

## **SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCEDURES**

### **1. STATEMENT OF NONDISCRIMINATION**

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.

### **2. SEXUAL HARASSMENT POLICY STATEMENT**

Full Sail does not discriminate on the basis of sex in its educational programs and activities, including admissions and employment, as required by Title IX and its implementing regulations at 34 C.F.R. Part 106.

The University will promptly respond to and equitably investigate complaints regarding prohibited conduct that may violate this policy in order to eliminate, prevent, and remedy the adverse effects of such conduct within University-related programs or activities.

The following grievance procedures will apply to all complaints of sexual harassment including, sexual assault, domestic and dating violence, stalking, and related retaliation in order to take action to address and prevent sex-based discrimination.

Full Sail University strictly prohibits retaliation against any individual who brings a good faith complaint under this policy or participates in any portion of an 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.

### **3. THE UNIVERSITY'S TITLE IX COORDINATOR**

The University's Director of Institutional Effectiveness & Compliance serves as the institution's Title IX Coordinator and coordinates the University's compliance with Title IX. All reports of potential violations of this policy should be made to the University's Title IX Coordinator.

The Title IX Coordinator's contact information is as follows:

Shayne Cade  
Director of Institutional Effectiveness & Compliance  
3300 University Boulevard  
Building 130 (Business Office)  
Winter Park, FL 32792  
407-679-0100  
[titleix@fullsail.com](mailto:titleix@fullsail.com)

In addition to the University's Title IX Coordinator, University personnel have been designated to assist in the implementation of this policy and grievance procedure. Deputy Title IX Coordinators, Title IX Investigators, and hearing panel members all serve as members of the Title IX Team. All members of the Title IX Team receive Title IX training, including information on this policy, the definition of sexual harassment, the investigation and grievance process, and how to serve as an impartial member in Sexual Harassment Grievance Procedures.

Inquiries regarding the application of Full Sail University's Title IX Policy may be referred to the Title IX Coordinator, the U.S. Department of Education, Office for Civil Rights, or both.

The U.S. Department of Education, Office for Civil Rights' contact information is as follows:

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
OCR Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
OCR Hotline: (800) 421-3481

#### **4. SCOPE OF THIS POLICY**

This policy governs the conduct of students, faculty, and staff, who are members of the University community. Sexual harassment complaints must include conduct that occurred within the context of the University's educational programs or activities and within the United States. This may extend to certain off-campus locations, where the University has substantial control over the parties, such as university-recognized activities and university-sponsored academic conferences. The University has an obligation to dismiss sexual harassment claims under this policy when the claim does not meet the definition of sexual harassment provided herein, or in circumstances where no formal, written complaint is made, or when the conduct occurred outside of this policy's stated jurisdiction. However, this does not prevent the University from taking

action to address sex discrimination conduct. The University will take all complaints of misconduct and discrimination seriously and investigate the matter, which may occur through the University's Discrimination Grievance/Complaint Procedures.

## 5. PROHIBITED CONDUCT

Prohibited conduct defined in this policy can be committed by any individual, regardless of their gender. Prohibited conduct can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships. When the University determines whether alleged conduct violates this policy, it will consider all of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred.

Sexual harassment is a violation of Title IX and will not be tolerated at the University.

- a. **Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:
  - i. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
  - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity. An example, may include, but is not limited to, unwelcome sex or gender-based jokes or comments, which are made in-person or conveyed electronically.

Sexual Harassment is deemed especially serious when submission to or rejection of such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any University program or activity; or submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions.

- b. **Sexual assault**, which means a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- c. **Dating violence**, which means violence committed by a person who is or has been in a social romantic relationship of a romantic or intimate nature with the Complainant. The existence of such relationship shall be determined based on a consideration of the following factors; the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;

- d. **Domestic violence**, which means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic violence or family violence laws of the state of Florida or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the state of Florida.
- e. **Stalking**, which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

## 6. TERMINOLOGY

The following terms are used within this policy and are provided here for clarity.

- a. **Consent** means intelligent, knowing, and voluntary agreement to engage in mutually agreed upon sexual activity, and does not include coerced submission.
  - i. Consent cannot be gained by force, by ignoring or acting in spite of the objections of another.
  - ii. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
  - iii. Consent is not the lack of resistance; there is no duty to fight off a sexual aggressor.
  - iv. Consent can be withdrawn at any time, as long as the withdrawal is clearly communicated by the person withdrawing consent through words or actions.
  - v. 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.
  - vi. 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.

- vii. 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.

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)).

- b. Complainant** refers to the individual(s) who has been the subject of prohibited conduct.
- c. Respondent** refers to the individual(s) who has been accused of prohibited conduct.
- d. Advisor** refers to the individual who supports either the Complainant or Respondent in the grievance procedures of this policy. For example, this person may be a friend, parent, spouse, colleague, attorney, etc. The Advisor will speak for the Complainant or Respondent during the cross-examination of the live hearing. If a Party does not have an advisor present at the hearing, the University will provide an advisor to conduct cross-examination on behalf of that Party.

## 7. PRIVACY AND CONFIDENTIALITY

Any investigation related to a complaint under this policy will be conducted impartially and with respect for the privacy and confidentiality requests of all individuals involved, to the extent possible under the circumstances.

In some circumstances, the reporting responsibilities of University employees, or the University’s responsibility to investigate, may conflict with the privacy or confidentiality preferences of those involved. All individuals are encouraged to familiarize themselves with their options and responsibilities, and make use of Confidential Resources, if applicable, in determining their preferred course of action.

Requests for confidentiality or use of anonymous reporting may limit the University’s ability to conduct an investigation.

### a. Confidential Resources

Confidential resources are not obligated to report information that is provided to them. This allows individuals to explore their options in a non-pressured environment while they make informed decisions. An individual who is not prepared to make a report, or who may be unsure how to label what happened, but still seeks information and support, is strongly encouraged to contact a Confidential Resource.

**External Confidential Resources include:**

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

National Domestic Violence Hotline  
Phone: 1-800-799-7233  
[www.thehotline.org](http://www.thehotline.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/>

Employee Assistance Program  
*(for employees of Full Sail University)*  
ACI Specialty Benefits  
Toll Free: 855-RSL-HELP (855-775-4357)  
Email: [rsli@acieap.com](mailto:rsli@acieap.com)

Full Sail has an obligation to make reasonable efforts to investigate and address conduct prohibited by this policy. University community members who have the authority to take action, including all faculty members, lab specialists, and members of Full Sail management, are not Confidential Resources and are required to notify the Title IX Coordinator of suspected violations and cannot guarantee the confidentiality of a complaint or report under this policy.

**b. Use of Discretion**

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, Complainants and Respondents are not restricted from discussing and sharing information with others who may support or assist them in presenting evidence.

### **c. Privacy**

Full Sail will take all reasonable steps to exercise discretion and protect the privacy of those involved in a complaint. However, the University has an obligation to make reasonable efforts to investigate and address complaints or reports of violations of this policy. In all such proceedings, the University will take into consideration the privacy of the Parties to the extent possible while also providing a safe, non-discriminatory environment for all applicants, students and employees.

Any additional disclosure of information related to the complaint or report may be made if consistent with the Family Educational Rights and Privacy Act (FERPA), or Title IX requirements.

### **d. Release of Information**

In accordance with the Clery Act, the Security department may issue a timely notification if it becomes aware of a serious and continuing threat to the campus community. The Security department may also be required to publicly disclose a reported incident of sexual misconduct in the daily crime log or Annual Security Report. At no time will the University release the name or other personally identifiable information of the complainant to the general public without the express consent of the complainant or as otherwise permitted or required by law.

## **8. REPORTING A VIOLATION OF THIS POLICY**

**In emergency situations**, if there is a suspected crime in progress, or imminent or serious threat to the safety of anyone, immediately contact the authorities by dialing 911. If you are using a campus phone, you must dial 9-9-1-1 for the call to go through. On campus, always call the Security department at extension 5555 after calling 9-1-1.

**In non-emergency situations**, all members of the University community are encouraged to report any suspected violation of this policy to the Title IX Coordinator. (Members of the University community may consider consulting a Confidential Resource, as appropriate, prior to making a report to the Title IX Coordinator). All faculty members, lab specialists, and members of Full Sail management with the authority to take action must promptly report suspected violations of this policy to the Title IX Coordinator. A Title IX complaint can be filed by completing the University's *Sexual Harassment Formal Complaint Form* or by contacting the Title IX Coordinator or Deputy Title IX Coordinators.

The *Sexual Harassment Formal Complaint Form* may be found at:  
[www.fullsail.edu/title-ix](http://www.fullsail.edu/title-ix).

The Title IX Coordinator's contact information is as follows:

Shayne Cade  
Director of Institutional Effectiveness & Compliance  
3300 University Boulevard  
Building 130 (Business Office)  
Winter Park, FL 32792  
407-679-0100  
[titleix@fullsail.com](mailto:titleix@fullsail.com)

The Deputy Title IX Coordinator's contact information is as follows:

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

Debby Wiskus, Director of Human Resources (*for complaints involving University employees*)  
Deputy Title IX Coordinator  
3300 University Boulevard Winter Park, FL 32792 407-679-0100  
[dwiskus@fullsail.com](mailto:dwiskus@fullsail.com)

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., sexual assault, dating violence, domestic violence, and/or stalking), the individual may, simultaneously, file a complaint with local law enforcement authorities. The University's Security department is available to support individuals who wish to file a complaint with local law enforcement.

Local law enforcement contact information is as follows:

Orange County Sheriff's Office (OCSO)  
P.O. Box 1440  
Orlando, FL 32802  
Non-Emergency: 407-836-4357

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.

Complaints of sexual harassment may also be made to the U.S. Department of Education, Office for Civil Rights:

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
OCR Email: OCR@ed.gov  
OCR Hotline: (800) 421-3481

Anyone making a report of a potential violation of this policy may:

- a. Request supportive measures from the Title IX Coordinator;
- b. File a formal, written complaint with the Title IX Coordinator, which will invoke the University's internal grievance procedures outlined herein;
- c. Request the assistance of the Security department in filing a criminal complaint and preserving physical evidence; and/or
- d. Contact local law enforcement to file a criminal complaint.

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue an internal complaint and a criminal complaint).

## **9. PRELIMINARY INVESTIGATION AND SUPPORTIVE MEASURES**

If the University receives a complaint or otherwise becomes aware of conduct that may violate this policy, a Deputy Title IX Coordinator, or in situations where Security is notified first, the Director of Security, 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 non-disciplinary, non-punitive supportive measures and remedies pending a Formal Investigation, if appropriate and as reasonably available. The Deputy Title IX Coordinator and/or Director of Security may consult with the Title IX Coordinator in making these decisions.

The Title IX Coordinator(s), after consultation with appropriate University personnel, as needed, may take supportive action that they deem appropriate to restore or preserve equal access to the University's educational programs and/or activities without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment or to deter violations of this policy. Supportive measures may include, but are 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.

Supportive measures are individualized based on the information gathered by the Title IX Coordinator(s), after consultation with appropriate University personnel. Supportive measures are available whether a formal complaint is filed with the Title IX Coordinator or not. The University will take all necessary steps to protect the complainant’s identity when implementing supportive measures unless the complainant’s identity is necessary in order to provide the supportive measure.

When a decision is reached to initiate a supportive measure that impacts a Respondent, the Title IX Coordinator(s) will notify the Respondent in writing. In the case of an interim probation and/or suspension, the University will assess the Respondent’s imminent threat to the physical health or safety of the University community. If the University determines that an interim probation and/or suspension is warranted, the Respondent has the opportunity to appeal the decision by writing a formal appeal to the Title IX Coordinator within three (3) days of the written notification of the interim probation and/or suspension. The Title IX Coordinator will review the safety and risk analysis used to make the determination and either confirm or reverse the University’s decision to implement the interim probation and/or suspension. The Title IX Coordinator’s decision in this matter is final.

Every effort will be made to avoid depriving a student of his or her access to educational programs and activities, 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.

A determination that a Formal Investigation under the grievance procedure is not necessary does not preclude the University from taking appropriate steps to eliminate, deter, remedy, or address prohibited or otherwise disruptive conduct. While the conduct reported to the Title IX Coordinator may not violate this policy, it may be a violation of student conduct or employee conduct policies and will be referred to the appropriate University administrators as needed.

## **10. VIOLATIONS OF OTHER UNIVERSITY POLICIES**

In the situation when an initial assessment or investigation under this policy identifies additional related possible violations of University policy (other than violations of Sexual Harassment as described in this policy) by the same party(ies) that would normally be handled through the student or employee conduct processes, the Title IX Coordinator

will refer those potential conduct violations to the appropriate University personnel for investigation and adjudication.

## 11. INFORMAL RESOLUTION PROCESS

Full Sail offers an informal resolution process as an alternative to the Formal Investigation process. This informal proceeding focuses on conciliation rather than culpability and therefore does not involve a sanctioning process. In the informal resolution process, both Parties must agree in writing to engage in the Informal Resolution Process and will be asked to resolve the problem with the mediation of a trained University official.

Upon the filing of the *Sexual Harassment Formal Complaint Form*, the Title IX Coordinator(s) will attempt to intervene in order to reach a satisfactory resolution between the individuals directly involved. The Informal Resolution process may be an appropriate process depending on the conduct alleged to have been violated. The Informal Resolution process may be chosen at the discretion of the parties and is not mandatory. Either party may choose to end the Informal Resolution process at any time and pursue the Formal Investigation process. The Informal Resolution process is not available for sexual harassment complaints concerning sexual violence or when an employee is alleged to have sexually harassed a student.

If informal attempts to resolve the complaint are unsuccessful, or if the Title IX Coordinator believes an informal procedure is inappropriate, the Formal Investigation process can be utilized at any time.

Upon receipt of a request to engage in the Informal Resolution process, the Title IX Coordinator, or his/her designee, may meet with the Parties and their respective advisers separately, together, or both, and may permit both Parties to present evidence. The purpose of the meetings is to clarify issues and resolve the complaint.

If meeting resolves the complaint, a conciliation agreement, stipulating the terms of the resolution, will be signed by both Parties as mutually agreed upon terms. Each party will be simultaneously given a copy of the final signed agreement.

If the conciliation process is not successful, resolution of the complaint will follow the Formal Investigation and Grievance Procedure described herein, if appropriate, or the applicable student or employee conduct process.

## 12. FORMAL INVESTIGATION AND GRIEVANCE PROCEDURE

### a. Purpose of Formal Investigation and Grievance Procedure

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

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

**b. Determination of Undertaking a Formal Investigation**

Upon receipt of a complaint alleging a violation of this policy, the Title IX Coordinator(s) will assess the circumstances of the complaint, including the preliminary investigation and related information, and contact the Complainant to determine their desired outcome. The Title IX Coordinator(s) will provide the Complainant with this policy, including information regarding supportive measures, available resources, and the resolution and investigation processes. If the Complainant chooses to pursue a Formal Investigation, the Respondent will be notified of the investigation, supportive measures, available resources, and their rights regarding the process. Both Parties will be sent a Notice of Allegations letter.

If the conduct alleged in the formal complaint would not constitute sexual harassment as defined under this policy, then the Title IX Coordinator must dismiss the formal complaint and the Formal Investigation and Grievance Procedure of this policy. However, that does not preclude the University from taking steps to address the conduct under student or employee conduct policies. Additionally, the Title IX Coordinator may dismiss a formal complaint under this policy if a written request from the Complainant seeking to withdrawal the complaint is made, if the Respondent is no longer enrolled or employed at the University, or if specific circumstances prevent the gathering of evidence necessary to reach a determination.

Additionally, the Title IX Coordinator has the discretion to consolidate multiple complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others.

**c. Grievance Process Timeline**

Full Sail University will work to complete a Formal Investigation promptly upon receiving a complaint or otherwise becoming aware of the alleged prohibited conduct. In addition, during the course of the investigation, the University may need to delay the grievance process for good cause, which may include concurrent law enforcement activity, the need for language assistance, or disability accommodations. The University will take all reasonable efforts to apprise all Parties of the progress of the investigation.

**d. Notice of Allegations**

Upon receipt of a formal complaint, the Title IX Coordinator will promptly advise the Complainant and Respondent of the allegations in writing (Notice of Allegations). The Notice of Allegations will include:

- i. the identities of the Parties involved (if known);
- ii. the specific University policy allegedly violated;
- iii. the exact conduct allegedly constituting the potential violation;
- iv. the date and location of the alleged incident (if known); and
- v. a statement that the Respondent is presumed not responsible for the alleged conduct until a determination has been made at the conclusion of the grievance process.

The Notice of Allegations will also include a description of the grievance process as outlined in this Policy, and specifically notify the Complainant and Respondent of their right to have an advisor of their choice.

#### **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 as well as the hearing. If a Party does not have an advisor present at the hearing, the University will provide an advisor to conduct cross-examination on behalf of that Party.

#### **f. Assigning an Investigator**

When a determination is made to proceed with a Formal Investigation, the Title IX Coordinator will assign an investigator(s) (“the investigator”). This individual must be trained in Title IX laws and regulations, and must not have a conflict of interest or bias for or against the Complainant or Respondent, or complainants or respondents generally.

#### **g. Cooperation**

All University faculty, staff, and students are expected to cooperate fully in the investigation process.

#### **h. Opportunity to Participate**

The University is responsible for gathering evidence during an investigation. However, the Complainant and the Respondent will have an equal opportunity to present witnesses and other evidence. In addition, the Parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint. The Parties have the right to request that the investigator meet with relevant witnesses and evaluate relevant documentation or other evidence.

If a Party is invited or expected at an investigative interview or other meeting, the investigator will provide written notice of the date, time, location, participants, and purpose of the interview or meeting to that Party with sufficient time for the Party to prepare or participate.

#### **i. 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:

- i. there is not a sufficient basis that the person could have relevant information to the factual determination;
- ii. the information to be solicited would be repetitive; and
- iii. confidentiality concerns balanced against the importance of the information.

Similarly, some reasons that an investigator might decline to seek or review documentary evidence include:

- iv. the University does not have the expertise to consider scientific evidence;
- v. the information is repetitive; cost considerations balanced against the importance of the information; and
- vi. 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.

#### **j. Investigative Report**

For an investigation of a complaint of sexual harassment, the investigator will summarize the relevant evidence in a written, draft Investigative Report. The investigator will send to each Party (and their respective advisors if applicable), the draft Investigative Report including all evidence directly related to the allegations stated in the formal complaint in electronic format/hard copy. Each Party will have an equal amount of time and at least ten (10) days to review the evidence to identify additional witnesses or sources of information, reconcile conflicts in information, and submit a written response to the record of evidence. The investigator will consider a Party's written response to the record of evidence before issuing the final Investigative Report.

After both Parties have had the opportunity to respond to the record of evidence, the investigator will issue the final Investigative Report. The investigator will send each

Party (and their respective advisors if applicable) the final Investigative Report ten (10) days prior to a hearing or other event where responsibility will be determined.

#### **k. Live Hearing for Sexual Harassment Investigations**

Unless the Parties have agreed to an Informal Resolution, the Respondent's responsibility will be determined by a panel of decision-makers after a live hearing.

- i. **Hearing Format:** Live hearings will be conducted with the Parties, their advisors, any witnesses, and the panel of decision-makers physically or virtually present in the same location, as deemed most appropriate by the Title IX Coordinator under the circumstances.
- ii. **Cross-Examination and Relevancy:** At the live hearing, each Party's advisor may cross-examine the other Party and any witnesses. The questions on cross-examination must be delivered orally and be relevant to the allegations. Parties and witnesses may refuse to answer questions on cross-examination. However, if a Party or witnesses refuses to submit to cross-examination, the panel of decision-makers cannot rely on any statement by such person in reaching a responsibility determination.

The panel of decision-makers will determine whether a question is relevant prior to the Party or witness responding. If the panel of decision-makers determines a question is not relevant, they must explain their reasoning.

- iii. **Appointment of Advisor:** The Parties are not permitted to cross-examine the other Party. If a Party does not have an advisor present at the live hearing who can cross-examine the other Party, the University will appoint an advisor.
- iv. **Recording:** As required by Title IX regulations, the hearing will be recorded or transcribed. There is no expectation of privacy in the live hearing, and the recording or transcription will be available for review by both Parties. Full Sail will take all reasonable steps to exercise discretion and protect the privacy of those involved in a complaint. Any additional disclosure of information related to the complaint or report may be made if consistent with the Family Educational Rights and Privacy Act (FERPA), or Title IX requirements.

#### **I. Responsibility Determination**

Upon completion of the live hearing, the panel of decision-makers will make a determination of responsibility. The panel of decision-makers must apply the *Preponderance of the Evidence* standard in reaching the determination. This means that the determination of responsibility is based on the evidence that there is a greater than 50% chance that the claim is true.

The panel of decision-makers must issue a written determination of responsibility simultaneously to both Parties. The written determination of responsibility must include:

- i. the allegations potentially constituting sexual harassment;
- ii. a description of the procedural steps the University has taken in reaching the responsibility determination, including notifications to the Parties, interviews with the Parties and witnesses, methods used to gather evidence, and hearings held;
- iii. findings of fact supporting the determination;
- iv. conclusions regarding the application of this policy to the facts;
- v. a statement of responsibility and related sanctions imposed on the Respondent for each allegation;
- vi. a statement of whether the University will offer any remedies to the Complainant; and
- vii. a description of the University's appeal procedures.

The content of the written determination 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.

In all cases involving sexual harassment, the records will be archived by the Title IX Coordinator for a period of seven (7) years.

### **m. 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.

#### **n. Outcomes**

Upon the conclusion of the Formal Investigation and Grievance Procedure, the panel of decision-makers will determine the appropriate sanctions and/or remedies and supportive measures for remedying the effects of a violation of this policy.

#### **o. 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)
- Probation (Employees and Students)
- Suspension (Employees and Students)
- Expulsion (Students)
- Termination of Employment (Employees)

#### **p. Possible Remedies and Supportive Measures**

Upon the receipt of a report of prohibited conduct under this Policy, and/or upon the conclusion of the Formal Investigation and Grievance Procedure, the Title IX Coordinator may implement remedies or actions to end the conduct, remedy its effects, and prevent its recurrence. Appropriate remedies and supportive 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, after a safety and risk analysis determines there is an immediate threat (Employees and Students)
- Implementing and/or Continuing No-Contact orders (Employees and Students)
- Campus Climate Surveys (Employees and Students)
- Policy modifications (Employees and Students)

## **q. Appeal**

The Complainant or the Respondent may file a request for an Appeal on the following basis:

- i. procedural error, irregularity, or other failure to follow the institution's own procedures that affected the outcome of the matter;
- ii. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- iii. The Title IX Coordinator, investigator(s), or panel of decision-makers had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The appeal must be filed in writing with the Title IX Coordinator within five (5) business days of the receipt of the Outcome Letter and must clearly detail one or more of the above reasons as the basis for the appeal. A delay or incomplete request for an appeal may be grounds for the decision-maker to conclude that the appellant has waived their right to an appeal.

Supportive measures, such as mutual no-contact orders or academic course adjustments for either or both Parties may continue in place throughout an appeal process as determined by the University.

The University's Vice President of Academic Affairs will act as an impartial appellate officer during an appeal of this policy. The appellate officer will be free from conflict or bias and not involved in the underlying grievance decision, to determine first whether a timely and valid request for Appeal has been submitted, and if the Appeal is valid, oversee the Appeal process.

The University will notify both Parties upon receipt of a timely and complete request for an Appeal and provide both Parties with timeframes for each phase of the Appeal process. Following receipt of a valid appeal, both Parties will have an opportunity to submit a written statement in support of, or challenging, the outcome of the original hearing, this is the Statement of Appeal. Both Parties will have an opportunity to review and respond to the other Party's Statement of Appeal within a reasonable timeframe. All Statements of Appeal, responses, and any supporting evidence will be reviewed by the appellate officer.

The Vice President of Academic Affairs will make the final appeal decision and provide both the Complainant and Respondent with a written outcome of the appeal decision. There will be no further review of the decision.

### 13. ACCOMMODATIONS

Full Sail University is committed to fostering mutual respect and full participation for all Parties in the Sexual Harassment Policy and Grievance Procedures. Students, faculty, and staff may request reasonable accommodation through either the Student Success Services department (for students) or Human Resources department (for faculty and staff). If you have, or think you may have, a disability that may affect your ability to report a complaint or participate in the grievance procedures, please contact the Student Success Services department or Human Resources to initiate a conversation about reasonable accommodations.

Requests for accommodations may be made to:

Bethann Durlin  
Director of Student Success Services  
3300 University Boulevard  
Winter Park, FL 32792  
407 551-2024 ext. 8797  
[success@fullsail.com](mailto:success@fullsail.com)

Debby Wiskus  
Director of Human Resources  
3300 University Boulevard  
Winter Park, FL 32792  
407-679-0100  
[dwiskus@fullsail.com](mailto:dwiskus@fullsail.com)

### 14. RESOURCES

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

**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 Sexual Assault Hotline (RAINN)**  
Phone: 1-800-656-HOPE  
[www.rainn.org](http://www.rainn.org)

**National Domestic Violence Hotline**

Phone: 1-800-799-7233

[www.thehotline.org](http://www.thehotline.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/>

**Start Your Recovery: Substance Abuse Resources & Support**

[startyourrecovery.org](http://startyourrecovery.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)

**15. RIGHTS OF THE PARTIES**

Upon the receipt of a sexual harassment complaint, the University will provide the Complainant and Respondent with a written explanation of their rights and options as described below:

- a. The right to have all accusations of sexual harassment treated with seriousness and dignity;
- b. The right to have any claims, which fall within the scope of this policy, investigated and adjudicated through the University's Sexual Harassment Policy and Grievance Procedure 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 individuals (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 individual perceives them to be; (3) are obligated to notify law enforcement authorities;
- d. The right to the full and prompt, reasonable cooperation from campus personnel in responding to the incident;
- e. The right to have access to counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services established by Full Sail University or other entities;

- f. 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 a complaint is reported;
- g. The right to available options that may be provided by the University for changes to transportation, working, academic and/or living situations, if requested, while an informal resolution or formal investigation is pending, including the option to issue a no-contact order. These steps will be taken regardless of whether the Complainant chooses to file a formal complaint;
- h. The right to be informed of disciplinary proceedings, be present at and participate in those proceedings, and be informed of the outcome of such proceedings;
- i. The same right to assistance, or ability to have others present, that is afforded to the other Party.