



2024

ANNUAL SECURITY REPORT

ORLANDO CAMPUS

**CONTAINS CRIME STATISTICS FOR YEARS
2023, 2022, AND 2021**

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

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

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

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

To your safety,



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

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

Preparing the Annual Security Report

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

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

The Dean of Students is responsible for preparing and distributing the annual disclosure of crime statistics in collaboration with AHU Campus Security, AdventHealth Orlando Hospital Security, and local law enforcement. Campus community members are encouraged to use this report as a guide for safe practices on and off campus. It is available on the web at:

<https://www.ahu.edu/campus-safety-and-security>

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

Clery Geography

On-Campus Property

AdventHealth University

AdventHealth University's main campus is located at 671 Winyah Drive, Orlando, FL 32803. The Clery geography is defined by the West entrance of campus, where King Street ends and Winyah Drive begins (approx. 200 yards past the train tracks after the left-hand turn). The remainder of the campus is on a peninsula defined by two lakes (Lake Winyah to the North, Lake Estelle to the South), and a canal at the east end of campus.

AdventHealth Orlando Hospital

AdventHealth Orlando Hospital is located at 601 East Rollins Street, Orlando, FL 32803. The Clery geography is defined by the South as the North sidewalk of Rollins Street from Clippinger Court to Camden Road, by the West as the East sidewalk of Clippinger Court from Rollins Street to Lake Estelle Drive, and by the North as Lake Estelle Drive. The East boundary of the hospital is defined by Lake Estelle.

AdventHealth University is provided access to several parking facilities for its employees and students who perform clinical rotations at AdventHealth Orlando, before, during, or after the

University's published hours of operations. The addresses of the various parking facilities are as follows:

- 2855 McRae Street, Orlando, FL 32804 – The Clery geography is defined as the entire garage area, the section of East Evans Street between North Orange Avenue and McRae Avenue and the section of McRae Avenue, directly in front of the garage.
- 498 East King Street, Orlando, FL 32804 – The Clery geography is defined as the entire garage area, the section of King Street between McRae Avenue and Sanitarium Avenue, and the length of Sanitarium Avenue facing the garage.
- 2328 Alden Road, Orlando, FL 32803 - The Clery geography is defined as the entire garage area, the section of East Rollins Street between Clippinger Court and Alden Road, and the section of Alden Road facing the garage.
- 414 East King Street, Orlando, FL 32804 – The Clery geography is defined as the entire garage area, the section of King Street between McRae Avenue and Sanitarium Avenue, and the length of Sanitarium Avenue facing the garage.

Non-Campus Property

Student Housing

AdventHealth University maintains two non-campus Housing campuses for students and hospital-sponsored interns. The addresses of the housing complexes are as follows:

- *LaSalle Apartments*, located on 35 Roclair Street, Orlando, FL 32804 is AdventHealth University's housing complex for residents over the age of 21. The Clery geography is defined as the city block which includes the section of Formosa Ave (between Stymie Place and Roclair Street), all of Stymie Place, the section of Dubsdread Circle (between Stymie Place and Backspin Lane) and Roclair Street (Backspin Lane merges to become Roclair Street).
- *Bay Run Apartments*, located on 3310 North Cornell Avenue, Orlando, FL 32804 is AdventHealth University's housing complex for residents aged 18 to 21. The Clery geography is defined as the city block that includes the section of Formosa (East Steele Street and East Par Street), East Par Street (between Formosa and Cornell Avenue), the remainder of Cornell Avenue and all of East Steele Street.

Hope Clinic

AdventHealth University leases property at 635 Campus Loop, Apopka, FL 32703 that is used as a community occupational therapy clinic for the uninsured. This clinic is used as an educational tool for the graduate Occupational Therapy, Physician's Assistant, and Physical Therapy students at AdventHealth University.

Reporting Crimes

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

Below is a list of Primary Campus Security Authorities:

- **Campus Security**
407-353-4002
Eric.Goebelbecker@ahu.edu
- **Hospital Security**
407-303-1515 (Emergency)
407-303-4819 (Non-Emergency)
- **Dean of Students**
407-303-8016
Joshua.Garrido@ahu.edu
- **Title IX**
407-303-5765
Sharda.Sukhu-Gafoor@ahu.edu
- **Human Resources**
407-303-5727
Jennifer.Carpenter@ahu.edu
- **University Housing**
407-896-5865
Camille.Kibler@ahu.edu

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

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

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

Behavioral Intervention Team (BIT)

AdventHealth University utilizes a behavioral intervention team, which operates as an additional line of defense in identifying potential behavioral issues on campus. The University is a member of

the National Behavioral Intervention Team Association (NABITA). Annual training is provided for AHU employees regarding the identification and reporting of student and employee behaviors that may be pre-cursors to more serious misbehaviors or illnesses.

Voluntary Confidential Reporting Procedures

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

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

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

Security Awareness and Crime Prevention

Security awareness and crime prevention topics are presented at New Student Orientation and various program-specific student orientations that take place at the beginning of each trimester. Campus Security personnel also make presentations relative to security awareness and crime prevention in person at the non-campus University Housing orientation at the beginning of each trimester.

In addition to addressing safety and security in various venues throughout the school year, AHU Campus Security provides an annual week of general and campus safety emphasis in October. This month of emphasis provides opportunities for students and employees to engage in various safety presentations and access to important resources. The presentations and resources focus on specific campus safety procedures and practices (campus fire, campus lockdown, inclement weather, etc.) while also focusing on how these specific procedures and practices can be applied to the students' personal safety. Additional general and campus-specific safety and security resources are available throughout the remainder of the school year both in print and electronic form.

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

Academic and Administrative Buildings

The academic and administrative buildings at AdventHealth University are open to the public, at a minimum, during regular business hours. Most facilities have similar hours, but those hours may vary at different times of the year. Access control systems are in place for some campus buildings and there are varying levels of access after regular business hours. While academic and administrative buildings do not have specific Campus Security officers assigned to them, officers on duty patrol these buildings regularly.

For information about the access protocol for a specific building, contact Campus Security by calling 407-353-4002.

University Housing

AdventHealth University maintains two non-campus housing campuses for students and hospital-sponsored interns. Access to apartments in University Housing is restricted to residents, their approved guests, and approved University community members. Residents gain entry via a physical key and/or door code. Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their own keys or codes. Campus Security officers and University Housing staff patrol the housing campuses regularly.

University Housing staff also enforce safety measures and work with residents to achieve a community that respects individual and group rights and responsibilities. Campus Security personnel also conduct periodic educational sessions on the prevention of various crimes.

Physical Safety Considerations

Maintenance of Campus Facilities

AdventHealth University strives to maintain safe and accessible facilities to ensure campus safety and security for community members. Exterior lighting and landscape control are a critical part of that commitment. Representatives from AdventHealth Orlando and the University conduct safety surveys to ensure adequate lighting and that the landscape is appropriately controlled.

Maintenance and Campus Security personnel conduct routine lighting checks on campus as a part of their regularly assigned duties. If lights are out or dim, officers will initiate a work order, which is acted upon by a member of Maintenance, usually within 24 hours or the next business day.

University community members are encouraged to report any lighting concerns to Maintenance by completing an online support request via the my.ahu.edu portal. Any community member concerned about physical safety should contact Campus Security at 407-353-4002.

AHU Campus Security is responsible for overseeing the implementation and revisions of the University's CCTV system, including approval of camera placement. AHU Campus Security has the authority to operate, manage, and monitor all CCTV footage and equipment. CCTV retention data is limited based on server space and network availability.

Campus Security and AdventHealth Orlando Hospital's Facilities Services personnel work together to identify inoperable locking mechanisms on campus. University community members are encouraged to report deficiencies to Maintenance or Campus Security promptly. Additionally, if an employee loses an AHU key, they must inform both Campus Security and Maintenance. If students lose a key to their apartment at non-campus housing, they must inform the University Housing office.

Law Enforcement & Jurisdiction

The AdventHealth University Campus Security office is located in the Campus Center building in CC 125. Security is provided 24 hours a day and is a vital component of the University's dedication to providing a safe and secure campus through the cooperation of several University departments and community organizations.

AHU Campus Security is comprised of six full-time security officers under the auspices of the AdventHealth Regional Director of Security at AdventHealth Orlando Hospital and the Dean of Students at AdventHealth University. AdventHealth Orlando Hospital and AHU Campus Security are not law enforcement agencies and therefore, do not have the authority to make arrests or enforce laws, but security officers are called upon to enforce hospital and university policies based on jurisdiction.

All hospital and university security officers are professionally trained and State of Florida certified safety officers. AHU Campus Security provides a full range of safety services, including but not limited to investigating all crimes committed on campus, enforcing university policies and procedures, providing crime prevention/community services programs, enforcing parking policies, and maintaining crowd control for campus events. The office has a strong working relationship with the Orlando Police Department and liaises with other local, state, and federal law enforcement agencies (such as the Orange County Sheriff's Office and the Florida Department of Law Enforcement) in implementing and coordinating campus law enforcement operations on campus. Officers cannot arrest, but local law enforcement officers are called to campus to perform arrests as needed. Officers patrol the campus on foot and in vehicles as requested/needed.

AHU Campus Security officers have jurisdiction over any AdventHealth University on-campus and non-campus property. AHU Campus Security is staffed 24 hours a day with trained security officers who answer calls for service and dispatch and direct emergency services when incidents occur in or around the University's Clery geography. Local law enforcement officers are occasionally contracted to support security operations at the University. In instances when law enforcement officers are not immediately present on campus, security personnel are instructed to contact nearby law enforcement agencies for assistance.

AHU Campus Security officers strive to play a vital role in enhancing the overall mission of the University. Concern for the community's well-being, a desire to provide service and assistance whenever possible, and a constant desire to support the academic environment are all factors that drive the department's daily operations.

Reporting Crimes and Other Emergencies

All students, faculty, staff, and guests of AdventHealth University are encouraged to report all suspicious behavior, potential criminal activity, and/or any emergency incidents promptly and accurately by calling AHU Campus Security at 407-353-4002. This includes incidents that occur on public property running through or immediately adjacent to the campus, or other property that is owned or controlled by AdventHealth University. Crimes should be accurately and promptly reported to AHU Campus Security and appropriate law enforcement agencies when the victim of a crime elects to or is unable to make such a report. Individuals may also report incidents in person at the AHU Campus Security office in CC 125. Individuals who want to report incidents regarding sexual assault, domestic violence, dating violence, or stalking may report to the Title IX Coordinator at 407-303-5765 or by completing the online [Title IX Incident Reporting Form](#).

Response to Reported Crimes

AHU Campus Security personnel are available 24 hours a day at 407-353-4002. In response to a call, AHU Campus Security will take necessary action by responding to the scene and/or asking the victim to report to the Campus Security office to file an incident report. All incident reports that involve a crime or violation of university policy are forwarded to the Dean of Students' office for review and potential action, as appropriate. AHU Campus Security will investigate a report when it is deemed appropriate.

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

Anonymous Reporting Procedure

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

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

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

Pastoral and Professional Counselors

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

Pastoral Counselors

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

Professional Counselor

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

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

Monitoring and Reporting Criminal Activity

AdventHealth University provides and maintains non-campus housing for students and hospital-sponsored interns and a non-campus community occupational therapy clinic for the uninsured. Local law enforcement agencies are utilized to assist in monitoring and recording criminal activity at these locations. Additionally, the University relies on local law enforcement agencies to provide information regarding incidents involving students off-campus. AHU Campus Security will actively investigate any information it receives concerning the involvement of a member of the campus community in a crime. If the University is notified of a situation, an emergency alert (phone/text, email) may be activated detailing the incident and providing tips to assist other student and/or employees in avoiding similar situations.

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

Timely Warning Notification

The Dean of Students or a designee will develop Timely Warning Notifications to notify members of the community about serious crimes against people that occur within the AdventHealth University Clery Geography (On-campus, Non-campus, and Public Property) where determined that the incident may pose an ongoing or serious threat to members of the campus community. Timely Warning Notifications will be provided to students and employees in a timely manner that withholds the victims' names as confidential and will aid in preventing similar occurrences.

Issuing Timely Warning Notifications will be considered for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications if reported to AHU Campus Security within 30 days of them occurring. Timely Warning Notifications are usually distributed for the following Clery-reportable classifications: major incidents of arson, criminal

homicide, a series of burglaries or motor vehicle thefts that occur in reasonably close proximity to one another, and Robbery. Cases of Aggravated Assault, Hate Based Crimes, and Sex Offenses are considered on a case-by-case basis depending on the facts of the case and the information known to Campus Security personnel. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other campus community members; therefore, a Timely Warning Notifications would not be issued. Sexual assaults are considered on a case-by-case basis depending on the facts of the case, when and where the crime occurred, when it was reported, and the amount of information known by the Campus Security personnel.

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

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

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

Everbridge Emergency Notification

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

Individuals can report emergencies occurring at AdventHealth University by calling 407-353-4002 or dialing 911.

Immediate Threat

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

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

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

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

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

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

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

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

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

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

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

OR

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

Emergency Drills, Testing, and Evacuation

Emergency Communication Systems

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

- Fall Trimester
- Spring Trimester

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

Emergency Response Procedures

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

If a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually AHU Campus Security, Orlando Police Department, and the Orlando Fire Department. Emergencies occurring on campus should be reported to AHU Campus Security at 407-353-4002, or by dialing 911.

Active Threat Response Procedures

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

Emergency Evacuation Procedures

Students, employees, and guests are expected to evacuate campus buildings if they hear a fire alarm or if first responders or the campus administration notifies them that an evacuation is

necessary. They receive information about emergency evacuation procedures during meetings and educational sessions that they participate in during the academic year.

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

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

General Evacuation Procedures

Students, employees, and guests are expected to leave their work or study area, proceed to the nearest exit, and leave the building at the sound of a fire alarm or if they are instructed to evacuate. Those who are first to recognize a fire situation should activate the alarm, evacuate to a safe location using the nearest exit, and notify AHU Campus Security at 407-353-4002, or dial 911. During a general evacuation, members of the University community are expected to adhere to the following:

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

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

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

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

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

Primary Prevention and Awareness

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

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

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

How to be an Active Bystander

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

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

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

- Watch out for friends and fellow students/employees.

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

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

Risk Reduction

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

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

- *Stay alert.* When you are on-campus or surrounding areas, be aware of what is around you. Consider inviting a friend to join you or asking Campus Security for an escort. If you are alone, only use headphones in one ear in order to stay aware of your surroundings.
- *Think about Plan B.* Spend some time thinking about backup plans for potentially tricky situations. Do you have a few essential phone numbers memorized in case your phone dies? Do you have emergency cash in case you can't use a credit card? If you drive, is there a spare hidden key, gas in your car, and a set of jumper cables?
- *Be careful about posting your location.* Geolocation is used by many social media sites to share your location publicly. Consider disabling this feature and ensuring that other social media settings are conducive to your safety.
- *Know your resources.* Educate yourself on who you should contact if you or a friend needs help. Be sure to know the physical locations of Campus Security, Title IX, and Student Services and how to contact them by phone should the need arise.

Additional Training and Reminders

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

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

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

Dating Violence is defined under the Florida Statutes § 784.046(1)(d) 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: (1) a dating relationship must have existed within the past 6 months; (2) the nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and (3) 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 relationship. Dating Violence does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

Domestic Violence is defined under the Florida Statutes § 741.28 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. A “family or household member” refers to 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.

Sexual Battery is defined under Florida Statutes § 794.011 as oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose. Sexual battery committed without consent is a felony.

Consent is defined under the Florida Statutes § 794.011 as 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.

Stalking is defined under the Florida Statutes § 784.048. The offense of Stalking is when a person willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person. Under this definition of Stalking, “harass” means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose; “course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose, but it does not include constitutionally protected activity such as picketing or other organized protests; “cyberstalk” means to engage in a course of conduct to communicate, or to cause to be communicated, directly or indirectly, words, images, or language by or through the use of electronic mail or electronic communication, directed at or pertaining to a specific person; or to access, or attempt to access, the online accounts or Internet-connected home electronic systems of another person without that person’s permission, causing substantial emotional distress to that person and serving no legitimate purpose.

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

If any student or employee is the victim of sexual assault, dating violence, domestic violence, or stalking, they are encouraged to go to a safe place and call 911 or AHU Security at 407-353-4002. They should also contact the University’s Title IX Coordinator, Sharda Sukhu-Gafoor, at 407-303-5765 or sharda.sukhu-gafoor@ahu.edu. An [online reporting form](#) is available to report incidents involving suspected violation(s) of AHU’s Title IX and Harassment and Non-Discrimination policies. The University will do its best to protect the confidentiality of these individuals. This includes maintaining any publicly available recordkeeping without the inclusion of identifying information about these individuals to the extent permitted by law.

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

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

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

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

The following options regarding notification to law enforcement include:

- Option to notify either Campus Security or local law enforcement;

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

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

Written Notification

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration, and other services available to them, both within the University and in the surrounding community. Legal assistance is available at the Legal Aid Society.

On-campus services include pastoral and mental health counseling. Off-campus services include additional counseling services on a sliding payment scale at the following locations:

1. The Episcopal Counseling Center
2. Devereux
3. Center for Drug Free Living
4. Courtney Stewart Counseling
5. Health Assistance can be found at Central Florida Family Health and Shepherd's Hope.
6. Residential/Non-residential Mental Health can be found at Lakeside Behavioral Health and South Seminole Hospital.

Victims of a sex offense can also find resources at Victim Service Center (VSC) of Central Florida, including a 24-hour hotline, forensic exams, counseling, and victim advocacy. VSC of Central Florida can be reached at 407-254-9415.

Available Services and Accommodations

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

In addition, the University will provide written notification to victims of sexual assault, domestic violence, dating violence, or stalking about their available options and assistance in changing academic, living, transportation, and working situations, as well as other protective measures. This notification will include information on how to request these accommodations and who to contact at the institution to make such requests. Victims may contact the Title IX Coordinator, Sharda Sukhu-Gafoor at 407-303-5765 or sharda.sukhu-gafoor@ahu.edu to request these changes. AHU will facilitate these accommodations, provided they are reasonably available, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

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

Disciplinary Procedures for Alleged Offenses

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

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

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

Registered Sex Offenders

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

In accordance with state law, convicted sex offenders in Florida must register with the Florida Department of Law Enforcement (FDLE) within 48 hours of establishing permanent or temporary residence. The FDLE makes information concerning the presence of registered sex offenders available to local law enforcement officials and the public.

Any member of the AdventHealth University community who wishes to obtain further information regarding sex offenders/predators in the area may:

- Refer to the FDLE website at www.fdle.state.fl.us
- Call 1-888-FL-PREDATOR (1-888-357-7332),
- Refer to the FDLE website searchable database at <https://offender.fdle.state.fl.us/offender/sops/search.jsf>.

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

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

Disciplinary Procedures for Alleged Title IX Violations

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

1. Completed within reasonably prompt time frames designated by an institution's policy, including a process that allows the extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay and the reason for the delay;
2. Conducted in a manner that;
 - a. Is consistent with the institution's policies and transparent to the Complainant and the Respondent;
 - b. Includes timely notice of meetings at which the Complainant and Respondent, or both, may be present; and
 - c. Provides timely and equal access to the Complainant and the Respondent, and the appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
3. Conducted by officials who do not have a conflict of interest or bias for or against the Complainant and the Respondent.
4. The institutional disciplinary procedures will be conducted by officials who, at minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
5. The Complainant and the Respondent will have the same opportunities to have others present during any institutional disciplinary proceeding. The Complainant and the Respondent each have the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The University will not limit the choice of advisor or presence for either the Complainant or the Respondent in any meeting or institutional disciplinary proceeding. However, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties; and
6. The Complainant and the Respondent will be notified simultaneously, in writing, of the results of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. (The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.)

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

Harassment and Non-Discrimination Policy

Rationale for Policy

AdventHealth University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. AdventHealth University is also committed to ensuring compliance with federal and state civil rights laws and regulations, and to affirming its commitment to promoting the goals of fairness and equity in all aspects of the educational programs or activities.

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

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

Applicable Scope

The core purpose of this Policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using AdventHealth University's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the AdventHealth University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the AdventHealth University community. This community includes, but is not limited to, student¹, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers.

The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this Policy.

¹ For the purpose of this Policy, the AdventHealth University defines "student" as any individual who has been successfully admitted and who matriculates and attends class.

Title IX Coordinator

Sharda Sukhu-Gafoor serves as the Title IX Coordinator and oversees implementation of this Policy. The Title IX Coordinator has the primary responsibility for coordinating AdventHealth University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual harassment, and retaliation prohibited under this Policy.

Independence and Conflict of Interest

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures.

The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

Concerns involving bias, conflict of interest, or reports of misconduct by the Title IX Coordinator, should be reported to the AdventHealth University President. Concerns involving bias, a potential conflict of interest, or reports of misconduct by any other Title IX Team member should be reported to the Title IX Coordinator.

Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made internally to:

Sharda Sukhu-Gafoor

Chief Compliance Officer and Title IX Coordinator
Office of Human Resources and Compliance
Campus Center Building (CC 215)
671 Winyah Drive
Orlando, FL 32803
Phone: 407-303-5765
Email: sharda.sukhu-gafoor@ahu.edu
Online: [Title IX Incident Reporting Form](#)

Katie Shaw

Deputy Title IX Coordinator (Denver Site)
1001 E. Yale Ave.
Denver, CO 80210
Phone: 303-765-6271
Email: katie.shaw@ahu.edu
Online: [Title IX Incident Reporting Form](#)

AdventHealth University has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of AdventHealth University. The Officials with Authority are: Josef Ghosn, President; Karen Benn Marshall, Provost; Ruben Martinez, Senior Vice President for Finance and Operations; Lonnie Mixon, Vice President for Marketing and Business Development; Jennifer Carpenter, Human Resources Director.

AdventHealth University has also classified all employees (faculty, staff, administrators, adjuncts, and RAs) as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation.

The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

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

For complaints involving employees: [Equal Employment Opportunity Commission](#) (EEOC)

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

Notice or complaints of discrimination, harassment and/or retaliation may be made using any of the following options:

1. File a complaint with, or give verbal notice to, the Title IX Coordinator or deputy/Officials with Authority. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator or any other official listed.
2. Report online, using the reporting form. Anonymous reports are accepted but can give rise to a need to investigate. AdventHealth University tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as AdventHealth University respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows AdventHealth University to discuss and/or provide supportive measures.
3. Report using the sexual harassment hotline 888-92-GUIDE (48433) or <https://secure.ethicspoint.com/domain/media/en/gui/73459/index.html>.

A Formal Complaint means a document submitted and signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that AdventHealth University investigate the allegation(s).

A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this

purpose by AdventHealth University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that AdventHealth University investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

Supportive Measures

AdventHealth University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to AdventHealth University's education programs or activities, including measures designed to protect the safety of all parties or AdventHealth University's educational environment, and/or deter, harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice of a complaint. At the time that supportive measures are offered, AdventHealth University will inform the Complainant, in writing, that they may file a formal complaint with AdventHealth University either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

AdventHealth University will maintain the privacy of the supportive measures, provided that privacy does not impair AdventHealth University's ability to provide the supportive measures. AdventHealth University will act to ensure as minimal an academic impact on the parties as possible.

AdventHealth University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass or Be-On-the-Lookout (BOLO) orders
- Timely warnings

- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

Emergency Removal

AdventHealth University can act to remove a student Respondent entirely or partially from its education programs or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team (BIT) using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. A security officer will be present during this meeting.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within three (3) business days, objections to the emergency removal will be deemed waived.

A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this Policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this Policy will be grounds for discipline, which may include expulsion.

AdventHealth University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to:

- removing a student from a residence hall
- temporarily re-assigning an employee
- restricting a student's or employee's access to or use of facilities or equipment
- allowing a student to withdraw or take grades of incomplete without financial penalty
- authorizing an administrative leave

- suspending a student’s participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

Promptness

All allegations are acted upon promptly by AdventHealth University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but AdventHealth University will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in AdventHealth University procedures will be delayed, AdventHealth University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

Privacy

Every effort is made by AdventHealth University to preserve the privacy of reports.¹ AdventHealth University will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

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

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Office of Student Services, Compliance Office, Human Resources, and the Behavioral Intervention/Threat Assessment Team.

Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties’ rights and privacy.

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

¹ For the purpose of this Policy, privacy and confidentiality have distinct meanings. Privacy means that information related to a complaint will be shared with a limited number of AdventHealth University employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses.

Confidentiality and mandated reporting are addressed more specifically below.

Jurisdiction of AdventHealth University

This Policy applies to the education programs and activities of AdventHealth University, to conduct that takes place on the campus or on property owned or controlled by AdventHealth University, at AdventHealth University-sponsored events, or in buildings owned or controlled by AdventHealth University's recognized student organizations. The Respondent must be a member of AdventHealth University's community in order for its policies to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to AdventHealth University's educational programs. AdventHealth University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial AdventHealth University interest.

Regardless of where the conduct occurred, AdventHealth University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational programs or activities and/or has continuing effects on campus or in off-campus sponsored programs or activities. A substantial AdventHealth University interest includes:

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

If the Respondent is unknown or is not a member of AdventHealth University community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the AdventHealth University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, AdventHealth University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from AdventHealth University property and/or events.

All vendors serving AdventHealth University through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship or other environment external to

AdventHealth University where sexual harassment or non-discrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

Time Limits on Reporting

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

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

When notice/complaint is affected by significant time delay, AdventHealth University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

Online Harassment and Misconduct

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

Although AdventHealth University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to AdventHealth University, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the AdventHealth University community.

Policy on Non-Discrimination

AdventHealth University maintains a policy of equal educational opportunities for all applicants without regard to sex, race, age, marital status, disability, sexual orientation, color, or national or ethnic origin. AdventHealth University does not discriminate in its educational or admission policies, financial affairs, employment programs, student life, or services in any University-administered program.

This notice is provided as required by Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. Questions, complaints, or requests for additional information regarding these laws may be forwarded to the Title IX Coordinator, Sharda Sukhu-Gafoor, at:

AdventHealth University
Title IX Coordinator

Attn: Sharda Sukhu-Gafoor
671 Winyah Drive
Orlando, FL 32803
Phone: 407-609-0905
Email: sharda.sukhu-gafoor@ahu.edu

Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. AdventHealth University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

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

Discriminatory Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by AdventHealth University policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

AdventHealth University does not tolerate discriminatory harassment of any employee, student, visitor, or guest. AdventHealth University will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment."

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.¹ This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, AdventHealth University may also impose sanctions on the Respondent through application of the grievance process below.

Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the states of Florida and Colorado regard Sexual Harassment as an unlawful discriminatory practice.

AdventHealth University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

¹ This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: [Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational Recipients Investigative Guidance.](#)

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

1. Quid Pro Quo:
 - a. an employee of AdventHealth University,
 - b. conditions¹ the provision of an aid, benefit, or service of AdventHealth University,
 - c. on an individual's participation in unwelcome sexual conduct.

2. Sexual Harassment: (Hostile environment sexual harassment)
 - a. unwelcome conduct,
 - b. determined by a reasonable person,
 - c. to be so severe, and
 - d. pervasive, and,
 - e. objectively offensive,
 - f. that it effectively denies a person equal access to AdventHealth University's educational programs or activities.²

3. Sexual assault, defined as:
 - a. Sex Offenses, Forcible:
 - i. Any sexual act directed against another person,
 - ii. without the consent of the Complainant,
 - iii. including instances in which the Complainant is incapable of giving consent.³
 - b. Forcible Rape
 - i. Penetration,
 - ii. No matter how slight,
 - iii. Of the vagina or anus with any body part or object, or
 - iv. Oral penetration by a sex organ of another person,
 - v. Without the consent of the Complainant.
 - c. Forcible Sodomy:
 - i. Oral or anal sexual intercourse with another person,
 - ii. forcibly,
 - iii. and/or against that person's will (non-consensually), or
 - iv. not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age⁴ or because of temporary or permanent mental or physical incapacity.
 - d. Sexual Assault with an Object:
 - i. The use of an object or instrument to penetrate,
 - ii. however slightly,

¹ Implicitly or explicitly.

² Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

³ This definition set is not taken from Summary Reporting System/National Incident Based Reporting System (SRS/NIBRS) verbatim. ATIXA has substituted Complainant for "victim," has removed references to his/her throughout, has defined "private body parts," has removed the confusing and unnecessary term "unlawfully," and has inserted language clarifying that AdventHealth University interprets "against the person's will" to mean "non-consensually."

⁴ Per state law.

- iii. the genital or anal opening of the body of another person,
 - iv. forcibly,
 - v. and/or against that person's will (non-consensually),
 - vi. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- e. Forcible Fondling:
- i. The touching of the private body parts of another person (buttocks, groin, breasts),
 - ii. for the purpose of sexual gratification,
 - iii. forcibly,
 - iv. and/or against that person's will (non-consensually),
 - v. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- f. Sex Offenses, Non-forcible:
- i. Incest:
 - 1. Non-forcible sexual intercourse,
 - 2. between persons who are related to each other,
 - 3. within the degrees wherein marriage is prohibited by Florida or Colorado law.
 - ii. Statutory Rape:
 - 1. Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 18 years old in Florida and 17 years old in Colorado.
4. Dating Violence, defined as:
- a. violence,
 - b. on the basis of sex,
 - c. committed by a person,
 - d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant
 - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii. Dating violence does not include acts covered under the definition of domestic violence.
5. Domestic Violence¹, defined as:
- a. violence,
 - b. on the basis of sex,

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

- i. committed by a current or former spouse or intimate partner of the Complainant,
- c. by a person with whom the Complainant shares a child in common, or
- d. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- e. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Florida (Florida Statutes § 741.28) or Colorado (Colorado Revised Statutes § 18-6-800.3).
- f. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Florida or Colorado.

Stalking, defined as:

- g. engaging in a course of conduct,
- h. on the basis of sex,
- i. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. suffer substantial emotional distress.

For the purposes of this definition:

1. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
3. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

AdventHealth University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy.

Force, Coercion, Consent, and Incapacitation

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.>").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that

they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

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

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

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

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

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

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

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

Consent in relationships must also be considered in context. When parties consent to BDSM¹ or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so AdventHealth University’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an

¹ Bondage, discipline/dominance, submission/sadism, and masochism.

objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

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

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

Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, the Recipient additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this Policy. Examples of Sexual Exploitation include, but are not limited to:
 - Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - Invasion of sexual privacy.
 - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent), including the making or posting of revenge pornography
 - Prostituting another person
 - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the infection
 - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
 - Misappropriation of another person’s identity on apps, websites, or other venues designed for dating or sexual connections
 - Forcing a person to take an action against that person’s will by threatening to show, post, or share information, video, audio, or an image that depicts the person’s nudity or sexual activity
 - Knowingly soliciting a minor for sexual activity
 - Engaging in sex trafficking

- Creation, possession, or dissemination of child pornography
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Recipient community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
- Bullying, defined as:
 - Repeated and/or severe or Aggressive behavior
 - Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
 - That is not speech or conduct otherwise protected by the First Amendment.

Violation of any other Recipient policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

Retaliation

Protected activity under this Policy includes reporting an incident that may implicate this Policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. AdventHealth University will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

AdventHealth University and any member of AdventHealth University's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege provided within Process A that is not provided by Process B. Therefore, AdventHealth University vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Mandated Reporting

All AdventHealth University employees (faculty, staff, administrators, adjuncts, and RAs) are expected to report actual or suspected sexual harassment or retaliation to appropriate officials immediately, though there are some limited exceptions. Student workers other than RAs are not mandatory reporters but are encouraged to report.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected sexual harassment or retaliation. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

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

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

Confidential Resources

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

- On-campus licensed professional counselors working within the scope of their licensure
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination
- Off-campus (non-employees):
 - Licensed professional counselors and other medical providers
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains
 - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Employees who are confidential resources and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes to the Title IX Coordinator.

Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

An anonymous notice will be investigated by AdventHealth University to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, an anonymous notice typically limits AdventHealth University's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

Mandated Reporters and Formal Notice/Complaints

All employees of AdventHealth University (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

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

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or to seek a specific response from AdventHealth University.

Supportive measures may be offered as the result of such disclosures without formal AdventHealth University action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of sexual harassment or retaliation of which they become aware is a violation of AdventHealth University policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this Policy, they still have a duty to report their own misconduct, though AdventHealth

University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

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

When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether AdventHealth University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires AdventHealth University to pursue formal action to protect the community.

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

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and AdventHealth University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When AdventHealth University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that AdventHealth University's ability to remedy and respond to notice may be limited if the Complainant does not want AdventHealth University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing AdventHealth University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow AdventHealth University to honor that request, AdventHealth University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by AdventHealth University, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, AdventHealth University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

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

False Allegations and Evidence

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

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation, can be subject to discipline under AdventHealth University policy.

Amnesty for Complainants and Witnesses

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

It is in the best interests of the AdventHealth University's community that Complainants choose to report misconduct to AdventHealth University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, AdventHealth University maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves. For example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the Office of Security.

AdventHealth University maintains a policy of amnesty for students who offer help to others in need.

Employees: Sometimes, employees are hesitant to report sexual harassment or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to AdventHealth University officials.

AdventHealth University may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

Preservation of Evidence

The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time-sensitive. The Recipient will inform the Complainant of the importance of preserving evidence by taking the following actions:

1. Seek forensic medical assistance at the hospital, ideally within 120 hours of the incident (sooner is better)
2. Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
3. Try not to urinate.
4. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
5. If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
6. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be reiterated, if timely.

Examples of Sexual Harassment

Some examples of possible sexual harassment include:

- A professor offers for a student to have sex or go on a date with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised, or a bad grade is threatened.
- A student repeatedly sends graphic, sexually oriented jokes and pictures around campus via social media to hundreds of other students. Many don't find it funny and ask them to stop, but they do not. Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.
- A professor engages students in class in discussions about the students' past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.

- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.

Examples of Stalking

- Students A and B were “friends with benefits.” Student A wanted a more serious relationship, which caused student B to break it off. Student A could not let go, and pursued student B relentlessly. Student B obtained a campus no-contact order. Subsequently, Student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if they had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX Coordinator, Student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.
- A graduate student working as an on-campus tutor received flowers and gifts. After learning the gifts were from a student, they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the tutor’s car, both on-campus and at home. Asked again to stop, the student stated by email, “You can ask me to stop, but I’m not giving up. We are meant to be together, and I’ll do anything to make you have the feelings for me that I have for you.” When the tutor did not respond, the student emailed again, “You cannot escape me. I will track you to the ends of the earth. If I can’t have you, no one will.”

Examples of Sexual Assault

- Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00 pm until 3:00 am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being “a prude.” He brings up several rumors that he has heard about how she performed oral sex on a number of other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to “jerk him off” (hand to genital contact). Amanda would have never done it but for Bill's incessant advances. He feels that he successfully seduced her and that she wanted to do it all along but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn't want it, she could have left.
- Jiang is a junior. Beth is a sophomore. Jiang comes to Beth’s residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, soon become more intimate, and start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a babysitter at the age of five and avoids sexual relations as a result, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses, and begins to have intercourse

with Beth, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop but cannot. Beth is stiff and unresponsive during the intercourse.

Examples of Retaliation:

- A faculty member alleges gender inequity in pay within her department; the Department Chair then revokes his approval for her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."
- A student from Organization A participates in a sexual harassment investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation.

Framework for Informal Resolution

AHU has framed a process for IR that includes:

1. A response based on supportive measures; and/or
2. A response based on a Respondent accepting responsibility; and/or
3. A response based on alternative resolution, which could include various approaches and facilitation of dialogue.

Alternative resolution approaches like mediation, restorative practices, transformative justice, etc., are likely to be used more and more often by colleges and universities. AHU does not endorse these approaches as better or worse than other formal or informal approaches.

AHU believes that if they are to be used in, and are effective for, sex offenses, they need to be designed and executed carefully and thoughtfully and be facilitated by well-trained administrators who take the necessary time to prepare and lay a foundation for success. Although no approach is a panacea, the framework below can help to lay that foundation, regardless of which approach(es) are used.

Here are the principles to be considered for supporting various approaches to informal resolution:

- IR can be applied in any sex/gender-based interpersonal conflict but may not be appropriate or advisable in cases involving violent incidents (sexual violence, stalking, domestic and dating violence, severe sexual harassment, sexual exploitation, etc.)
- Situations involving dangerous patterns or significant ongoing threat to the community should not be resolved by IR.
- The determination of whether to permit an IR-based resolution is entirely at the discretion of the Title IX Coordinator (TIXC) and in line with the requirements for IR laid out in the Title IX regulations.
- Any party can end IR early-, mid-, or late-process for any reason or no reason.
- IR can be attempted before and in lieu of formal resolution as a diversion-based resolution (although a formal complaint must be filed if you are within Section 106.30, per OCR).

- Alternative approaches can inform formal resolution, as in a formal resolution model infused with restorative practices.
- IR could be deployed after formal resolution, as an adjunct healing/catharsis opportunity (that could potentially mitigate sanctions or be a form of sanction).
- Alternate Resolution approaches to IR must be facilitated by the AdventHealth University or a third-party. There may be value in creating clearly agreed-upon ground rules, which the parties must sign in advance and agree to abide by, otherwise the informal resolution process will be deemed to have failed.
- Technology-facilitated IR can be made available, should the parties not be able or willing to meet in person.
- If IR fails, a formal resolution can take place thereafter. No evidence elicited within the “safe space” of the IR facilitation is later admissible in the formal resolution unless all parties consent.
- With cases involving violence, the preferred alternative approach typically involves a minimal number of essential parties and is not a wide restorative circle approach in order to ensure confidentiality.
- Some approaches require a reasonable gesture toward accountability (this could be more than an acknowledgement of harm) and some acceptance, or at least recognition, by the Respondent that catharsis is of value and likely the primary goal of the Complainant. A full admission by the Respondent is not a prerequisite. This willingness needs to be vetted carefully in advance by the TIXC before determining that an incident is amenable/appropriate for resolution by IR.
- IR can result in an accord or agreement between the parties (Complainant, Respondent, AdventHealth University), which is summarized in writing by and enforced by AdventHealth University. This can be a primary goal of the process.
- IR can result in the voluntary imposition of safety measures, remedies, and/or agreed-upon resolutions by the parties, that are enforceable by AdventHealth University. These can be part of the accord/agreement.
- As a secondary goal, IR can result in the voluntary acceptance of “sanctions,” meaning that a Respondent could agree to withdraw, self-suspend (by taking a leave of absence), or undertake other restrictions/transfers/online course options that would help to ensure the safety/educational access of the Complainant, in lieu of formal sanctions that would create a formal record for the Respondent. These are enforceable by AdventHealth University as part of the accord/agreement, as may be terms of mutual release, non-disparagement, and/or non-disclosure.
- Although a non-disclosure agreement (NDA) could result from IR, it would have to be mutually agreed-upon by the parties in an environment of non-coercion verified by the TIXC.
- Institutions must develop clear rules for managing/facilitating the conference/meeting/dialogue of alternative resolution approaches, to ensure they are civil, age-appropriate, culturally-competent, reflective of power imbalances, and maximize the

- potential for the resolution process to result in catharsis, restoration, remedy, etc., for the harmed party(ies)

Resolution Process A

AHU Interim Resolution Process¹ for Alleged Violations of the Policy on Harassment and Non-Discrimination (Known as Process “A”)

Overview

AdventHealth University will act on any formal or informal notice/complaint of violation of the Harassment and Non-Discrimination Policy that is received by the Title IX Coordinator² or any other Official with Authority by applying these procedures, known as “Process A.”

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps AdventHealth University needs to take.

The Title IX Coordinator will initiate at least one of three responses:

1. Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
2. An informal resolution (upon submission of a formal complaint); and/or
3. A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

The AdventHealth University uses the Formal Grievance Process to determine whether or not the policy has been violated. If so, AdventHealth University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects.

Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator³ engages in an initial assessment, typically within one (1) to five (5) business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.

¹ For recipients with Formal Grievance Processes enabling students and/or employees to challenge AdventHealth University action, it is recommended that allegations under this Policy be exempted from that process and replaced with the resolution process outlined here. Most existing grievance proceedings are neither equitable (by definition), nor are they sufficiently prompt to satisfy Title IX.

² Anywhere this procedure indicates “Title IX Coordinator,” the recipient may substitute a trained designee.

³ If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution.
 - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
 - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate concern, based on the nature of the complaint.
- If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply and refers the matter for resolution under Process B. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit AdventHealth University’s authority to address a complaint with an appropriate process and remedies.

Violence Risk Assessment

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by two (2) or more VRA trained members of the Behavioral Intervention Team (BIT) as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;

- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to communicate with a transfer recipient about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other BIT team members.

A VRA authorized by the Title IX Coordinator should occur in collaboration with the BIT or threat assessment team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., a seventy-two-hour mental health hold in Colorado, Baker Act in Florida), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about AdventHealth University's process for VRA can be found below in [Appendix B](#).

Dismissal (Mandatory and Discretionary)¹

AdventHealth University must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1. The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the AHU Harassment and Non-Discrimination Policy, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by AdventHealth University (including buildings or property controlled by recognized student organizations), and/or AdventHealth University does not have control of the Respondent; and/or
3. The conduct did not occur against a person in the United States; and/or
4. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education programs or activities of AdventHealth University.²

¹ These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

² Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable.

AdventHealth University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
2. The Respondent is no longer enrolled in or employed by AdventHealth University; or
3. Specific circumstances prevent AdventHealth University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, AdventHealth University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Counterclaims

AdventHealth University is obligated to ensure that the grievance process is not abused for retaliatory purposes. AdventHealth University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this Policy.

Right to an Advisor

The parties may each have an Advisor¹ of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.²

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

¹ This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally). AdventHealth University only permits one advisor.

² "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the AdventHealth University community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from AdventHealth University, the Advisor will be trained by the AdventHealth University and be familiar with AdventHealth University's resolution process.

If the parties choose an Advisor from outside the pool of those identified by AdventHealth University, the Advisor may not have been trained by AdventHealth University and may not be familiar with AdventHealth University policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

AdventHealth 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, AdventHealth University is not obligated to provide an attorney.

Advisors in Hearings/AdventHealth University-Appointed Advisor

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, AdventHealth University will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, AdventHealth University will appoint an Advisor who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and AdventHealth University's policies and procedures.

Advisor Violations of AdventHealth University Policy

All Advisors are subject to the same AdventHealth University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address AdventHealth University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent

their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

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

Any Advisor who oversteps their role as defined by this Policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Sharing Information with the Advisor

AdventHealth University expects that the parties may wish to have AdventHealth University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

AdventHealth University also provides a consent form that authorizes AdventHealth University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before AdventHealth University is able to share records with an Advisor.

Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by AdventHealth University. AdventHealth 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 AdventHealth University's privacy expectations.

Expectations of an Advisor

AdventHealth University generally expects an Advisor to adjust their schedule to allow them to attend AdventHealth University meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

AdventHealth University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

Assistance in Securing an Advisor

For representation, Respondents 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>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>

Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with AdventHealth University policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. AdventHealth University encourages parties to discuss any sharing of information with their Advisors before doing so.

Informal Resolution

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism including mediation, restorative practices, etc., ;
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or.
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, AdventHealth University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by AdventHealth University.

AdventHealth University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

Alternate Resolution Mechanism

Alternate Resolution is an informal mechanism, including mediation or restorative practices, etc., by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

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

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and AdventHealth University. Negotiated Resolutions are not appealable.

Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. External trained third-party neutral professionals may also be used to serve in pool roles. Members of the Pool are announced in an annual distribution of this Policy to all students, parents/guardians of students, employees, prospective students, and prospective employees. They are also listed in the Annual Title IX Report published by the Title IX Office.

[View Grievance Process Pool Members](#)

Pool Member Roles

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

- To act as an Advisor to the parties
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker(s) regarding the complaint
- To serve as an Appeal Decision-maker

Pool Member Appointment

The Title IX Coordinator appoints the Pool which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, AdventHealth University can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

Pool Member Training

The Pool members receive annual training. This training includes, but is not limited to:

- The scope of AdventHealth University’s Sexual Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance

- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by AdventHealth University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and/or retaliation allegations
- Recordkeeping

Specific training is also provided for Appeal Decision-makers, Advisors (who are AdventHealth University employees), and Hearing Panel Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly available. View [Training Materials](#).

Pool Membership

The Pool consists of faculty and staff employees, or Title IX trained external parties as needed. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,

- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that AdventHealth University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about AdventHealth University's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that AdventHealth University's policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the parties may request disability accommodations during the interview process,
- A link to the AdventHealth University's VAWA Information (PDF),
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

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

Resolution Timeline

AdventHealth University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as a estimate of how much additional time will be needed to complete the process.

Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) to four (4) business days of determining that an investigation should proceed.

Ensuring Impartiality

Any individual materially involved in the administration of the resolution process may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the President.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained.

AdventHealth University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

AdventHealth University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Delays in the Investigation Process and Interactions with Law Enforcement

AdventHealth University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to:

- a request from law enforcement to temporarily delay the investigation
- the need for language assistance
- the absence of parties and/or witnesses
- and/or accommodations for disabilities or health conditions.

AdventHealth University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. AdventHealth University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, AdventHealth University will implement supportive measures as deemed appropriate.

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

Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

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

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
- Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding

- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which AdventHealth University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant’s Advisor, Respondent’s Advisor)
- The Investigator(s) may elect to respond in writing in the investigation report to the parties’ submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties’ written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator(s) share(s) the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of AdventHealth University are expected to cooperate with and participate in AdventHealth University’s investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., pandemics, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. AdventHealth University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to¹ audio and/or video recording.

Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select appropriate Decision-makers from the Pool depending on whether the Respondent is an employee or a student.

Hearing Decision-maker Composition

AdventHealth University will designate a three-member panel from the Pool, at the discretion of the Title IX Coordinator. One of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-makers will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

¹ Consent of the interviewer and interviewee is required in “dual-party recording” states. Florida is a dual-party consent state. Colorado is a one-party consent state.

Evidentiary Considerations in the Hearing

Any evidence that the Decision-makers determine is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming that AdventHealth University uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-makers at the sanction stage of the process when a determination of responsibility is reached.

After post hearing deliberation, the Decision-makers renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the policy as alleged.

Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-makers and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.

- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-makers. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and AdventHealth University will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-makers about the matter, unless they have been provided already.[9]
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- That parties cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by AdventHealth University and remain within the 60-90 business day goal for resolution.

Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

Pre-Hearing Preparation

The Chair or hearing facilitator after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not

assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-makers at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-makers a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant.

The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will be recorded.

Hearing Procedures

At the hearing, the Decision-makers have the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on

any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-makers and the parties and the witnesses will then be excused.

Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-makers on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-makers and the parties (through their Advisors). The Investigators will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-makers should ask the Investigators their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

Testimony and Questioning

Once the Investigators present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-makers and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

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

Refusal to Submit to Cross-Examination and Inferences

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-makers may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-makers must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

Cross-examination is an all or nothing proposition, meaning that if any question is refused, no statements of that party or witness are admissible. Only if a party or witness is willing to submit to cross-examination, and answers all questions, will their statements prior to or at the hearing be fully admissible. If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard all statements. Evidence provided that is something other than a statement by the party or witness may be considered.

Whether a party or witness does or does not answer questions from the Decision-maker, their statements will be admissible as long as they are willing to submit to cross-examination questions,

even if they are not asked such questions. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

Recording Hearings

Hearings (but not deliberations) are recorded by AdventHealth University for purposes of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted.

The Decision-makers, the parties, their Advisors, and appropriate administrators of AdventHealth University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

Deliberation, Decision-making, and Standard of Proof

The Decision-makers will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-makers may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-makers may – at their discretion – consider the statements, but they are not binding.

The Decision-makers will review the statements and will determine the appropriate sanction(s).

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within four (4) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome may be reviewed by legal counsel. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any

applicable sanction(s) with the parties and their Advisors within five (5) to seven (7) business days of receiving the Decision-makers' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official AdventHealth University records, or emailed to the parties' AdventHealth University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by AdventHealth University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent AdventHealth University is permitted to share such information under state or federal law; any sanctions issued which AdventHealth University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to AdventHealth University's educational or employment programs or activities, to the extent AdventHealth University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by AdventHealth University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

Statement of the Rights of the Parties

See [Appendix A](#)

Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the sexual harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation
- The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

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

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

Student Sanctions

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

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any AdventHealth University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling:* A mandate to meet with and engage in either AdventHealth University-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on citizenship probation through the remainder of their tenure as a student at AdventHealth University.
- *Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend AdventHealth University-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's record in the student information system.
- *Other Actions:* In addition to or in place of the above sanctions, AdventHealth University may assign any other sanctions as deemed appropriate.

Employee Sanctions/Responsive Actions

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

- *Warning – Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*

- *Delay of rank promotion progress*
- *Assignment to new supervisor*
- *Restriction of stipends, research, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, AdventHealth University may assign any other responsive actions as deemed appropriate.

Withdrawal or Resignation While Charges Pending

Students

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from AdventHealth University, the resolution process ends, as AdventHealth University no longer has disciplinary jurisdiction over the withdrawn student.

However, AdventHealth University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation. The student who withdraws or leaves while the process is pending may not return to AdventHealth University. Such exclusion applies to all campuses of AdventHealth University. Admissions will be notified that they cannot be readmitted. They may also be barred from AdventHealth University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely, and that student is not permitted to return to AdventHealth University unless and until all sanctions have been satisfied.

Employees

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as AdventHealth University no longer has disciplinary jurisdiction over the resigned employee.

However, AdventHealth University will continue to address and remedy any systemic issues that contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire with AdventHealth University and the records retained by the Title IX Coordinator will reflect that status.

All AdventHealth University responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

Appeals

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within five (5) days of the delivery of the Notice of Outcome.

A three-member appeal panel chosen from the Pool will be designated by the Title IX Coordinator. No appeal panelists will have been involved in the process previously, including any dismissal

appeal that may have been heard earlier in the process. A voting Chair of the Appeal panel will be designated.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Grounds for Appeal

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties, and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-makers.

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-makers will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigators and/or original Decision-makers, as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, and the Panel will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which AdventHealth University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent AdventHealth University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' AdventHealth University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

AdventHealth University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-makers merely because they disagree with the finding and/or sanction(s).
- The Appeal Decision-makers may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigators and/or Decision-makers for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-makers (as in cases of bias), the appeal may order a new hearing with new Decision-makers.
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to AdventHealth University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

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

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

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

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

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

Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

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

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

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Recordkeeping

AdventHealth University will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;

3. Any remedies provided to the Complainant designed to restore or preserve equal access to AdventHealth University's education programs or activities;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. AdventHealth University will make these training materials publicly available on AdventHealth University's website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to AdventHealth University's education programs or activities; and
 - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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

Disabilities Accommodations in the Resolution Process

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

Anyone needing such accommodations or support should contact the Director of Disability Services or HR Shared Services (Call1-844-843-6363) if employee, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. AdventHealth University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

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

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

Resolution Process B

AHU Interim Resolution Process for Alleged Violations of the Policy Harassment and Non-discrimination (known as Process “B”)

AdventHealth University will act on any formal or informal allegation or notice of violation of the Harassment and Non-Discrimination Policy that is received by the Title IX Coordinator¹ or any other Official with Authority, with the exception of confidential resources, as articulated in the Harassment and Non-Discrimination Policy.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of AdventHealth University’s non-discrimination Policy, the Title IX Coordinator² engages in an initial assessment, which is typically one (1) to five (5) business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
 - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
 - If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
 - Incident, and/or
 - A potential pattern of misconduct, and/or
 - A culture/climate issue.
- In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by two (2) or more VRA trained members of the Behavioral

¹ All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.

² If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- Intervention Team (BIT) as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
- Interim suspension of a Respondent who is a threat to health/safety;
- Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potentially predatory conduct;
- To help assess/identify grooming behaviors;
- Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to communicate with a transfer Recipient about a Respondent;
- Assessment of appropriate sanctions/remedies;
- Whether a Clery Act Timely Warning/Trespass order is needed.

More about the AdventHealth University’s process for VRA can be found in [Appendix B](#).

Based on the initial assessment, the AdventHealth University will initiate one of two responses:

- Informal Resolution – typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
- Administrative Resolution – investigation of policy violation(s) and recommended finding, subject to a determination by the Title IX Coordinator or Decision-maker(s) and the opportunity to appeal to an Appeal Panel.

The investigation and the subsequent Administrative Resolution determine whether the non-discrimination policy has been violated. If so, AdventHealth University will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

Resolution Process Pool

The resolution processes rely on a pool of officials (“Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all students, parents/guardians of students, employees, prospective students, and prospective employees.

[View Grievance Process Pool Members](#)

Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To act as optional process Advisors to the parties

- To investigate allegations
- To serve as a Decision-maker
- To serve on an Appeal Panel

The Title IX Coordinator carefully vets Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training, including a review of AdventHealth University's policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

This training includes, but is not limited to:

- The scope of AdventHealth University's Non-Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by AdventHealth University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be use
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

Specific training is also provided for Appeal Decision-makers and Advisors. All Pool members are required to attend this annual training.

The Resolution Process Pool consists of faculty and staff employees. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

Counterclaims

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. AdventHealth University is obligated to ensure that any process is not abused for retaliatory purposes.

AdventHealth University permits the filing of counterclaims, but uses the initial assessment, described in the Policy, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

Advisors

Expectations of an Advisor

AdventHealth University generally expects an Advisor to adjust their schedule to allow them to attend AdventHealth University meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

AdventHealth University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by AdventHealth University policies and procedures may face the loss of that Advisor and/or possible Policy violations.

Advisors are expected to consult with their advisees without disrupting AdventHealth meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

Expectations of the Parties with Respect to Advisors

Each party may choose an Advisor¹ who is eligible and available² to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

¹ This could include an attorney, advocate, or support person. Witnesses are not entitled to Advisors within the process, though they can be advised externally.

² "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time.

Upon written request of a party, AdventHealth University will copy the Advisor on all communications between the AdventHealth University and the party.

Assistance in Securing an Advisor

For representation, Respondents 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>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>

Resolution Options

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with AdventHealth University Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose but are encouraged to discuss with their Advisors first before doing so.

Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternate Resolution mediation, restorative practices, etc., or when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the fact, Administrative Resolution may be pursued.

Alternate Resolution

Alternate Resolution is an informal process, such as mediation or restorative practices, by which a mutually agreed upon resolution of an allegation is reached. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Alternate Resolution.

The Title IX Coordinator determines if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution.

In a Alternate Resolution meeting, a trained administrator facilitates a dialogue with the parties to an effective resolution, if possible. Institutionally-imposed sanctions are not possible as the result of a Alternate Resolution process, though the parties may agree to accepted sanctions and/or appropriate remedies.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Administrative Resolution process is completed should the parties and the Title IX Coordinator believe it could be beneficial. The results of Alternate Resolution are not appealable.

Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator makes a determination that the individual is in violation of AdventHealth University's Policy.

The Title IX Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator has determined appropriate sanction(s) or responsive actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The parties are still able to seek Alternate Resolution on the remaining allegations, subject to the stipulations above.

Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement any agreement to resolve the allegations that satisfies all parties and AdventHealth University.

Administrative Resolution

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by Harassment, and Non-discrimination Policy at any time during the process. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least two (2) business days in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent

address of the parties as indicated in official AdventHealth University records, or emailed to the parties' AdventHealth University-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

AdventHealth University aims to complete all investigations within a sixty-to-ninety (60-90) business days, which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) to four business days of determining that an investigation should proceed.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the President.

Investigations are completed expeditiously, normally within 30 business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

AdventHealth University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

AdventHealth University may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the Recipient's resolution process are being investigated by law enforcement. AdventHealth University will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.

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

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, though the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

Investigation

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

- Determine the identity and contact information of the Complainant

- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of a Pool member as a process Advisor appointed by AdventHealth University or other Advisor of their choosing present for all meetings attended by the advisee
- When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within five (5) business days and incorporate that response into the report
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Share the report with the Title IX Coordinator or legal counsel for review and feedback

- Provide the final assessment report to the Title IX Coordinator which will include all the information gathered in an orderly and synthesized manner.

Determination

Within four (4) business days of receiving the Investigator’s recommendation, the Title IX Coordinator or a trained, designated Decision-maker(s) from the Pool¹ reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Title IX Coordinator/Decision-maker(s) may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The recommendation of the investigation should be strongly considered but is not binding on the Title IX Coordinator/Decision-Maker(s). The Title IX Coordinator or Decision-maker(s) may invite and consider impact statements from the parties if and when determining appropriate sanction(s), if any.

The Title IX Coordinator then timely provides the parties with a written Notice of Outcome to include findings, any sanction(s), and a detailed rationale, delivered simultaneously (without undue delay) to the parties

Additional Details of the Investigation Process

Witness responsibilities

Witnesses (as distinguished from the parties) who are employees of AdventHealth University are expected to cooperate with and participate in AdventHealth University’s investigation and resolution process. Failure of a witness to cooperate with and/or participate in the investigation or resolution process constitutes a violation of Policy and may be subject to discipline.

Remote processes

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) or Decision-maker(s) determine that timeliness or efficiency dictates a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. Where remote technologies are used, the Recipient makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

Recording

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to² audio and/or video recording.

¹ When the Title IX Coordinator is the Investigator or has been heavily involved in the process prior to determination, a Decision-maker(s) should be designated from the Pool to ensure there is no conflict of interest.

² Consent of the interviewer and interviewee is required in “dual-party recording” states.

Evidence

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

Sexual history/patterns

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or (3) the irrelevant character of the parties.

Previous allegations/violations

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s), if the Recipient uses a progressive discipline system.

Character witnesses

Character witnesses or evidence may be offered. The investigation and hearing will determine if the character evidence is relevant. If so, it may be considered. If not, it will be excluded.

Notification of outcome

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator/Decision-Maker(s) determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator informs the parties of the determination within five (5) business days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official AdventHealth University records; or emailed to the parties' AdventHealth University-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which AdventHealth University is permitted to share pursuant to state or federal law, and the rationale supporting the essential findings to the extent AdventHealth University is permitted to share under state or federal law.

The notice will detail when the determination is considered final and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found in section 11 below.

Sanctions

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

Student Sanctions

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

- *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any AdventHealth University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling:* A mandate to meet with and engage in either AdventHealth University-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation:* A written reprimand for violation of institutional Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at AdventHealth University.

- *Expulsion:* Permanent termination of student status, revocation of rights to be on campus for any reason or attend AdventHealth University-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's record in the student information system.
- *Other Actions:* In addition to or in place of the above sanctions AdventHealth University may assign any other sanctions as deemed appropriate.

Employee Sanctions

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

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions, the AdventHealth University may assign any other sanctions as deemed appropriate.

Withdrawal or Resignation While Charges are Pending

Students: If the student Respondent withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely, and the respondent will be held to the sanctions decided.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any AdventHealth University responses to future inquiries regarding employment references for that individual will include the former employee's unresolved status.

Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the written finding of the Title IX Coordinator or Decision-maker(s). Any party may appeal the findings only under the grounds described below.

A three-member appeals panel chosen from the Pool will be designated by the Title IX Coordinator from those who have not been involved in the process previously. One member of the Appeal Panel will be designated as the Chair. Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, failure to correctly apply the evidentiary standard).

- To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies) or other appropriate persons such as the Investigator(s), who may file a response within five (5) business days. The other party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within five (5) business days. These responses or appeal requests will be shared with each party. The Appeal Chair/Panel will review the appeal request(s) within five (5) business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the appeal Chair/Panel dismisses the appeal.

When the appeal Chair/panel finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Chair/Panel are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeal Chair/Panel to substitute their judgment for that of the original Investigator(s) or Title IX Coordinator/Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Chair/Panel.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- All parties will be informed in writing within five (5) business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand.
- In rare cases when a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the Appeal Chair/Panel may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator.
- The results of a new Administrative Resolution process can be appealed once, on any of the two applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to AdventHealth University or resumption of privileges, all reasonable attempts will be made to restore the

Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

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

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

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by the Recipient to the Respondent.

Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Panel).

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

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Recordkeeping

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept for a period of at least seven years, by the Title IX Coordinator in the Title IX case database.

Statement of the Rights of the Parties

See [Appendix A](#).

Disabilities Accommodation in the Resolution Process

AdventHealth University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at AdventHealth University. Anyone needing such accommodations or support should contact the Director of Disability Services or HR Shared Services (Call 1-844-843-6363) if employee, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

Revision

These procedures will be reviewed and updated annually by the Title IX Coordinator. AdventHealth University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure.

Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the party's consent to be bound by the current policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

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

Alcohol and Drug Policy

Alcohol Policy

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

Students at AdventHealth University are expected to be acquainted with and abide by state laws and University regulations regarding alcohol and drugs. AHU Campus Security enforces the drug and alcohol policies on campus. The Orlando Police Department (OPD) is responsible for enforcing state underage drinking laws and federal and state drug laws. If an incident has evidence of breaking federal/state drug or alcohol laws, the incident will be passed on to local law enforcement. Students are also expected to be aware of the social, physiological, and psychological consequences of excessive drinking. The University provides educational resources on alcohol and drug abuse and counseling services.

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

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

Drug Policy

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

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

Medical and Non-Medical Marijuana Use

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

Legally Obtained Substances

The use or misuse of any legally obtained substance to render oneself intoxicated or in a state of euphoria is strictly prohibited on campus premises and at University-sponsored activities and events. Students or employees found under the influence, using, manufacturing, or distributing said substances for this purpose will face disciplinary actions up to and including permanent dismissal/termination.

Sanctions

There are substantial legal sanctions pursuant to state or federal law which may be levied against students or employees for the unlawful manufacture, distribution, possession, or use of an illicit drug, controlled substance, tobacco, or alcohol. If an incident has evidence of breaking federal/state drug or alcohol laws, the incident will be passed on to local law enforcement in

additional to institution-imposed sanctions. The law often treats drug offenses as a criminal matter, punishable by substantial fines, imprisonment, or other severe sanctions.

State and Federal Regulations

There are substantial legal sanctions pursuant to state or federal law which may be levied against students or employees for the unlawful manufacture, distribution, possession, or use of an illicit drug, controlled substance, tobacco, or alcohol. The law often treats drug offenses as a criminal matter, punishable by substantial fines, imprisonment, or other severe sanctions.

Florida State Laws Concerning Illicit Drugs

Complete information on Florida state laws regarding illicit drugs can be found at:

[Florida Statute, Title XLVI, Chapter 893, Florida Comprehensive Drug Abuse Prevention and Control Act](#)

Florida State Laws Concerning Alcohol and Tobacco

Complete information on Florida state laws regarding alcohol and tobacco can be found at:

[Florida Statute, Title XXXIV, Chapter 562, Alcoholic Beverages and Tobacco, Beverage Law: Enforcement](#)

Federal Drug Laws and Penalties

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

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

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

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

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

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

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

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

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

Federal Drug Possession Penalties

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

Drug and Alcohol Abuse Prevention

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

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

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

Biennial Review

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

Crime Statistics

Crime Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dating Violence is *violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship would be determined*

based on the length of the relationship the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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

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

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

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

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

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

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

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

Offense	Year	On-Campus (University)	On-Campus (Hospital)	Non-Campus Property	Public Property
Criminal Offenses					
Murder/non-negligent manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Negligent manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Fondling	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Incest	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Robbery	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2022	0	5	0	0
	2023	0	0	0	0
Burglary	2021	3	0	0	0
	2022	0	0	0	0
	2023	0	2	1	0
Motor Vehicle Theft	2021	0	0	0	0
	2022	0	3	0	0
	2023	0	0	0	1
Arson	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Offense	Year	On-Campus (University)	On-Campus (Hospital)	Non-Campus Property	Public Property
VAWA Offences					
Domestic Violence	2021	0	1	0	0
	2022	0	0	0	0
	2023	0	1	0	0
Dating Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Stalking	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Offense	Year	On-Campus (University)	On-Campus (Hospital)	Non-Campus Property	Public Property
Arrests and Disciplinary Referrals					
Arrests: Weapons: Carrying, Possessing, etc.	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	2021	0	0	0	0
	2022	1	0	0	0
	2023	0	0	0	0
Arrests: Drug Abuse Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Arrests: Liquor Law Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

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

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

Appendices

Appendix A: Statement of Rights of the Parties

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or retaliation made in good faith to AdventHealth University officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by AdventHealth University officials.
- The right to have AdventHealth University policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by AdventHealth University officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by AdventHealth University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by AdventHealth University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by AdventHealth University law enforcement and/or other AdventHealth University officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to an AdventHealth University-implemented no trespass order or no-contact order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.

- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of sexual harassment and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Relocating an on-campus student's housing to a different on-campus location
 - Assistance from AdventHealth University staff in completing the relocation
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation accommodations
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and a pro-rated refund
 - Exam, paper, and/or assignment rescheduling or adjustment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options.
- The right to have AdventHealth University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair AdventHealth University's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigators and Decision-makers to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigators/Decision-makers with a list of questions that, if deemed relevant by the Investigators/Chair, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigators with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.

- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged policy violations addressed by Investigators, Title IX Coordinators, and Decision-makers who have received relevant annual training.
- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any AdventHealth University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence; to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-makers following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by AdventHealth University is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by AdventHealth University.
- The right to a fundamentally fair resolution as defined in these procedures.

Appendix B: Violence Risk Assessment (VRA)

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

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other Behavioral Intervention Team (BIT) members.

A VRA occurs in collaboration with the BIT, and or threat assessment team and must be understood as an on-going process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., A seventy-two-hour mental health hold in Colorado, Baker Act in Florida), nor is it a psychological or mental health assessment.

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

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

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

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the violence risk assessment process through the BIT. The BIT will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor will follow the process for conducting a violence risk assessment as outlined in the BIT manual and will rely on a consistent, research-based, reliable system that allows for the operationalization of the risk levels.

Some examples of formalized approaches to the VRA process include: The NaBITA Risk Rubric,¹ The Structured Interview for Violence Risk Assessment (SIVRA-35),² The Extremist Risk Intervention Scale (ERIS),³ Looking Glass,⁴ Workplace Assessment of Violence Risk (WAVR-21),⁵ Historical Clinical Risk Management (HCR-20),⁶ and MOSAIC.⁷

¹ www.nabita.org/tools

² www.nabita.org/resources/assessment-tools/sivra-35/

³ www.nabita.org/resources/assessment-tools/eris/

⁴ www.nabita.org/looking-glass

⁵ www.wavr21.com

⁶ www.hcr-20.com

⁷ www.mosaicmethod.com

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

The BIT or threat team's member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community.

Emergency 911

Orlando Police Department

321-235-5300 (Non-Emergency)

2024

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Director of Security

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Hospital Security

AdventHealth Orlando Hospital

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407-303-4819 (Non-Emergency)

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