resources will report it without any identifying information to Campus Safety & Security for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning; If a patient's clinical state poses a substantial risk of harm to the patient or others, Mental Health officials will be contacted. If there is reasonable cause to suspect that a minor has been sexually abused, Child Protective Services and Campus Safety & Security will be contacted.	

Director of Health Center,	of	561-237-7405	ralbert@lynn.edu	E.M. Lynn Residence Hall	See Health Center above	See Health Center above	See Health Center above
Rita Albert							
Dean of Students, G. Martin	of	561-237-7157	gmartin@lynn.edu	E.M. Lynn Residence Hall	Normal Business Hours	No	<p>Will report to the Title IX Coordinator all information received about Sexual Misconduct incidents so the University can investigate and respond;</p> <p>If the incident is a crime, the Dean will report it without any identifying information to Campus Safety & Security for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning;</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, will notify Child Protective Services and Campus Safety & Security.</p>
Housing & Residence Staff	Life	561-237-7236	reslife@lynn.edu	Trinity Residence Hall		No	See Dean of Students above.
Confidential Student Advocate		561-237-7955	cmuriel@lynn.edu	Lynn Student Center, 2 nd Floor	Normal Business Hours	Yes	<p>Individuals who work in the on-campus Women’s Center can generally talk to a victim without revealing any personally identifying information about an incident to the University. A victim can seek assistance and support from these individuals without triggering a University investigation that could reveal the victim’s identity or that the victim has disclosed the incident.</p> <p>While maintaining a victim’s confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate</p>
Charlotte Muriel, Director of Women’s Center							

appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.

OFF CAMPUS RESOURCES

Resource	Contact	Confidential Resource?
Law Enforcement		
Local Law Enforcement	911	No
Boca Raton Police Department (Non-Emergency)	(561) 338-1333	No
District Attorney		No
Child Protective Services		
		No
Victim Advocacy and Support		
Aid to Victims of Domestic Abuse (AVDA):	(561) 265-3797 24-hour Hotline: 1-800-355-8547	Yes
Palm Beach County Victim Services	(561) 355-2418	Yes
SAFE RIDE	1-800-675-6349	Yes
Rape, Abuse and Incest National Network (RAINN)	800-656-4673 http://www.rainn.org/	Yes
Florida Council Against Sexual Violence	http://www.fcasv.org/	
Florida Coalition Against Domestic Violence	http://www.fcadv.org/	
National Domestic Violence Hotline (NDV)	800 799-7233 (SAFE)	Yes
Off-Campus Medical Attention		
		Yes
Butterfly House at Wellington Regional Medical Center	561-355-2418	See above

Bethesda Hospital East	(561) 737-7733
West Palm Hospital	(561) 842-6141
Palm Beach Gardens Medical Center	(561) 622-1411
Kindred Hospital the Palm Beaches	(561) 840-0754
Bethesda Hospital West	(561) 336-7000
Boca Raton Regional Hospital	(561) 395-7100
Delray Medical Center	(561) 498-4440
Good Samaritan Medical Center	(561) 655-5511
JFK Medical Center	(561) 965-7300
Jupiter Medical Center	(561) 747-2234
Lakeside Medical Center	(561) 996-6571
Select Specialty Hospital	(561) 357-7200
Palms West Hospital	(561) 798-3300
St. Mary's Medical Center	(561) 844-6300

Appendix C: Complainant and Respondent Rights

Complainant Rights: Complainants are afforded the following rights in the University's investigative and resolution processes:

- To be treated with respect, dignity, and sensitivity throughout the process;
- To seek and receive appropriate support services at the University;
- To the presence of an advisor throughout the process (see Section -);
- To confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). The University will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know;
- To be informed of the University's Sexual and Gender-Based Misconduct Policy and procedures;
- To a prompt and thorough investigation of the allegations;
- To review all applicable documents and evidence available to the University prior to an hearing or investigator review;
- To challenge any individual taking part in an hearing or investigator review if a conflict of interest is present;
- To participate or decline to participate in the University's investigation. However, the University will determine an outcome with the information available pursuant to applicable proceedings;
- To refrain from making self-incriminating statements;
- To be notified, in writing, of the case resolution – including the outcome of any sanctions/remedial action and appeal;
- To report incidents of criminal Sexual and Gender-Based Misconduct to law enforcement if she/he wishes to do so;
- To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.

Respondent(s) Rights: Respondents are afforded the following rights in the University's investigative and adjudication process:

- To be treated with respect, dignity, and sensitivity throughout the process;
- To seek and receive appropriate support services at the University;
- To the presence of an advisor throughout the process (see Section -);

- To confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). The University will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know;
- To be informed of the University's Sexual and Gender-Based Misconduct Policy;
- To a prompt and thorough investigation of the allegations
- To review all applicable documents and evidence available to the University prior to an hearing or investigator review;
- To challenge any individual taking part in an hearing or investigator review if a conflict of interest is present;
- To participate or decline to participate in the University's investigation. However, the University will determine an outcome with the information available pursuant to applicable proceedings;
- To refrain from making self-incriminating statements;
- To be notified, in writing, of the case resolution – including the outcome of any sanctions/remedial action and appeal;
- To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.

