

SEXUAL MISCONDUCT, DOMESTIC/RELATIONSHIP VIOLENCE & STALKING POLICY

[Reporting Flow Chart – What happens next?](#)

I. STATEMENT OF POLICY

Saint Leo University is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse where the dignity, value, and gifts of all people are recognized and protected. To that end, this policy prohibits Sexual Misconduct, which includes Sexual or Gender-Based Harassment, Sexual Assault, and Sexual Exploitation. This policy also prohibits Domestic/Relationship Violence, Stalking, and Retaliation against an individual for making a good faith report of conduct prohibited under this policy. These prohibited forms of conduct will not be tolerated; such conduct is unlawful and undermines our commitment to each other, our University and to God to embrace the University's core values of excellence, community, respect, personal development, responsible stewardship, and integrity.

The University is committed to taking prompt action to respond to reports of Sexual Misconduct which includes all forms of Domestic/Relationship Violence, Stalking and Sexual Assault and to educate its students and employees through various prevention, awareness, and training programs.

The purpose of this policy is to: (1) prevent Sexual Misconduct, including Sexual or Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Domestic/Relationship Violence, Stalking, and Retaliation ("Prohibited Conduct"); (2) develop a community where such conduct is not tolerated; (3) nurture a climate where all members of our community are informed, aware, and encouraged to report instances of Prohibited Conduct; and (4) describe the standards used to evaluate violations of this policy.

This policy defines Prohibited Conduct, lists available resources and reporting options available to students and employees describes the applicable investigative and disciplinary procedures.

Saint Leo University does not discriminate on the basis of sex or gender in its education or employment programs and activities. This policy is intended to comply with applicable legal requirements including Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"); and, in Florida, with Florida state laws, including the Florida Civil Rights Act.

II. SCOPE AND APPLICABILITY

This policy applies to the following individuals, which are referred to as Covered Persons:

- All employees, whether full-time or part-time staff, faculty, clergy, members of a collective bargaining unit, adjunct faculty, temporary staff, volunteers, interns or student-workers; members of the Board of Trustees.
- All "Students" defined as any person who is admitted and enrolled at Saint Leo University (University Campus, Undergraduate, Graduate, On-line, and Educational Centers) for any academic period. Persons who are not officially registered for a particular term but who have a

continuing student relationship with Saint Leo University are considered “students” for purposes of applying this Code. A person is also considered a student for purposes of this Code during any period while the student is under suspension from the University or when the person is attending or participating in any activity preparatory to the beginning of school.

- All participants in Saint Leo University study abroad programs or other travel programs, including SERVE trips; and any other organized off-campus trip;
- Any contractor, vendor, visitor or guest or other third parties within the University’s control;

This policy applies to acts of Prohibited Conduct committed by Covered Persons when (1) the conduct occurs on University campus, Centers, or at any other location owned, leased or used by the University; (2) the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad or internship programs; or (3) the conduct occurs outside of a University employment or education program or activity, but adversely impacts the University or its students and employees.

III. APPLICABLE PROCEDURES UNDER THIS POLICY

The status of the Respondent determines the specific investigative and disciplinary procedures for Prohibited Conduct that will apply. When a Respondent is a Student, the procedures for reporting complaints against students will apply; when the Respondent is an Employee, the procedures for reporting complaints against employees will apply. If a Respondent is both a Student and an Employee, the Title IX Coordinator will determine which reporting procedures will apply based on the facts and circumstances of the incident. However, any of the sanctions applicable to Students or Employees can be imposed on a Respondent found to have violated this policy, irrespective of which reporting procedures apply.

IV. ENFORCEMENT

Students or Employees found to have violated this policy are subject to disciplinary action, up to and including separation from the University, such as dismissal for Students or termination of employment for Employees. Third Parties who violate this policy may have their relationship with the University terminated and/or lose the privilege of being on University premises or participating in the University activities.

V. TITLE IX COORDINATOR

The Regulatory & Equity Administrator serves as the University’s Title IX Coordinator. The Title IX Coordinator is charged with monitoring compliance with Title IX; assisting with providing education, training, and notifications; overseeing complaints; and coordinating investigations, responses, and resolutions of all reports under this policy. The Title IX Coordinator is available to meet with any Student, Employee, or Third Party to discuss this policy or the accompanying procedures.

Concerns about the University’s application of Title IX, the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Clery Act; and, in Florida, the Florida Civil Rights Act of 1992, under this policy may be addressed to the Title IX Coordinator, the Associate Vice President for Student Affairs, Human Resources, the United States Department of Education, Clery Act Compliance

Division, or the United States Department of Education, Office for Civil Rights, at OCR@ed.gov or (800) 421-3481.

VI. RESOURCES AND REPORTING OPTIONS

The University offers resources for Students and Employees, whether as Complainants, Respondents or Bystanders, to provide support and guidance throughout the investigation and resolution of a report of Prohibited Conduct. Students are encouraged to contact the Title IX Coordinator or Student Affairs for more information and Employees are encouraged to contact Human Resources.

A. Interim Actions/Protective Measures: Upon receipt of a report involving a Student or Employee Complainant, the University will take and/or make available reasonable and appropriate measures to protect the Complainant and the Complainant's access to University employment or education programs and activities, which may include protective measures before the final outcome of an investigation. Such protective measures and accommodations, which may be temporary or permanent, may include no-contact or separation orders, residence modifications, academic accommodations, work schedule modifications, and other reasonable and appropriate measures. Reasonable and appropriate protective measures are available for Student and Employee Complainants regardless of whether an investigation under the applicable procedures is pursued. The University also will take and/or make available such measures and accommodations for Student and Employee Respondents where reasonable and appropriate under the circumstances. The University will maintain the privacy of any accommodations or protective measures provided under this policy to the extent practicable. For Third Party Complainants, the University will provide reasonable protective measures as appropriate and available, based on consideration of the role of the Third Party and the nature of any contractual relationship with the University.

B. Privacy and Confidentiality: The University is committed to protecting the privacy of Covered Persons involved in a report under this policy and to providing assistance to help Covered Persons make informed choices. With any report under this policy, the University will make reasonable efforts to protect the privacy interests of Covered Persons involved in a manner consistent with the need for a careful assessment of the allegation and reasonable steps available to eliminate the reported conduct, prevent its recurrence, and address its effects.

Privacy and confidentiality have distinct meanings under this policy.

Privacy: Privacy generally means that information related to a report of misconduct will be shared with a limited circle of individuals who "need to know" in order to assist in the active review, investigation, resolution of the report, and related issues. The privacy of Student education records will be protected in accordance with the University's policy in compliance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records generally are protected in the United States by the Health Insurance Portability and Accountability Act (HIPAA), with the exception of health records protected by FERPA. Laws in other relevant jurisdictions may provide privacy protections.

Confidentiality: Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual, or as otherwise permitted by law. Those campus and community professionals include medical providers, mental health providers, and counselors in the University's Counseling Center,

designated victim advocates, and ordained clergy, all of whom normally have privileged confidentiality. These individuals are prohibited from breaking confidentiality unless (i) given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18, or (iv) as otherwise required or permitted by law or court order. Laws in other relevant jurisdictions may provide confidentiality protections.

There are three general classifications of individuals on campus with whom a Covered Person can discuss an incident of Prohibited Conduct:

- (1) Confidential Resources (individuals with legally-protected confidentiality);
- (2) Reporting Options (designated offices or individuals where a report can be made); and
- (3) Employees designated as Responsible Employees/Mandatory Reporter

The respective ability of these categories of individuals to maintain a Complainant's confidentiality differs. Confidential Resources can maintain the confidentiality of a Complainant's disclosures, subject to the exceptions discussed above. While private, Reporting Options and Responsible Employees are required to immediately share all known details of incidents of Prohibited Conduct with the Title IX Coordinator.

Clery Act Reporting: Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education; however, the reports do not include any identifying information about persons involved in an incident.

"Confidential Resources" Students who wish to make a confidential report may report to a licensed mental health counselor at the University's Counseling Center (352-588-8354), to an employee of the University Campus Ministry (352-588-8347), or to an employee of the Health & Wellness Center (352-588-8331). Students who do not have access to the campus resources, may contact their local resources. Individuals who are not professional or pastoral counselors, but work or volunteer in victim advocacy offices, or health centers, including front desk staffs and students, and provide assistance to students who experience sexual violence, should report aggregate data, but are not required to report, without the student's consent, incidents of sexual violence to the school in a way that identifies the student.

Confidential resources for Employees include the Employee Assistance Program at 1-877-398-5816.

Although these individuals may maintain confidentiality and will not report the incident to the University, the information they receive may not be privileged under state law.

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

VII. REPORTING

Covered Persons who learn of an incident of Prohibited Conduct are encouraged to report the incident to the University by contacting one of the following University reporting options:

Title IX Coordinator	352-588-7114
Student Affairs	352-588-8992
Human Resources	352-588-8857
Campus Security & Safety	352-588-8432 (Available 24/7)

While there is no time limit for reporting violations of this policy, the University's ability to respond may be impeded by the passing of time, evidence that is no longer available, or because persons who may be involved as Respondents or witnesses are no longer affiliated with the University.

Because the University wishes to encourage prompt reporting, it will generally offer amnesty to a student who reports a violation of this policy, but who was involved with the personal ingestion of alcohol or other drugs in violation of the University's Student Code of Conduct. *See Student Code of Conduct.*

Bad Faith reports: Any Covered Person who submits a report or provides information he or she knows or has reason to believe to be false, misleading, or deceitful in connection with an incident of Prohibited Conduct has violated the values and policies of the University and will be subject to disciplinary action.

VIII. PROHIBITED CONDUCT

Conduct under this policy is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the Complainant or Respondent. Prohibited Sexual Misconduct includes the following specifically defined forms of behavior: Sexual or Gender-Based Harassment, Sexual Assault, and Sexual Exploitation. Also prohibited are Relationship Violence, Stalking and Retaliation.

Whether a Covered Person has violated this policy is determined based on all of the available facts and circumstances including but not limited to: statements of the Complainant and Respondent; statements by any witnesses to the alleged incident(s); documentary or physical evidence; presence or absence of corroborating information, and relevant information about pre- and post-incident behavior and/or actions.

A. Sexual or Gender-Based Harassment: Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when one or more of the following conditions are present:

(i) Submission to or rejection of such conduct is either an explicit or implicit term or condition of an individual's employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of a Saint Leo University program or activity (quid pro quo);

(ii) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual (quid pro quo); or

(iii) Such conduct has the purpose or effect of unreasonably interfering with an individual's learning, working, or living environment; in other words, under an objective standard, a reasonable person would find the conduct to be sufficiently severe, pervasive, or persistent as to create an

intimidating, hostile or offensive learning, working, or living environment; the University will also take into account the Complainant's subjective view of the conduct.

B. Gender-Based Harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.

Examples of conduct that may constitute Sexual or Gender-Based Harassment include but are not limited to:

- Sexual Assault, Sexual Exploitation, Relationship Violence, or Stalking as defined by this policy;
- Physical conduct, including unwelcome touching or sexual advances within the working, living, or learning environment;
- Verbal conduct, including lewd or sexually suggestive comments, jokes, or innuendoes or unwelcome comments about an individual's sexual orientation or gender identity; or
- Written conduct, including letters, notes, or electronic communications containing comments, words, jokes, or images that are lewd or sexually suggestive or relate in an unwelcome manner to an individual's sexual orientation or gender identity.

C. Sexual Assault/Rape: Sexual assault is having or attempting to have sexual contact with another individual by force or threat of force, without consent, or where that individual is incapacitated.

Sexual contact includes but is not limited to:

- Sexual intercourse (anal, oral, or vaginal), the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim.
- Sexual touching (fondling) or intentional contact with the breasts, buttocks, groin, or genitals.

D. Sexual Exploitation: Sexual Exploitation refers to specific forms of Sexual Misconduct that involve non-consensual use of another individual's nudity or sexuality, excluding behavior that constitutes one of the other Sexual Misconduct offenses.

Examples of Sexual Exploitation include but are not limited to:

- Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person engaging in a sexual act without the consent of all parties); Trespassing, spying, or eavesdropping.
- Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's consent;
- Administering alcohol or drugs to another person for the purpose of making that person vulnerable to non-consensual sexual activity;
- Exposing one's genitals to another person without consent;
- Prostituting another individual; or
- Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge.

E. Domestic/Relationship Violence: Relationship Violence includes any act of violence or threatened act of violence, including Sexual Misconduct, or Physical Assault, against a person who is, or has been involved in a sexual, dating, domestic, or other intimate relationship with that person. Physical Assault

includes threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person.

F. Stalking: Stalking occurs when a person engages in a course of conduct toward another person under circumstances that would cause a reasonable person to fear bodily injury or experience substantial emotional distress.

Course of conduct means two or more acts including but not limited to unwelcome 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. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

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

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

I. Retaliation: Retaliation means any adverse action taken against an individual for making a good faith report of Prohibited Conduct or participating in any investigation or proceeding under this policy. Retaliation includes threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy and is prohibited by the University.

IX. RELATED DEFINITIONS: CONSENT, FORCE, AND INCAPACITATION

A. Consent: Consent is the voluntary agreement to engage in a specific sexual activity with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely chosen to engage in a sexual activity.

Consent cannot be obtained through: (1) the use of force or coercion; or (2) by taking advantage of the incapacitation of another individual.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Complainant affirmatively gives words or actions indicating a willingness to engage in sexual activity; whether a reasonable person in the Respondent's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the Respondent, demonstrating an incapacity to consent.

Silence, passivity, or the absence of resistance does not imply consent, and relying solely on nonverbal communication may result in a violation of this policy. It is important not to make assumptions; if

confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies, verbally, the willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be freely sought and freely given for each instance of sexual activity.

B. Force or Coercion: Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

Coercion is conduct, including intimidation and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to compel someone to engage in sexual activity.

C. Incapacitation: Incapacitation is a state beyond drunkenness or intoxication. An individual who is incapacitated lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to communicate unwillingness to an act.

The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred or incomprehensible speech, vomiting, unsteady gait, combativeness, or emotional volatility. Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position. Being intoxicated or impaired by drugs or alcohol is never an excuse for committing Prohibited Conduct and does not extinguish one's responsibility to obtain informed and freely given consent.

X. VIOLATIONS OF LAW

Behavior that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a Respondent to criminal prosecution by the presiding authority.

Florida Statutes describes prohibited Stalking and Sex Offenses in Title XLVI, Chapters 784 and 794. Covered Persons studying, working, or engaging in other activities at one of the University's Education Centers or other educational sites outside of Florida are governed by the applicable laws regarding sexual assault and other criminal offenses implicated by this policy. The University's education and prevention programs related to its Centers and other education sites will include definitions of prohibited conduct and consent in the applicable jurisdiction.

Behavior that violates this policy also may subject a Respondent to civil liability.

XI. CONSENSUAL RELATIONSHIPS

Sexual behavior that is welcome or consensual by all involved parties does not constitute Prohibited Conduct. However, consensual sexual relationships in situations where one individual has power or authority over another may result in claims of Prohibited Conduct, and/or may give rise to complaints by others of disparate treatment. Examples of such relationships may include: a professor and his/her Student, a supervisor and a subordinate Employee, or a coach and team member. If such a consensual relationship occurs, any situation of authority should be discontinued immediately.

XII. PREVENTION AND AWARENESS PROGRAMS

The University is committed to the prevention of Prohibited Conduct through education and awareness programs. Incoming first year students and new employees receive primary prevention and awareness programming as part of their orientation and returning staff and students receive ongoing training and related programs.

XIII. ADDITIONAL POLICY DEFINITIONS

“Complainant” means the Covered Person who presents as the victim of any Prohibited Conduct under the policy, regardless of whether that individual makes a report or seeks action under the policy.

“Confidential Resource” means a University employee or community resource with statutorily protected confidentiality. This includes medical providers, mental health providers, rape crisis counselors, and ordained clergy.

“Impartial Proceeding” means a proceeding that is completed within reasonably prompt timeframes designated by an institution’s policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay. An impartial proceeding must be conducted in a manner that:

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

“Preponderance of the Evidence” means that it is more likely than not that a policy violation occurred.

“Reporting Option” means individuals or departments designated by the University to receive reports of Prohibited Conduct.

“Respondent” means the Covered Person(s) who has been accused of violating the policy.

“School” for purposes of this policy means each the School of Education and Social Services, the School of Arts & Sciences, and the School of Business.

“University” means Saint Leo University, its Schools, Centers and other sites where the University does business.

IX. RELATED POLICIES

Student Code of Conduct

Saint Leo University Statement of Values

Compliance Complaint Policy

Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees

Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Students