

# Institutional Policy on Sexual Misconduct

**Responsible Office:** Human Resources; Student Services

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# INSTITUTIONAL POLICY ON SEXUAL MISCONDUCT

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## **I. Policy**

### **A. Policy Statement**

San Ignacio University prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, pregnancy, sexual orientation, gender identity, gender expression, parental status, marital status, age, disability, citizenship status, veteran status, genetic information, reproductive health decision making, or any other classification protected by law (referred to as “protected classes”) in matters of admissions, employment, housing, or services, or in the educational programs or activities San Ignacio University operates. Prohibited discrimination based on sex includes sexual misconduct, including but not limited to, sexual harassment, sexual assault, sexual exploitation, stalking, and dating or domestic violence. Such conduct violates San Ignacio University’s values and disrupts the living, learning, and working environment for students, faculty, staff, and other community members.

Pursuant to the Department of Education’s 2020 regulations implementing Title IX, the University have embraced this new and updated Policy on Title IX Sexual Harassment, which governs certain instances of sexual misconduct. Other forms of misconduct not covered by this policy may be addressed by other San Ignacio University policies (e.g. Student Handbook, Faculty Handbook, and Staff Handbook).

The University has adopted the following standards of conduct for all members of our community students, faculty, and staff, as well as University vendors, contractors, visitors, guests, volunteers, interns, and third parties.

### **B. Jurisdiction**

The University’s response to reports of discrimination and harassment, including sexual misconduct. San Ignacio University may investigate any reported violations of this policy that occur in the context of a University program or activity or that otherwise affect the University’s working or learning environments, regardless of whether the reported conduct occurred on or off campus.

For every report, the University will review the circumstances of the reported conduct to determine the following:

- whether the University has jurisdiction over the parties involved;
- which University policy is applicable to the parties and the conduct being reported; and
- The actions within the University’s control necessary to eliminate, prevent, and address the reported conduct.

All other forms of sex-based discrimination are governed by this Policy, including sexual harassment, as defined in this Policy.

Conduct that is initially raised through a formal complaint on Title IX Sexual Harassment may also be addressed under this Policy, in the University’s discretion, when:

- The conduct at issue, or some part of it, may constitute a violation of this Policy irrespective of whether it constitutes Title IX Sexual Harassment on Title IX Sexual Harassment.
- A final determination of a formal complaint has been made under the Title IX Sexual Harassment and separate or additional action may be necessary to enforce this policy.
- If the Respondent is not a member of the University community or is no longer affiliated with the

- University at the time of the report or at the time the Complaint Resolution Process is initiated (including when the Respondent has graduated or left the University), the University typically is unable to take disciplinary action or conduct an investigation.
- Allegations of misconduct alleged to have occurred prior to August 14, 2020 will be assessed under the policy definitions in place at the time of the conduct and resolved in accordance with this policy.

**Individuals impacted by discrimination, harassment or sexual misconduct may contact the campus Title IX coordinator Human Resources to receive support, resources, and information even if they do not wish to move forward with the Complaint Resolution Process described in the Section below.**

### **C. Purpose**

San Ignacio University is committed to fostering an environment in which all members of our community are safe, secure, and free from prohibited harassment, discrimination and sexual misconduct in any form. When learning of conduct or behavior that may not meet these standards, community members and the University are expected to take an active role in upholding this policy and promoting the dignity of all individuals.

### **D. Accessibility**

The campus Title IX coordinator is committed to making our services accessible to all members of the San Ignacio University community. The Office accessibility includes but is not limited to: providing reasonable accommodations to everyone, ensuring our online resources are accessible, providing student services, and providing knowledgeable, and respectful informed service to people of all identities and expressions.

### **E. Definitions**

The following includes definitions of prohibited conduct under this policy.

#### **1. Discrimination and Harassment**

- a. **Discrimination:** Prohibited discrimination is treating someone differently because of their race, color, religion, national origin, sex, pregnancy, sexual orientation, gender identity, gender expression, parental status, marital status, age, disability, citizenship status, veteran status, genetic information, reproductive health decision making, or any other classification protected by law (referred to as “protected classes”) in matters of admissions, employment, housing, or services, or in the educational programs or activities San Ignacio University operates.

In determining whether discrimination occurred, the campus Title IX coordinator examines the following:

- whether there was an adverse impact on the individual’s work or education environment; and
- Whether individuals outside of the protected class received more favorable treatment. If the first two conditions are met, the campus Title IX coordinator will consider whether there is a legitimate, non-discriminatory reason for the action.

Examples of discrimination can include:

- Refusing to hire or promote someone because of their membership in a protected class;

- Denying someone a raise or employment benefit because of their membership in a protected class;
- Reducing someone's job responsibilities because of their membership in a protected class;
- Denying someone access to an educational program based on their membership in a protected class; or
- Denying someone access to a University facility based on their membership in a protected class.

b. **Harassment:** Prohibited harassment is verbal or physical conduct or conduct using technology directed toward someone because of their membership (or perceived membership) in a protected class that has the purpose or effect of:

- Substantially interfering with, limiting or depriving a member of the community from accessing or participating in the academic or employment environment, and/or substantially interfering with an individual's academic performance or work performance; or
- Creating an academic or working environment that a reasonable person would consider to be intimidating, hostile, or offensive.

In determining whether the conduct is sufficiently severe or pervasive so as to meet the above standards, the campus Title IX coordinator examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved. A person's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior prohibited harassment under this Policy. The behavior must create a hostile environment and/or substantially interfere with access to a University program or activity from an objective perspective.

Examples of harassment include

- offensive jokes related to a protected class;
- the use of slurs and stereotypes related to a protected class;
- name calling related to a protected class;
- intimidation, ridicule, or mockery connected to a protected class;
- displaying or circulating offensive objects and pictures that are based on a protected class

**Please note, general bullying or uncivil behavior that is not based on a protected class does not fall within the purview of this policy or the campus Title IX coordinator. However, such behavior may violate the University's expectations regarding Civility and Mutual Respect, Standards for Business Conduct, San Ignacio University's Student Handbook, or other University policy and should be reported to Human Resources and/or an individual's supervisor (for employees) or Community Standards (for students).**

## **2. Sexual Misconduct**

### **a. Consent**

Consent represents the cornerstone of respectful and healthy intimate relationships.

San Ignacio University expects its community members to communicate openly, honestly, and clearly about their actions, wishes, and intentions when it comes to sexual behavior, and to do so before engaging in intimate conduct. It is always the requirement of the individual initiating sexual contact or initiating a new type of sexual activity within an encounter to

ensure that consent is present before acting and that consent is ongoing during sexual activity.

### **I. Capacity to consent**

Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age (generally, the age of consent is 18 in Florida), physical condition, or disability that impairs the individual's ability to give consent. Reasons why one could lack capacity to give consent due to a physical condition include, but are not limited to, consumption of drugs or alcohol (voluntarily or involuntarily) or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring

"Incapacitated" refers to the state where a person does not understand the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep. **When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by use of the drug.** Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination.

Some indicators of a lack of capacity to give consent due to consumption of drugs or alcohol may include, but are not limited to:

- Lack of full control over physical movements (for example, difficulty walking or standing without stumbling or assistance);
- Lack of awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in sexual interaction);
- Inability to effectively communicate for any reason (for example, slurring speech, difficulty finding words).

A person may appear to be giving consent but may not have the capacity to do so. **When determining whether a person has the capacity to provide consent, the University will consider whether a sober, reasonable person in the same position knew or should have known whether the other party could or could not consent to the sexual activity.** It is especially important, therefore, that anyone initiating sexual activity is aware of their own level of intoxication as it may impact their ability to assess another person's capacity to give consent. Being intoxicated or impaired by drugs or alcohol does not excuse one from the responsibility to obtain consent. Being intoxicated or impaired by drugs or alcohol is never an excuse to commit sexual misconduct.

### **ii. Aspects of Valid Consent**

For purposes of this policy, *consent is present when clearly understandable words or actions manifest a knowing, active, voluntary, and present and ongoing agreement to engage in specific sexual or intimate contact.*

Consent must be all of the following:

- **Knowing:** All individuals understand, are aware of, and agree as to the “who” (same partners), “what” (same acts), “where” (same location), “when” (same time), and “how” (the same way and under the same conditions) of the sexual activity.
- **Active:** Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not in and of themselves be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.
- **Voluntary:** Consent must be freely given and cannot be the result of Respondent’s intimidation (extortion, menacing behavior, bullying), coercion (severe or persistent pressure causing fear of significant consequences from Respondent if one does not engage in sexual activity), force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), or fraud (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity).
- **Present and Ongoing:** Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one type of sexual activity does not imply consent to other sexual acts. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person.

Consent may also be withdrawn at any time, provided the person withdrawing consent makes that known in clearly understandable words or actions.

#### **b. Sexual Assault**

- i. Sexual penetration without consent:* Any penetration of the sex organs or anus of another person when consent is not present; any penetration of the mouth of another person with a sex organ when consent is not present; or performing oral sex on another person when consent is not present. This includes penetration or intrusion, however slight, of the sex organs or anus of another person by an object or any part of the body.
- ii. Sexual contact without consent:* Knowingly touching or fondling a person’s genitals, breasts, or anus, or knowingly touching a person with one’s own genitals or breasts, when consent is not present.

This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.

- iii. *Statutory rape*: Sexual intercourse with a person who is under the statutory age of consent under the laws of the state in which the incident occurred. In Florida, the age of consent is 18 years old.
- iv. *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

c. **Sexual Exploitation**: Taking sexual advantage of another person or violating the sexual privacy of another when consent is not present.

This includes, but is not limited to, the following actions (including when they are done via electronic means, methods or devices):

- Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
- Indecent or lewd exposure or inducing others to expose themselves when consent is not present;
- Recording any person engaged in sexual or intimate activity in a private space without that person's consent;
- Distributing sexual information, images, or recordings about another person without that person's consent;
- Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation;
- Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs.

d. **Dating/Domestic Violence**: Dating violence is any violence (including but not limited to emotional, physical, sexual, and financial abuse or threat of abuse) between two people who are or have been in a social relationship of a romantic or intimate nature. The existence of such a relationship will depend on the length and type of the relationship and the frequency of interactions between the persons involved.

Domestic violence is violence between two people who are or have been in an intimate or romantic relationship, who share a child in common, or who live or have lived together as spouses or intimate partners. Violence against any person by that person's caretaker or guardian (such as abuse against an elderly, young, or disabled person) may also be considered domestic violence. Examples of domestic violence include but are not limited to physical, emotional, sexual, and financial abuse or threat of abuse.

e. **Stalking**: Knowingly engaging in a course of conduct directed at a specific person that one knows or should know would cause a reasonable person to fear for their safety (or the safety of a third party) or suffer substantial emotional distress. "Substantial emotional distress" means significant mental suffering, anxiety or alarm.

Conduct that can amount to stalking may include two or more actions directed at another person, whether done directly, indirectly, through others, via devices, or via

any other methods or means (specifically including electronic means e.g. cyberstalking), including but not limited to:

1. Following a person;
2. Being or remaining in close proximity to a person;
3. Entering or remaining on or near a person's property, residence, or place of employment;
4. Monitoring, observing, or conducting surveillance of a person;
5. Threatening (directly or indirectly) a person;
6. Communicating to a person;
7. Giving gifts or objects to, or leaving items for, a person;
8. Interfering with or damaging a person's property (including pets); or
9. Engaging in other unwelcome contact.

f. **Sexual Harassment**: Sexual harassment is any unwelcome conduct of a sexual nature where:

i. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University program and/or activity, or is used as the basis for University decisions affecting the individual (often referred to as "quid pro quo" harassment); or ii.

The conduct has the purpose or effect of:

- Substantially interfering with, limiting or depriving a member of the community from accessing or participating in the academic or employment environment, and/or substantially interfering with an individual's academic performance or work performance; or
- Creating an academic or working environment that a reasonable person would consider to be intimidating, hostile, or offensive.

Examples of conduct that may constitute sexual harassment include:

- Pressure for a dating, romantic, or intimate relationship;
- Unwelcome sexual advances;
- Unwelcome touching, kissing, hugging, or massaging;
- Pressure for or forced sexual activity;
- Unnecessary references to parts of the body;
- Sexual innuendoes, gestures, or humor; or
- Sexual graffiti, pictures, or posters.

## **F. Implementation**

### **1. Reporting**

#### **a. Reporting Options**

The University encourages reporting of discrimination, harassment and sexual misconduct. Members of the University community who believe they have experienced, witnessed or otherwise become aware of discrimination, harassment and sexual misconduct have the right to choose whether or not to report the incident to the University or law enforcement, and have

the right to choose whether to engage with the University once the University receives a report.

**(i) Reporting Incidents to the University**

Any individual may report alleged or suspected discrimination, harassment or sexual misconduct to the campus Title IX coordinator. Reports to the campus Title IX coordinator may be made in person, by email, by regular mail, by phone, or electronically as explained below.

**Individuals impacted by discrimination, harassment or sexual misconduct may contact the campus Title IX coordinator to receive support, resources, and information even if they do not wish to move forward with the Complaint Resolution Process described below.**

While anonymous reports will be reviewed by the campus Title IX coordinator, the University's ability to address misconduct reported by anonymous sources may be significantly limited.

There is no time limit for reporting an incident of discrimination, harassment or sexual misconduct. However, the University encourages reports be made as soon as possible after the incident. The passing of time makes reviewing the evidence more difficult and the memories of involved parties may become less reliable. The campus Title IX coordinator reserves the right to investigate or otherwise address any report, regardless of when it is made, based on concern for the safety or well-being of the University community.

The staff identified below are specially trained to work with individuals who report or are accused of discrimination, harassment and sexual misconduct and have knowledge about on- and off-campus resources, services, and options.

Ivette Bajandas  
Administrative Coordinator  
305-629-2929 X4025  
[ibajandas@sanignaciouniversity.edu](mailto:ibajandas@sanignaciouniversity.edu)

Sheyla Obando  
Student Service Coordinator  
305-629-2929 X4022  
[sobando@sanignaciouniversity.edu](mailto:sobando@sanignaciouniversity.edu)

Upon receipt of a report, a campus Title IX coordinator staff member will contact the person who may have experienced discrimination, harassment or sexual misconduct. The outreach from the campus Title IX coordinator staff member will generally include information about the reporter's rights and options, as well as resources available to them. For incidents involving sexual misconduct the outreach will also include information regarding medical and confidential counseling and support resources; options for pursuing a complaint and/or reporting the incident to law enforcement; how to request a protective order or no-contact directive; how to request interim measures from the University; and where to access more information.

The outreach will also include an invitation to meet with or provide additional information to a campus Title IX coordinator staff member.

### **(ii) Reporting Incidents to Law Enforcement**

An individual who has experienced sexual misconduct or discriminatory conduct constituting a crime has the right to choose whether to file a police report. San Ignacio University encourages individuals to report such incidents to a local law enforcement. Filing a police report can result in the investigation of whether sexual violence or other related crimes occurred and the prosecution of the perpetrator. Timely reporting to the police is an important factor in successful investigation and prosecution of crimes, including sexual violence.

**The campus Title IX coordinator provides information on contacting law enforcement and will assist an individual in doing so. However, the campus Title IX coordinator will not compel an individual to go to law enforcement.**

The University campus Title IX coordinator can also assist in reviewing options with survivors and identifying and facilitating resources related to:

- Seeking medical attention;
- Seeking support, advocacy, and counseling services;
- Seeking protective orders from a court;
- Pursuing options under the University's sexual misconduct investigation process.

Employees of the University are obligated to promptly report incidents of sexual misconduct of which they become aware during the scope of their work as explained below. Employees of the University will make reports to the campus Title IX coordinator regardless of whether the individual who experienced the sexual misconduct chooses to pursue criminal charges.

## **b. Reporting Obligations**

### ***(i) Discrimination and Harassment***

***All University employees with supervisory or managerial authority (including student employees), are obligated to promptly report incidents of discrimination and harassment of which they become aware in the scope of their work for the University to the campus Title IX coordinator.*** The University encourages all individuals including students not referenced above to report discrimination and harassment.

### ***(ii) Sexual misconduct***

***All University employees (including student employees), are obligated to promptly report sexual misconduct of which they become aware in the scope of their work for the University to the campus Title IX.*** The University encourages all individuals including students not referenced above to report sexual misconduct.

### ***(iii) Incidents involving minors***

All University employees, students, volunteers, and third-party contractors are obligated to report to the Florida Department of Children & Family Services or applicable state agency (as well as University Title IX coordinator, in emergency

situations) any suspected abuse and/or neglect of a child. This includes any and all incidents of sexual misconduct involving minors, which should be reported to the campus Title IX coordinator as well. Reporters should also contact their supervisor (if the reporter is an employee) or the Director of Academic (if the reporter is a student), as well as notifying the Office of Human Resources and the Office of Compliance in writing that a report has been made.

## **2. Supportive Measures**

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the initiation of an investigation, or where no investigation has been initiated. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, other changes to academic, living, dining, transportation, and working situations, honoring an order of protection or no contact order entered by a State civil or criminal court, and other similar measures. In providing Supportive Measures, the campus Title IX coordinator will make every effort to avoid depriving any student of their education or access to the University's program or activities. The Supportive Measures needed by each party may change over time, and the campus Title IX coordinator will communicate with parties to ensure that any Supportive Measures in place are necessary and effective based on the parties' evolving needs.

The University will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures in question. As noted above, an individual may request to receive support including the Supportive Measures mentioned in this section even if they do not choose to participate in the University's Complaint Resolution Process.

## **3. Interim Removal**

At any time after receiving a report of an alleged violation of this policy, the campus Title IX coordinator may remove a student Respondent from the University's Education Programs and Activities on an emergency basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal. In the event the campus Title IX coordinator imposes an interim removal, it will provide the Respondent with notice and an opportunity to challenge the removal decision immediately following the removal.

In the case of a Respondent who is a non-student employee, and in the University's discretion, the University may place the Respondent on administrative leave at any time after receiving a report, including during the pendency of the investigation and hearing process. The decision to place a non-student employee on administrative leave will be made by the employee's unit director and the Office of the Academics (for faculty Respondents) or Human Resources (for staff Respondents) upon recommendation of the campus Title IX coordinator.

For all other Respondents, including independent contractors and guests, the University retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report or otherwise.

#### **4. Retaliation**

San Ignacio University strictly prohibits retaliation against any member of its community for reporting an incident of discrimination, harassment or sexual misconduct or for participating, in any manner, in an investigation or hearing related to a report of discrimination, harassment or sexual misconduct. The University considers such actions to be protected activities in which all members of the San Ignacio University community may freely engage.

Members of the community are prohibited from engaging in actions, directly or through others, which are aimed to deter a reasonable party or a witness from reporting discrimination, harassment or sexual misconduct or participating in an investigation or hearing or done in retribution for such activities

San Ignacio University community is strongly encouraged to report any potential incident of retaliation to the campus Title IX coordinator, who shall assess the matter and take appropriate actions to address such conduct.

#### **5. Amnesty for Sexual Misconduct Complainants and Witnesses**

San Ignacio University encourages reporting of sexual misconduct and seeks to remove any barriers to making a report. The University recognizes that an individual who has been consuming alcohol (including underage consumption) or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for that conduct. To encourage reporting, an individual who makes a good faith report of sexual misconduct that was directed at them or another person or participates in an investigation as a witness will not be subject to disciplinary action by the University for a conduct or policy violation that is related to and revealed in the sexual misconduct report or investigation, unless the University determines that the violation was serious and/or placed the health or safety of others at risk. This Amnesty provision does not preclude or prevent action by police or other legal authorities. This Amnesty provision may also apply to student groups making a report of sexual misconduct.

#### **6. Free Expression and Academic Freedom**

San Ignacio University is firmly committed to free expression and academic freedom. The University is equally committed to creating and maintaining a safe, healthy, and harassment-free environment for all members of its community, and firmly believes that these two legitimate interests can coexist.

Discrimination, harassment, sexual misconduct, and retaliation against members of the San Ignacio University community are not protected expression or the proper exercise of academic freedom. The University will consider academic freedom in the investigation of reports of discrimination, harassment, sexual misconduct or retaliation that involve an individual's statements or speech.

#### **7. Title IX and VAWA Statement**

It is the policy of San Ignacio University to comply with Title IX of the Education Amendments of 1972 (and all other applicable laws regarding unlawful discrimination and harassment including, but not limited to, Title VII of the Civil Rights Act of 1964 The Florida Human Rights Act of 1977), which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the University's educational programs and activities. It is also San Ignacio University's policy to comply with the Jeanne Clery Disclosure of Campus

Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act. Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled. San Ignacio University has designated the Title IX Coordinator, with assistance of the President & CEO, to coordinate San Ignacio University's compliance with Title IX and VAWA and to respond to reports of violations. A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or calling 1-800- 421-3481.

Employees may also file a charge with the Equal Employment Opportunity Commission regarding an alleged violation of Title VII by calling 1-800-669-4000 or visiting <https://www.eeoc.gov/employees/howtofile.cfm>.

Employees may also file a charge with the Florida Department of Human Rights (IDHR) regarding an alleged violation of the Florida Human Rights Act by calling 1-850-488-7082 or visiting <https://fchr.myflorida.com/file-a-complaint-page>

### **G. Consequences of Violating this Policy**

When a determination has been made that an individual has violated this policy, sanctions are determined based on several factors, including the severity of the conduct and any prior policy violations. Sanctions and corrective actions can include, but are not limited to:

- Verbal warning
- Written warning
- Advisory letter
- Conduct review
- Disciplinary hold on academic and/or financial records
- Performance improvement/management process
- Required counseling or coaching
- Required training or education
- Campus access restrictions
- No-contact directive (with respect to an individual)
- Loss of privileges
- Loss of oversight, teaching or supervisory responsibility
- Probation
- Demotion
- Loss of pay increase
- Transfer (employment)
- Revocation of offer (employment or admissions)
- Disciplinary suspension
- Suspension with pay
- Suspension without pay
- Expulsion
- Termination of employment
- Revocation of tenure
- Termination of contract (for contractors)

The University may assign other sanctions as appropriate to the particular situation. Sanctions and corrective actions will be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the applicable Staff Handbook, Faculty Handbook, Student Handbook, other policies or handbooks that may be developed over time, or contracts. In addition to imposing sanctions, the University may take steps to remediate the effects of a violation on the impacted parties and others.

Following an investigation, the University may offer additional measures, and/or take other action to eliminate any hostile environment caused by the discrimination, harassment or sexual misconduct, prevent the recurrence of any such conduct, and remedy the effects of any such conduct on the Complainant and the University community. Such measures may include, but are not limited to, the actions referenced above.

### **1. Violations of Directives Related to Support Services and Interim Restrictions**

Violations of directives related to interim measures may lead to an investigation and disciplinary action, which may include, but is not limited to, any of the sanctions and corrective actions listed in the previous section, including expulsion or dismissal from the University; or termination of employment, including revocation of tenure.

### **2. Violations of the Policy on Non-Retaliation**

Individuals who are found to have engaged in retaliation are subject to disciplinary action that may include, but is not limited to, any of the sanctions and corrective actions listed above, up to and including expulsion or dismissal from the University; or termination of employment, including revocation of tenure. Sanctions for retaliation may be applied regardless of whether there is a finding on the underlying discrimination, harassment, or sexual misconduct complaint.

## **H. Related Information**

### **II. Resources**

#### **I. Seeking Confidential Medical Assistance in the United States**

Experiencing any form of violence or sexual misconduct is difficult and overwhelming. Survivors often experience a range of emotions, including fear, anxiety, and confusion, and may be unsure of what they want to, or should, do next. Regardless of whether the individual chooses to report the incident, the University strongly encourages survivors of any form of violence to seek medical attention as soon as possible, even if they feel no injury was sustained. Medical assistance providers can treat visible physical injuries and identify injuries that may not be visible, and, where appropriate, also address concerns regarding sexually transmitted infections and pregnancy, and provide emergency contraception (if requested). In addition, a hospital can test for the presence of alcohol or drugs (e.g., “date rape” drugs) and perform a rape evidence collection procedure, which are also strongly recommended to preserve all legal remedies.

As noted above, the Medical Resources are also confidential resources and are not obligated to disclose reports of sexual misconduct to the Campus Title IX Coordinators or law enforcement (except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law).

### **Medical Services Available Near SIU Campus**

#### **Medical Services Available Near Miami, Florida**

##### **Jackson Memorial Hospital Roxcy Bolton Rape Treatment Center**

*Evidence collection kit available at no charge.*

Location: 1611 NW 12th Avenue Institute Annex 1st Floor, Miami  
Phone: (305) 585-7273  
Website: <http://jacksonhealth.org/services-rape-treatment.asp>

#### **J. Educational Training, Awareness, and Prevention Programs**

The University offers a variety of training, awareness, and prevention programs to help prevent discrimination, harassment, and sexual misconduct within the San Ignacio University community. The University strives to ensure that such programming is developed to be culturally relevant; trauma informed; inclusive of diverse communities and identities; sustainable; responsive to community needs; informed by research or assessed for value, effectiveness, and outcome; and considerate of environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

For information on educational training, awareness, and prevention programs offered each year, see: <https://saniagnaciouniversity-fl.safecolleges.com/login>

### **III. Complaint Resolution Process**

#### **A. Introduction and General Procedures**

##### ***Introduction***

The procedures below outline the process the University follows when it receives a report alleging a violation of the *Policy* by a member of the San Ignacio University community. For the purposes of this Policy, “by a member of the San Ignacio University community” means current students, current faculty (as defined by the Faculty Handbook), current staff members, and current third-party affiliates who have a formal (including contractual) relationship with the University. Visitors to campus who are accused of discrimination, harassment or sexual misconduct are not entitled to the process set forth in this policy. The campus Title IX coordinator is responsible for handling reports alleging discrimination, harassment and sexual misconduct. In addition, the campus Title IX coordinator may consolidate complaints alleging discrimination, harassment, or sexual misconduct under this policy with complaints alleging potential violations of other University policies where the allegations arise out of the same facts or circumstances. University groups, including student groups, and departments are expected to report concerns regarding alleged or suspected discrimination, harassment, or sexual misconduct to the campus Title IX coordinator and not to take action to attempt to investigate or resolve such complaints independently. All reports of alleged violations of this policy will be handled in a prompt, fair, and impartial manner in accordance with these complaint resolution procedures, other University policies and processes, and applicable laws and regulations, including Title VII, Title IX, and the *Violence Against Women Act*.

The process described below is San Ignacio University’s internal University process to determine whether San Ignacio University policy was violated and is not a court system. As such, San Ignacio University’s process does not use the same rules of procedure and evidence as those used by courts or law enforcement. **A person who has experienced a crime has the right to simultaneously file and**

**pursue a criminal complaint with law enforcement and a complaint with the University if they choose, and to be assisted by the University in notifying law enforcement authorities if they choose, or to decline to notify such authorities.** Parties may also have options to file civil actions in court.

Because allegations of discrimination, harassment and sexual misconduct can sometimes raise challenging new issues, the University reserves discretion to take reasonable actions to address those issues in a manner consistent with the spirit of the applicable policies and procedures, while preserving fairness for both parties and maintaining the integrity of the complaint resolution process.

### ***Participant Roles***

- A **Complainant** is the person who has been impacted by an alleged policy violation and has chosen to participate in the complaint resolution process.
- A **Respondent** is the person who is alleged to have violated University policy.
- **Parties** is a term that refers to the Complainant and the Respondent collectively.
- A **witness** is a person who has knowledge related to specific aspects of a case.
- An **advisor** is a support person who may be present to provide support to a Complainant or Respondent throughout an investigation and/or hearing. An advisor may not also serve as a witness in the same matter.

### ***Participation in Process***

The University invites Complainants and witnesses to participate fully in the complaint resolution process. In order for the University to investigate a complaint and/or enable a Respondent to fully respond to the allegations, most situations will require the Complainant's participation and that the identity be disclosed to the Respondent.

When individuals report allegations of discrimination, harassment or sexual misconduct to the University and do not consent to the disclosure of their names and/or do not disclose the identity of the alleged offenders or identifiable information about the alleged offenders, the University's ability to respond to the reports may be limited. If a Complainant wants the University to conduct an investigation under these procedures but does not wish to participate in the investigation, the University will determine whether it is possible to move forward without the Complainant's participation. In some cases, it will not be possible to do so. If an individual reporting discrimination, harassment or sexual misconduct requests anonymity or does not wish to proceed with an investigation, the University will attempt to honor that request but, in some cases, the campus Title IX coordinator may determine that the University needs to proceed with an investigation, including potentially disclosing the identity of the Complainant. In such cases, the University will not compel an individual to participate in the investigation. The Office will consider the following factors in reaching a determination on whether to proceed:

- The totality of the known circumstances;
- The nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- The respective ages and roles of the Complainant and Respondent;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;

- Whether there have been other reports of other prohibited conduct or other misconduct by the Respondent;
- Whether the report reveals a pattern of misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- The Complainant's interest in the University's not pursuing an investigation or disciplinary action and the impact of such actions on the Complainant;
- Whether the University possesses other means to obtain relevant evidence;
- Fairness considerations for both the Complainant and the Respondent;
- The University's obligation to provide a safe and non-discriminatory environment; and
- Any other available and relevant information.

The University invites Respondents to participate fully in all aspects of the complaint resolution process. If a Respondent elects not to participate in any part of the process, the University may proceed without the Respondent's participation. Respondents will be held accountable for any outcomes issued, even if they decline to participate.

All participants have the responsibility to be completely truthful with the information they share at all stages of the process. Any individual who knowingly or intentionally provides false information as part of a report or investigation under this Policy will be subject to discipline in accordance with the procedures set forth in the Student Handbook, Faculty Handbook, or Staff Handbook. This provision does not apply to a good faith report that is not substantiated or proven by a multitude of the evidence.

### ***Privacy and Sharing of Information***

The University considers reports and investigations to be private matters for the parties involved. For that reason, the University will protect the identity of persons involved in reports of alleged violations of this Policy to the best of its ability. The University will only share personally identifiable information with persons with a need to know such information in order for the University to investigate and respond to the report or to provide resources or support services. The University does not publish the names nor post identifiable information about persons involved in a report of discrimination, harassment, or sexual misconduct.

All participants in an investigation will be informed that privacy enhances the integrity of the investigation, protects the privacy interests of the parties, and protects the participants from statements that might be interpreted to be retaliatory or defamatory. For these reasons, the complainant and respondent will be asked at the beginning of the investigation to keep the information related to the investigation and resolution private, to the extent consistent with applicable law. Witnesses and advisors will be asked to keep any information learned in an investigation meeting confidential, to the extent consistent with applicable law.

Certain types of policy violations are considered crimes for which the University must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

### ***Case Resolution Timeline***

The University strives to resolve all cases in a prompt and timely manner. Although the length of each investigation will vary based on the circumstances of the case, the University strives to complete each investigation within ninety (90) calendar days of sending the written notice of investigation.

Additionally, the timeline for a case may be affected by breaks in the academic calendar, availability of the parties and witnesses (including due to a leave of absence), scope of the investigation, and other unforeseen or vital circumstances. The parties will be periodically updated on the status of their case.

In cases where there is a simultaneous law enforcement investigation, the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University will generally proceed with its investigation and resolution of a complaint during any law enforcement investigation.

### ***Conflicts of Interest, Bias, and Procedural Complaints***

No investigator, panelist, or appeal reviewer will make findings or determinations in a case in which they have a material conflict of interest or material bias. Any party who believes one or more of these University officials has a potential material conflict of interest or material bias must raise the concern to the Campus Title IX coordinator within two (2) calendar days of discovering the perceived conflict so that the University may evaluate the concern and find a substitute, if appropriate. The Campus Title IX coordinator or designee will determine whether a conflict of interest exists. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal.

### ***Standard of Evidence***

The University uses the majority of the evidence standard in investigations of complaints alleging discrimination, harassment or sexual misconduct and any related violations. This means that the investigation determines whether it is more likely than not that a violation of the policy occurred.

### ***Advisor***

An advisor is a support person who may be present to provide support to a Complainant or Respondent throughout an investigation and/or sanctioning process. Complainants and Respondents may be accompanied by one advisor throughout the investigation and any sanctioning process, provided that the involvement of the advisor does not result in an undue delay of the process. It is the responsibility of each party to coordinate scheduling with their advisor for any meetings. An advisor may not speak, write, or otherwise communicate with an investigator, panelist, or appeal reviewer on behalf of the Complainant or Respondent. Advisors may not engage in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or individuals involved in resolving the complaint. Advisors who do not abide by these guidelines may be excluded from the process.

In any matter involving a complaint of sexual assault, stalking, or dating or domestic violence, the advisor may be any person of the party's choosing, including an attorney. However, an advisor may not also serve as a witness in the same matter, and the advisor's participation is limited to the supportive and non-participatory role described above. In matters not involving a complaint of sexual assault, stalking, or dating or domestic violence, advisors cannot be a witness or party in the matter or a related matter, a family member of the Complainant or Respondent, or an attorney. A union representative may serve as an advisor, where applicable.

## **B. Initial Inquiry**

Upon receipt of a report of discrimination, harassment or sexual misconduct, or when a Complainant otherwise chooses to move forward with the complaint resolution process, the first step is an initial inquiry. An initial inquiry is an assessment by the campus Title IX coordinator as to whether the allegations, if substantiated, would rise to the level of a violation of University Policy (ies); a determination of the specific policy (ies) implicated; and an assessment of appropriate University response.

### **C. Educational Response**

Educational response involves measures taken by the University in response to a report of discrimination, harassment or sexual misconduct when formal resolution is not desired by the person who may have experienced the misconduct, when there is not enough information to proceed with a formal resolution process against a known Respondent, and/or where the campus Title IX coordinator deems it an appropriate response. Educational response is not used where the campus Title IX coordinator has determined that the University must proceed with an investigation.

An educational response does not result in findings related to responsibility or in sanctions. An educational response does not preclude further steps, including formal resolution, if a complaint is later made or additional information is received by the campus Title IX coordinator. Educational response may include, but is not limited to:

- An educational meeting with the subject of the report
- Training for a group or unit
- An advisory letter

### **D. Formal Resolution**

#### ***Notification to Respondent***

The Institutional Equity complaint resolution process operates under a standard of fairness for all parties involved. Within seven (7) calendar days of completing an initial inquiry resulting in the decision to begin the Formal Resolution process, the campus Title IX coordinator will provide written notice to the parties whose identities are known that includes:

- Notice of San Ignacio University's complaint resolution process.
- Sufficient details of the allegations known at the time so that the parties may prepare a response before an initial interview with the investigator(s), including:
  - the identifies of the parties involved in the incident, if known;
  - the conduct alleged to constitute a violation of policy; and
  - The date and location of the incident(s), if known.

The written notice will inform the parties of the University's prohibitions on retaliation and knowingly making false statements or knowingly submitting false information during the complaint resolution process.

If, in the course of an investigation, the University decides to investigate additional allegations about the Complainant or Respondent that arise that were not included in the initial notice, the campus Title IX coordinator will provide notice of the additional allegations to the parties whose identities are known pursuant to the requirements above.

#### **Acceptance of Responsibility**

Following the determination of sanctions, parties may appeal the sanctions imposed but not the finding(s) of responsibility as accepted by Respondent. In the event a Respondent decides to accept responsibility for some but not all of the allegations, the campus Title IX coordinator will determine whether to sever the matter, sending the allegations for which the Respondent has accepted responsibility to the appropriate office for sanctioning and continuing with the formal resolution process for the remaining allegations. Alternatively, the Office may determine it will proceed with the formal resolution process for all allegations.

### ***Withdrawal of Complaint***

At any time prior to the conclusion of an investigation, the Complainant may request to withdraw the complaint, or any discrete allegations in the complaint, by contacting the campus Title IX coordinator, or designee. The campus Title IX coordinator or designee will determine whether to close the case or whether it is necessary to continue with the formal resolution process with regard to any or all allegations without the Complainant's continued participation.

### ***Investigation***

The campus Title IX coordinator investigates complaints proceeding through formal resolution. Depending upon the circumstances, one or more investigators will be assigned from the campus Title IX coordinator. In some cases, another University office may conduct an investigation under the direction of the campus Title IX coordinator. Depending on the circumstances and in its discretion, the University may either consolidate or sever the investigation of multiple complaints involving the same Respondent and/or complaints where the parties have made discrimination, harassment or non-Title IX sexual misconduct allegations against each other. In the event a community member with multiple affiliations with the University (e.g. a staff member who is also a student) is found to have violated this policy, the University may initiate multiple sanctioning processes to address the violation in relation to each affiliation.

During the investigation, the investigator(s) will identify, elicit, and gather evidence related to the alleged misconduct, including **inculpatory and exculpatory evidence**. The burden of gathering evidence sufficient to reach a determination of whether or not a policy violation has occurred lies with the University and not with the parties.

*Any evidence that is favorable to the defendant in a criminal trial is considered exculpatory. Likewise, any evidence favorable to the prosecution is inculpatory. But any evidence showing that the defendant is not guilty is considered exculpatory.*

During the investigation, the Complainant will have the opportunity to describe their allegations and present supporting evidence to the investigator(s). The Respondent will have the opportunity to hear the allegations, respond to them, and present supporting evidence to the investigator(s).

Investigation meetings are not audio or video recorded by the University, and may not be recorded by any participant. Parties and witnesses may take notes during investigation meetings. The Complainant and the Respondent will have an equal opportunity to present names of potential witnesses and to propose questions the investigator(s) might ask the other party. Complainants and Respondents may identify potential factual witnesses but may not present character witnesses. The investigator(s) will take the witness lists provided by the Complainant and Respondent into consideration when identifying the witnesses they will interview and what questions they might ask each witness, but these decisions are solely within the investigator's discretion. The investigator(s) retain discretion to limit the number of witness interviews the investigator(s) conduct if the investigator finds that testimony would be unreasonably cumulative, if the witnesses do not have information relevant to the allegations at issue. The investigator(s) may also choose to interview other witnesses not identified by the parties.

Generally, the investigator(s) will meet with each party and each witness separately and may hold multiple meetings with a party to obtain all necessary information. The parties may submit additional materials or information to the investigator(s) at any time before the conclusion of the investigation.

## ***Report review procedures for matters involving faculty, staff, and student Respondents***

### **a. Preliminary Investigative Report:**

After each party has had the opportunity to meet with investigator(s), identify witnesses, and suggest questions, and the investigator(s) have completed witness interviews and the gathering of evidence, the investigator(s) will prepare a preliminary investigative report. The preliminary investigative report will include a summary of the relevant information provided by the Complainant, the Respondent, and each witness, and either a copy or written summary of all relevant evidence collected during the investigation. The preliminary investigative report will not contain any findings.

The parties will be provided with an opportunity to review the preliminary investigative report and Respond in writing. Typically, the report will be provided to each party electronically. Parties are expected to maintain the privacy of this document and may not distribute this document. Unauthorized distribution of this document may result in referral to the appropriate office for disciplinary action.

The parties may each submit written comments, feedback, additional documentary evidence, and requests for additional steps in the investigation, suggest written relevant questions for any party or witness, names of additional witnesses, or any other information they deem relevant to the investigator(s), within ten (10) calendar days after the preliminary report is made available for review. The campus Title IX coordinator or designee may, in their discretion, waive or adjust the time limit for the feedback.

The investigator(s) will review the written feedback provided by the parties and conduct any additional investigation necessitated by that feedback. The investigator(s) will then prepare a second investigative report incorporating any new relevant information provided by any party or witness. The parties will be provided a copy of the second preliminary investigative report and will have a second and final opportunity to review the report and provide any written feedback as described above regarding the new information before the investigator(s) proceed with finalizing the report. The parties may each submit feedback regarding the new information within ten (10) calendar days after it is made available for review.

The parties are permitted to review the preliminary investigative report and second preliminary investigative report solely for the purposes of this grievance process and may not photograph or disseminate the report to the public.

### ***Investigation Outcome***

After reviewing all feedback submitted by the parties to the second preliminary investigative report, the investigator(s) will incorporate all relevant feedback into a final investigative report and provide a copy of the final investigative report to the campus Title IX coordinator. The campus Title IX coordinator will review the final investigative report and will reach a determination regarding whether the facts that are supported by a majority of the evidence constitute one or more violations of the *Policy* or other identified policies at issue as alleged in the complaint.

The Complainant and the Respondent will both be notified simultaneously in writing of the outcome of the investigation. The notifications will include findings related to alleged violations of policy and the rationale for all findings. If the complaint presents more than a single allegation of misconduct, a finding will be made separately as to each allegation.

## **1) Resolution of cases where no violation has been found**

Complainants and Respondents will be notified of their appeal rights and appeal procedures. As noted above, the University encourages the parties to maintain privacy of all communications related to findings.

## **2) Resolution of cases where a violation has been found**

If the Respondent is found to be responsible for one or more policy violations, the notification of findings will include information regarding the sanctioning process. Sanctions will be recommended and/or determined as follows:

- For student Respondents, in the event a policy violation is found, the campus Title IX coordinator will provide the final investigative report to the Office of Community Standards who will determine sanctions and corrective actions in accordance with the procedures set forth in the Student Handbook. The Office of Community Standards will provide written notice of any sanction(s) imposed to the parties simultaneously within seven (7) calendar days of the sanctioning decision. The notice will reference findings made by the campus Title IX coordinator and will include the sanction(s), a summary of the rationale, and information about the appeal process.
- For staff Respondents, in the event a policy violation is found, the campus Title IX coordinator will provide the final investigative report to the Office of Human Resources and the Respondent's manager(s), who are responsible for deciding what sanctions or corrective actions should be imposed on the Respondent, in accordance with the procedures set forth in the Staff Handbook.
- For faculty Respondents, in the event a policy violation is found, the campus Title IX coordinator will make a recommendation regarding whether the policy violation warrants considering termination or suspension. The final investigative report and the recommendation will be sent by the campus Title IX coordinator to the director of academic, and the CEO. Next steps, including sanctions or corrective actions imposed, will be determined in accordance with the procedures set forth in the Faculty Handbook.
- For third-party affiliate Respondents, sanctions and/or corrective actions will be determined by the appropriate University office, depending on the status of the Respondent.

The Complainant will be notified of remedies offered or provided to the Complainant, sanctions imposed on the Respondent that directly relate to the Complainant, and any other steps the University has taken to prevent the recurrence and eliminate a discriminatory or hostile environment, if one was found to exist. In a case related to alleged sexual assault, stalking, or dating or domestic violence, the notification of sanction to the Complainant will also include all sanctions imposed on the Respondent, not just those directly related to the Complainant.

The Respondent will be informed of all sanctions imposed. The Respondent generally will not be notified of the individual remedies offered or provided to the Complainant.

Both Complainants and Respondents are informed of appeal procedures. As noted above, the University encourages the parties to maintain privacy of all communications related to findings and sanctions.

**E. Appeals 1) Appeals of cases involving faculty, staff, or third-party affiliate Respondents and cases involving student Respondents that do not have the potential to result in separation from the University**

The Complainant or Respondent may appeal the findings and/or, if sanctions are imposed, the determination of sanctions. An appeal will be handled in a manner consistent with any applicable terms or procedures in the Faculty Handbook, Staff Handbook, or applicable contract. Otherwise, the terms and procedures outlined in these guidelines will control.

An appeal must be made within ten (10) calendar days of the date of the written notification of the findings or, if sanctions are imposed, the written notification of the sanctioning determination. An appeal must be in writing and specify the basis for the appeal. The original finding is presumed to have been decided reasonably and appropriately by a multitude of evidence. The only grounds for appeal are as follows:

- New information discovered after the investigation that could not have reasonably been available at the time of the investigation and is of a nature that could materially change the outcome;
- Procedural errors within the investigation or resolution process that may have substantially affected the fairness of the process; or
- An outcome (findings or sanctions) that was manifestly contrary to the weight of the information presented (i.e., obviously unreasonable and unsupported by the great weight of information).

If either party submits an appeal, the other party will be provided with a copy of the appeal and given ten (10) calendar days to submit a written response. The relevant appeal reviewer may, in their discretion, adjust the time limit for the appeal and/or response.

In the event sanctions were imposed, it shall be in the discretion of the campus Title IX coordinator whether the sanctions shall be implemented or stayed pending resolution of an appeal.

Appeals will be handled by the following reviewers, who may delegate the review of an appeal to a designee, and will delegate review in any case in which they cannot serve as an impartial reviewer.

**An appeal of a complaint against a student should be addressed to:**

**Dr. Althia Ellis**

Dean of Academic Affairs

305-629-2929

[aellis@sanignaciouniversity.edu](mailto:aellis@sanignaciouniversity.edu)

**Ivette Bajandas**

Administrative Coordinator

305-629-2929 X4025

[ibajandas@sanignaciouniversity.edu](mailto:ibajandas@sanignaciouniversity.edu)

**Sheyla Obando**

Student Service Coordinator

305-629-2929 X4022

[sobando@sanignaciouniversity.edu](mailto:sobando@sanignaciouniversity.edu)

The appeal will be decided as expeditiously as possible, though the timeframe may vary based on the scope of the appeal or unforeseen circumstances. A written decision regarding the appeal will be issued to the parties simultaneously within seven (7) calendar days of making a decision.

The appellate reviewer may review the full case, beyond the aspects of the case outlined in the request for appeal. If the appellate reviewer does not find that any of the three grounds for appeal are present in the case, the outcome will be upheld. If the reviewer finds that any of the grounds for appeal are present in the case, they may amend the outcome, may issue a new outcome, or may refer the matter back to the investigator(s) for further consideration. A final outcome on an appeal is not subject to further appeal.

## **2) Appeals of cases involving student Respondents that have the potential to result in separation from the University**

### **In matters where there is a finding of no responsibility:**

A Complainant or Respondent may submit an appeal of a finding of no responsibility in writing within the time frame designated in the written notification of findings (typically within ten (10) calendar days of receipt of the notification). The original finding is presumed to have been decided reasonably and appropriately, and the only grounds for appeal are as follows:

- New information discovered after the investigation that could not have reasonably been available at the time of the investigation and is of a nature that could materially change the outcome;
- Procedural errors within the investigation or resolution process that may have substantially affected the fairness of the process; or
- An outcome (findings or sanctions) that was manifestly contrary to the weight of the information presented (i.e., obviously unreasonable and unsupported by the great weight of information).

An appeal must be submitted in writing and must specifically state the grounds for the appeal and any supporting information. In cases involving multiple parties, the non-appealing party will be able to review the request for appeal and will be given an opportunity to submit a written response to the Appellate Panel, described further below, within the same time designated for the request for appeal.

The appealing party will be able to review the response.

Similar to the original investigation, the appeal and response to the appeal may not include any witness statements. The appeal will be conducted solely via written statements. Neither the Respondent nor the Complainant will be allowed to request an in-person meeting. In an extraordinary circumstance, the Campus Title IX coordinator may request an in-person meeting with the Complainant and Respondent.

### **In matters where there is a finding of responsibility:**

When the investigator(s) make a finding of responsibility, the matter will proceed to a sanctioning panel as outlined above. *At the conclusion*, a Complainant or Respondent may request an appeal of the outcome of the investigation in writing, within the time frame designated in the written notification (typically within ten (10) calendar days of their receipt of the notification). At this point, the same appeals process outlined immediately above applies.

## Title IX additional Resources from the U.S DEPARTMENT OF EDUCATION

- [Title IX Final Rule](#)
- Title IX Regulations Addressing Sexual Harassment (Unofficial Copy) [PDF](#) (6M)
- Title IX: U.S. Department of Education Title IX Final Rule Overview [PDF](#) (553K)
- Summary of Major Provisions of the Title IX Final Rule [PDF](#)
- [Fact Sheet: Final Title IX Regulation](#)
- [Questions and Answers Regarding the Department's Final Title IX Rule](#)
- [OCR Webinar: Title IX Regulations Addressing Sexual Harassment \(Length: 01:11:29\)](#)
- [The First Amendment and Title IX: An OCR Short Webinar](#)
- [OCR Short Webinar on How to Report Sexual Harassment under Title IX](#)
- [Conducting and Adjudicating Title IX Hearings: An OCR Training Webinar](#)
- [OCR Webinar on Due Process Protections under the New Title IX Regulations](#)
- [OCR Webinar on New Title IX Protections Against Sexual Assault](#)
- OCR Blog: [Effective Date and Retroactivity](#)
- OCR Blog: [Live Hearings, Excluding Reliance on a Party's Statements, and Verbal Conduct](#)
- OCR Blog: [The Requirement to Update School Websites with Important Title IX Information](#)

## Other Resources:

- [https://youtu.be/Xxr2Oh2Qp7g?si=c1eN\\_C\\_v\\_NupaOHP](https://youtu.be/Xxr2Oh2Qp7g?si=c1eN_C_v_NupaOHP)
- <https://youtu.be/KymR6N1HT88?si=TnM6UazejgAQ-QYS>