

1. TITLE IX POLICY STATEMENT

Full Sail University (the University) is committed to providing equal access to educational and employment opportunities regardless of race, color, religion, national origin, physical or mental disability, pregnancy, age, sex, sexual orientation, gender identity or expression, ancestry, familial status, spousal affiliation, medical condition, military veteran status, or any other characteristic protected by local, state or federal law. As required by Title IX and its implementing regulations, 34 C.F.R. Part 106, Full Sail does not discriminate on the basis of sex in its educational programs and activities. In addition, the University is committed to providing a work and student environment which is free of sexual harassment and will not tolerate sexual harassment or the creation of a hostile environment because of an individual's sex by any University employee, University student or third party. We will act quickly and impartially to address claims of sexual harassment and discrimination and remedy discriminatory effects of inappropriate acts of discrimination. This policy also applies to individuals conducting business within the college.

The Director of Compliance serves as the University's Title IX Coordinator and is located in the Business Office (Building 130). The Title IX Coordinator can be reached at 407-679-0100 during regular business hours (8:30 a.m. – 5:30 p.m., Monday through Friday) and via email at scade@fullsail.com.

Inquiries regarding the application of Full Sail University's Title IX Policy should be referred to the Title IX Coordinator or the U.S. Department of Education, Office of Civil Rights, at (800) 421-3481 or ocr@ed.gov.

The University has also assigned two Deputy Title IX Coordinators and nine Title IX Investigators. These individuals will coordinate and investigate all Title IX complaints and issue a recommendation to the Title IX Coordinator for a final decision. The University's Deputy Title IX Coordinators are:

- **Debby Wiskus**, *Director of Human Resources (complaints involving staff)*
- **Debbie Mills**, *Director of Student Affairs (complaints involving students)*

The University's Title IX Investigators are:

- **Jessica Henlon**, *Director of Student Advising*
- **Lisa Grau**, *Director of Online Student Advising*
- **Kelley Barnes**, *Student Advisor Manager*
- **Shirley Enriquez**, *Student Advisor Manager*
- **Stacie Aldrich**, *Online Advising Manager*
- **Sean Donovan**, *Online Advising Manager*
- **Sundai Lloyd**, *Human Resources Coordinator*
- **Elaine Saunders**, *Human Resources Coordinator*
- **Kim Fryar**, *Human Resources Office Supervisor*

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972 and will not be tolerated at the University. The following procedures will apply to all complaints of sex discrimination (including sexual harassment, hostile environment, sexual assault, and sexual violence) and are designed to provide for the prompt and equitable resolution of complaints alleging sexual harassment, sex discrimination and hostile environment because of an individual's sex.

Full Sail University strictly prohibits retaliation against any individual who brings a good faith complaint under this policy or participates in any portion of a Title IX investigation. Retaliatory conduct violates not only University policy and Title IX, but may also violate state and federal law. While Full Sail will not tolerate making an intentionally false complaint, simply because the complaint is found to not be a violation of this policy does not necessarily mean the complaint was made in bad faith.

Individuals that believe they have been the victim of retaliation should promptly report the conduct to the Title IX Coordinator.

2. DEFINITIONS & EXAMPLES OF SEXUAL HARASSMENT AND SEX DISCRIMINATION

Sexual harassment is unwelcome conduct of a sexual nature which denies or limits a student's or applicant's ability to participate in or benefit from Full Sail's education program, or which tends to create a hostile work or educational environment. Sexual harassment is a form of prohibited sex discrimination and will not be tolerated at Full Sail University.

Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal, visual, or physical conduct of a sexual nature, including sexual assault or acts of sexual violence. Sexual harassment also includes harassment on the basis of an individual's gender identity or failure to conform to stereotypical notions of masculinity or femininity.

Other examples of prohibited conduct of a sexual nature may include verbal or physical sexual advances, subtle pressure for sexual activity; unwelcome touching, pinching, patting, or brushing against an individual; comments regarding physical or personality characteristics of a sexual nature; sexually- or gender-oriented "kidding," "teasing," "double-entendres," and "jokes," as well as any harassing conduct to which an employee or student would not be subjected but for the individual's gender, gender identity or non conformity with stereotypical notions of masculinity or femininity. Gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, gender or sex- or gender-stereotyping, even if those acts do not involve conduct of a sexual nature, is also prohibited.

Verbal, visual, or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee or student has indicated, either verbally or by his or her conduct, that it is unwelcome. An employee or student who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome. Gender-based harassment or harassing conduct of a sexual nature that is sufficiently severe or pervasive and has the purpose or effect of unreasonably interfering with an individual's work or academic performance, denying or limiting a student's or applicant's ability to participate in or benefit from an educational program, or creating an intimidating, hostile, or offensive working or academic environment constitutes sexual discrimination. In some cases, a single act of sexual harassment or sexual violence, such as rape, is sufficiently severe to create a hostile environment.

Examples of sexual or gender-based harassment that constitutes sexual discrimination include, but are not limited to, the following:

- suggestive or obscene letters, notes, invitations if sufficiently severe or pervasive;
- derogatory comments, epithets, slurs or jokes if sufficiently severe or pervasive;
- impeding or blocking movements, touching, or any physical interference with normal work or activities, if sufficiently severe or pervasive;
- sexual oriented gestures, displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters (the situation will be evaluated for appropriateness related to the educational or workplace objective(s));
- acts of sexual violence, defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, including rape, sexual assault, sexual battery, domestic violence, dating violence, stalking, sexual assault, and rape; submission to sexual conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, admission, admission or academic counseling or academic advancement; threats or insinuations that lack of sexual favors will result in reprisals, withholding support for admission, admission or academic counseling, appointments, grades, promotions or transfers, change of assignments, or poor performance reviews.

Sexual harassment is especially serious when it threatens the relationship between a student and teacher or the relationship between a supervisor and his or her subordinates. Through admission, admission or academic counseling, grades, wage increases, promotion, and the like, a teacher or supervisor can have a decisive influence on a student's or employee's success and future career at the University and beyond. This policy also recognizes that sexual harassment may occur between persons of the same status (student-student, faculty-faculty, staff-staff) or between a third party and a student, faculty or staff member. The prohibition of sexual harassment applies regardless of the status, relationship or genders of the parties.

The University disapproves of unwelcome conduct of a sexual nature which does not rise to the level of the legal definition of sexual discrimination and which has a detrimental but limited impact on the work and/or educational environment. Such conduct may include isolated sexual or gender-based remarks, sexist comments, or inappropriate physical behavior of a sexual nature. Such conduct shall be strongly and actively discouraged by responsible supervisors and faculty members; and the University shall intervene to stop harassment before it creates a hostile environment.

3. PROCEDURES FOR FILING A COMPLAINT OF SEXUAL HARASSMENT OR SEX DISCRIMINATION

A Title IX complaint can be filed by completing the University's Title IX Discrimination Complaint Form or by contacting the University's Title IX Coordinator:

Shayne Cade, Director of Compliance & Title IX Coordinator
3300 University Boulevard Winter Park, FL 32792
407-679-0100
scade@fullsail.com

Debbie Mills, Director of Student Affairs & Deputy Title IX Coordinator
(for complaints involving students)
3300 University Boulevard Winter Park, FL 32792
407-679-0100
dmills@fullsail.com

Debby Wiskus, Director of Human Resources
(for complaints involving University staff members)
3300 University Boulevard Winter Park, FL 32792
407-679-0100
dwiskus@fullsail.com

The Title IX Discrimination Complaint Form may be found at: www.fullsail.edu/title-ix. Applicants, students or staff may also make verbal complaints to any of the above individuals.

The procedure for filling complaints alleging harassment applies to conduct by employees, other students, or third parties.

In cases of sexual harassment that may also constitute criminal behavior (e.g., rape, sexual assault, dating violence, sexually motivated stalking, etc.), the victim may, simultaneously, file a complaint with local law enforcement authorities. The Title IX Coordinator may also notify local law enforcement in cases that may constitute criminal behavior. The University will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own investigation and will take immediate steps to protect the student or employee in the educational or employment setting.

4. PRELIMINARY INVESTIGATION

If the University receives a complaint or otherwise becomes aware of conduct that may constitute sexual harassment or sex discrimination, a Deputy Title IX Coordinator will promptly conduct a preliminary investigation to assess whether a Formal Title IX Investigation will be conducted under this Policy; that is, whether the alleged facts, if true, could rise to the level of prohibited conduct and, if so, whether a Formal Investigation and resolution under the Full Sail Grievance Procedure is appropriate.

The assigned Deputy Title IX Coordinator will submit their determination in writing to the Title IX Coordinator for review and approval. If the Coordinator determines that a Formal Investigation is not necessary, the Complainant (the party making the complaint) will be provided an Outcome Letter stating the reason for the decision and any remedial measures the University plans to implement. The Complainant may appeal the determination under Section 9 of this Policy; to the extent appropriate and if involved in the assessment, the Respondent (the party about whom the complaint was made) will also be provided an Outcome Letter and may appeal the determination under Section 9.

A determination that a Formal Investigation under the grievance procedure is not necessary does not preclude Full Sail University from taking appropriate steps to eliminate, deter, remedy, or address prohibited or otherwise disruptive conduct.

5. PURPOSE OF A FORMAL INVESTIGATION

The purpose of the Formal Investigation is to determine, among other things, the following:

- A. Whether prohibited conduct has occurred;
- B. Whether there is an ongoing risk of harm for further prohibited conduct and if so, to take steps to eliminate and prevent its recurrence;
- C. Whether accommodations for the Impacted Party (either the Complainant, Respondent, or the party or parties about whom the Complainant's complaint involves) need to be put in place to redress the effects of prohibited conduct;
- D. Whether accommodations or safety measures should be put in place;
- E. Whether changes to University policies, practices, or training should be considered or implemented.

6. DETERMINATION OF UNDERTAKING A FORMAL INVESTIGATION

If after assessing the complaint, the Title IX Coordinator determines there is sufficient basis to initiate a Formal Title IX Investigation the Title IX Coordinator or designee will meet with the Complainant to provide information about the Formal Investigation. A copy of this policy will be provided to the Complainant. Before beginning a Formal Investigation, the Title IX Coordinator will contact the Complainant and request consent to proceed with the investigation. An investigation may still go forward even if the Complainant refuses consent, if appropriate, subject to the balancing test provided by the Department of Education, Office of Civil Rights' April 4, 2011 Dear Colleague Letter, which states that in such cases institutions should balance:

- The seriousness of the alleged harassment;
- The complainant's age;
- Whether there have been other harassment complaints about the same individual; and
- The alleged harasser or assailant's rights to receive information about the allegations if the information is maintained by the University as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R Part 99.

7. TIMEFRAME FOR A TITLE IX INVESTIGATION

A Title IX Investigation should normally be completed within 60 calendar days after the University receives notice of an allegation or otherwise becomes aware of prohibited conduct. The Title IX Coordinator or his designee may extend this timeframe for good cause, including University breaks. The University will take all reasonable efforts to apprise the parties of the progress of the investigation.

8. FORMAL INVESTIGATION AND GRIEVANCE PROCEDURE

- A. **Assigning an Investigator.** When a determination is made to proceed with a Formal Title IX Investigation, the Title IX Coordinator will assign an investigator(s) and/or Deputy Title IX Coordinators ("the investigator").
- B. **Standard of Review.** The Title IX investigation procedure will determine findings of fact using the preponderance of the evidence standard. Under this standard, conclusions must be "more likely than not." Accordingly, the investigator must find that it is more likely than not that an individual violated the Title IX policy.
- C. **Cooperation.** All University faculty, staff, and students are expected to cooperate in the investigation process.
- D. **Notice of Investigation.** At the outset of the Formal Investigation, the investigator will advise the Respondent of the allegations against him or her in writing (Notice of Investigation) and a copy of the Notice of Investigation will be provided to the Impacted Party. The University reserves the right to take an interim action if deemed necessary to protect the wellbeing of the Complainant, Respondent or Impacted Party.

- E. Opportunity to Participate.** The Respondent, the Complainant and the Impacted Party (if not the Respondent or the Complainant) will have an opportunity to respond to the Notice of Investigation in writing and in a meeting with the investigator. All parties have the right to request that the investigator meet with relevant witnesses and evaluate relevant documentation or other evidence.
- F. Evidentiary Determinations.** The investigator has broad discretion in determining whether an offered witness or documentary evidence would be relevant or helpful to a determination. For example, some reasons an investigator might decline to speak to an offered witness include: there is not a sufficient basis that the person could have relevant information to the factual determination; the information to be solicited would be repetitive; and confidentiality concerns balanced against the importance of the information. Similarly, some reasons that an investigator might decline to seek or review documentary evidence include: the University does not have the expertise to consider scientific evidence; the information is repetitive; cost considerations balanced against the importance of the information; and confidentiality concerns balanced against the importance of the information.
- G. Investigation Report.** When the Title IX Investigators and/or Deputy Title IX Coordinators complete an investigation, they will provide their findings in a written Investigation Report. The Report will be reviewed by the Title IX Coordinator, or in instances where review by the Title IX Coordinator would be inappropriate, the President of the University. The Title IX Coordinator or the President of the University may request further review from the investigator or may ask for additional information directly from parties or witnesses.
- H. Investigation Outcome.** Upon completion of the investigation and review of all materials, the Title IX Coordinator or the President of the University will issue each party a written Outcome Letter including the finding(s) of fact, and, if applicable, any actions the University will take to provide accommodations to the Complainant (or the Impacted Party if not the Complainant), or safety measure(s) for the University community. The letter will also describe whether any systematic remedies are being considered or implemented, along with any disciplinary actions. An Outcome Letter will be provided to all parties, although the content of each letter may be modified subject to the limitations of FERPA and other relevant Federal or State privacy laws.
- I. False Charges.** Filing an intentionally false charge with the University of unlawful discrimination, discriminatory harassment, or retaliation is a serious offense. If an investigation reveals that a Complainant knowingly filed false charges, the University may take appropriate actions, which may include termination or expulsion. The imposition of such sanctions does not constitute retaliation. However, a determination after investigation that a charge of harassment or discrimination lacks merit or did not rise to the level of a violation of this Policy does not necessarily mean that the charge was made in bad faith.

9. APPEAL

If the Complainant or the Respondent (or the Impacted Party if not the Complainant or Respondent) is dissatisfied with final determinations made under this policy, that person may file an Appeal. The Appeal should be filed in writing with the Title IX Coordinator within 5 business days of the Outcome Letter, unless there is good cause for an extension, including University breaks. A delay in filing the Appeal may be grounds for rejection of that Appeal. The Appeal should state the remedy sought by the appealing party. The Appeal review should be completed within 10 business days after the University receives notice of the Appeal, unless there is good cause for an extension, including University breaks. The Appeal decision is final and the Appeal Outcome will be made available to both the Complainant and Respondent (or the Impacted Party if not the Complainant or Respondent).

GROUNDINGS FOR APPEAL

The grounds for the Appeal will usually be limited to the following considerations:

- A.** Is there new compelling evidence that was not available at the time of the initial review?
- B.** Were the proper criteria brought to bear on the decision?

- C. Were improper or extraneous facts or criteria brought to bear that substantially affected the decision to the detriment of the Complainant or the Respondent?
- D. Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the Complainant or the Respondent?
- E. Given the proper facts, criteria and procedures, was the decision one that a person in the position of the decision-maker might reasonably have made?

10. CONFIDENTIALITY STATEMENT

The University is committed to thoroughly, reliably, and impartially investigating complaints of alleged sex discrimination and sexual harassment, including hostile environment claims, and taking action to stop the discrimination or harassment, prevent further discrimination or harassment, and remedy the effects of the discrimination or harassment. Any investigation related to a complaint under this policy will be conducted impartially, with confidentiality to the extent reasonable under the circumstances, and with respect for the rights of all individuals involved. Information related to the investigation will be released only on a need-to-know basis consistent with applicable law or to any external investigative agency who is investigating a complaint under their jurisdiction.

If the complainant or alleged victim requests confidentiality or asks that the complaint not be pursued, Full Sail will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue a Formal Investigation or disciplinary action.

However, the University must weigh a request for confidentiality or request not to pursue a Formal Investigation and disciplinary action with its responsibility to provide a safe, non-discriminatory environment for all applicants, students and employees. Thus, in some cases, it may be necessary to pursue an investigation, explain that confidentiality may not be ensured, and take steps to limit the effects of the alleged harassment and prevent its recurrence. Such steps may include, for example, offering counseling services and implementing other measures, independent of disciplinary action, that could assist the complainant or address sexual discrimination or harassment on the campus at large.

The Title IX Coordinator or designee will be the final authority on confidentiality in a specific case. All investigative files will be maintained and controlled by the Title IX Coordinator. The University's Title IX Grievance Policy and Procedures will be reviewed biennially to ensure Title IX compliance with all applicable laws and rules.

11. POSSIBLE SANCTIONS

Depending on the facts and severity of the violation, the University could impose a variety of sanctions including, but not limited to the following:

- Oral or written warning (Staff and Students)
- Oral or written reprimand (Staff and Students)
- Required attendance at a sexual harassment sensitivity program (Staff and Students)
- Counseling (Staff and Students)
- Community Service (Staff and Students)
- No-Contact Order (Staff and Students)
- Probation (Staff and Students)
- Suspension (Staff and Students)
- Expulsion (Students)
- Termination of Employment (Staff)

12. RESOURCES

Victim Service Center of Central Florida, Inc.

Phone: (407) 254-9415

Email: VSC@ocfl.net

www.victimservicecenter.com

National Sexual Assault Hotline

Phone: 1-800-656-HOPE

www.rainn.org