

EMBRY-RIDDLE

Aeronautical University™

FLORIDA | ARIZONA | WORLDWIDE

***Civil Rights Equity & Sex/Gender-Based
Harassment, Discrimination and
Sexual Misconduct
Resolution Process***

Investigation and Resolution Process

Reporting party: the individual who is the recipient of unwelcome behavior which is outlined in the sexual misconduct policy, the University harassment policy or University discrimination policy.

Responding party: the individual who is facing an accusation of violating the sexual misconduct policy, the University harassment policy or the University discrimination policy.

Third Party Reporter: reports brought forward by individuals other than the reporting party is a third-party report.

Employee: any faculty, staff, administrator or contractor employed or contracted with Embry-Riddle Aeronautical University.

Overview of Reports Concerning Civil Rights Equity, Harassment, Sexual Misconduct and Other Forms of Discrimination

Embry-Riddle Aeronautical University does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, sex, gender identity, gender expression, sexual orientation, disability, veteran status, predisposing genetic characteristic, age, religion, pregnancy status or any other characteristic protected by University policy or state, local, or federal law. Anyone who believes they have been subjected to harassment, discrimination, or an act of sexual misconduct as described in the University policy should follow the procedure outlined. This is also the procedure that will be utilized for allegations of any violations of the University's Civil Rights Equity & Sex/Gender-Based Harassment, Discrimination and Sexual Misconduct Policy.

This procedure involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the University will initiate an investigation that is thorough, reliable, impartial, prompt and fair. This investigation determines whether the University nondiscrimination policy has been violated. If so, the University will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

The University aims to bring all allegations to a resolution within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the involved parties. In overview, the timeline for

resolution begins with notice to a mandated reporter.¹ The Title IX Coordinator then engages in a preliminary inquiry that is typically 1-3 business days in duration. The preliminary inquiry can lead to an investigation, which usually starts within days of the preliminary inquiry's conclusion. Investigations range from days to weeks, depending on the nature and complexity of allegations, with the University commonly aiming for completion within 30 business days. The parties involved are regularly apprised of the status of the investigation as it unfolds. Barring necessary extensions, the University aims to complete its resolution process within 30 business days from the end of the investigation. A Request for Reconsideration must be submitted within five business days of notification of a finding. The University tries to grant or deny the Request for Reconsideration within 5 business days and another 7-10 business days for a final resolution to be reached. In rare cases where a remanded decision results in a new investigation, the results of that investigation can be requested for reconsideration once, which would typically add another 10-14 business days to final results.

Interim Remedies/Actions

The Title IX Coordinator (or designee) in conjunction with Human Resources and supervisor (if the responding party is an employee) may provide interim remedies intended to address the short-term effects of harassment, discrimination, sexual misconduct and/or retaliation, i.e., to redress harm to the reporting party and the community and to prevent further violations. The Title IX Coordinator will give consideration to the individual(s) bringing a grievance with respect to how the grievance is pursued, but reserves the right, when necessary, to protect the community, to investigate and pursue a resolution when the reporting party chooses not to initiate or participate in the resolution process.

These remedies may include, but are not limited to:

- Referral to ERAU Counseling Center and Health/Wellness Center
- Referral to the Employee Assistance Program (EAP)
- Education to the community
- Altering the housing situation of the responding party (resident student or resident employee (or the reporting party, if desired))*
- Suspension from University owned or operated housing*
- Altering work arrangements for employees*
- Suspension from work*
- Altering class assignments for students*
- Suspensions from class*
- Providing campus escorts
- Implementing University No Contact Orders between the parties
- Offering adjustments to academic deadlines, course schedules, course

¹ All Embry-Riddle employees and contractors are mandated reporters unless otherwise designated as a Confidential or Private Reporter. Mandated reporters must report incidents to a Title IX Coordinator within 1 business day of receiving notice.

substitutions, work schedules, etc.*

**The above measures may be implemented in order to separate parties involved.*

Embry-Riddle Aeronautical University may interim suspend a student, employee or organization pending the completion of an investigation and resolution, particularly, when in the judgment of the Title IX Coordinator/Human Resources, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the opportunity to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. (Note- Students procrastinating or missing meetings does not preclude them from being suspended). Violation of interim remedies/actions under this procedure may be grounds for additional sanctions, which could include: suspension, dismissal (student) or termination (employee).

Embry-Riddle Aeronautical University will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor who has been found to engage in harassing, discriminatory behavior, sexual misconduct or retaliation. Deliberately false and/or malicious accusations of harassment, as opposed to grievances which, even if erroneous, are made in good faith, are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

During interim remedies/actions or administrative leave, a student or employee may be denied access to University housing and/or the University campus/facilities/events. As determined by the Title IX Coordinator/Human Resources, this restriction can include classes and/or all other University activities or privileges for which the student or employee might otherwise be eligible. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

Embry-Riddle Aeronautical University will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the University's ability to provide the accommodations or protective measures.

Eagle card access may be restricted and in some cases the Eagle card, Ramp Badges or keys may be collected. In some instances, access to ERNIE or Blackboard/CANVAS may also be restricted or removed.

Resolution Procedure for Reports of Misconduct

This procedure applies to any member of the University community (faculty, student, staff and administration) who engages in any form of discrimination, harassment, sexual misconduct or retaliation. Any person can report alleged acts of misconduct, including

faculty, students, staff, administration, guests, visitors, etc. All allegations of misconduct not involving harassment or discrimination will be addressed through the procedures elaborated in the respective student, faculty and employee handbooks.

Conflict Resolution

Every reasonable effort should be made to constructively resolve conflict with students, faculty, staff, or administrators. The person(s) impacted should keep a written log that can aid in later inquiry, investigation and resolution. Whenever possible, and if deemed safe, the problematic behavior, conflict or misconduct may first be discussed between the reporting party and the responding party. The Title IX Coordinator, or designee, will facilitate such conversations, upon request, and monitor them for safety. Various conflict resolution mechanisms are available, including mediation. Mediation will not be used in situations involving non-consensual sexual contact/intercourse or in cases of violence. When the Title IX Coordinator determines a situation is not eligible, or the parties are reluctant to participate in a good faith. The University does not require a reporting party to contact the person involved or that person's supervisor if doing so is impracticable, or if the responding party believes that the conduct cannot be effectively addressed through informal means. If informal efforts are unsuccessful, the formal resolution process may be initiated. Either party has the right to end the informal process and begin the investigation process at any time prior to resolution.

Investigations

The Title IX Coordinator is responsible for designating a trained investigator to formally investigate reports or notice of discrimination and/or harassment by students, faculty, staff, or administration, to address inquiries and to coordinate the University's compliance efforts regarding reports of misconduct by students, faculty, staff, administration, guests or visitors.

Making a Report

Any member of the community can provide notice of harassment, discrimination or sexual misconduct in person, by phone, via email or in writing to the Title IX Coordinator or the Human Resources Office as indicated below:

DAYTONA BEACH CAMPUS

Linda Dammer
Interim Title IX Coordinator- Daytona Beach Campus
Henderson Welcome Center
386-226-6396
dammerl@erau.edu
dbtitle9@erau.edu

PRESCOTT CAMPUS

Liz Higgins Frost
Title IX Coordinator- Prescott Campus
Dean of Student's Office- Building 49, Office 103
3700 Willow Creek RD
Prescott, AZ 86301
928-777-3747
froste@erau.edu
prtitle9@erau.edu

WORLDWIDE CAMPUS

Linda Dammer
Title IX Coordinator- Worldwide
Building 2, Office 222
Worldwide Headquarters
386-226-6396
dammerl@erau.edu
wwtitle9@erau.edu

The University encourages submission of written reports when appropriate².

The following are recommended elements of a report:

- Clear and concise description of the alleged incident(s) (e.g.: when and where it occurred);
- Any supporting documentation and evidence;
- For non-violent offenses clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor;
 - This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
 - If contacting the person involved and/or the supervisor is impracticable, the reporting party should state the reasons why;
- The desired remedy sought;
- Name and all contact information for the Reporting party;
Signed by the Reporting party.

² Embry-Riddle will not ask individuals to put the allegation in writing, but rather the Title IX Coordinator or Investigator will write a summary of the complaint after interviewing the reporting party. If the reporting party chooses to submit a written report, that is acceptable.

The Procedure

If the reporting party wishes to pursue a resolution or if the University, based on the alleged policy violation, wishes to pursue a resolution, the Title IX Coordinator appoints a trained investigator to conduct the investigation, usually within two business days of determining that a resolution should proceed. While the Office of Civil Rights allows for 60 days for institutions to complete an investigation and render a decision, Embry-Riddle investigations are performed expeditiously, normally within 30 business days of the completion of the preliminary inquiry by the Title IX Coordinator. Investigations may take longer when, for example, initial reports fail to provide direct first-hand information or in complex situations possibly involving numerous individuals.

The University's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the University may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g.: to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The University will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

All investigations will be thorough, reliable and impartial. Investigations will include interviews with all relevant parties and witnesses to obtain potential evidence... Evidence may include but is not limited to: statements, police reports, medical records, counseling notes, social media posts, etc.. If a reporter, respondent, or named witnesses does not respond within a reasonable time frame, the investigator may continue their investigation without the evidence and proceed to completing investigative report.

The investigator will take the following steps (not necessarily in order):

- In coordination with campus partners (e.g.: the campus Title IX Coordinator or Human Resources), initiate any necessary interim actions;
- Determine the identity and contact information of the reporting party and responding party;
- Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the responding party, and what policy violations should be alleged as part of the charge;
 - If there is insufficient evidence to support reasonable cause, the report should be closed with no further action;
- Meet with the reporting party and responding party to finalize their statement;
- Prepare the notice of charges for the responding party on the basis of the initial inquiry; Additional charges may be added at a later time (with notification to the respondent) based on new discovery during the investigation;

- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Complete the investigation promptly, and without unreasonable deviation from the Office of Civil Rights 60 day guidance;
- Provide regular updates to both the reporting party and responding party, as appropriate, throughout the investigation;
- Identify the exact policies allegedly violated;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not to have been violated);
- Each party will have the opportunity to view the other's statement after both parties have provided statements. If the respondent elects not to provide a statement, they will be provided with a summary describing the charges.
- The Investigator will submit a report to the Title IX Coordinator. The report may include the following:
 - Summary of the Case
 - Findings (Responsible/Not Responsible)
 - Rationale for Recommendation
 - Sanction Recommendations if Applicable*
 - Conduct History*
 - Credibility Assessment
 - New Discovery

*This information is not included in the investigative report that the parties are able to review prior to a decision

At any point during the investigation, if it is determined there is no reasonable cause to believe that University policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed. Where a violation is found, the University will act to end the harassment, discrimination, and sexual misconduct, prevent its recurrence, and remedy its effects on the reporting party and the University community. The Title IX Coordinator will be the administrator rendering a decision on findings and possible sanctions.

Written notification will be made by the Title IX Coordinator to reporting and responding parties of the outcome, to the extent permitted by or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting responsive actions, and the rationale for the decision. This written notification of final decision will be provided in person and/or emailed to the parties' university-issued email accounts, without undue delay between the notifications. Once received in person or emailed, the notice of decision will be deemed presumptively

delivered. Within the written notifications, there will be an explanation of the request for reconsideration process along with any changes to the results that could occur before the decision is finalized. Please note, some situations that may cause a delay in the finalization of the resolution process may include, but is not limited to, tenure revocation proceedings, mandatory arbitration, union proceedings, etc.

Request for Reconsideration

Any party who files a request for reconsideration must do so in writing to the Title IX Coordinator within 5 business days³ of receiving the original written decision.

Grounds for a request for reconsideration by either the responding party or reporting party will *ONLY* be granted if one of the following is discovered:

- New information is discovered (Case will be sent back to the Investigator for additional review and reconsideration; A summary of this new evidence and its potential impact must be included in the request). (Please note that we understand information from outside agencies may not be available within the Request for Reconsideration time frame of 5 business days. In those situations, the Title IX Coordinator may reopen the case.)
- The responding party or reporting party provides evidence that the Investigator(s) demonstrated bias against them (e.g. substantiated bias, material deviation from established procedures, etc.).
- A Civil Rights violation occurred under University Policy (e.g. the sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party or the reporting/responding party's rights were not honored as outline on pages 16 - 20).

All sanctions imposed will be in effect during the reconsideration process.

A request may be made to the Title IX Coordinator or Human Resources to delay implementation of the sanctions until the reconsideration is decided, but the presumptive stance of the University is that the sanctions will go into effect immediately. Graduation, study abroad, internships/ externships, professional conferences, vacation etc. **DO NOT** in and of themselves constitute exigent circumstances, and employees and/or students may not be able to participate in those activities during the reconsideration process. In cases where the reconsideration results in reinstatement to the University or resumption of privileges,

³ Business day is defined to mean normal operating hours, Monday through Friday, excluding recognized national holidays and summer hours of Monday - Thursday. In cases where additional time is needed in the investigation of a report, all parties will be notified accordingly. The University reserves the right to make changes and amendments to this policy and procedure as needed, with appropriate notice to the community.

all reasonable attempts will be made to restore the student or employee to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

The original finding and sanction will stand if the request for reconsideration is not timely or substantively eligible, and that decision is final. The party requesting the reconsideration must show clear error within the guidelines established for reconsideration. Both the finding and sanction are presumed to have been decided reasonably and appropriately during the original outcome.

Once the request for reconsideration is received by the Title IX Coordinator, the request will be forwarded to another University Official for review and evaluation. The University Official will normally be a Title IX Coordinator on one of the other Embry-Riddle campuses. The University Official reviewing the request will determine if the threshold has been met to undergo a reconsideration of the findings and/or sanctions.

The University Official will share the request for reconsideration with the other party. The other party will have 3 business days to provide a response to the request for reconsideration. Based on the written requests/responses or on interviews as necessary, the University Official will send a letter of outcome for the reconsideration to all parties. The University Official can take one of three possible actions. The reconsideration may be dismissed due to untimely request or ineligibility, may grant a reconsideration and remand the finding and/or sanction for further investigation or reconsideration, or may modify a sanction.

If the decision is made to re-open the investigation, the results of a revised investigation will be subsequently forwarded to the University Official hearing the reconsideration. The outcome by the University Official during the reconsideration process is final.

In rare cases where a procedural [or substantive] error cannot be cured by the original investigator (as in cases of bias), the University Official may order a new investigator to correct the concern and render their findings to the University Official. The outcome of a reconvened Investigation is final. The results of a new investigation can be reconsidered, once, by either the reporting party or responding party, on any of the three applicable grounds for reconsideration.

In cases where the responding party is found not responsible (either in the original investigation or as a result of the new investigation) for the alleged violation(s), the investigation will be closed. If new information is discovered at a later time, the case may be reopened for review.

The procedures governing the approval for reconsideration include the following:

- All parties be timely informed of the status of requests for reconsideration, the status of the reconsideration, and the results of the reconsideration decision.

- Every opportunity to return the reconsideration to the original investigator for reconsideration (remand) should be pursued.
- Reconsiderations are not intended to be full re-investigations of the allegation (de novo). In most cases, reconsiderations are confined to a review of the written documentation or record of the original outcome, and pertinent documentation regarding the grounds for reconsideration.
- Reconsideration decisions are to be deferential to the original Title IX Coordinator, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.
- A reconsideration is not an opportunity for the University Official to substitute their judgment for that of the original outcome merely because they disagree with its finding and/or sanctions.
- Sanctions imposed are implemented immediately unless the University Official stays their implementation in extraordinary circumstances, pending the outcome of the reconsideration.
- The University Official will typically render a written decision to both parties on whether a request for reconsideration meets the criteria within seven (7) business days. The University Official's (overseeing the reconsideration) decision to deny a request for reconsideration is final.

The University Official has final decision-making authority with regard to reports and referrals for requests for reconsideration. The University will act to end the discrimination, prevent its recurrence, and remedy its effects on the reporting party and the University community.

Participation of Advisors in the Resolution Process

All parties are entitled to an advisor of their choosing to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. ***People who will be called as witnesses may not serve as advisors/supporters.*** Title IX Coordinators maintain a list of trained (non-attorney) advisors who are available to the parties. Parties on any of the campuses may choose advisors from outside the pool, or outside the campus community, but those advisors may not have the same level of insight and training on the University process as do those trained by the University. Outside advisors may seek role clarification from the Title IX Coordinator. If one party chooses to have an advisor, the other party will be notified of this decision in order to afford them the same opportunity to acquire an advisor.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The University cannot guarantee equal advisory rights, meaning that

if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting or interview and should request or wait for a break in the meeting or interview if they wish to interact with campus officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given a timely opportunity to meet in advance of any meeting or interview with the administrative officials conducting that meeting or interview. This pre-meeting will allow advisors to clarify any questions they may have, and allows the University an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the University investigation and resolution. Any advisor who steps out of their role during any part of the campus resolution process will be warned once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting or interview or withdraw as the advisor. When an advisor is removed from a meeting or interview, that meeting or interview will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may participate in future meetings or interviews, if s/he may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The advisor will make every effort to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however, make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not committed to using the same advisor throughout.

Where an employee is a member of a union and entitled to a union representative in the process, that employee may be accompanied by the union representative as their advisor or may choose an advisor in addition to their union representative. In such cases, the other party may have two advisors as well. The union representative will be held to the same standards as an advisor indicated above.

The parties should provide the Title IX Coordinator or the Title IX Investigator with advance notice if they are bringing an advisor or supporter to a meeting. No audio or video recording of any kind will be permitted by the responding party, reporting party,

witnesses or advisors during meetings or interviews with campus officials, the Title IX Coordinator or the Title IX Investigator(s).

Additional Notes

University students, faculty, staff, and administrators are responsible for knowing the information, policies and procedures outlined in this document.

The University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. Students, faculty, staff, and administrators are encouraged to check online at [Civil Rights & Sex/Gender-Based Harassment, Discrimination and Sexual Misconduct Policy and Resolution Process](#) for the updated versions of all policies and procedures. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form. Reports of misconduct made after the fact may raise issues of policy and procedure application, if policies and procedures have changed. Unless the parties accept current policies, all reports are governed by the policies that were in place at the time the alleged misconduct occurred. Procedures applicable are those that are in place at the time of resolution.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

Special Resolution Process Provisions

a. University-initiated proceedings

As necessary, the University reserves the right to initiate a report and to initiate resolution proceedings without a report or participation by the reporting party of misconduct.

b. Notification of Outcomes

The outcome of this process is part of the education record of the responding party (if a student), and is protected from release under a federal law, the Family Educational Rights and Privacy Act (FERPA). However, the University observes the legal exceptions as follows:

- Parties to non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and intimate partner violence incidents have an absolute right to be informed of the outcome, essential findings/rationale, and any sanctions that may result, in writing, without condition or limitation, and without substantial delay between notifications to each party.
- The University may release publicly the name, nature of the violation and the sanction for any student or employee who is found in violation of a University policy that is a “crime of violence,” including: arson, burglary, robbery, criminal

homicide, sex offenses, assault, destruction/damage/vandalism of property, intimate partner violence, stalking and kidnapping/abduction. In doing so, the University will not release any information that could lead to the identification of the reporting party.

c. Past Sexual History/Character⁴

The past sexual history or sexual character of a party will not be admissible by the other party in the investigation unless such information is determined to be highly relevant by the Title IX Coordinator. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be submitted to the Title IX Coordinator for review. If appropriate, the information will be shared with the Investigator assigned to the case. While previous conduct violations by the responding party or reporting party are not generally admissible as information about the present allegation, the Title IX Coordinator may supply previous reports of good faith allegations and/or findings to the investigator to consider as evidence of pattern and/or predatory conduct. Both parties will be notified if prior sexual history/character will be considered as evidence.

d. Reporter/Respondent/Witness participation in an investigation

All parties are expected to cooperate with and participate in the University's investigation. Any party who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in the investigation. Parties may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person. Failure to participate in the process or offer evidence prior to a decision does not constitute grounds for reconsideration on the basis of new evidence.

e. Training for those implementing these procedures

Personnel tasked with implementing these procedures, e.g. Title IX Coordinator, Investigators, and Human Resources personnel, will participate in training on an annual basis, with a minimum of 8 hours of Civil Rights Training. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to harassment and discrimination allegations; the University's Civil Rights Equity & Sex/Gender-based Harassment, Discrimination and Sexual Misconduct Policy; confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance.

f. Conflicts of Interest and Bias

⁴ The reporting party's sexual history with others may be relevant to the allegation – largely because the reporting party may raise the issue by claiming they would never engage in certain behaviors (when evidence indicates otherwise).

The University is committed to ensuring that its resolution processes (e.g.: investigation, reconsiderations, etc.) are free from actual or perceived bias or conflicts of interest that would materially impact the outcome. Any party who feels that there is actual or perceived bias or conflict of interest that would materially impact the outcome may submit a written petition to the Title IX Coordinator for the person's removal from the process, prior to findings. The petition should include specifics as to the actual or perceived bias or conflict of interest, as why the petitioner believes the bias or conflict could materially impact the outcome. Such petitions may also be made to the University Chancellor in the event that the potential conflict or bias involves the Title IX Coordinator.

g. Recordkeeping

In implementing these procedures, records of all allegations, inquiries, investigations, and resolutions will be kept by the Title IX Coordinator indefinitely in the electronic Title IX Coordinator database.

STATEMENT OF THE RIGHTS OF THE REPORTING PARTY

- The right to investigation and appropriate resolution of all credible reports or notice of sexual misconduct, harassment, or discrimination made in good faith to University officials.
- The right to be informed in advance of any public release of information regarding the incident.
- The right of the reporting party not to have any personally identifiable information released to the public, without his or her consent.
- The right to be treated with respect by University officials.
- The right to have University policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by University officials from reporting sexual misconduct, harassment, or discrimination to both on-campus and off-campus authorities.
- The right to be informed by University officials of options to notify proper law enforcement authorities, including local police, and the option to be assisted by campus authorities in notifying such authorities, if the student, faculty or staff so chooses. This also includes the right not to report, if this is the Reporting party's desire.
- The right to have reports of sexual misconduct, harassment, or discrimination responded to promptly and with sensitivity by University officials.
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services for victims of sexual assault, both on campus and in the community.
- The right to a campus no contact order (or a trespass order against a non-affiliated 3rd party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others.
- The right to notification of and options for, and available assistance in, changing work, academic and living situations after an alleged sexual misconduct incident,

if so requested by the reporting party and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available).

Accommodations for students may include:

- Change of University owned or operated housing to a different location;
- Assistance from University support staff in completing the relocation;
- Arranging to dissolve a housing contract and pro-rating a refund;
- Exam (paper, assignment) rescheduling;
- Taking an incomplete in a class;
- Transferring class sections;
- Temporary withdrawal;
- Alternative course completion options.

Accommodations for employees may include:

- Change of an office or other work location;
 - Rescheduling or reassigning work tasks or committee assignments;
 - Alternative parking assignment;
 - Leave with pay.
-
- The right to have the University maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the University's ability to provide the accommodations or protective measures.
 - The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report.
 - The right to ask the investigators to identify and question relevant witnesses, including expert witnesses.
 - The right to be informed of all evidence available regarding the allegation(s), and the responding party and witness statements, subject to the privacy limitations imposed by state and federal law.
 - The right to be informed of the names of all witnesses who will be interviewed, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed).
 - The right not to have irrelevant prior sexual history considered in determining responsibility;(Note- exceptions may be made when the reporting party's sexual history with others may be relevant to the allegation – largely because the

reporting party may raise the issue by claiming they would never engage in certain behaviors when evidence indicates otherwise).

- The right to regular updates on the status of the investigation and/or resolution;
- The right to have reports heard by investigators who have received at least eight hours of annual Civil Rights training.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to petition that any Investigator or Title IX Coordinator be recused on the basis of demonstrated bias.
- The right to bring an advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding.
- The right to provide evidence by means other than being in the same room with the responding party.
- The right to have the University compel the participation of student, faculty, staff, and administrator witnesses, during an investigation.
- The right to make or provide an impact statement in person or in writing to the Investigator prior to the completion of the investigation.
- The right to be informed of the outcome, sanctions and the right to make a request for reconsideration of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 2 business days of the end of the process for any sexual misconduct/sexual harassment violation.
- The right to be informed in writing when a decision by the University is considered final.

STATEMENT OF THE RIGHTS OF THE RESPONDING PARTY

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct, harassment or discrimination made in good faith to University administrators.
- The right to be informed in advance, when possible, of any public release of information regarding the incident.
- The right to be treated with respect by University officials.

- The right to have University policies and procedures followed without material deviation.
- The right to be informed of and have access to resources for medical, health, counseling, and advisory services.
- The right to be fully informed of the nature, policies and procedures of the campus resolution process and to timely written notice of all alleged violations within the report.
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses.
- The right to be informed of all evidence available regarding the allegation(s), and the reporting party and witness statements, subject to the privacy limitations imposed by state and federal law.
- The right to be informed of the names of all witnesses who will be interviewed, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed).
- The right not to have irrelevant prior sexual history considered in a campus resolution process; (Note- exceptions may be made when the reporting party's sexual history with others may be relevant to the allegation – largely because the reporting party may raise the issue by claiming they would never engage in certain behaviors when evidence indicates otherwise).
- The right to have reports heard by investigators who have received at least eight hours of annual Civil Rights training.
- The right to petition that any Investigator or Title IX Coordinator be recused on the basis of demonstrated bias.
- The right to have the University compel the participation of student, faculty, staff, and administrator witnesses and the right to challenge documentary evidence.
- The right to have an advisor of their choice to accompany and assist in the campus resolution process.
- The right to provide evidence by means other than being in the same room with the reporting party.
- The right to a fundamentally fair resolution, as defined in these procedures.

- The right to make or provide an impact statement in person or in writing to the Investigator prior to the completion of the investigation.
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice.
- The right to be informed of the outcome, sanctions and the right to make a request for reconsideration of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 2 business days of the end of the process for any sexual misconduct/sexual harassment violation.
- The right to be informed in writing of when a decision of the University is considered final.

This universal resolution policy, process and investigation protocol may be applied to all reports of civil rights violations and discrimination reports, especially those governed by Title IX, including sexual violence, sexual harassment, intimate partner violence, stalking, and/or gender-based bullying or hazing.

Responsible Authority: Vice President and Chief Human Resources Officer & Title IX Coordinators (Daytona Beach, Prescott, and WorldWide)

©2015. THE NCHERM GROUP/ATIXA.

ALL OTHER RIGHTS RESERVED.
©2015. THE NCHERM GROUP, LLC/ATIXA