

Appendix F

Discrimination and Sexual or Other Harassment Policy and Procedures *Updated June 2020*

Preamble

We at St. Andrews share a common belief that every individual should be able to work and study in an environment free from discrimination, harassment or intimidation based on race, color, religion, gender, gender identity, age, national origin, mental or physical disability, marital status, medical condition, veteran status, sexual orientation, citizenship, or any other characteristic protected under federal or state law or local ordinance.

Discrimination and harassment are illegal and in direct conflict with the mission of St. Andrews. It exposes St. Andrews and the individuals involved to liability under the law. Accordingly, St. Andrews prohibits any physical, written, or spoken conduct that violates the prohibitions on harassment set forth in the policy.

What is “Title IX”?

Title IX of the Education Amendments Act of 1972 prohibits sex discrimination in educational institutions. It states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance”. Title IX compliance is overseen by the Office of Civil Rights of the U.S. Department of Education. It is an amendment to the Higher Education Act of 1965 which, itself, sprang from the Civil Rights Act of 1964, including Title IV, which broadly prohibits harassment and discrimination on the basis of many personal characteristics including race, color, sex, religion, or national origin. Consequently, the University is responsible to promptly, equitably, and reliably address allegations of sexual harassment, discrimination, violence, and retaliation.

What is the Campus SaVE Act?

The Campus Sexual Violence Elimination Act (Campus SaVE Act) of 2013 reauthorizes the earlier Violence Against Women Act (VAWA). With guidance from the U.S. Departments of Justice, Education, and Health and Human Services, institutions of higher education such as Webber International University are required to report annual statistics of domestic violence, dating violence, stalking, and sexual assault. The University must make community members aware of resources for victims of such acts, provide prompt, equitable, and reliable investigations of such reports, and establish sexual violence education and prevention programs. For the purpose of clarity, sexual harassment, misconduct, violence, retaliation, and domestic violence, dating violence, and stalking may be referred to as acts of “sexual discrimination”. Unless otherwise specified, referring to one form of sexual discrimination does not exclude any other form. The term “harassment” will always be understood to comprise all forms of harassment, including sexual discrimination and harassment.

I. Anti-Discrimination/Anti-Harassment Statement of Policy

It is the policy of St. Andrews that no member of the campus community shall be subjected to any form of unlawful discrimination, harassment, retaliation, or violence by any other member of this institution.

Harassment, Including Sexual Harassment

For the purpose of this policy, “harassment” is defined as sexual harassment or harassment due to race, color, religion, gender, gender identity, age, national origin, mental or physical disability, marital status, medical condition, veteran status, citizenship or sexual orientation. Sexual harassment is defined as any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access. Stalking, domestic violence, and dating violence are forms of sexual harassment. Reports of sexual assault, dating violence, domestic violence, and stalking do not need to meet the description of “severe, pervasive, and objectively offensive”. Inappropriate and illegal verbal, physical or electronic conduct constitutes harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic advancement, or campus involvement;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, academic decisions, or residential and other campus involvement opportunities affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive living, working, academic, or campus involvement environment.

Harassment, including sexual harassment, while taking many forms, would include, but not be limited to, the following types of conduct:

Verbal: Inappropriate noises, remarks, or jokes; negative stereotyping; unwelcome remarks about a person's body, color, physical characteristics, or appearance; sexual propositions; sexual innuendoes or sexual remarks about clothing, body, or sexual activities.

Nonverbal: Demeaning or offensive pictures, posters, calendars, objects, cartoons, cards, inappropriate gestures or offensive notes or letters. This extends to all forms of social media as well. No messages with derogatory or inflammatory remarks about an individual's or group's race, religion, national origin, physical attributes, disability, age, gender, or sexual preference will be tolerated or transmitted; unwanted, protracted staring or leering are also forms of nonverbal sexual harassment.

Physical: Aggressive or violent touching, imitating, or exaggerating another's physical characteristics, threatening or intimidating behavior; touching, hugging, patting, or pinching that is uninvited and/or unwanted.

Retaliatory: Assigning low grades, changing work assignments, or refusing to cooperate with a person who has complained about or resisted harassment or discrimination; denying participation, membership; making retaliating verbal or physical threats to a person who has reported or resisted harassment or discrimination; imposing physical, social, or emotional sanctions on a person who has reported or resisted harassment or discrimination (see also section on Retaliation and Reprisals, below).

Harassment, including sexual harassment, includes harassment of women by men, men by women, women by women and men by men. It can occur between teachers and students, teachers and staff, staff, and students, and those at different levels of management, as well as between persons of the same University status, i.e., student-student, faculty-faculty, and staff-staff. Harassment, including sexual harassment, can also occur between any St. Andrews community member (student, faculty, or staff) and a third party. It may be found in a single episode, as well as in persistent behavior.

Many times, the person accused of harassment is unaware that behavior is inappropriate, coercive, or misunderstood. Even the accusation of harassment can have a destructive impact on the academic community. As such, St. Andrews will not tolerate any form of discrimination or harassment, or false accusations of such.

In the interest of protecting the campus community, St. Andrews has developed procedures to investigate and resolve harassment complaints. Those procedures are set forth in Section III of this policy.

II. Statement of Sexual Discrimination and Harassment

It is the policy of the St. Andrews to provide fair, equitable, reliable, and compassionate responses to reports of any type of sexual discrimination or violence and that no member of the campus community shall be subjected to any form of unlawful discrimination, including sexual discrimination (sexual harassment, sexual misconduct, sexual violence, retaliation, and domestic violence, dating violence, or stalking). Examples of sexual harassment are provided in the previous section and examples of these other forms of sexual discrimination are described below. None of them will be tolerated at St. Andrews. All forms of sexual discrimination involve unwelcome and/or nonconsensual actions.

What is Consent?

Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent.

Consent in terms of sexual conduct is freely and actively agreeing together, with clear understanding, to engage in mutually agreed-upon sexual activities. Persons who can never provide Consent include:

- Minors (in North Carolina, this is anyone under the age of 18);
- People with cognitive or social limitations that render them incapable of providing consent;
- Incapacitated persons. Incapacitation can occur through excessive alcohol or drug use or for other reasons such as unconsciousness, being asleep, or being otherwise physically unable to respond fully and effectively to the environment, such that they cannot make a knowing agreement to sexual activity
- In the case of drugs, alcohol or other impairing substances, incapacitation is determined by how the person's decision-making ability is affected and the ability of the person to make informed judgments. The relevant standard for review is whether the person alleged to have engaged in sexual misconduct knew, or a sober, reasonable person in the same position should have known, the reporting party was incapacitated.

Consent is dynamic and ongoing throughout any given sexual encounter. It can be revoked by either party. It does not "carry over" to future encounters. If one person's response is unclear or ambiguous, it is the other person's responsibility to confirm Consent.

Finally, intoxication is not the same as incapacitation. Thus, the use of alcohol or other drugs does not release anyone from the requirement to seek and provide Consent.

Other Forms of Sexual Discrimination

Sexual misconduct, violence, retaliation, dating violence, domestic violence, and stalking are forms of sexual discrimination. St. Andrews will not tolerate sexual discrimination in any form and, in the interest of protecting the campus community, St. Andrews has developed procedures to investigate and resolve such sexual complaints. Those procedures are set forth below, under Section III of this policy.

Unwelcome Sexual Experiences: Conduct is considered "unwelcome" if the recipient did not request or invite it and considers the conduct to be undesirable or offensive.

Gender-Based Sex Discrimination: Unwelcome sexually discriminatory conduct based on a person's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes. Discriminatory acts on the basis of Gender Identity are considered "hate crimes".

Sexual Misconduct

Sexual misconduct occurs in the absence of consent, including when the person is unable to refuse to participate, or despite a person's refusal to participate in the activity. Sexual misconduct activities would include, but are not limited to:

- Giving sedative or "date rape" drugs such as GHB or Rohypnol to someone;
- Obscene or indecent behavior such as exposing one's genitals/breasts without Consent or despite refusal;
- Deliberate observation, photography, or other forms of recording of others for sex-related reasons, including posting such images without Consent or despite refusal;
- Possessing or distributing illegal or unwanted pornographic images;
- Intentional transmission of HIV or other sexually transmittable diseases (STDs);
- Prostitution;
- Being an accomplice in the commission of sexual misconduct;
- Attempting sexual misconduct.

Sexual Violence

In alignment with the U.S. Department of Justice, the St. Andrews defines sexual violence as occurring when someone is forced to take part in a sex act when this person has not provided consent, including when the person is unable to refuse to participate, or despite a person's refusal to participate in the activity. "Force" includes the use of threatening words, gestures, or weapons to convey the intent to harm in order to intimidate someone into having sexual contact. Sexual Violence would include, but would not be limited to:

- Sexual Assault: Any offense that meets the definition of rape, fondling, incest, or statutory rape;
- Non-Consensual Sexual Intercourse: Sexual intercourse of any duration, using any object (animate or inanimate), imposed upon a person without their consent or despite their refusal. The FBI Summary Definition of rape is: "Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim";
- Non-Consensual Sexual Touching: Also called "fondling", any sexual touching (for example, of another person's genitals/breasts/mouth) of any duration, including the use of an object (animate or inanimate), imposed upon a person without their consent or despite their refusal. This includes making one person sexually touch another person against her/his will;
- Continuing sexual activity of any sort after one person has clearly communicated, through words or actions that she/he does not wish to continue the sexual contact;
- Sexual contact with a minor or child;
- Being an accomplice to sexual violence; and
- Attempting acts of sexual violence

Dating Violence

The U.S. Department of Justice and the University define Dating Violence as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

"Dating Violence" is not explicitly defined in North Carolina state's code.

Under the Violence Against Women Act (2014), Dating Violence is defined as: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

1. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purpose of this definition—
 - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence

The U.S. Department of Justice and the University define Domestic Violence as "a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone."

A Domestic partner could include:

- A current or former spouse or intimate partner
- A person related to you by blood or marriage such as a cousin, parent-in-law, etc...
- Any person who has lived in the same home with you as "part of the family", including a roommate or boyfriend/girlfriend
- The parent of your child, even if you have never been married or lived together

Incest

- Sexual intercourse between persons who are related within the degrees to which marriage would be prohibited by law.
- Statutory Rape
- Sexual intercourse with a person who is under the statutory age of consent. In North Carolina, the age of consent is 18.

Stalking

- The U.S. Department of Justice and the University define stalking as a “pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear” for their own or another’s safety or to experience emotional distress. Additionally, along with the State of Florida, the University identifies stalking if a person “willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person”.

Retaliation and Reprisals

No individual will suffer any retaliation or reprisals for truthfully reporting any incidents or making any complaints of discrimination, including sexual discrimination (sexual harassment, sexual misconduct, sexual violence, dating violence, domestic violence, or stalking), or for participating in any investigation of incidents of discrimination or perceived discrimination. Acts of retaliation or reprisal under these circumstances are prohibited under Title IX, Campus SaVE Act, and other state and federal laws and are strictly prohibited by the St. Andrews. Reprisal and retaliation, either through direct actions or as a third party, will result in disciplinary consequences. Examples of retaliations or reprisals would include, but would not be limited to:

- Assigning low grades, changing work assignments, or refusing to cooperate with a person who has complained about or resisted harassment or discrimination;
- Denying participation, membership, or relationship to a person who has reported or resisted harassment or discrimination;
- Imposing physical, social, or emotional sanctions on a person who has reported or resisted harassment or discrimination;
- Failing to comply with No Contact Directives, acting in ways that interfere with the process or outcome of an anti-discrimination/anti-harassment investigation, or failing to respect the privacy and dignity of those involved in such an investigation.

A range of sanctions is possible, up to and including removal, suspension, or expulsion from the St. Andrews. Sanctions will be determined by the appropriate Title IX Officer in collaboration with other campus officials.

False Accusations- Definition

If an investigation results in a finding that the Reporting Party intentionally falsely accused another of sexual discrimination (including sexual harassment, sexual misconduct, or sexual violence), the Reporting Party will be subject to appropriate sanctions, as described below, including the possibility of expulsion, suspension and/or termination (in the case of employees). The fact that no action is taken as a result of the complaint against the Responding Party does not mean that the complaint was not false or malicious.

Sexual Violence, Dating Violence, Domestic Violence, and Stalking Prevention Education

St. Andrews provides Title IX/Campus SaVE Act sexual violence education and preventive information to all campus community members through training programs with all faculty, staff, and students on an annual basis.

III. Title IX and Campus SaVE Complaint/Grievance Policies and Procedures: Information for Reporting Parties and Responding Parties, Employees, and Students

Procedures for Reporting Sexual Discrimination, Including Sexual Harassment, Sexual Misconduct, Sexual Violence, Retaliation, Dating Violence, Domestic Violence, or Stalking

St. Andrews conducts prompt and equitable investigations in response to claims of all forms of sexual harassment and sexual discrimination. Persons who have engaged in acts of sexual discrimination, based on a preponderance of the evidence;” standard (i.e., it is more likely than not that sexual discrimination or harassment occurred), may receive institution-imposed sanctions. Additionally, anyone who retaliates against an individual who has made a complaint, or against an individual about whom a complaint has been filed, is acting unlawfully and will be subject to appropriate disciplinary actions. Finally, anyone who has knowingly made false accusations related to sexual discrimination will also be subject to disciplinary actions.

Safety First if you Have Experienced Sexual Violence

- Get to a safe location;
- Tell someone who can help.
- Preserve any evidence;
- Remember, we are here to help and support you.

Terms and Definitions Related to Sexual Discrimination Grievances

Title IX Coordinator:

Dr. Timothy Verhey will act as the Title IX Coordinator and ensure continuity in resolving harassment complaints. The obligation of this position is:

- To distribute and make available the Anti-Discrimination/Anti-Harassment Procedures to every student and employee at St. Andrews;
- To implement Anti-Discrimination/Anti-Harassment Procedures;
- To keep ongoing statistics and report them annually to the Campus President;
- To maintain records of all cases noting any patterns of misconduct and advising the appropriate administrator(s); and
- To ensure that policies, procedures and the educational programs are properly administered.

Reporting Party: Any member of the campus community who files a harassment complaint, based on a protected category or sexual harassment.

Responding Party: Any member of the campus community who becomes the subject of a harassment complaint, based on a protected category or sexual harassment.

Advisor: Any individual who provides the Reporting Party or the Responding Party with support, guidance, or advice.

Investigator: A designated member of campus administration responsible for collecting and examining the information and facts surrounding a claim.

Report: Sharing that sexual discrimination, including sexual harassment, sexual misconduct, or sexual violence, dating violence, domestic violence, or stalking has occurred either on campus or off campus at a campus-sponsored function does not mean a student must file charges, but the campus must investigate such reports (see Confidentiality “Privilege” and Duty to Report, below). A report also does not mean a student must file charges with local law enforcement. The decision to file charges or not to file charges with local law enforcement is the Reporting Party’s choice.

Grievance: A complaint is defined as the claim of a student or employee (the “Reporting Party”) that s/he has been adversely affected by a substantial breach or violation of the campus rules, regulations, and policies as approved by the Campus President, University President, and/or the Board of Trustees.

Proceeding: All activities related to the campus’s non-criminal resolution of an institutional disciplinary complaint, including a complaint of any form of sexual discrimination. Proceedings include fact-finding interviews, investigations, and formal and informal meetings. Proceedings do not include communications and meetings concerning accommodations or protective measures to be provided to the Reporting Party or the Responding Party.

Result: Any initial, interim, or final decision/outcome by any official or entity authorized to resolve disciplinary matters, including those related to all forms of sexual discrimination, within the institution. Final results will include any sanctions imposed by St. Andrews.

Procedures for Making a Sexual Discrimination Complaint-

St. Andrews provides members of the academic community prompt, equitable, and reliable mechanisms for reporting incidents of sexual discrimination, including sexual harassment, sexual misconduct, sexual violence, harassment based on a protected category, retaliation, dating violence, domestic violence, stalking, and false accusations.

A sexual discrimination report does not have to result in filing charges. However, a report of the sexual discrimination charge must be investigated. A Reporting Party can report an initial complaint/grievance about sexual discrimination to any St. Andrews employee she/he feels comfortable speaking to. The information will then be shared with the Title IX Coordinator (see below, Confidentiality “Privilege” and Duty to Report). Additionally, if you are concerned you will be named as a Responding Party in a sexual discrimination report, you are also encouraged to contact the Title IX Coordinator. We promptly, equitably, and reliably support the rights of all St. Andrews community members-Reporting Party’s, Responding Party’s, and witnesses. Complaints/grievances about acts of sexual discrimination, including sexual harassment, misconduct, violence, or acts of retaliation that are in violation of the Anti-Discrimination/Anti-Harassment policy will be taken seriously, will be investigated, and will be treated in a compassionate and discreet manner.

D. Privacy Statement

Most St. Andrews employees, including faculty, staff, Resident Directors, and Resident Assistants are obligated to respond to reports of sexual discrimination, including sexual harassment, sexual violence, dating violence, domestic violence, and stalking, even if the individual reporting the incident requests that no action be taken. St. Andrews understands that prompt, equitable, and reliable responses to Title IX and Campus SaVE harassment and discrimination reports often require obtaining sensitive information about the Reporting Party and other members of the campus community. The privacy of reports will be strictly kept when possible, or tightly maintained among persons who have a need to know to keep the Reporting Party and the community safe when strict privacy is not possible. The identity of the Reporting Party and/or the Responding Party will be disclosed only on a need-to-know basis to the extent feasible in light of the need to conduct an investigation and to promote community safety. Persons with whom St. Andrews may share investigation-related information include, but might not be limited to:

- St. Andrews employees working in an official capacity who require information for the proper performance of their professional responsibilities, particularly in matters of conducting an investigation and/or protecting individual student and campus-wide safety.
- A Reporting Party or Responding Party of an investigation, when such information is necessary for the effectiveness of interim conditions (e.g., enforcing a “No Contact” directive)
- A Reporting Party or Responding Party of an investigation, concerning the final results of the investigation i.e., a determination that discrimination did or did not occur, remedies being offered, and right to appeal; however, all disciplinary actions taken against a Responding Party will not necessarily be released to the Reporting Party without the Responding Party’s consent. These written notifications to the Reporting Party and Responding Party will occur in rapid succession of one another (i.e., as close to simultaneously as is reasonable)
- Appropriate persons in case of health or safety emergencies
- Outside law enforcement officials, when St. Andrews deems this appropriate or necessary
- Local, state, or federal entities that require reporting of sexual assault and other violent incidents e.g., Clery Act, Campus SaVE Act (personally identifiable information about the participants will be redacted whenever permissible). Students or employees may report any concern about sexual discrimination, including sexual assault, dating violence, domestic violence, or stalking, anonymously. Reporting persons may decline to name themselves and St. Andrews will investigate the report, establish Interim Measures, refer any named parties to resources, and take other actions as possible. Anonymous reporters must realize St. Andrews will be limited in its ability to respond or investigate in such cases, but will do all it can with limited information to promptly investigate the report of sexual discrimination, stop the reported discrimination, and prevent its recurrence

- St. Andrews seeks to adequately protect confidential Student Education Records while also conducting a prompt, equitable, and effective investigation. Determining which campus officials, Reporting Party, Responding Party, witnesses, and other parties need to know about Title IX/Just Ask sexual discrimination investigations, interim measures, final investigation outcomes, sanctions, remedial actions, and other details shall be decided in compliance with FERPA requirements.
- All other St. Andrews employees, including students (such as Resident Assistants) employed by the campus and St. Andrews faculty, have a duty to report observations or knowledge of sexual discrimination, including sexual harassment, sexual misconduct, and sexual violence, or other criminal acts such as dating violence, domestic violence, stalking, and child abuse (when a crime has been committed against a Minor which, in Florida, is anyone under the age of 18). Employees should report their knowledge to their immediate supervisors and to a designated Title IX Officer. If the immediate supervisor is a potential Responding Party to the discrimination complaint, report the information to the designated Title IX Officer

F. Investigations of Sexual Discrimination or Harassment

The Office of Title IX Compliance team members receive annual training in techniques to investigate all forms of sexual discrimination and harassment including sexual assault, dating violence, domestic violence, and stalking. All St. Andrews employees receive training about sexual discrimination, including sexual harassment and violence, and on the procedures outlined in this policy.

Rights of Reporting Party and Responding Party: Reporting Party and Responding Party share equally in the right to have private interviews. Since these are not legal proceedings, legal representation for Title IX/Campus SaVE Act investigations will not be appropriate for either party.

Additionally, both the Reporting and the Responding Party have the right to

- respond to claims or statements in writing
- produce documentation, witnesses, or other evidence to support their statements or claims
- be kept up to date by St. Andrews on the progress of the investigation and associated proceedings
- receive written/electronic notification about existing on- and off-campus resources
- not suffer any retaliation or reprisals for truthfully reporting any incidents or making any complaints or for participating in any investigation
- file an appeal with the appropriate campus official following the defined Appeal Process
- written outcome of the appeal, including any changes in final results of the investigation
- written notification when Results become final
- bring an Advisor or support person to an interview and/or hearing
- Provided copies of all statements at least 10 days prior to a hearing
- file a criminal complaint with local law enforcement though the University operates its investigation independently from local police
- contact an attorney for legal counsel on matters involving criminal or civil action.
- Note: If an attorney is selected by the Reporting Party or Responding Party as an Advisor, the attorney can only serve as an advisor or support person for the Reporting Party or the Responding Party. Neither a Reporting Party nor a Responding Party's attorney may participate in a St. Andrews sexual discrimination investigation in their legal role.
- The Reporting Party and Responding Party shall be present at the hearing and have an opportunity to ask questions of each other

NOTE: Title IX/Campus SaVE Act Investigations Are Not Criminal Investigations

Sexual discrimination, including sexual violence, dating violence, domestic violence, and stalking, are potential crimes that can be reported to the police or other law enforcement agencies. However, they are also Title IX and Campus SaVE Act violations and violations of campus Anti-Discrimination/Anti-Harassment policies and procedures. St. Andrews is committed to addressing and preventing sexual discrimination in all its forms regardless of whether or not such activity constitutes a crime.

Interim Steps: Depending on the facts and circumstances known to St. Andrews, in its discretion and judgment, may take appropriate interim steps to support and protect the Reporting Party or Responding Party prior to the outcome of an investigation.

- Establishing a No Contact Directive
- Changes in residence hall residency
- Changes in employment location or schedule
- Changes in academic schedule, exams, and assignments
- Academic support services
- Withdrawing from a course without grade penalty
- Medical, counseling, and spiritual assistance offered for free by campus resources
- Medical, counseling, and spiritual assistance through off-campus referral, based on student preference
- Connecting the student with off-campus victim advocacy resources
- Connecting the student with assistance for filing a police report
- Voluntary withdrawal
- Emergency Interim Suspension of the Responding Party

Any Interim Measure can potentially serve as a remedial measure at the discretion of the Reporting Party or the Responding Party. Additionally, appropriate community remedies might be provided (e.g., improved campus lighting, educational programming, staff training, climate assessments).

These actions are not intended to be punitive but to protect the safety of individuals and the greater community and to promote accountability. Every effort will be made to minimize unnecessary or unreasonable burdens to both the Reporting Party and the Responding Party.

All St. Andrews investigative, protective, and interim measures and remedies will be available to both Reporting Party and Responding Party whether or not either party files a police report.

Complaint/Grievance Investigation Timetable:

Every effort will be made to strictly adhere to the timetables in this document. However, if investigations extend to when school is out for prolonged periods or if there are unavoidable challenges in communications or evidence-collection with the Reporting Party, Responding Party, or others involved in an investigation, St. Andrews may require extensions to the below timetables.

Immediately upon a complaint being filed, the investigation will proceed as follows:

Investigating a Complaint of Sexual Harassment or Discrimination: Employee-to-Employee, Employee-Third Party, Student-to-Student, Student-Employee, or Student-Third Party Discrimination

- Anyone on the St. Andrews campus who observes an act of sexual misconduct or violence toward another person- student, employee, or third party (including a child/Minor which, in the State of North Carolina, is anyone under the age of 18) and anyone in the St. Andrews community who experiences or observes a sexually discriminatory act or learns of a sexual discrimination situation that involves a campus community member should provide verbal notification of receiving this knowledge within twenty-four hours to the Title IX Coordinator, Dr. Timothy Verhey (910) 277-5145.
- If the situation comes to someone's attention after business hours or during holidays and does not involve eminent physical or emotional peril to the employee or student, the notification should be made to the Title IX Coordinator within four (4) hours of regular business hours resuming. Title IX notifications that could reasonably involve eminent physical or emotional peril to the employee or student need to be submitted immediately and the reporter should either call 9-1-1 and/or should be directed to St. Andrews Department of Safety and Security (910-280-2895). The Campus Safety Office will notify the necessary campus officials.
- Within 24 hours of receiving a complaint, or during the next business day, the Title IX Coordinator will notify the Office of Human Resources that a Title IX/Campus SaVE Act investigation has been initiated. The Title IX Coordinator and Dean of Students will initiate an investigation into the incident and notify the Reporting Party as soon as practicable regarding the status of the investigation.

- The investigation will look at the totality of the circumstances, including the nature of the conduct and the context in which it occurred. While strictly observing or tightly maintaining privacy (please see previous section on “Privacy” in this document), the Title IX Coordinator and Dean of Students will communicate with others as necessary to facilitate a prompt, equitable, and reliable investigation and will attempt to resolve the complaint within 30 calendar days of the initial filing of the complaint. In rare circumstances, more time may be required to complete an investigation. Both the Reporting Party and the Responding Party will be kept apprised of the progress of the investigation and of any delays that may arise in meeting institutional timetables.
- Upon conclusion of the investigation into the complaint, and if a written record is warranted, the Title IX Coordinator then provides the written record to that effect, and the principal parties – Reporting Party, Responding Party, and Title IX Coordinator– sign their agreement in rapid succession of one another (i.e., as close to simultaneously as is reasonable). If a signed written record is not needed, the Title IX Coordinator will complete a description of the resolution and how the Reporting Party and Responding Party were informed, privately but otherwise simultaneously to both the Reporting Party and the Responding Party.
- Mediation on a voluntary basis can be used to resolve some forms of sexual discrimination at the conclusion of an internal investigation but will not be used to resolve cases of reported sexual violence. This does not preclude the use of other informal approaches to resolving such complaints.
- Depending on the facts and circumstances known, St. Andrews, in its discretion and judgment, may determine that the allegations of sexual discrimination, harassment or retaliation will be investigated by outside law enforcement officials, and St. Andrews may take interim action as it deems appropriate to address the safety and protection of the campus. Additionally, the Reporting Party or the Responding Party may decide to file civil or criminal charges. In such cases, St. Andrews may have to suspend its own investigation but will resume it once law enforcement officials have finished collecting their evidence.

The Investigation into Complaints of Sexual Harassment or Discrimination:

During this phase the appropriate Title IX Officer, with or without an additional trained Title IX Investigator, will interview parties involved including the claimant, Responding Party (if known) and any witnesses. At this stage, the investigation process may include any or all of the following, or such other elements as deemed appropriate:

- Confirm name and position of the Reporting Party.
 - Identify the Responding Party.
 - Assure both the Reporting Party and the Responding Party that equal opportunities for presenting evidence, receiving notification of the outcome, and exercising rights to appeal are available to both.
 - Thoroughly ascertain all facts in connection with the alleged incident, beginning by interviewing the Reporting Party and the Responding Party. Questions of all parties should be asked in a nonjudgmental manner.
 - Upon first interviewing the parties, remind the Reporting Party and the Responding Party of the policy against retaliation.
 - Determine frequency/type of objectionable conduct and, if possible, the dates and locations where the behavior purportedly occurred.
 - Find out if any witnesses observed the alleged objectionable conduct. If the Reporting Party and the Responding Party present conflicting versions of the facts, interview any witnesses.
 - Ask both parties how each responded to the alleged objectionable conduct.
 - Determine what efforts, if any, at informal resolution of the matter were made, the result, and any witnesses.
 - Determine whether the Reporting Party or Responding Party consulted anyone else about the reported objectionable conduct, and ascertain those witnesses and their response to the disclosure.
 - Develop a thorough understanding of the professional, academic, or personal relationship between the Reporting Party and Responding Party.
- Determine whether either the Reporting Party or the Responding Party has made and carried out any threats or promises directed toward the other.

- Determine whether the Reporting Party knows of or suspects that there are other individuals who have been subjected to similar conduct by the Responding Party. Receipt of any complaint shall be cause for a file review to determine if a prior complaint against the same person is on record.
- Assure both the Reporting Party and the Responding Party that the past sexual history of either will only be considered if it relates to the complaint.
- Statements are taken in private. Because such interviews are internal, attorneys have no role in the interview process.

Resolving the Complaint/Grievance of Sexual Harassment or Discrimination

Upon completing the investigation of a complaint involving students, Title IX Coordinator will summarize findings and review with the Dean of Students. The Dean of Students and the Title IX Coordinator will decide upon the response and any associated disciplinary action if applicable. Upon completing the investigation of a complaint involving employees, Campus President and Title IX Coordinator will decide upon St. Andrews' response and any associated disciplinary action if applicable. St. Andrews' findings and intended actions will be communicated to both the Reporting Party and Responding Party.

If St. Andrews determines that there is a preponderance of the evidence (i.e., it is more likely than not) that discrimination, including sexual harassment, sexual misconduct, sexual violence, retaliation, dating violence, domestic violence, or stalking occurred, the Responding Party will be subject to appropriate disciplinary procedures ("Sanctions") as listed below. The Reporting Party will be informed of the outcome of the investigation but, unless the Responding Party waives rights to privacy, may only learn of those remedies or disciplinary actions that the Reporting Party "needs to know" to be safe and remedied. If St. Andrews does not find a preponderance of the evidence that sexual discrimination, including sexual harassment/misconduct/violence, retaliation or other illegal sexual conduct has occurred, this finding will be communicated to the Reporting Party in an appropriately sensitive manner. Just because the information St. Andrews was able to obtain does not meet a "preponderance of the evidence" standard and so it cannot find that sexual discrimination took place does not affirm or prove that such discrimination did not, in fact, take place.

Any report of false accusations will be evaluated as well, and the Reporting Party and Responding Party duly notified of the findings and any associated disciplinary actions (see item "I" below).

G. Sanctions

Individuals found to have engaged in illegal sexual activity or behavior constituting sexual discrimination (including sexual harassment, sexual misconduct, and sexual violence, retaliation, dating violence, domestic violence, or stalking), based on a preponderance of the evidence" standard (i.e., it is more likely than not that sexual discrimination occurred) as defined in this policy, will be disciplined, up to and including discharge, removal, suspension, or expulsion from St. Andrews. The range of possible sanctions includes, but would not be limited to:

- Ongoing No Contact remains in place
- Written warnings
- Educational interventions
- Targeted community service
- Social, housing, or other probations
- Suspension (for varying lengths of time)
- Expulsion

Appropriate student sanctions will be determined by the Dean of Student Affairs and the Title IX Coordinator while employee sanctions will be determined by the Director of Human Resources, Title IX Coordinator, and Campus President. In addressing incidents of sexual discrimination, the St. Andrews' response at a minimum will include reprimanding the offender and preparing a written record. Additional action may include: referral to sensitivity or other relevant training, reassignment, temporary suspension (if an employee, without pay), reduction in duties, discharge, or removal or expulsion from St. Andrews.

H. Right to Appeal

Both the Reporting Party and the Responding Party have the right to appeal the decision of the Title IX Coordinator, Dean of Students, or Director of Human Resources within seven (7) business days, in writing, to the Campus President.

There are two grounds upon which to base an appeal:

- There is significant, new information that was not available at the time of the initial investigation which could reasonably alter the facts and outcome of the investigation. A written appeal must delineate these new facts and explain how they could impact the outcome.
- There was a procedural error that significantly affected the outcome. A written appeal must describe the procedural error and support how that error affected the outcome.

Both the Reporting Party and the Responding Party will be notified of any changes to the final outcomes of the Title IX/Campus SaVE Act investigation.

I. False Accusations

If an investigation results in a finding that the Reporting Party intentionally falsely and maliciously accused another of discrimination (including sexual harassment, sexual misconduct, or any form of sexual violence or retaliation), the Reporting Party will be subject to appropriate sanctions, as described above, including the possibility of expulsion, suspension and/or termination (if an employee). The fact that no action is taken as a result of the complaint against the Responding Party does not mean that the complaint was not false or malicious.

J. Possible Illegal Activities/Behavior

Any actions reported to a Title IX Officer, member of the faculty or administration, or other employee which may be interpreted to be a violation of North Carolina law, will be reported to the appropriate law enforcement agency for investigation and further action. Any doubt as to whether the conduct does or does not violate North Carolina law may be resolved in favor of the party reporting the matter.

K. Maintaining a Written Record of the Complaint

St. Andrews shall maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in a confidential manner to the extent practical and appropriate the office of the Director for Human Resources for investigations and incident reports involving an employee, and in the office of the Title IX Coordinator for all investigations involving a student.

Written records will be maintained for seven (7) years from the date of the resolution, unless new circumstances dictate that the file should be kept for a longer period of time. These records shall document that a complaint was filed and the resolution of the complaint.

IV. Reporting Sexual Discrimination with Violence of Physical Contact, Including Sexual Assault:

Should sexual violence or sexual assault occur that involves a St. Andrews student or employee, either on campus or at an off-campus St. Andrews function, the victim is encouraged to notify local law enforcement by dialing “911” and the St. Andrews Office of Campus Safety and Security (910) 280-2895. Such reporting can provide the victim with access to needed medical care and personal safety as well as protect the campus community from further crime. Victims of sexual violence or assault are also encouraged to seek counseling and mental health services through community resources.

Assistance in changing employment, academic, or on-campus living situations after an alleged sexual assault has occurred is available through the Office of Student Affairs (910) 277-5409 for a student.

Victims may also elect to report an assault anonymously. Anonymous reporting alerts the campus community to potential danger and helps in compiling accurate crime statistics.

What to Do if You Learn of a Sexual Violence/Assault Incident:

The following information outlines St. Andrews’ Sexual Violence/Assault Reporting Procedure, a guide on how to respond to a student’s or employee’s report of sexual violence or assault (from here on referred to as “sexual assault”).

Following a sexual assault or incident of dating violence, domestic violence, or the experience of being stalked, it often happens that the first person the student or employee confides in is not a nurse, counselor, Campus Safety officer, or other official person, but someone else the student or employee already knows and trusts. The student or employee may choose to talk to a trusted friend or advisor before speaking to anyone else. The most crucial guideline in taking any of the following steps is to allow the student or employee to choose how the situation will be handled. A victim of sexual assault has been through an experience over which she or he had little or no control. Therefore, it is extremely important that the victim be allowed to regain a sense of control by making her or his own decisions.

- Whenever a student or employee reports a sexual assault, the first task is to ask the individual if there is a need for immediate emergency assistance, as in cases, for example, in which the assault has just occurred or is still going on. If emergency services are required, call 911 immediately and then notify St. Andrews Campus Safety and Security (910) 280-2895. Take every step to ensure that the student or employee is not alone until help arrives. The reporting party's official duties end at this point, but the student or employee may need continued support and assistance over the next hours, days, and weeks (please be ready to refer the individual to the resources at the end of this document).
- If the student or employee does not require emergency assistance and the sexual assault occurred within the past 72 hours, ask the individual if she or he wants to report the assault. If so, call St. Andrews Campus Safety and Security (910)-280-2895. At this point, physical evidence can still be collected and if the student or employee chooses later to press charges, this physical evidence may be extremely important. Remain with the student or employee and continue to offer support until she or he is in the care of the police, Campus Safety, or other appropriate official.
- If the sexual assault occurred more than 72 hours ago, ask the student or employee whether she or he feels safe and if she or he wants to notify local law enforcement or St. Andrews Campus Safety and Security (910)280-2895. Please contact the Title IX Coordinator, Dr. Timothy Verhey (910) 277-5145.

V. Conclusion

St. Andrews has developed these Anti-Discrimination/Anti-Harassment, Title IX, and Campus SaVE Act policies and procedures so that all members of its community can work and study in an environment free from harassment (including sexual harassment). St. Andrews will have as one of its duties the immediate dissemination of this policy to all members of this community and will provide this policy to all new members upon their arrival. St. Andrews will conduct information sessions and training concerning the policies and procedures to ensure that all members understand St. Andrews' commitment, are familiar with the policies and procedures, and know that any complaint received will be investigated and appropriately resolved.

The Title IX Officers, and all campus employees, officials, and students have the responsibility to follow this policy and to accord dignity to all the parties involved.

Title IX Officers

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