

# SAINT LEO UNIVERSITY



Sexual Misconduct Information Guide  
2018-2019

# WHAT IS TITLE IX?



## TITLE IX

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

—Title IX of the Education Amendments of 1972

## NOTICE OF NON-DISCRIMINATION

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

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

## Saint Leo University's Commitment

Saint Leo University, in line with its core values—especially respect, integrity, community, and excellence—is committed to providing work and study environments that are free of discrimination, including sexual harassment, sexual misconduct, and sexual violence.

Title IX of the Education Amendments of 1972 protects students from sex discrimination in educational programs and activities at institutions that receive federal financial assistance (see 20 U.S. Code 1681). Title VII of the Civil Rights Act of 1964 is a federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin, and religion. Titles IX and VII apply to Saint Leo University programs and activities.

Saint Leo University encourages victims of sexual violence to talk to somebody about what happened, so victims can receive the support they need. The university is providing this information guide to that purpose.

## Understanding Title IX

We do not tolerate discrimination and here is what Title IX really means ...

- Saint Leo University does not discriminate on the basis of gender within educational programs and activities, in accordance with Title IX requirements.
- Inquiries about the application of Title IX may be referred to our Title IX Coordinator, Beverley DiGiacobbe, who can be reached at [titleixcoordinator@saintleo.edu](mailto:titleixcoordinator@saintleo.edu) or 352-588-7429.
- Prohibited sex discrimination covers sexual harassment, including sexual violence, dating violence, domestic violence, and stalking.

Saint Leo University's designated Title IX Coordinator and Deputies are responsible for:

- Overseeing all Title IX complaints and investigations to provide prompt, fair, and equitable resolutions
- Identifying and addressing any patterns or systemic problems
- Being available to meet with students, provide support, and answer questions
- Working with all Saint Leo University departments
- Coordinating Title IX training, education, and communication
- Being available to assist all Saint Leo employees regarding how to respond appropriately to reports of sexual misconduct
- Ensuring that Saint Leo University carries out its Title IX responsibilities

Source: U.S. Department of Education, Office for Civil Rights, Dear Colleague Letter, Washington, D.C., 4/4/11



# MISCONDUCT

## WAS THERE CONSENT?

Using pressure, force, alcohol, or other drugs to have sexual contact with someone against his/her will is considered sexual coercion which is a form of sexual misconduct.

You may be experiencing coercion if ...

- You feel pressure from your date, partner, or friend (“Sex is how you can prove you love me — everyone is doing it”)
- Someone buys you gifts or spends money on you to make you feel like you “owe” them
- There are times you don’t want to have sex but feel like you can’t say “no” (“We’ve had sex before, so you can’t say no now”)
- You had unprotected sex at your partner’s insistence.

**Sexual coercion is *not* okay.**

Source: “Sexual Coercion Awareness and Prevention” by Kelsey McCoy, M.S. and James Oelschlager, Psy.D, Florida Institute of Technology’s Counseling and Psychological Services, [www.fit.edu/caps](http://www.fit.edu/caps)



## WHAT IS SEXUAL MISCONDUCT?

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

According to the Department of Education’s Office for Civil Rights, sexual misconduct is conduct that is unwelcome, is based on sex or gender, is severe or pervasive enough to interfere with an individual’s campus employment, academic performance, or participation in college programs and activities, and creates an intimidating, hostile, or offensive working, learning, or activity environment.

## SEXUAL MISCONDUCT EXAMPLES

- Making sexual propositions or pressuring individuals for sexual favors
- Unwelcome sexual advances
- Writing graffiti of a sexual nature
- Displaying or distributing sexually explicit drawings, pictures, or written materials
- Performing sexual gestures or touching oneself sexually in front of others
- Telling sexual or dirty jokes
- Spreading rumors or rating other students as regarding sexual activity or performance
- Circulating or showing emails or websites of a sexual nature

Sexual misconduct can take different forms depending on the harasser and the nature of the harassment.

- The conduct can be verbal, nonverbal, or physical.
- People of all genders can be victims of sexual harassment, and the harasser and the victim may be of the same or different sexes.
- Sexual harassment can occur in any school program or activity and can take place in institutional facilities or at off-campus locations, such as a school-sponsored retreat or training program at another location.
- The harasser may be a Saint Leo employee, student, or a third party, such as a visiting speaker.



# POLICIES



## SEXUAL HARASSMENT

Can include unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature which is persistent and pervasive.

## SEXUAL EXPLOITATION

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

## DATING VIOLENCE

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

## DOMESTIC VIOLENCE

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

## STALKING

A course of conduct toward another person under circumstances that would cause a reasonable person to fear bodily injury or experience substantial emotional distress.

## POLICIES & DISCIPLINARY PROCESS

If a case of alleged sexual harassment or sexual violence occurs, Saint Leo University will promptly and equitably investigate under Title IX to determine what occurred. We will also take appropriate steps to resolve the situation.

*A campus Title IX investigation is not a law enforcement investigation.*

You can tell someone at University Campus, someone at an Education Center, or one of your online advisors about a Title IX compliance violation and use the campus conduct process Plus, if you choose, you can file a police report. It is completely up to you.

Saint Leo University's Title IX coordinator and other supporters can help you decide the best course of action for you by describing our grievance procedures. Please ask!

*The resources available to you are listed on the last page of this brochure.*

### SAINT LEO UNIVERSITY ASSURES YOU THAT:

- We will investigate Title IX complaints in a prompt, fair, and impartial manner.
- We will take steps to prevent the recurrence of any harassment and to correct its discriminatory effects on the reporting party and others, if appropriate.
- Both parties can provide witnesses and other evidence.
- Investigations should be completed within 60 days, unless extenuating circumstances exist that require additional time to complete the investigation.
- Both parties will be notified of the outcome of the complaint.

## WHAT IS CONSENT?

Consent is a voluntary agreement to engage in a specific sexual activity with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely chosen to engage in a sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

# INVESTIGATION



## STUDENT CODE OF CONDUCT

All processes are outlined in more detail in the Saint Leo University Code of Conduct found at:

<https://www.saintleo.edu/hubfs/Greek%20Life/Student%20Affairs/Code%20of%20Conduct.pdf?t=1534377209279>

## SANCTION TYPES

The minimum sanctions/protective measures associated with a sexual misconduct policy allegation may include:

SLU10 – Contact Restriction: Restriction of personal contact with another individual or group for a stated period of time.

And/or

SLU19 – Other Restrictions (specifically access to specified residence halls and may include residence hall relocation if necessary): Loss of specific privileges including, but not limited to, attendance at athletic and social events; organization participation; and access to specified residence hall(s) for a designated period of time.

## What happens during an investigation?

Once a report of sexual misconduct is filed with Campus Security & Safety, Title IX coordinator, or any other responsible employee the Title IX coordinator reviews the report and may assign an investigator.

Once an investigation begins, students can expect the following:

- To meet with the investigator and share information, evidence, or witness names; more than one meeting may be necessary.
- To present your information, which includes the right to adequate, reliable, and impartial investigation of complaints; the right to have an equal opportunity to present witnesses and other evidence; and the right to the same appeal process, for both parties.
- To be notified of the time frame within which Saint Leo University will conduct a full investigation of the complaint and notify the parties of the outcome of the complaint, and to receive information about any appeal of the outcome.
- To have your complaint decided using a preponderance of the evidence standard (i.e., it is more likely than not that sexual harassment or violence occurred).
- To be notified in writing of the outcome of the complaint - you are entitled to information about the sanction imposed on the responding party when the sanction directly relates to you - Saint Leo University cannot require you to abide by a non-disclosure agreement, in writing or otherwise, because the Clery Act requires that both parties be informed of the outcome, including sanction information, of any proceeding alleging a sex offense.
- To know that you can end the informal process at any time and begin the formal stage of the complaint process.
- If the student is found in violation(s), sanctions will be determined by the Conduct Officer.

## Sanctions

The Conduct Officer may impose sanctions ranging from a written warning to permanent dismissal from the institution.

## Appeals

Either party may appeal the outcome of the conduct meeting by filing a written request as outlined in the sanction letter.

See the Code of Conduct for more detailed information on sanctions and appeals.



# REPORTING

## AMNESTY

Saint Leo University intentionally fosters a safe, collaborative, and inclusive living and learning community that promotes student's academic and personal growth in accordance with the university's core values. In line with the university's core value of responsible stewardship, the university maintains an amnesty policy to protect students (including student organizations) when reporting themselves, friends, or another member of the university community who is in medical distress due to alcohol consumption and/or substance misuse or overdose.

The university has the amnesty policy in place to encourage students to act responsibly and report emergencies without fear of university-imposed disciplinary consequences because its primary concern is the health, safety, and well-being of students.

## Retaliation

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

Title IX protects all individuals from retaliation if they report sexual harassment or violence. If the alleged perpetrator or his/her friends taunt you, call you names, or harass you in any way, report this immediately!

The Title IX coordinator and others are there as resources to take strong, responsive action if any retaliation or new incidents of harassment occur.



## REPORTING SEXUAL MISCONDUCT

Incidents of sexual harassment and gender violence should be reported to the Title IX coordinator at [titleixcoordinator@saintleo.edu](mailto:titleixcoordinator@saintleo.edu) or to Campus Security & Safety, your local law enforcement, Student Affairs, Education Center director, or enrollment advisor.

- The Title IX Office uses discretion and will try to protect the privacy of all persons involved in complaints of sexual misconduct.
- If you experience any type of sexual misconduct and want to speak to someone confidentially about your options, rights, and experience contact a confidential resource. A list is provided in this guide.
- Unless explicitly stated, all other Saint Leo employees are NOT confidential resources and have an obligation to report your disclosure to the Title IX Office.
- Prompt reporting is encouraged. We want to help you.
- No employee is authorized to investigate or resolve reports of sexual misconduct without the involvement of the Title IX coordinator.

## CONFIDENTIALITY: KNOW WHOM TO TALK TO

We will take all reasonable steps to investigate and respond in a manner consistent with a student's confidentiality request. We will let you know if we cannot ensure confidentiality due to overall community safety concerns.

- If a student requests confidentiality and decides not to press charges in a sexual violence case, a report of the incident must still be made in order to comply with the Clery Act (campus crime reporting law). The law allows us to protect you from retaliation.
- Employees in Counseling Services, Campus Ministry, and Health Center can talk with students in confidence, unless a potential risk to health and safety becomes apparent.
- If the safety of others in the community could be at risk, the good of the whole may need to outweigh one student's confidentiality request.

Source: "Not Alone" Report of the White House Task Force to Protect Students from Sexual Assault, April 2014

# HOW TO REPORT

## FRIENDS CAN HELP

Do you have a friend who has experienced sexual harassment or sexual violence? In order to help him/her in the best ways possible, you can ...

- Listen with compassion
- Direct him/her to available resources
- Not take everything on your shoulders

Getting the appropriate, trained professionals involved is the best thing you can do to help a friend get the real help he or she may need.

## Community Reporting

Any individual may report an alleged violation of the Student Code of Conduct, and the Office of Residence Life will conduct a follow-up investigation. Community members are encouraged to use the Community Report Form. This form can be accessed through the following website:

[www.saintleo.edu/communityreport](http://www.saintleo.edu/communityreport)

Anonymous reporting of incidents is allowed but discouraged, because it limits the ability of the office to gather information and adequately assess the issue. Every effort will be made to protect confidentiality of witnesses, where possible, particularly where a safety concern exists.

## Bad Faith Reports

Any student or employee 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.



## What to do when you need to report?

### IMMEDIATE STEPS

- **Go to a safe place.** Your RA's room, a friend's room, a neighbor's house, or Campus Security & Safety, if you are on campus.
- **Call someone you trust.** A friend, family member, victim advocate, or counselor are good resources. You do not have to go through this alone.
- **After sexual violence, preserve physical evidence. A sexual assault examination and evidence collection are available at no cost at the local hospital,** even if you do not yet know if you want to report or press charges. Do not shower until you have considered whether to have an examination, and save the clothes you were wearing in a paper or cloth bag.

### WITHIN 24 HOURS

- **Seek out support.** You may want to turn to an advocate or counselor for support and information. He or she will talk with you about your options for additional support services and reporting.
- Saint Leo has a partnership with the local rape crisis center, which is available 24 hours every day to help in the Pasco County area.
- Other victim resources are listed at <https://www.saintleo.edu/sexual-misconduct-information> and on the back page of this pamphlet.
- **After unwanted physical contact, get medical attention.** A medical provider can check and treat for physical injury, sexually transmitted infections, and pregnancy. You do not need to make a formal report or press charges to receive medical care.

### AT ANY TIME

**Consider making a formal report.** You are encouraged to report what happened to both the police and the Office of Campus Security & Safety. Keep in mind that reporting to Campus Security & Safety is not the same as bringing criminal charges with the police. Campus students can report to anyone in Residence Life, Student Affairs, or the Title IX coordinator. All other students can report to an Education Center director, enrollment advisor, or the Title IX coordinator.

*We are all here to help.*

# AFTER REPORTING

## SAINT LEO CAN HELP

*The resources in this brochure can help you with changes to your housing, classes, work, student activities, and more.*

*We can help, whether or not you make a formal report or press charges.*

## WHO IS THE REPORTING PARTY?

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

## WHO IS THE RESPONDING PARTY?

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

## EQUAL SUPPORT FOR BOTH PARTIES

If both the reporting party(ies) and the responding party(ies) are Saint Leo University students and/or employees, Saint Leo University has a duty to work with and support both individuals through the process. With few exceptions, we offer support to both parties in the same degree.

If an incident reaches the level of interfering with the orderly functions of the university or affecting the safety and well-being of the Saint Leo community or its members, it may be necessary to temporarily restrict the responding party from campus until the case can be resolved.



## *You have reported, now what?*

### REMEDIES THAT COULD BE ENACTED

In order to eliminate a hostile environment, prevent the recurrence of a sexual harassment/violence incident, and address its effects, you as a reporting party are entitled to remedies that include, but are not limited to, the following:

- The assurance that you and the alleged perpetrator will not attend the same classes.
- Alternate housing arrangements in a different residence hall or room.
- The availability of counseling services, whether on campus or in your local area.
- The availability of victim advocates at local rape crisis centers.
- The availability of medical services.
- Academic support services, such as tutoring.
- Arrangements for you to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect your academic record.
- The review of any action taken against you (such as if you skipped a class because the alleged perpetrator was enrolled and you wanted to avoid contact) to see if there is a connection between the harassment and the misconduct that may have resulted in you being disciplined.
- The knowledge that you can file a complaint with local law enforcement at any time.

### WHO CAN HELP?

Saint Leo University has many resources for both parties. Please see the Campus Resources Section.



# CAMPUS RESOURCES



## What do each of these resources do?

### TITLE IX COORDINATOR AND DEPUTIES

If you are involved in a sexual harassment or sexual violence investigation, you can fully expect our support to meet your varied needs. Here are some of the ways that Title IX designees can help you:

- Provide information about campus and community services
- Help with academic concerns
- Assist you in preparing for conduct meetings
- Meet with you on a regular basis to follow up
- Keep track of the details

*Title IX Coordinator and Deputies are non-confidential employees.*

Please contact the Title IX Coordinator for any questions or concerns.

### HOW DO I CONTACT THEM?

Domestic Violence and Sexual Assault Shelters of Pasco County - Domestic Violence Counselor  
East Pasco: Sunrise (352) 521-3120  
West Pasco: Salvation Army (727) 856-5797  
United Way Helpline: 211

First Call for Help  
(727) 845-4357 or (877) 828-8929

Diversion Coordinator at the State Attorney's Office  
(727) 847-8158

Clerk of the Circuit Court  
(For domestic violence injunction applications)  
West Pasco (727) 847-8176  
East Pasco (352) 521-4517

Pasco Sheriff's Office  
EMERGENCIES: DIAL 911  
Non-emergency: 1-800-854-2862  
Victim Advocate Unit (727) 844-7793

University Campus Security and Safety  
Phone: (352) 588-8432  
Emergency Number: (352) 588-8333

University Counseling Services  
Phone: (352) 588-8199

University Title IX Office  
Phone: (352) 588-7226  
E-mail: [titleixcoordinator@saintleo.edu](mailto:titleixcoordinator@saintleo.edu)

### VICTIM ADVOCATES

Victim advocates are not typically University Employees. They are professionals trained to support victims of crime. Advocates offer victims information, emotional support, and help finding resources and filling out paperwork. Sometimes, advocates go to court with victims. Advocates may also contact organizations, such as criminal justice or social service agencies, to get help or information for victims. Some advocates staff crisis hotlines, run support groups, or provide in-person counseling. Victim advocates may also be called victim service providers, victim/witness coordinators, or victim/witness specialists.

Source: The National Center for Victims of Crime website

### COUNSELING SERVICES

The Counseling Center staff is available to campus students and provides for the emotional and psychological needs of its students and campus personnel.

Education Center and online students can reach out to the Education Center director or other advisors for help in identifying local resources that may be available in your local area.

# WHAT IS VAWA?

## CLERY COMPLIANCE OFFICER

Vincent “Mike” D’Ambrosio  
Director of Campus Security & Safety  
Campus Safety Building  
33701 State Road 52  
Saint Leo, FL 33574  
office: (352) 588-8439  
fax: (352) 588-8598  
Vincent.Dambrosio@saintleo.edu

## E-Source

For additional information on topics mentioned in this guide, please feel free to visit Saint Leo Lions CARE at [www.saintleolionscare.com](http://www.saintleolionscare.com). The Lions CARE Network offers a variety of e-sources to assist you with helping any community member displaying signs of distress.



## Protection and Prevention

The federal Violence Against Women Reauthorization Act (VAWA) put new campus obligations in place

VAWA protects people of *all* genders!

Our institution strictly prohibits the crimes of sexual assault, dating violence, domestic violence or stalking -- the four main categories covered under VAWA

## VAWA Definitions

1. **Sexual Assault.** Includes rape, fondling, incest and statutory rape.
2. **Dating Violence.** Committed by a person who is or has been in a romantic/intimate relationship with you.
3. **Domestic Violence.** Committed by a current or former spouse or intimate partner; a person with whom you share a child; or a person against an adult/youth victim who is protected from that person's acts.
4. **Stalking.** This happens when someone engages in a course of conduct directed at a specific person that causes that person to fear for his/her safety or the safety of others. Stalking also causes substantial emotional distress.

For more information please contact the Clery Compliance Officer, Vincent “Mike” D’Ambrosio.



# PREVENTION

## GREEN DOT AT SAINT LEO

Green Dot aims to reduce violence within the community through the help of bystanders. Sexual assault, dating/domestic violence, and stalking are serious issues on college campuses across the country and our campus is no exception. However, Saint Leo University is committed to addressing these issues. The violence will stop only if each of us does our part.

You can take part in creating a safer campus today by participating in many ways:

- Green Dot Overview Trainings
- Bystander Intervention Trainings
- Action Events
- Volunteer / Internship Opportunities

For more information, contact the Green Dot Team at [green.dot@saintleo.edu](mailto:green.dot@saintleo.edu)

Office: deChantal 110

**#GreenDotLeo**



## How can you reduce your own risk?

There are preventative measures that you can take to reduce your risk and increase your safety.

- Trust your instincts.
- Make your limits known as early as possible.
- Assert your right to have your boundaries and speak up when those boundaries are not being respected. You can say no clearly and firmly.
- Take responsibility for your alcohol intake, and acknowledge this substance can lower your inhibitions, making you vulnerable to someone who views this as an opportunity to take advantage of you.
- Be situationally aware of your surroundings and who is present.
- Do not be afraid to ask for help in situations in which you do not feel safe.

## How can you help your friends?

There are multiple actions you can take to be a proactive bystander and intervene to help prevent sexual misconduct:

- Believe that sexual and relationship violence is unacceptable and do not be afraid to say that to your friends.
- Treat people with respect.
- Look out for your friends at parties and social occasions.
- Educate yourself and bring your friends with you to awareness events.
- Be a knowledgeable resource for others before something happens.
- Step in when you see something happening that does not feel right.

## The 4 D's of bystander intervention!

**DIRECT:** Step in and address the situation directly. You might say, "That's not cool. Please stop." This technique works best if the person you're trying to stop knows and trusts you. You might ask "Are you ok?"

**DISTRACT:** Distract either person in the situation to intervene. You might say, "Hey, aren't you in my English class?"

**DELEGATE:** Find someone to help intervene in the situation. For example, you can contact Campus Safety, Residence Life, or the police.

**DELAY:** For many reasons, you may not be able to directly intervene in a situation. You could delay the situation by asking the person to go to the bathroom and then checking in with them. You might say something like "Are you okay?" or "Is there any way I can help you?"





# UNIVERSITY CAMPUS RESOURCES AND SUPPORT

## Non-Confidential Reporting Resources

### **On-Campus**

Campus Security & Safety: (352) 588-8432

Student Affairs: (352) 588-8992

Residence Life: (352) 588-8268

Anonymous Tip Line: (352) 588-7777

Title IX Office: (352) 588-7226

### **Off-Campus**

Law Enforcement Emergency: 911

## Confidential Reporting Resources

### **On-Campus**

Counseling Services: (352) 588-8199

Health Center: (352) 588-8347

University Ministry: (352) 588-8331

### **Off-Campus**

Sunrise of Pasco County Domestic Violence & Sexual Assault

Hotline: (352) 521-3120 OR (888) 668-RAPE

National Sexual Assault Hotline: (800) 656-HOPE

National Domestic Violence Hotline: (800) 799-7233

Florida Council Against Sexual Violence:

<http://www.fcasv.org>



## Education Center and Center for Online Learning Title IX Resources

If you are the victim of a crime, Saint Leo University is ready to assist you in the manner that you determine is best for you. If you desire confidentiality, there are campus and community resources that will respect that decision.

For a list of local resources in your area, contact your Education Center director or go to: <https://rainn.org/get-help/local-counseling-centers/state-sexual-assault-resources>.

## TITLE IX COORDINATOR

Beverley DiGiacobbe

*Title IX Coordinator*

Kirk Hall 221

office: (352) 588-7429

fax: (352) 588-8249

[beverley.digiacobbe@saintleo.edu](mailto:beverley.digiacobbe@saintleo.edu)

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## EXECUTIVE DIRECTOR OF COMPLIANCE

Stephanie Lewis Wise

*Executive Director of Compliance*

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