



### 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, creed, 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. Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. The University will act quickly, effectively, 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. All reports of Title IX violations should be made to the University's Title IX Coordinator. To the extent that employees or contract workers are not satisfied with Full Sail's handling of a harassment or discrimination complaint, they may also contact the appropriate state or federal enforcement agency for legal relief.*

The Full Sail 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 [titleix@fullsail.com](mailto:titleix@fullsail.com). The Title IX Coordinator is responsible for overseeing the University's compliance with the Title IX requirements and specifically overseeing all complaints of sex discrimination and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

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 for Civil Rights, at (800) 421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov).

The University has also assigned two Deputy Title IX Coordinators and nine Title IX Investigators. The Title IX Coordinator, the Deputy Title IX Coordinator, and the Title IX Investigators all receive Title IX training and possess comprehensive knowledge in all areas over which they have responsibility in order to effectively carry out those responsibilities, including the applicable state and federal laws and the University's policies and procedures on sex discrimination and all complaints raising Title IX issues throughout the institution. These individuals will coordinate and investigate all Title IX complaints and will 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 employees)**
- **Debbie Mills, Director of Student Affairs (complaints involving students)**

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, efficient, and impartial resolution of complaints alleging sexual harassment, sex discrimination and hostile environment, and sexual violence 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 misconduct to the Title IX Coordinator.

## 2. DEFINITIONS & EXAMPLES OF SEXUAL HARASSMENT AND SEX DISCRIMINATION

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature from any person directed toward another, regardless of sex or gender, when

- A. submission to such conduct is either explicitly or implicitly a term or condition of employment or academic decisions;
- B. submitting to such conduct is used as the basis for employment or academic decisions affecting the individual as an employee or student; or
- C. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile, or offensive working or learning environment. (Florida Administrative Code 60L-36.004)

Sexual Assault is the commission of an unwanted sexual act, further defined as

- A. non-consensual sexual contact: the deliberate touching of a person's intimate parts (including genitalia, groin, breast, or buttocks), or clothing covering any of those areas without consent, or using force to cause a person to touch his or her own or another person's intimate parts, and/or
- B. non-consensual sexual intercourse: penetration (anal, oral, or vaginal) by a penis, tongue, finger, or an inanimate object that occurs without consent, however slight the penetration, whether by an acquaintance or by a stranger, that occurs without indication of consent of both individuals, or that occurs under threat or coercion. Sexual assault can occur either forcibly and/or against a person's will, or when a person is incapable of giving consent. Under federal and state law, sexual assault includes, but is not limited to, rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g., unwanted touching or kissing for purposes of sexual gratification), and threat of sexual assault. (See Florida Statutes 784.011 (assault); 784.046(c) (sexual violence); 794.011 (sexual battery))

**Sexual Violence** refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the person's age or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of prohibited behaviors fall into this category, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX of the Education Amendments of 1972.

**Consent** refers to words or actions that show a knowing and voluntary agreement to engage in mutually agreed upon sexual activity.

- A. Consent cannot be gained by force, by ignoring or acting in spite of the objections of another.
- B. Consent to one form of sexual activity can never imply consent to other forms of sexual activity.
- C. Consent is not the lack of resistance; there is no duty to fight off a sexual aggressor.
- D. Consent can be withdrawn at any time, as long as the withdrawal is clearly communicated by the person withdrawing consent through words or actions.
- E. A person shall not knowingly take advantage of another person who has an intellectual or physical disability, who is incapacitated by the use of drugs or alcohol, or who is not conscious or awake, and thus is not able to give consent as defined above.
- F. A person shall not physically or verbally coerce another person to engage in any form of sexual activity to the end that consent as defined above was not given.
- G. Certain states have designated a minimum age under which a person cannot give consent. In the state of Florida, the age of consent is 18 years old.

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Florida law defines consent 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.” (See Florida Statute 794.011(1)(a))

**Stalking** is a course of conduct directed at a specific person that would cause a reasonable person to fear for their or other’s safety, or to suffer substantial emotional distress. Stalking includes harassment and cyberstalking, either of which includes a course of conduct that causes substantial emotional distress to the impacted party and serves no legitimate purpose. Florida law defines stalking as “willfully, maliciously, and repeatedly following, harassing, or cyberstalking another person.” (See Florida Statute 784.048)

**Domestic Violence** includes asserted violent misdemeanor and felony offenses committed by the impacted party’s current or former spouse, cohabitant, co-parent, or person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law. Florida law defines domestic violence as “any assault, aggravated 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.” (See Florida Statute 741.28)

**Dating Violence** is violence, including sexual or physical abuse or the threat of such abuse, by a person who has been in a romantic or intimate relationship with the impacted party. The existence of such a relationship will be gauged by its length and type, frequency of interaction, and the reporting party’s statement of such a relationship. Florida law defines dating violence as “violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature.” (See Florida Statute 784.046)

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

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

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 employees)*  
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](http://www.fullsail.edu/title-ix). Applicants, students, or employees may also make verbal complaints to any of the above individuals.

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 AND INTERIM MEASURES**

If the University receives a complaint or otherwise becomes aware of conduct that may violate this policy, a Deputy Title IX Coordinator will conduct a preliminary investigation to assess the nature and circumstances of the report and take prompt and effective action to protect those involved and the University community. This includes providing interim measures and remedies pending a Formal Investigation, if applicable. The Title IX Coordinator(s), or appropriate University personnel, may take protective action that they deem appropriate concerning the interaction of the Parties, including, but not limited to:

- A.** Imposing a “no-contact” order, which will prohibit communication between the Parties involved, including in person, through third parties, or via electronic means;
- B.** Directing appropriate University officials to alter academic or work schedules;
- C.** Imposing interim probation and/or suspension pending the completion of the Formal Investigation.

Interim measures are individualized based on the information gathered by the Title IX Coordinator(s), or appropriate University personnel. When a decision is reached to initiate an interim measure that impacts a Respondent, the Deputy Title IX Coordinator(s), and/or their designee, will notify the Respondent in writing. Every effort will be made to avoid depriving a student of his or her education, while also balancing the safety of the University community. Violation(s) of the Title IX Coordinator(s) directives and/or administrative actions may lead to additional sanctions.

The assigned Deputy Title IX Coordinator will submit their preliminary investigation determination in writing to the Title IX Coordinator for review and approval within ten (10) business days of the receipt of the complaint or otherwise becomes aware of the alleged sexual misconduct.

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.

If a Formal Investigation is pursued, both the Complainant and the Respondent will be informed of the formal investigation and grievance processes and their respective rights regarding the same.

#### **5. PURPOSE OF A FORMAL INVESTIGATION**

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

- A.** Whether a violation of the Title IX Policy has occurred; and
- B.** Whether there is an ongoing risk of harm or further prohibited conduct, and if so, to take steps to eliminate and prevent its recurrence.

#### **6. DETERMINATION OF UNDERTAKING A FORMAL INVESTIGATION**

If after assessing the complaint and the preliminary investigative report and related information, 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 process and provide a copy of this policy, including his or her rights regarding the process and determine if the Complainant wants to proceed with the investigation. If the Complainant chooses to pursue a Formal Investigation, the Respondent will also be notified of the investigation and his or her rights regarding the process.

#### **7. FORMAL INVESTIGATION TIMEFRAME**

A Formal Title IX Investigation should be completed within sixty (60) business days after the University receives a complaint or otherwise becomes aware of the alleged prohibited conduct to review all of the facts, circumstances, and evidence of the case. In addition, during the course of the investigation, the University may need to work with law enforcement and legal counsel, which may extend the timeframe. The Title IX Coordinator or his designee may extend this timeframe for other good causes, including University breaks. The University will take all reasonable efforts to apprise all 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”). This individual must be trained in Title IX laws and regulations.
- B.** Cooperation. All University faculty, staff, and students are expected to cooperate in the investigation process.
- C.** Notice of Investigation. At the outset of the Formal Investigations, the investigator will advise the Complainant and Respondent of the allegations in writing (Notice of Investigation). The Notice will include the identities of the parties involved, the specific University policy allegedly violated, the exact conduct allegedly constituting the potential violation, and the date and location of the alleged incident.
- D.** 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.
- E.** Right to an Advisor. Both Parties (Complainant and Respondent) have the right to an advisor of their choice (a parent, friend, mentor, attorney, etc.) who may accompany them to meetings with University personnel during the course of the investigation. This person (the advisor) does not represent either Party, may not speak on the Party’s behalf, and may not participate in any other role in the process.
- 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. Local police and legal counsel may be consulted regarding evidence admissibility and the outcome of related legal proceeding.
- G.** Investigation Report. When the Title IX Investigator(s) and/or Deputy Title IX Coordinators complete an investigation, they will provide their findings in written Investigation Report. The investigators will provide an opportunity for both Parties to review the Report to identify additional witnesses or sources of information, reconcile conflicts in information, and enhance the reliability and thoroughness of the investigation. The Report will be made available for both the Complainant and Respondent to review in person during a scheduled appointment with the investigators. Both parties have the opportunity to respond to the report in writing in advance of the decision of responsibility.

After both parties have had the opportunity to respond to the Investigation Report, the investigator(s) will provide their recommendation on whether University policy has been violated. The standard of evidence used in determining violation of this policy is the “clear and convincing” standard. The final Investigation 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 will review the report. 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, the University's decision regarding a policy violation, and appropriate sanctions and remedies, if applicable. 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.

Upon written request, Full Sail will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by Full Sail against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

The determination of the merits of the complaint by the Title IX Coordinator will be final. Full Sail University will inform both parties simultaneously, in writing, of its final determination, the procedure for appeal, and the date the results become final.

- I. False Charges.** Filing an intentionally false charge with the University of unlawful discrimination, discriminatory harassment, sexual violence, 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. OUTCOME OPTIONS

### POSSIBLE SANCTIONS

Where there is a finding of responsibility for violation of this policy, and 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 (Employees and Students)
- Oral or written reprimand (Employees and Students)
- Required attendance at a sexual harassment sensitivity program (Employees and Students)
- Counseling (Employees and Students)
- Community Service (Employees and Students)
- No-Contact Order (Employees and Students)
- Probation (Employees and Students)
- Suspension (Employees and Students)
- Expulsion (Students)
- Termination of Employment (Employees)

### POSSIBLE REMEDIES AND PROTECTIVE MEASURES

Upon the receipt of a report of prohibited conduct under this Policy, and/or upon the conclusion of a Formal Investigation, the Title IX Coordinator may implement remedies or actions to end the conduct, remedy its effects, and prevent its recurrence. Appropriate remedies and protective measures may include, but are not limited to:

- Referral to counseling and health services (Employees and Students)
- Referral to the Employee Assistance Program (Employees)
- Prevention education for the University community (Employees and Students)
- Providing a Security department escort on campus, when available (Employees and Students)
- Assistance with academics, including schedules and assignments (Students)
- Permanently altering work arrangements for employees (Employees)
- Restriction of campus access for the Respondent (Employees and Students)



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- Implementing No-Contact orders (Employees and Students)
- Campus Climate Surveys (Employees and Students)
- Policy modifications (Employees and Students)

### 10. 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 must be filed in writing with the Title IX Coordinator within three (3) business days of the receipt of the Outcome Letter.

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 ten (10) business days after the University receives notice of the Appeal. 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 be limited to the following considerations:

- A. New evidence that was not available at the time of the decision;
- B. Procedural irregularities that substantially affected the outcome; or

### 11. CONFIDENTIALITY STATEMENT

The University is committed to thoroughly, efficiently, and impartially investigating complaints of alleged sex discrimination and sexual harassment, including hostile environment claims, and sexual violence and will take 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.

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### 12. RESOURCES

#### Winter Park Memorial Hospital

200 N. Lakemont Avenue  
Winter Park, FL 32792  
Phone: 407-646-7000

#### National Sexual Assault Hotline (RAINN)

Phone: 1-800-656-HOPE  
[www.rainn.org](http://www.rainn.org)

#### Florida Council Against Sexual Violence

1820 E. Park Avenue, Suite 100  
Tallahassee, FL 32301  
Phone: 888-956-7273  
Email: [information@fcasv.org](mailto:information@fcasv.org)  
<http://www.fcasv.org/>

#### Victim Service Center of Central Florida, Inc.

2111 East Michigan Street, Suite 210  
Orlando, FL 32806  
24/7 Sexual Assault Helpline:  
407-497-6701  
Phone: (407) 254-9415  
Email: [VSC@ocfl.net](mailto:VSC@ocfl.net)  
[www.victimservicecenter.com](http://www.victimservicecenter.com)

#### National Domestic Violence Hotline

Phone: 1-800-799-7233  
[www.thehotline.org](http://www.thehotline.org)

#### Employee Assistance Program

*(for employees of Full Sail University)*

ACI Specialty Benefits  
Toll Free: 855-RSL-HELP (855-775-4357)  
[rsli@acieap.com](mailto:rsli@acieap.com)

### RIGHTS OF THOSE INVOLVED

When a student or employee reports to the school that he or she has been the victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on campus or off campus, the school will provide the student or employee with a written explanation of his or her rights and options as described herein.

- A. The right to have all accusations of discrimination, harassment, and sexual assaults against them treated with seriousness; and the right, as victims, to be treated with dignity;
- B. The right to have any alleged discrimination, harassment, or sexual assault committed by them or against them investigated and adjudicated through the University's Title IX process and, where appropriate, duly constituted criminal and civil authorities of the governmental entity in which the crimes occurred; and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities;
- C. The right to be free from pressure that would suggest that victims (1) not report crimes committed against them to civil and criminal authorities or to the campus Security and disciplinary officials; (2) report crimes as lesser offenses than the victim perceives them to be; (3) are obligated to notify law enforcement authorities;
- D. The right to be free from suggestions that the alleged discrimination, harassment, or sexual assault victims not report, or under-report, crimes because (1) victims are somehow "responsible" for the commission of crimes against them; (2) victims were contributorily negligent or assumed the risk of being assaulted; or (3) by reporting crimes, they would incur unwanted personal publicity;
- E. The right to the full and prompt, reasonable cooperation from campus personnel in responding to the incident;
- F. The right to have access to counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other victim services established by Full Sail University or other victim-service entities;
- G. The right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent unwanted contact with, or proximity to, alleged assailants after an assault is reported;
- H. Options will be provided by the University for changes to transportation, working, academic and/or living situations, if requested, while an informal or formal investigation is pending, including the option to issue a no-contact order. These steps will be taken regardless of whether the alleged victim chooses to file a formal complaint;
- I. The right to be informed of disciplinary proceedings, be present at those proceedings, and be informed of the outcome of such proceedings;
- J. The same right to assistance, or ability to have others present, that is afforded to the accused during any campus disciplinary proceedings.