

2026

**ANNUAL
SECURITY REPORT**

DENVER SITE

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Thank you for taking the time to review this year's AHU Annual Security Report. This report provides essential information about campus safety and security, including details on the various programs offered to support our community. In the future, it will also include crime statistics specific to AHU-Denver.

As you review the report, you'll see that our university is committed to providing a safe place to study and work. This sense of safety is the result of coordinated efforts by multiple departments and individuals. Safety is a shared responsibility, and we rely on everyone in our community to play a role. By reporting suspicious behavior and practicing good safety habits in your daily routines, you contribute to maintaining a secure campus.

The AHU Campus Security team is committed to developing services, programs, and strategies to promote a safe environment. We value our partnerships with the University community in achieving this goal.

We hope you find this report useful and that your time at AHU-Denver is both fulfilling and safe. If you have any questions or need additional information, please visit our website at ahu.edu/campus-safety-and-security or contact us at 407-303-8016.



Josh Garrido, M.Ed.
Dean of Students
AdventHealth University

Preparing the Annual Security Report

The Jeanne Clery Campus Safety Act requires AdventHealth University to publish and distribute an Annual Security Report by October 1 each year. The report includes campus safety and security policy statements and crime statistics for the three most recent calendar years for each applicable category of Clery geography.

The Dean of Students coordinates the preparation and distribution of the Annual Security Report in collaboration with the Director of AHU Security, AHU-Denver Chief Operations Officer, and other University offices that maintain information relevant to campus safety and crime reporting.

As part of the annual crime-statistics collection process, AHU solicits reports from its Campus Security Authorities and relevant University offices and requests crime statistics from local law-enforcement and security agencies with jurisdiction over the University's educational sites and applicable non-campus properties. This includes information reported through the AHU Incident Report and other reporting methods identified in this report.

Reported incidents are reviewed to determine whether they meet a Clery-reportable crime definition, occurred within the University's Clery geography, and must be included in the applicable calendar year and geographic category. Reports received from multiple sources are reviewed to identify and remove duplicate reports before the final statistics are published.

By October 1 each year, AHU provides current students and employees with notice of the report's availability, a brief description of its contents, the exact website address where it can be accessed, and information about obtaining a paper copy upon request. The report is available at:

<https://www.ahu.edu/campus-safety-and-security>

Prospective students and employees are also notified of the report's availability and may request a physical copy.

Clery Geography

AdventHealth University operates an instructional site in Denver, Colorado, located on the third floor (Suite 310) of an office building at 6061 South Willow Drive, Greenwood Village, CO 80111. For purposes of the Clery Act, the University's Clery geography at this site is limited to the space exclusively leased and controlled by the University within the building.

On-Campus Property

Includes only the University's leased instructional suite which includes office space, conference rooms, classrooms and clinical lab space.

Non-Campus Property

The University does not own or control other separate instructional or student-use properties in Denver.

Public Property

Includes the sidewalks, streets, and public areas immediately adjacent to and surrounding the building.

Residential Facilities:

No residential housing is provided at this site.

Reporting Crimes

Members of the AdventHealth University community are encouraged to promptly report crimes, suspected crimes, and emergencies. Anyone experiencing or observing an immediate threat should first call 911 and then notify AHU-Denver Security, when it is safe to do so.

Reports made to AHU-Denver Security or another Campus Security Authority are forwarded for evaluation and, when applicable:

- Inclusion in the University's annual Clery crime statistics;
- Consideration of whether a Timely Warning Notification or Emergency Notification should be issued; and
- Referral to the appropriate University office or law-enforcement agency.

A person may report a crime without pursuing criminal charges or participating in a University disciplinary process. Campus Security Authorities are not responsible for investigating a report or determining whether a crime occurred. They must promptly forward the information reported to them so that the University can complete the required evaluation.

Campus Security Authorities

For the 2026 Annual Security Report and the collection of calendar-year 2025 information, AHU continues to use its existing broad Campus Security Authority reporting model. Under this model, University employees who receive information concerning a possible crime must promptly forward the known information to AHU Campus Security or the Dean of Students through the AHU Incident Report process.

Primary reporting contacts include:

- **AHU-Denver Chief Operations Officer**
303-765-6271
Katie.Shaw@ahu.edu
- **AHU-Denver Security**
720-245-9733
Timothy.Taft@AdventHealth.com
- **AHU-Orlando - Campus Security**
407-353-4002
Eric.Goebelbecker@ahu.edu

- **Dean of Students**
407-303-8016
Joshua.Garrido@ahu.edu
- **Title IX**
303-765-6271
Katie.Shaw@ahu.edu
- **Human Resources**
407-303-7398
Jennifer.Carpenter@ahu.edu

This reporting structure includes faculty, Student Experience staff, Student Academic Support Services staff, Student Affairs staff, University Housing staff, and faculty or staff advisors to student clubs and organizations.

Pastoral and professional counselors are not Campus Security Authorities when acting within the scope of their pastoral or professional counseling roles. An employee serving in another institutional capacity remains subject to any reporting responsibilities associated with that separate role.

To ensure everyone's safety, all crimes should be reported to AHU Campus Security via the [AHU Incident Report](#) for the purpose of potentially issuing a campus-wide alert and for disclosure in the annual crime statistics.

Behavioral Intervention Team (BIT)

AdventHealth University utilizes a behavioral intervention team, which operates as an additional line of defense in identifying potential behavioral issues on campus. The University is a member of the National Behavioral Intervention Team Association (NABITA). Annual training is provided for AHU employees regarding the identification and reporting of student and employee behaviors that may be pre-cursors to more serious misbehaviors or illnesses.

Anonymous Reporting

AHU provides options through which individuals may submit certain reports without identifying themselves. Campus community members may submit anonymous reports of concerning incidents or behavior through the [Behavioral Intervention Team](#) website.

The Office of Title IX also provides an anonymous reporting option for students and other reporting parties who wish to report sexual harassment, sexual assault, stalking, domestic violence, dating violence, or other forms of sex- or gender-based discrimination.

AHU's ability to investigate, respond, or provide supportive measures may be limited when the identities of the individuals involved or other essential information are not provided. Faculty and staff who have reporting obligations under AHU's Title IX policies may not satisfy those obligations by submitting an anonymous report.

Reports received through these channels that contain sufficient information will be evaluated for inclusion in AHU's Clery crime statistics and for a possible Timely Warning Notification, as applicable.

These anonymous reporting methods should not be used to request emergency assistance. Emergencies should be reported immediately by calling 911 or AHU Campus Security at 407-353-4002.

Security Awareness and Crime Prevention

Security Awareness Programs

AHU provides security-awareness programming throughout the academic year to inform students and employees about campus security procedures and practices and to encourage responsibility for their own safety and the safety of others.

AHU Campus Security participates in New Student Orientation each trimester. The presentation addresses the importance of reporting safety or security concerns; how to make a report; fire and severe-weather safety; student identification-badge requirements and how to obtain a badge; and the role of Campus Security. Students are encouraged to contact Campus Security regarding both urgent concerns and routine safety questions. Safety and security information is also included in orientation activities for all academic programs.

Beginning in 2026, AVIRT-trained AHU Campus Security officers began offering Active Violence Immediate Response Training to students and employees. AVIRT is an instructor-led preparedness program addressing recognition of potential warning signs, situational awareness, rapid decision-making during an active-violence incident, options for escaping or evading danger and responding when necessary, and emergency bleeding-control techniques. AHU is expanding the availability of this training with the goal of providing every academic and support area an opportunity to participate.

Security & Access to On-Campus and Non-Campus Facilities

General Campus

During regular business hours, the educational site is accessible to students, employees, and visitors. AHU-Denver requires all students and employees to display permanent identification at all times. Students and employees who fail to provide identification badges are denied access to the University site until identification is presented. A temporary identification badge can be obtained until a permanent replacement badge is created and sent from the Orlando campus. After business hours, campus buildings are accessible to authorized individuals by ID badge.

Special Events

Occasionally, special events (public and private) are held at the AHU-Denver site during or after regular business hours. All special events at the site are required to have AHU Campus Security available to them for the duration of the event.

Physical Safety Considerations

Maintenance of Campus Facilities

Campus safety issues reported by AHU-Denver administration, faculty, or staff, are logged in a Security logbook by the AHU-Denver Chief Operations Officer.

All AHU-Denver campus maintenance or safety requests submitted by employees or students are submitted to property management of the building at 6061 South Willow Drive, Greenwood Village, CO 80111.

Law Enforcement & Jurisdiction

The AHU-Denver instructional site is monitored during normal operating hours by a contracted security officer. The officer patrols the University's defined Clery geography and provides security services within the scope of the officer's assigned responsibilities.

The contracted security officer is not a sworn law-enforcement officer, does not possess arrest authority, and does not enforce federal, state, or local criminal laws. When an incident requires law-enforcement authority, criminal investigation, arrest, or another service outside the officer's authority, the appropriate law-enforcement or emergency-response agency is contacted.

The Greenwood Village Police Department is the primary law-enforcement agency serving the Denver instructional site. AHU Campus Security in Orlando maintains a working relationship with the contracted security officer and may provide administrative coordination and support when incidents occur at the Denver site. AHU also cooperates with local, state, and federal agencies when appropriate.

AHU does not maintain a written memorandum of understanding or other written agreement with the Greenwood Village Police Department concerning the investigation of alleged criminal offenses at the Denver instructional site. In the absence of a written investigative agreement, the contracted security officer and appropriate AHU officials cooperate with the law-enforcement agency having jurisdiction and provide assistance and information consistent with applicable law and University policy.

Reporting Crimes and Other Emergencies

All students, faculty, staff, and guests of AHU-Denver are encouraged to report all suspicious behavior, potential criminal activity, and/or any emergency incidents promptly and accurately by calling Security at 720-245-9733 and notifying the AHU-Denver Chief Operations Officer.

This includes incidents that occur on public property running through or immediately adjacent to the instructional site. Crimes should be accurately and promptly reported to Security and appropriate law enforcement agencies when the victim of a crime elects to or is unable to make such a report. Individuals may also report incidents in person at the AHU-Denver site. Individuals who want to report incidents regarding sexual assault, domestic violence, dating violence, or stalking may report to the Deputy Title IX Coordinator at 303-765-6271.

Response to Reported Crimes

In response to a call, necessary action will be taken by responding agencies to the scene and/or victims will be asked to file an incident report. All incident reports that involve a crime or violation of university policy are forwarded to the Dean of Students' office for review and potential action, as appropriate. AHU Campus Security will investigate a report when it is deemed appropriate.

Any additional information obtained from initial and subsequent investigations will be directed to the Dean of Students' office. If assistance is required from the local law enforcement or emergency services, AHU Campus Security will contact the appropriate agency. If a sexual assault incident occurs, staff on the scene, including the responding Security officer, will offer the victim options of services, both on and off campus. The appropriate staff members will contact the Title IX office regarding incidents dealing with sexual assaults, stalking, domestic violence, or dating violence.

Voluntary Confidential Reporting for Clery Statistical Purposes

AHU does not currently maintain a separate voluntary confidential crime-reporting process for inclusion in its Clery statistics. This is distinct from anonymous reporting, in which the reporting individual's identity is not provided. AHU's anonymous reporting options are described in the "Anonymous Reporting" section of this report. Information regarding pastoral and professional counselors is provided in the following section.

Pastoral and Professional Counselors

For purposes of the Clery Act, a pastoral or professional counselor who meets the applicable regulatory definition is not considered a Campus Security Authority when acting within the scope of that counseling role. Reports made solely to an individual acting in that capacity are not automatically included in AHU's Clery crime statistics.

AHU does not currently maintain a separate procedure through which pastoral or professional counselors direct individuals to a voluntary confidential crime-reporting process for Clery statistical purposes. Individuals receiving counseling may elect to report an incident separately to AHU Campus Security, another Campus Security Authority, local law enforcement, or through an available anonymous reporting option described elsewhere in this report. Counselors may, when appropriate and consistent with their professional responsibilities, inform individuals of these reporting options.

The Clery Act counselor exception applies only while the individual is acting within the counseling role. An employee who also holds a separate position or responsibility that independently qualifies as a Campus Security Authority may have CSA reporting responsibilities when acting in that separate capacity. This Clery classification does not alter any obligations that may apply under other laws, professional standards, or University policies.

Pastoral Counselors

A pastoral counselor is an employee of an institution associated with a particular denomination, recognized by that denomination as someone who provides confidential counseling and functioning within the scope of that recognition as a pastoral counselor. Chaplains serve in the role of pastoral counselors at AdventHealth University.

Professional Counselor

A professional counselor is an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of their license or certification.

Monitoring and Reporting Criminal Activity

AdventHealth University relies on local law enforcement agencies to provide information regarding incidents involving students off-campus. AHU Campus Security will actively investigate any information it receives concerning the involvement of a member of the campus community in a crime. If the University is notified of a situation, an emergency alert (phone/text, email) may be activated detailing the incident and providing tips to assist other students and/or employees in avoiding similar situations.

If AHU Campus Security is notified of a crime committed by a member of the campus community off-campus, the situation will be referred to the appropriate law enforcement agency, to the appropriate dean/chair/program director, Dean of Students office, and/or the Human Resources department.

Timely Warning Notification

AHU evaluates reports of crimes required to be reported under the Clery Act, including hazing incidents, that are reported to a Campus Security Authority or local law-enforcement agency and are alleged to have occurred within the University's Clery geography. Each report is evaluated on a case-by-case basis to determine whether the reported circumstances represent a serious or continuing threat to students or employees.

AHU does not apply a fixed reporting deadline when determining whether to issue a Timely Warning Notification. The amount of time between the alleged incident, its discovery, and its report may be considered as part of the threat assessment but will not automatically disqualify an incident from consideration.

Factors considered may include the nature and seriousness of the reported offense; when and where it allegedly occurred; when it was reported; whether the circumstances indicate an ongoing or recurring risk; whether similar incidents have been reported; whether the alleged perpetrator has been identified or apprehended; the relationship, if any, between the individuals involved; the availability and reliability of information; and other circumstances relevant to the safety of the campus community. The presence or absence of any single factor does not automatically determine whether a warning will be issued.

When AHU determines that a reported crime represents a serious or continuing threat, the University will issue a Timely Warning Notification in a manner that is timely, withholds the names and other personally identifying information of victims, and provides information intended to help members of the campus community protect themselves and prevent similar incidents.

A Timely Warning Notification may include the general nature, date, time, and location of the reported incident; a description of the circumstances or suspect when appropriate; recommended precautions or protective actions; and information about reporting related activity. The content will

be limited when necessary to protect victim confidentiality or avoid compromising safety or law-enforcement efforts.

The AHU-Denver Chief Operations Officer, Dean of Students and Director of Security are authorized to evaluate reports, determine whether a Timely Warning Notification is warranted, develop the warning, and initiate its distribution.

Timely Warning Notifications are generally distributed to the affected campus community through University email. Depending on the circumstances, AHU may also use Everbridge, the Campus Safety and Security website, social media, posted notices, or other appropriate communication methods. The intended audience will be determined based on the location and nature of the threat and may include all students and employees when warranted.

AHU may consult with the law-enforcement agency investigating an incident when feasible; however, consultation will not unreasonably delay a warning that is necessary to address a serious or continuing threat.

AHU is not required to issue a Timely Warning Notification for a crime reported only to a pastoral or professional counselor acting within the scope of the counseling role. When AHU issues an Emergency Notification concerning the same circumstances, a separate Timely Warning Notification is not required, although the University will provide appropriate follow-up information when needed.

Emergency Notification

AdventHealth University has developed a process to notify the campus community in cases of an emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples that may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire.

Individuals can report emergencies occurring at AHU-Denver by calling Security at 720-245-9733 or dialing 911.

Immediate Threat

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

In the event of an emergency, AdventHealth University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the AHU campus community upon the confirmation of a significant emergency or dangerous situation affecting the health and safety of the members of the campus community. Some or all of these methods of communication may be activated in the event of an immediate threat to the AHU campus community. The AdventHealth University emergency notification system, Everbridge, allows campus community members to be notified of an emergency through cell phone, text message, home phone, AdventHealth University office phone, and email.

The University will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the emergency notification system unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

If an emergency message is sent to the community, follow-up information may be sent out using some or all of the same systems that were used to send the original message and/or the University may update the website with follow-up information, depending on the nature of the emergency.

The Office of Corporate Communications is responsible for coordinating the dissemination of emergency information to the larger community when circumstances warrant. Depending on the nature and scope of the emergency, information may be communicated through the AHU or AdventHealth website, official social-media accounts, local news media, and coordination with public-information officers representing law-enforcement, emergency-management, public-health, or other responding agencies. Information released to the larger community will be coordinated with responsible University officials and responding agencies when feasible, provided that such coordination does not unreasonably delay necessary emergency communications.

Confirmation of an Emergency

AHU will confirm that a significant emergency or dangerous situation exists based on a reasonable assessment of the information available at the time. Confirmation does not require the University to establish every fact or complete an investigation before initiating an Emergency Notification.

Confirmation may be obtained through direct observation by Campus Security or other University personnel; reports from students, employees, or witnesses that are assessed for credibility; information received from law-enforcement, fire, emergency medical, or other first-response agencies; activation of fire alarms, safety systems, or other detection systems; assessments by AHU Campus Security, Maintenance, Facilities, Risk Management, or other personnel with relevant expertise; and official information from the National Weather Service, public-health authorities, emergency-management agencies, or other governmental sources.

Depending on the nature of the reported condition, AHU Campus Security, Maintenance, AdventHealth Facilities, Risk Management, or another responsible University or AdventHealth official will assess the available information directly or in consultation with appropriate first responders or subject-matter experts. Once the University confirms a significant emergency or dangerous situation affecting the health or safety of individuals on campus, AHU will proceed with its Emergency Notification procedures without delay, unless issuing the notification would compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency.

Emergency Notification Audience

The Dean of Students, The Director of Security, and/or the AHU-Denver Chief Operations Officer are responsible for determining the content of an Emergency Notification, the appropriate segment or segments of the campus community to receive it, and the communication systems used for distribution.

In selecting the appropriate audience, AHU considers the location and geographic extent of the emergency; the buildings, properties, or campus populations affected; the individuals who are present or reasonably expected to be present; the nature and potential movement of the threat; the

protective actions recipients may need to take; the effect on University operations; and whether limiting the notification could exclude individuals who may be at risk.

Depending on the circumstances, AHU may notify individuals associated with a particular building, property, operational area, or campus, or may notify the entire campus community. If the extent of the threat is uncertain, the situation may expand, or segmenting the audience would create an unreasonable delay, AHU will distribute the notification to the broader campus community. Follow-up notifications may expand or otherwise adjust the audience as additional information becomes available.

Authorization to Initiate Emergency Notifications

The President, Senior Vice President for Finance, and Senior Vice President for Academic Administration and Provost may be consulted regarding an emergency when circumstances and available time permit. However, sequential approval through these officials is not required before initiating an Emergency Notification.

Upon confirmation of a significant emergency or dangerous situation, the Dean of Students, Director of Security, and/or the AHU-Denver Chief Operations Officer are authorized to determine the notification's content, select the appropriate audience and communication method, and initiate the notification without further approval. Any of these officials may act independently when consultation would cause an unreasonable delay. Consultation with senior leadership should occur when feasible but will not delay a notification required to protect the campus community.

Emergency Drills, Testing, and Evacuation

Emergency Communication Systems

AHU tests the Everbridge emergency notification system during the fall and spring trimesters to assess system operation, message delivery, recipient reach, and related notification procedures. Everbridge may distribute notifications through text message, telephone call, and email.

AHU develops testing protocols before each major Everbridge test and documents the results following the test. Identified system, message, or procedural issues are reviewed and addressed through appropriate follow-up and corrective actions. A test of Everbridge alone does not necessarily constitute the University's annual test of its emergency-response and evacuation procedures. AHU separately conducts emergency exercises and evacuation drills as described below.

Emergency Response Procedures

The AHU Campus Safety Manual addresses emergency-response planning, evacuation procedures, and crisis communications. AHU conducts at least one test of its emergency-response and evacuation procedures each calendar year. Tests may include tabletop exercises, functional exercises, field exercises, evacuation drills, or other activities designed to assess the University's emergency plans and capabilities. Tests may be announced or unannounced.

In conjunction with at least one qualifying test each calendar year, AHU publicizes its emergency-response and evacuation procedures to the campus community. This may include information concerning emergency reporting, Everbridge, evacuation expectations, protective actions, or other procedures applicable to the exercise.

AHU documents each test, including a description of the exercise, its date and time, and whether it was announced or unannounced. Responsible personnel evaluate the exercise and conduct appropriate follow-through activities, which may include an after-action review, identification of operational or communication issues, assignment of corrective actions, and revisions to procedures or training.

If a serious incident presents an immediate threat to the campus, responding organizations may include AHU-Denver Security, the Greenwood Village Police Department, the South Metro Fire Department, emergency medical services, and other appropriate agencies. Emergencies should be reported immediately by calling 911 or AHU-Denver Security at 720-245-9733, or by dialing 911.

Active Threat Response Procedures

AdventHealth University has adopted the Department of Homeland Security and City of Houston's instructional video "[Run, Hide, Fight](#)" to educate the campus community on how to increase their chances of survival during an active shooter event. Members of the campus community are encouraged to have a plan should they find themselves in an active shooter event. Campus community members are encouraged to run if they can, hide if they cannot run, and fight if all else fails. Training is offered periodically throughout the academic year.

Emergency Evacuation Procedures

Students, employees, and guests are expected to evacuate campus buildings if they hear a fire alarm or if first responders or the campus administration notifies them that an evacuation is necessary. They receive information about emergency evacuation procedures during meetings and educational sessions that they participate in during the academic year.

The emergency evacuation procedures are tested at least once each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Security personnel do not inform building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by the time of day, the location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Campus Security personnel on the scene will communicate information to building occupants regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. During the drill, occupants practice drill procedures and familiarize themselves with the sound of the fire alarm, location of exits, and location of muster areas.

General Evacuation Procedures

Students, employees, and guests are expected to leave their work or study area, proceed to the nearest exit, and leave the building at the sound of a fire alarm or if they are instructed to evacuate. Those who are first to recognize a fire situation should activate the alarm, evacuate to a safe location using the nearest exit, and notify Security at 720-245-9733, or dial 911. During a general evacuation, members of the University community are expected to adhere to the following:

1. Remain calm
2. Do NOT use elevators. Use the stairs.

3. Assist the physically impaired. If unable to exit without an elevator, secure a safe location near a stairwell and immediately inform Security or the responding fire department of the individual's location.
4. Proceed to the designated muster area for the occupied building.
5. Keep all walkways clear for emergency vehicles.
6. Do not delay your evacuation or re-enter the building to locate other occupants. Report anyone believed to remain inside to Campus Security or responding emergency personnel. Do not re-enter the building.

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, & Stalking

Consistent with the requirements of Title IX of the Education Amendments of 1972 and the Clery Act as amended by reauthorization of the Violence Against Women Act, AdventHealth University prohibits discrimination based on sex in its educational programs and activities, including sexual harassment. This includes a prohibition against acts of domestic violence, dating violence, sexual violence/assault, and stalking.

In addition, the University prohibits any retaliation, intimidation, threats, coercion, or any other form of discrimination against any persons exercising their rights or responsibilities under the Clery Act or the policies and procedures set forth herein. A full statement of the University's Title IX policy and the procedures related to it may be found at: <https://www.ahu.edu/title-ix>.

The University provides programs that educate students and employees about the awareness of such offenses and steps that can be taken to prevent them and includes statements clearly regarding the prohibition of these offenses.

Applicable Definitions Under Colorado Law

Dating Violence

Colorado law does not establish a separate criminal offense titled "dating violence." Depending on the circumstances, conduct involving individuals who are or have been involved as an unmarried couple may fall within Colorado's definition of domestic violence. For Clery Act reporting purposes, AHU uses the federal definition of dating violence provided elsewhere in this report.

Domestic Violence

Under C.R.S. § 18-6-800.3, domestic violence includes an act or threatened act of violence against a person with whom the actor is or has been involved in an intimate relationship. It also includes a crime or municipal ordinance violation against a person or property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge against a person with whom the actor is or has been involved in an intimate relationship.

An intimate relationship includes a relationship between spouses, former spouses, past or present unmarried couples, or individuals who are the parents of the same child, regardless of whether they have been married or lived together.

Sexual Assault

Under C.R.S. § 18-3-402, a person commits sexual assault by knowingly inflicting sexual intrusion or sexual penetration under specified circumstances. These circumstances include when the actor:

- Knows that the other person does not consent;
- Knows that the person is incapable of appraising the nature of the person's conduct;
- Knows that the person submits because of an erroneous belief that the actor is the person's spouse;
- Engages in the conduct with a person under the statutory age limits and age-difference provisions;
- Uses supervisory or disciplinary authority over a person in legal custody or detained in a hospital or other institution to coerce submission;
- Purports to provide a medical service but conducts an examination or treatment for a purpose other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or
- Knows that the person is physically helpless and has not consented.

Under C.R.S. § 18-3-401, sexual intrusion includes certain intrusion, however slight, by an object or part of a person's body into another person's genital or anal opening when the intrusion can reasonably be construed as being for sexual arousal, gratification, or abuse. Sexual penetration includes sexual intercourse, cunnilingus, fellatio, anilingus, or anal intercourse. Any penetration, however slight, is sufficient; emission is not required.

Consent

Under C.R.S. § 18-3-401, consent means cooperation in an act or attitude through an exercise of free will and with knowledge of the nature of the act. A current or previous relationship is not, by itself, sufficient to establish consent. Submission resulting from fear does not constitute consent.

Stalking

Under C.R.S. § 18-3-602, a person commits stalking by knowingly engaging, directly or indirectly through another person, in any of the following conduct:

- Making a credible threat and, in connection with that threat, repeatedly following, approaching, contacting, or placing under surveillance another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship;
- Making a credible threat and, in connection with that threat, repeatedly communicating with such a person, regardless of whether a conversation occurs; or
- Repeatedly following, approaching, contacting, placing under surveillance, or communicating with another person in a manner that would cause a reasonable person to suffer serious emotional distress and that does cause serious emotional distress.

A credible threat may consist of a threat, physical action, or repeated conduct that would cause a reasonable person to fear for the person's safety or the safety of an immediate family member or someone with whom the person has or has had a continuing relationship. The threat does not have to be directly expressed. "Repeated" or "repeatedly" means on more than one occasion.

Primary Prevention and Awareness

AHU's Primary Prevention and Awareness Program includes a statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, and addresses these topics with all incoming students and new employees. Initially, all new applicants to AHU are strongly encouraged to successfully complete an online training module dealing with the prevention of dating violence, domestic violence, sexual assault and stalking, the procedures one should take if he or she becomes a victim of such an offense, and the procedures the University will take once such an offense has been reported.

New students are also required to complete New Student Orientation where these topics are presented and the University's policy statement prohibiting the acts of domestic violence, dating violence, sexual violence/assault, and stalking are thoroughly discussed and clearly defined. The online training and New Student Orientation are offered during all three trimesters (Fall, Spring, Summer).

The Primary Prevention and Awareness Program also includes instruction on safe and positive options for bystanders when there is a risk of domestic violence, dating violence, sexual assault or stalking against another. The "Risk Reduction" section below provides information intended to decrease perpetration and bystander inaction, increase victim empowerment, promote safety, and help the AHU community address conditions that facilitate dating violence, domestic violence, sexual assault, and stalking.

How to be an Active Bystander

Active bystander intervention refers to any safe and positive options that may be conducted by an individual or individuals to prevent harm or to intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional surroundings and cultural conditions that might facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystanders are those individuals who may observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it when it is safe to do so.

Below is a list of some ways to be an active bystander, which include acting directly, creating a distraction, and delegating to someone else for assistance. If you or someone else is in immediate danger, dial 911. This could be when one person is yelling at or being physically abusive towards another person, and it is not safe for you to interrupt.

- Watch out for friends and fellow students/employees.
- If you see someone who looks like they could be in trouble or need help, ask if they need assistance.
- Speak up when someone discusses plans to take sexual advantage of another person or makes inappropriate jokes or comments.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.

- Refer people to on or off-campus resources for support in health, counseling, or with legal assistance.
- Create a distraction if you witness a concerning situation. A distraction can be anything that helps the person being harmed to get out of the situation. For example, pretend to trip and stumble into the person or tell someone their car is being towed.
- Ask someone else to help if you aren't comfortable doing it yourself. You can delegate to a friend, another bystander, Security, the police, etc.

Bystanders play a vital role in preventing sexual and relationship violence. AHU seeks to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm.

Risk Reduction

Risk reduction includes options designed to decrease perpetration and bystander inaction, increase empowerment for individuals who experience harm, promote safety, and help individuals and communities address conditions that facilitate dating violence, domestic violence, sexual assault, and stalking. Responsibility for these offenses always rests with the person who commits them. Nothing an individual does or does not do makes that person responsible for violence or misconduct committed against them.

Members of the AHU community can help reduce perpetration by promoting healthy, respectful relationships; communicating openly about boundaries; obtaining voluntary and ongoing consent before and during sexual activity; and immediately stopping when consent is withdrawn, unclear, or cannot be given. Consent must never be obtained through pressure, intimidation, coercion, manipulation, threats, or exploitation of another person's incapacitation.

Community members should recognize and respond to behaviors that may indicate an increased risk of violence, including:

- Attempts to isolate another person
- Repeated unwanted contact or monitoring
- Controlling access to transportation, finances, communication, or support
- Escalating threats, jealousy, or intimidation
- Pressure involving sexual activity
- Efforts to impair another person's judgment through alcohol or drugs; and disregard for expressed boundaries.

Anyone observing concerning behavior may use the safe bystander-intervention options described above, seek assistance from others, contact AHU-Denver Security, or call 911 when there is immediate danger.

AHU community members can also help address conditions that facilitate violence by challenging language or conduct that normalizes coercion, abuse, stalking, victim-blaming, or disregard for consent. AHU community members can also support individuals who disclose harm, help others access safe transportation or leave an unsafe situation, and reporting concerning behavior to an appropriate University official.

Individuals who experience or are concerned about dating violence, domestic violence, sexual assault, or stalking may consider safety options appropriate to their circumstances. These may include:

- Moving to a safer location
- Contacting a trusted person, advocate, counselor, Security, or law-enforcement agency
- Developing an individualized safety plan
- Preserving relevant messages, photographs, records, or other potential evidence
- Reviewing location-sharing and account-security settings
- Requesting available supportive or protective measures from AHU

Seeking assistance or making a report is always the individual's choice, except when another reporting obligation applies under law or University policy.

No single strategy can prevent all violence. AHU encourages individuals to select the options that best support their safety and circumstances without assigning responsibility to those who experience harm.

Ongoing Prevention and Awareness Efforts

AHU reinforces awareness of dating violence, domestic violence, sexual assault, and stalking through several recurring activities. Faculty and staff are required to complete assigned training as a condition of employment. In addition, a University-wide faculty and staff meeting is dedicated annually to reviewing applicable AHU policies and procedures.

Every course syllabus includes standardized information reminding students of prohibited conduct and providing information concerning their rights and available reporting procedures. The University's online prevention training also remains available to students, who are strongly encouraged to complete it before registering for courses.

Procedures for Dating Violence, Domestic Violence, Sexual Assault, or Stalking Crimes

If any student or employee is the victim of sexual assault, dating violence, domestic violence, or stalking, they are encouraged to go to a safe place and call 911 or Security at 720-245-9733. They should also contact the AHU-Denver Deputy Title IX Coordinator, Katie Shaw, at 303-765-6271 or Katie.Shaw@ahu.edu. An [online reporting form](#) is also available to report incidents involving suspected violation(s) of AHU's Title IX and Harassment and Non-Discrimination policies. The University will do its best to protect the confidentiality of victims. This includes maintaining any publicly available recordkeeping without the inclusion of identifying information about the victim to the extent permitted by law.

Upon receiving a complaint or notice of an offense, the Deputy Title IX Coordinator will meet with the individual and will go over the notice, offer supportive measures, and explain the process.

The Deputy Coordinator will stress the importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or that may be helpful in obtaining a protection order. This includes:

- Not removing clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence.
- Not bathing or washing or otherwise cleaning the environment in which the assault occurred.
- Preserving any electronic communications, especially in an instance of stalking.

Options for pressing charges can be deferred if the victim goes to the local hospital emergency room and asks for an exam and for evidence of the sexual assault to be collected and sealed.

The following options regarding notification to law enforcement include:

- Option to notify either campus security or local law enforcement;
- Option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses; or
- Option to decline to notify such authorities.

Where applicable, victims of sexual assault, domestic violence, dating violence, or stalking have the right to request and pursue orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court, or by the institution. The University will provide support and guidance in notifying law enforcement or pursuing protective measures, according to the victim's wishes. Additionally, the University will comply with any such orders, ensuring that institutional responsibilities regarding enforcement and compliance are met to protect the safety and well-being of the victim.

Written Notification

Available Victim Services

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration, and other services available to them, both within the University and in the surrounding community. On-campus services at AHU-Denver include pastoral and online mental health counseling. Denver currently has an off-campus service, Blue Bench, which is a comprehensive sexual assault prevention and support center. Information can be found at <http://thebluebench.org>.

Available Services and Accommodations

The University will provide written notification to all students and employees regarding the availability of existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims both within the institution and in the community.

In addition, the University will provide written notification to victims of sexual assault, domestic violence, dating violence, or stalking about their available options and assistance in changing academic, living, transportation, and working situations, as well as other protective measures. This notification will include information on how to request these accommodations and who to contact at the institution to make such requests. Victims may contact the AHU-Denver Deputy Title IX Coordinator, Katie Shaw, at 303-765-6271 or Katie.Shaw@ahu.edu to request these changes. AHU will facilitate these accommodations, provided they are reasonably available, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

The University will keep information about these accommodations and any protective measures confidential, to the extent that maintaining confidentiality does not impair the institution's ability to provide the accommodations or protective measures.

Disciplinary Procedures for Alleged Offenses

The University's procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking will be provided in writing to both the reporting party and the respondent. These procedures include:

- A fair and impartial process from investigation to the final determination.
- The standard of evidence used in the decision-making process.
- The rights of both parties to have an advisor of their choice present during any meetings or proceedings.
- Information about the possible sanctions or protective measures that may result from the disciplinary process.

Both parties will be informed of the outcome of any institutional disciplinary proceeding in writing, in accordance with institutional policy.

The full Statement of the Parties' Rights can be found in [Appendix B](#).

Disclosure of Disciplinary Proceeding Results

Upon written request, AHU will disclose to the alleged victim of a crime of violence or a nonforcible sex offense the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of that crime or offense. If the alleged victim died as a result of the crime or offense, the victim's next of kin will be treated as the alleged victim for purposes of this disclosure.

Written requests should be submitted to the Dean of Students, Josh Garrido, at 407-303-8016 or joshua.garrido@ahu.edu. AHU will review and respond to requests in accordance with applicable federal law and University policy.

Registered Sex Offenders

AdventHealth University is required, through the federal Campus Sex Crimes Prevention Act (CSCPA), to inform members of the campus community where to obtain information about sexual offenders. The act also requires registered sex offenders to provide to appropriate state officials notice of each institution of higher education in that state at which the offender is employed, carries on a vocation, or is a student.

In accordance with state law, convicted sex offenders in Colorado must register with either the local chief of police or county sheriff in each and any jurisdiction in which they reside, whether in Colorado, another state, or in multiple locations. The Colorado Bureau of Investigation (CBI) maintains the statewide sex offender registry in Colorado, which is available to local law enforcement officials and the public.

Any member of the AHU-Denver community who wishes to obtain further information regarding sexual offenders in the area may refer to the CBI website at <https://www.colorado.gov/apps/cdps/sor/>.

The Department of Justice maintains a website that provides national access to sexual offenders and predators. The web address is: <https://www.nsopw.gov/>.

Additionally, the CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning the presence of registered sex offenders.

Disciplinary Procedures for Alleged Title IX Violations

AdventHealth University is committed to providing a fair, impartial, and timely disciplinary process in cases involving allegations of dating violence, domestic violence, sexual assault, or stalking. The University's disciplinary process includes a prompt, fair, and impartial investigation and resolution process from the initial investigation to the final result. Furthermore, a prompt, fair, and impartial proceeding includes a proceeding that is:

1. Completed within reasonably prompt time frames designated by an institution's policy, including a process that allows the extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay and the reason for the delay;
2. Conducted in a manner that;
 - a. Is consistent with the institution's policies and transparent to the Complainant and the Respondent;
 - b. Includes timely notice of meetings at which the Complainant and Respondent, or both, may be present; and
 - c. Provides timely and equal access to the Complainant and the Respondent, and the appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
3. Conducted by officials who do not have a conflict of interest or bias for or against the Complainant and the Respondent.
4. The institutional disciplinary procedures will be conducted by officials who, at minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
5. The Complainant and the Respondent will have the same opportunities to have others present during any institutional disciplinary proceeding. The Complainant and the Respondent each have the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The University will not limit the choice of advisor or presence for either the Complainant or the Respondent in any meeting or institutional disciplinary proceeding. However, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties; and
6. The Complainant and the Respondent will be notified simultaneously, in writing, of the results of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within

the institution. (The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.)

7. Where an appeal is permitted under the applicable policy, the Complainant and the Respondent will be notified, simultaneously in writing, of the procedures for the Respondent and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the Complainant and the Respondent will be notified simultaneously in writing of any change to the result prior to the time that it becomes final, as well as of the final result once the appeal is resolved.

Harassment and Non-Discrimination Policy

Rationale for Policy

AdventHealth University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. AdventHealth University is also committed to ensuring compliance with federal and state civil rights laws and regulations, and to affirming its commitment to promoting the goals of fairness and equity in all aspects of the educational programs or activities.

AdventHealth University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination, harassment, and for allegations of retaliation.

AdventHealth University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process.

Applicable Scope

The core purpose of this Policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using AdventHealth University's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the AdventHealth University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the AdventHealth University community. This community includes, but is not limited to, student¹, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers.

¹ For the purpose of this Policy, the AdventHealth University defines "student" as any individual who has been successfully admitted and who matriculates and attends class.

The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this Policy.

Title IX Coordinator

Chauna-Kaye Pottinger serves as the Title IX Coordinator and oversees implementation of this Policy. The Title IX Coordinator has the primary responsibility for coordinating AdventHealth University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual harassment, and retaliation prohibited under this Policy.

Independence and Conflict of Interest

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures.

The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

Concerns involving bias, conflict of interest, or reports of misconduct by the Title IX Coordinator, should be reported to the AdventHealth University President. Concerns involving bias, a potential conflict of interest, or reports of misconduct by any other Title IX Team member should be reported to the Title IX Coordinator.

Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made internally to:

Chauna-Kaye Pottinger, M.Sc., PMP

Title IX Coordinator and Chief Compliance Officer
Office of Human Resources and Compliance
671 Winyah Drive
Orlando, FL 32803
Phone: 407-303-5526
Email: chaunakaye.pottinger@ahu.edu
Online: [Title IX Incident Reporting Form](#)

Katie Shaw

Deputy Title IX Coordinator (Denver Site)
6061 S. Willow Drive, Suite 310
Greenwood Village, CO 80111
Phone: 303-765-6271
Email: katie.shaw@ahu.edu
Online: [Title IX Incident Reporting Form](#)

AdventHealth University has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of AdventHealth University. The Officials with Authority are: Josef Ghosn, President; Karen Benn Marshall, Provost; Ruben Martinez, Senior Vice President for Finance

and Operations; Lonnie Mixon, Vice President for Marketing and Business Development; Jennifer Carpenter, Human Resources Director.

AdventHealth University has also classified all employees (faculty, staff, administrators, adjuncts, and RAs) as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation.

The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: 800-421-3481
Facsimile: 202-453-6012
TDD#: 877-521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

For complaints involving employees: [Equal Employment Opportunity Commission](#) (EEOC)

Notice/Complaints of Discrimination, Harassment, and/or Retaliation

Notice or complaints of discrimination, harassment and/or retaliation may be made using any of the following options:

1. File a complaint with, or give verbal notice to, the Title IX Coordinator or deputy/Officials with Authority. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator or any other official listed.
2. Report online, using the [reporting form](#). Anonymous reports are accepted but can give rise to a need to investigate. AdventHealth University tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as AdventHealth University respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows AdventHealth University to discuss and/or provide supportive measures.
3. Report using the sexual harassment hotline 888-92-GUIDE (48433) or <https://secure.ethicspoint.com/domain/media/en/gui/73459/index.html>.

A Formal Complaint means a document submitted and signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that AdventHealth University investigate the allegation(s).

A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or

electronic submission (such as by electronic mail or through an online portal provided for this purpose by AdventHealth University) that contains the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the complaint, and requests that AdventHealth University investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

Supportive Measures

AdventHealth University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to AdventHealth University's education programs or activities, including measures designed to protect the safety of all parties or AdventHealth University's educational environment, and/or deter, harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice of a complaint. At the time that supportive measures are offered, AdventHealth University will inform the Complainant, in writing, that they may file a formal complaint with AdventHealth University either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

AdventHealth University will maintain the privacy of the supportive measures, provided that privacy does not impair AdventHealth University's ability to provide the supportive measures. AdventHealth University will act to ensure as minimal an academic impact on the parties as possible.

AdventHealth University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass or Be-On-the-Lookout (BOLO) orders
- Timely warnings

- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

Emergency Removal

AdventHealth University can act to remove a student Respondent entirely or partially from its education programs or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team (BIT) using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. A security officer will be present during this meeting.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within three (3) business days, objections to the emergency removal will be deemed waived.

A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this Policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this Policy will be grounds for discipline, which may include expulsion.

AdventHealth University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to:

- removing a student from a residence hall
- temporarily re-assigning an employee
- restricting a student's or employee's access to or use of facilities or equipment
- allowing a student to withdraw or take grades of incomplete without financial penalty
- authorizing administrative leave
- suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

Promptness

All allegations are acted upon promptly by AdventHealth University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but AdventHealth University will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in AdventHealth University procedures will be delayed, AdventHealth University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

Privacy

Every effort is made by AdventHealth University to preserve the privacy of reports.¹ AdventHealth University will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

AdventHealth University reserves the right to determine which AdventHealth University officials have a legitimate educational interest in being informed about incidents that fall within this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Office of Student Services, Compliance Office, Human Resources, and the Behavioral Intervention/Threat Assessment Team.

Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

AdventHealth University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so. Confidentiality and mandated reporting are addressed more specifically below.

Jurisdiction of AdventHealth University

This Policy applies to the education programs and activities of AdventHealth University, to conduct that takes place on the campus or on property owned or controlled by AdventHealth University, at AdventHealth University-sponsored events, or in buildings owned or controlled by AdventHealth

¹ For the purpose of this Policy, privacy and confidentiality have distinct meanings. Privacy means that information related to a complaint will be shared with a limited number of AdventHealth University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses.

University's recognized student organizations. The Respondent must be a member of AdventHealth University's community in order for its policies to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to AdventHealth University's educational programs. AdventHealth University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial AdventHealth University interest.

Regardless of where the conduct occurred, AdventHealth University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational programs or activities and/or has continuing effects on campus or in off-campus sponsored programs or activities. A substantial AdventHealth University interest includes:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
2. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
3. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
4. Any situation that is detrimental to the educational interests or mission of AdventHealth University.

If the Respondent is unknown or is not a member of AdventHealth University community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the AdventHealth University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, AdventHealth University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from AdventHealth University property and/or events.

All vendors serving AdventHealth University through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship or other environment external to AdventHealth University where sexual harassment or non-discrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the AdventHealth University's jurisdiction and/or significant

time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, AdventHealth University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

Online Harassment and Misconduct

The policies of AdventHealth University are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on AdventHealth University's education programs and activities or use AdventHealth University networks, technology, or equipment.

Although AdventHealth University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to AdventHealth University, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the AdventHealth University community.

Policy on Non-Discrimination

AdventHealth University maintains a policy of equal educational opportunities for all applicants without regard to sex, race, age, marital status, disability, sexual orientation, color, or national or ethnic origin. AdventHealth University does not discriminate in its educational or admission policies, financial affairs, employment programs, student life, or services in any University-administered program.

This notice is provided as required by Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. Questions, complaints, or requests for additional information regarding these laws may be forwarded to the Title IX Coordinator, Chauna-Kaye Pottinger, at:

AdventHealth University
Attn: Chauna-Kaye Pottinger, M.Sc., PMP
Title IX Coordinator and Chief Compliance Officer
Office of Human Resources and Compliance
671 Winyah Drive
Orlando, FL 32803
Phone: 407-303-5526
Email: chaunakaye.pottinger@ahu.edu

Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. AdventHealth University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under AdventHealth University policy. When speech or conduct is protected by academic freedom it will not be considered a violation of AdventHealth University policy, though supportive measures will be offered to those impacted.

Discriminatory Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by AdventHealth University policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

AdventHealth University does not tolerate discriminatory harassment of any employee, student, visitor, or guest. AdventHealth University will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment."

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.¹ This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, AdventHealth University may also impose sanctions on the Respondent through application of the grievance process below.

Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the states of Florida and Colorado regard Sexual Harassment as an unlawful discriminatory practice.

AdventHealth University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

¹ This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: [Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational Recipients Investigative Guidance](#).

1. Quid Pro Quo:
 - a. an employee of AdventHealth University,
 - b. conditions¹ the provision of an aid, benefit, or service of AdventHealth University,
 - c. on an individual's participation in unwelcome sexual conduct.
2. Sexual Harassment: (Hostile environment sexual harassment)
 - a. unwelcome conduct,
 - b. determined by a reasonable person,
 - c. to be so severe, and
 - d. pervasive, and,
 - e. objectively offensive,
 - f. that it effectively denies a person equal access to AdventHealth University's educational programs or activities.²
3. Sexual assault, defined as:
 - a. Sex Offenses, Forcible:
 - i. Any sexual act directed against another person,
 - ii. without the consent of the Complainant,
 - iii. including instances in which the Complainant is incapable of giving consent.³
 - b. Forcible Rape
 - i. Penetration,
 - ii. No matter how slight,
 - iii. Of the vagina or anus with any body part or object, or
 - iv. Oral penetration by a sex organ of another person,
 - v. Without the consent of the Complainant.
 - c. Forcible Sodomy:
 - i. Oral or anal sexual intercourse with another person,
 - ii. forcibly,
 - iii. and/or against that person's will (non-consensually), or
 - iv. not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age⁴ or because of temporary or permanent mental or physical incapacity.
 - d. Sexual Assault with an Object:
 - i. The use of an object or instrument to penetrate,
 - ii. however slightly,
 - iii. the genital or anal opening of the body of another person,
 - iv. forcibly,
 - v. and/or against that person's will (non-consensually),

¹ Implicitly or explicitly.

² Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

³ This definition set is not taken from Summary Reporting System/National Incident Based Reporting System (SRS/NIBRS) verbatim. ATIXA has substituted Complainant for "victim," has removed references to his/her throughout, has defined "private body parts," has removed the confusing and unnecessary term "unlawfully," and has inserted language clarifying that AdventHealth University interprets "against the person's will" to mean "non-consensually."

⁴ Per state law.

- vi. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- e. Forcible Fondling:
 - i. The touching of the private body parts of another person (buttocks, groin, breasts),
 - ii. for the purpose of sexual gratification,
 - iii. forcibly,
 - iv. and/or against that person's will (non-consensually),
 - v. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- f. Sex Offenses, Non-forcible:
 - i. Incest:
 - 1. Non-forcible sexual intercourse,
 - 2. between persons who are related to each other,
 - 3. within the degrees wherein marriage is prohibited by Florida or Colorado law.
 - ii. Statutory Rape:
 - 1. Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 18 years old in Florida and 17 years old in Colorado.
- 4. Dating Violence, defined as:
 - a. violence,
 - b. on the basis of sex,
 - c. committed by a person,
 - d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant
 - i. The existence of such a relationship shall be determined based on the Complainant'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. For the purposes of this definition—
 - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii. Dating violence does not include acts covered under the definition of domestic violence.
- 5. Domestic Violence¹, defined as:
 - a. violence,
 - b. on the basis of sex,
 - c. committed by a current or former spouse or intimate partner of the Complainant,
 - d. by a person with whom the Complainant shares a child in common, or

¹ To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Florida (Florida Statutes § 741.28) or Colorado (Colorado Revised Statutes § 18-6-800.3).
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Florida or Colorado.

Stalking, defined as:

- h. engaging in a course of conduct,
- i. on the basis of sex,
- j. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. suffer substantial emotional distress.

For the purposes of this definition:

1. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
3. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

AdventHealth University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy.

Force, Coercion, Consent, and Incapacitation

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on AdventHealth University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM¹ or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so AdventHealth University’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

¹ Bondage, discipline/dominance, submission/sadism, and masochism.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, the Recipient additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this Policy. Examples of Sexual Exploitation include, but are not limited to:
 - Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - Invasion of sexual privacy.
 - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent), including the making or posting of revenge pornography
 - Prostituting another person
 - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the infection
 - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
 - Misappropriation of another person’s identity on apps, websites, or other venues designed for dating or sexual connections
 - Forcing a person to take an action against that person’s will by threatening to show, post, or share information, video, audio, or an image that depicts the person’s nudity or sexual activity
 - Knowingly soliciting a minor for sexual activity
 - Engaging in sex trafficking
 - Creation, possession, or dissemination of child pornography

- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Recipient community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
- Bullying, defined as:
 - Repeated and/or severe or aggressive behavior
 - Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
 - That is not speech or conduct otherwise protected by the First Amendment.

Violation of any other Recipient policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

Retaliation

Protected activity under this Policy includes reporting an incident that may implicate this Policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. AdventHealth University will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

AdventHealth University and any member of AdventHealth University's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege provided within Process A that is not provided by Process B. Therefore, AdventHealth University vets all complaints carefully to ensure this does not happen, and to ensure that complaints are tracked to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not

constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Mandated Reporting

All AdventHealth University employees (faculty, staff, administrators, adjuncts, and RAs) are expected to report actual or suspected sexual harassment or retaliation to appropriate officials immediately, though there are some limited exceptions. Student workers other than RAs are not mandatory reporters but are encouraged to report.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected sexual harassment or retaliation. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at AdventHealth University for a Complainant or third-party (including parents/guardians when appropriate):

Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselors working within the scope of their licensure
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination
- Off-campus (non-employees):
 - Licensed professional counselors and other medical providers
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains
 - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Employees who are confidential resources and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes to the Title IX Coordinator.

Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

An anonymous notice will be investigated by AdventHealth University to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, an anonymous notice typically limits AdventHealth University's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

Mandated Reporters and Formal Notice/Complaints

All employees of AdventHealth University (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or to seek a specific response from AdventHealth University.

Supportive measures may be offered as the result of such disclosures without formal AdventHealth University action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of sexual harassment or retaliation of which they become aware is a violation of AdventHealth University policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this Policy, they still have a duty to report their own misconduct, though AdventHealth

University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether AdventHealth University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires AdventHealth University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. AdventHealth University may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and AdventHealth University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When AdventHealth University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that AdventHealth University's ability to remedy and respond to notice may be limited if the Complainant does not want AdventHealth University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing AdventHealth University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow AdventHealth University to honor that request, AdventHealth University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by AdventHealth University, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, AdventHealth University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

AdventHealth University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation, can be subject to discipline under AdventHealth University policy.

Amnesty for Complainants and Witnesses

AdventHealth University encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to AdventHealth University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the AdventHealth University community that Complainants choose to report misconduct to AdventHealth University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, AdventHealth University maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves. For example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the Office of Security.

AdventHealth University maintains a policy of amnesty for students who offer help to others in need.

Employees: Sometimes, employees are hesitant to report sexual harassment or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to AdventHealth University officials.

AdventHealth University may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

Preservation of Evidence

The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time-sensitive. The Recipient will inform the Complainant of the importance of preserving evidence by taking the following actions:

1. Seek forensic medical assistance at the hospital, ideally within 120 hours of the incident (sooner is better)
2. Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
3. Try not to urinate.
4. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
5. If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
6. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be reiterated, if timely.

Framework for Informal Resolution

AHU has framed a process for IR that includes:

1. A response based on supportive measures; and/or
2. A response based on a Respondent accepting responsibility; and/or
3. A response based on alternative resolution, which could include various approaches and facilitation of dialogue.

Alternative resolution approaches like mediation, restorative practices, transformative justice, etc., are likely to be used more often by colleges and universities. AHU does not endorse these approaches as better or worse than other formal or informal approaches.

AHU believes that if they are to be used in, and are effective for, sex offenses, they need to be designed and executed carefully and thoughtfully and be facilitated by well-trained administrators who take the necessary time to prepare and lay a foundation for success. Although no approach is

a panacea, the framework below can help to lay that foundation, regardless of which approach(es) are used.

Here are the principles to be considered for supporting various approaches to informal resolution:

- IR can be applied in any sex/gender-based interpersonal conflict but may not be appropriate or advisable in cases involving violent incidents (sexual violence, stalking, domestic and dating violence, severe sexual harassment, sexual exploitation, etc.)
- Situations involving dangerous patterns or significant ongoing threat to the community should not be resolved by IR.
- The determination of whether to permit an IR-based resolution is entirely at the discretion of the Title IX Coordinator (TIXC) and in line with the requirements for IR laid out in the Title IX regulations.
- Any party can end IR early-, mid-, or late-process for any reason or no reason.
- IR can be attempted before and in lieu of formal resolution as a diversion-based resolution (although a formal complaint must be filed if you are within Section 106.30, per OCR).
- Alternative approaches can inform formal resolution, as in a formal resolution model infused with restorative practices.
- IR could be deployed after formal resolution, as an adjunct healing/catharsis opportunity (that could potentially mitigate sanctions or be a form of sanction).
- Alternate Resolution approaches to IR must be facilitated by AdventHealth University or a third-party. There may be value in creating clearly agreed-upon ground rules, which the parties must sign in advance and agree to abide by, otherwise the informal resolution process will be deemed to have failed.
- Technology-facilitated IR can be made available, should the parties not be able or willing to meet in person.
- If IR fails, a formal resolution can take place thereafter. No evidence elicited within the “safe space” of the IR facilitation is later admissible in the formal resolution unless all parties consent.
- With cases involving violence, the preferred alternative approach typically involves a minimal number of essential parties and is not a wide restorative circle approach in order to ensure confidentiality.
- Some approaches require a reasonable gesture toward accountability (this could be more than an acknowledgement of harm) and some acceptance, or at least recognition, by the Respondent that catharsis is of value and likely the primary goal of the Complainant. A full admission by the Respondent is not a prerequisite. This willingness needs to be vetted carefully in advance by the TIXC before determining that an incident is amenable/appropriate for resolution by IR.
- IR can result in an accord or agreement between the parties (Complainant, Respondent, AdventHealth University), which is summarized in writing by and enforced by AdventHealth University. This can be a primary goal of the process.

- IR can result in the voluntary imposition of safety measures, remedies, and/or agreed-upon resolutions by the parties, that are enforceable by AdventHealth University. These can be part of the accord/agreement.
- As a secondary goal, IR can result in the voluntary acceptance of “sanctions,” meaning that a Respondent could agree to withdraw, self-suspend (by taking a leave of absence), or undertake other restrictions/transfers/online course options that would help to ensure the safety/educational access of the Complainant, in lieu of formal sanctions that would create a formal record for the Respondent. These are enforceable by AdventHealth University as part of the accord/agreement, as may be terms of mutual release, non-disparagement, and/or non-disclosure.
- Although a non-disclosure agreement (NDA) could result from IR, it would have to be mutually agreed-upon by the parties in an environment of non-coercion verified by the TIXC.
- Institutions must develop clear rules for managing/facilitating the conference/meeting/dialogue of alternative resolution approaches, to ensure they are civil, age-appropriate, culturally-competent, reflective of power imbalances, and maximize the potential for the resolution process to result in catharsis, restoration, remedy, etc., for the harmed party(ies).

Resolution Process A

AHU Interim Resolution Process¹ for Alleged Violations of the Policy on Harassment and Non-Discrimination (Known as Process “A”)

Overview

AdventHealth University will act on any formal or informal notice/complaint of violation of the Harassment and Non-Discrimination Policy that is received by the Title IX Coordinator² or any other Official with Authority by applying these procedures, known as “Process A.”

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps AdventHealth University needs to take.

The Title IX Coordinator will initiate at least one of three responses:

1. Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
2. An informal resolution (upon submission of a formal complaint); and/or

¹ For recipients with Formal Grievance Processes enabling students and/or employees to challenge AdventHealth University action, it is recommended that allegations under this Policy be exempted from that process and replaced with the resolution process outlined here. Most existing grievance proceedings are neither equitable (by definition), nor are they sufficiently prompt to satisfy Title IX.

² Anywhere this procedure indicates “Title IX Coordinator,” the recipient may substitute a trained designee.

3. A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

The AdventHealth University uses the Formal Grievance Process to determine whether or not the policy has been violated. If so, AdventHealth University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects.

Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator¹ engages in an initial assessment, typically within one (1) to five (5) business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements it accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution.
 - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
 - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate concern, based on the nature of the complaint.
- If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply and refers the matter for resolution under Process B. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit

¹ If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

AdventHealth University's authority to address a complaint with an appropriate process and remedies.

Violence Risk Assessment

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by two (2) or more VRA trained members of the Behavioral Intervention Team (BIT) as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to communicate with a transfer recipient about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

A VRA authorized by the Title IX Coordinator should occur in collaboration with the BIT or threat assessment team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., a seventy-two-hour mental health hold in Colorado, Baker Act in Florida), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about AdventHealth University's process for VRA can be found below in [Appendix B](#).

Dismissal (Mandatory and Discretionary)¹

AdventHealth University **must** dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1. The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the AHU Harassment and Non-Discrimination Policy, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by AdventHealth University (including buildings or property controlled by recognized student organizations), and/or AdventHealth University does not have control of the Respondent; and/or
3. The conduct did not occur against a person in the United States; and/or
4. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education programs or activities of AdventHealth University.²

AdventHealth University **may** dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
2. The Respondent is no longer enrolled in or employed by AdventHealth University; or
3. Specific circumstances prevent AdventHealth University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, AdventHealth University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Counterclaims

AdventHealth University is obligated to ensure that the grievance process is not abused for retaliatory purposes. AdventHealth University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this Policy.

¹ These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

² Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable.

Right to an Advisor

The parties may each have an Advisor¹ of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.²

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the AdventHealth University community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from AdventHealth University, the Advisor will be trained by AdventHealth University and be familiar with AdventHealth University's resolution process.

If the parties choose an Advisor from outside the pool of those identified by AdventHealth University, the Advisor may not have been trained by AdventHealth University and may not be familiar with AdventHealth University policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

AdventHealth 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, AdventHealth University is not obligated to provide an attorney.

Advisors in Hearings/AdventHealth University-Appointed Advisor

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, AdventHealth University will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, AdventHealth

¹ This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally). AdventHealth University only permits one advisor.

² "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

University will appoint an Advisor who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and AdventHealth University's policies and procedures.

Advisor Violations of AdventHealth University Policy

All Advisors are subject to the same AdventHealth University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address AdventHealth University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this Policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Sharing Information with the Advisor

AdventHealth University expects that the parties may wish to have AdventHealth University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

AdventHealth University also provides a consent form that authorizes AdventHealth University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before AdventHealth University is able to share records with an Advisor.

Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by AdventHealth University. AdventHealth University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by AdventHealth University's privacy expectations.

Expectations of an Advisor

AdventHealth University generally expects an Advisor to adjust their schedule to allow them to attend AdventHealth University meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

AdventHealth University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

Assistance in Securing an Advisor

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>

Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with AdventHealth University policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. AdventHealth University encourages parties to discuss any sharing of information with their Advisors before doing so.

Informal Resolution

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism including mediation, restorative practices, etc.

- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, AdventHealth University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by AdventHealth University.

AdventHealth University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

Alternate Resolution Mechanism

Alternate Resolution is an informal mechanism, including mediation or restorative practices, etc., by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and AdventHealth University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of AdventHealth University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and AdventHealth University. Negotiated Resolutions are not appealable.

Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. External trained third-party neutral professionals may also be used to serve in pool roles. Members of the Pool are announced in an annual distribution of this Policy to all students, parents/guardians of students, employees, prospective students, and prospective employees. They are also listed in the Annual Title IX Report published by the Title IX Office.

[View Grievance Process Pool Members](#)

Pool Member Roles

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

- To act as an Advisor to the parties
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker(s) regarding the complaint
- To serve as an Appeal Decision-maker

Pool Member Appointment

The Title IX Coordinator appoints the Pool which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the

different roles listed above in different cases, AdventHealth University can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

Pool Member Training

The Pool members receive annual training. This training includes, but is not limited to:

- The scope of AdventHealth University's Sexual Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by AdventHealth University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and/or retaliation allegations
- Recordkeeping

Specific training is also provided for Appeal Decision-makers, Advisors (who are AdventHealth University employees), and Hearing Panel Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly available.

[View Training Materials](#)

Pool Membership

The Pool consists of faculty and staff employees, or Title IX trained external parties as needed. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that AdventHealth University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about AdventHealth University’s policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that AdventHealth University’s policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the parties may request disability accommodations during the interview process,
- A link to the AdventHealth University’s [VAWA Information \(PDF\)](#),
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official AdventHealth University records, or emailed to the parties’ AdventHealth University-issued email or

designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Resolution Timeline

AdventHealth University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as a estimate of how much additional time will be needed to complete the process.

Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) to four (4) business days of determining that an investigation should proceed.

Ensuring Impartiality

Any individual materially involved in the administration of the resolution process may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the President.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained.

AdventHealth University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

AdventHealth University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Delays in the Investigation Process and Interactions with Law Enforcement

AdventHealth University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to:

- a request from law enforcement to temporarily delay the investigation

- the need for language assistance
- the absence of parties and/or witnesses
- and/or accommodations for disabilities or health conditions.

AdventHealth University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. AdventHealth University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, AdventHealth University will implement supportive measures as deemed appropriate.

AdventHealth University's action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
- Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings

- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which AdventHealth University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor)
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator(s) share(s) the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of AdventHealth University are expected to cooperate with and participate in AdventHealth University's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., pandemics, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determines that timeliness or efficiency dictate a need for remote interviewing. AdventHealth University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to¹ audio and/or video recording.

Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the Decision-maker – unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select appropriate Decision-makers from the Pool depending on whether the Respondent is an employee or a student.

¹ Consent of the interviewer and interviewee is required in "dual-party recording" states. Florida is a dual-party consent state. Colorado is a one-party consent state.

Hearing Decision-maker Composition

AdventHealth University will designate a three-member panel from the Pool, at the discretion of the Title IX Coordinator. One of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-makers will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

Evidentiary Considerations in the Hearing

Any evidence that the Decision-makers determine is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming that AdventHealth University uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-makers at the sanction stage of the process when a determination of responsibility is reached.

After post hearing deliberation, the Decision-makers render a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the policy as alleged.

Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-makers and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-makers. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and AdventHealth University will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-makers about the matter, unless they have been provided already.[9]
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- That parties cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by AdventHealth University and remain within the 60-90 business day goal for resolution.

Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

Pre-Hearing Preparation

The Chair or hearing facilitator after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-makers at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-makers a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for reconsideration based on any new

information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant.

The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will be recorded.

Hearing Procedures

At the hearing, the Decision-makers have the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-makers and the parties and the witnesses will then be excused.

Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-makers on the basis of bias or conflict of

interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-makers and the parties (through their Advisors). The Investigators will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-makers should ask the Investigators their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

Testimony and Questioning

Once the Investigators present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-makers and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not an issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

Refusal to Submit to Cross-Examination and Inferences

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-makers may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-makers must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

Cross-examination is an all or nothing proposition, meaning that if any question is refused, no statements of that party or witness are admissible. Only if a party or witness is willing to submit to cross-examination, and answers all questions, will their statements prior to or at the hearing be fully admissible. If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard all statements. Evidence provided that is something other than a statement by the party or witness may be considered.

Whether a party or witness does or does not answer questions from the Decision-maker, their statements will be admissible as long as they are willing to submit to cross-examination questions, even if they are not asked such questions. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

Recording Hearings

Hearings (but not deliberations) are recorded by AdventHealth University for purposes of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted.

The Decision-makers, the parties, their Advisors, and appropriate administrators of AdventHealth University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

Deliberation, Decision-making, and Standard of Proof

The Decision-makers will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-makers may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-makers may – at their discretion – consider the statements, but they are not binding.

The Decision-makers will review the statements and will determine the appropriate sanction(s).

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within four (4) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome may be reviewed by legal counsel. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within five (5) to seven (7) business days of receiving the Decision-makers' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official AdventHealth University records, or emailed to the parties' AdventHealth University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by AdventHealth University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent AdventHealth University is permitted to share such information under state or federal law; any sanctions issued which AdventHealth University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to AdventHealth University's educational or employment programs or activities, to the extent AdventHealth University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by AdventHealth University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

Statement of the Rights of the Parties

See [Appendix A](#)

Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the sexual harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation
- The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by AHU or external authorities.

Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any AdventHealth University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling:* A mandate to meet with and engage in either AdventHealth University-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on citizenship probation through the remainder of their tenure as a student at AdventHealth University.
- *Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend AdventHealth University-sponsored events. This

sanction will be noted permanently as a Conduct Expulsion on the student's record in the student information system.

- *Other Actions:* In addition to or in place of the above sanctions, AdventHealth University may assign any other sanctions as deemed appropriate.

Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of rank promotion progress*
- *Assignment to new supervisor*
- *Restriction of stipends, research, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, AdventHealth University may assign any other responsive actions as deemed appropriate.

Withdrawal or Resignation While Charges Pending

Students

Should a student decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from AdventHealth University, the resolution process ends, as AdventHealth University no longer has disciplinary jurisdiction over the withdrawn student.

However, AdventHealth University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation. The student who withdraws or leaves while the process is pending may not return to AdventHealth University. Such exclusion applies to all campuses of AdventHealth University. Admissions will be notified that they cannot be readmitted. They may also be barred from AdventHealth University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely, and that student is not permitted to return to AdventHealth University unless and until all sanctions have been satisfied.

Employees

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as AdventHealth University no longer has disciplinary jurisdiction over the resigned employee.

However, AdventHealth University will continue to address and remedy any systemic issues that contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire with AdventHealth University and the records retained by the Title IX Coordinator will reflect that status.

All AdventHealth University responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

Appeals

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within five (5) days of the delivery of the Notice of Outcome.

A three-member appeal panel chosen from the Pool will be designated by the Title IX Coordinator. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. A voting Chair of the Appeal panel will be designated.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Grounds for Appeal

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties, and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-makers.

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-makers will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigators and/or original Decision-makers, as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, and the Panel will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which AdventHealth University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent AdventHealth University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' AdventHealth University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

AdventHealth University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-makers merely because they disagree with the finding and/or sanction(s).

- The Appeal Decision-makers may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigators and/or Decision-makers for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-makers (as in cases of bias), the appeal may order a new hearing with new Decision-makers.
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to AdventHealth University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by AdventHealth University to the Respondent to ensure no effective denial of educational access.

AdventHealth University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair AdventHealth University's ability to provide these services.

Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-makers (including the Appeal Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from AdventHealth University.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Recordkeeping

AdventHealth University will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to AdventHealth University's education programs or activities;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result there from;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. AdventHealth University will make these training materials publicly available on AdventHealth University's website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to AdventHealth University's education programs or activities; and
 - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

AdventHealth University will also maintain any and all records in accordance with state and federal laws.

Disabilities Accommodations in the Resolution Process

AdventHealth University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to AdventHealth University's resolution process.

Anyone needing such accommodations or support should contact the Director of Disability Services or HR Shared Services (Call 1-844-843-6363) if employee, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. AdventHealth University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

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

Resolution Process B

AHU Interim Resolution Process for Alleged Violations of the Policy Harassment and Non-discrimination (known as Process “B”)

AdventHealth University will act on any formal or informal allegation or notice of violation of the Harassment and Non-Discrimination Policy that is received by the Title IX Coordinator¹ or any other Official with Authority, with the exception of confidential resources, as articulated in the Harassment and Non-Discrimination Policy.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of AdventHealth University’s non-discrimination Policy, the Title IX Coordinator² engages in an initial assessment, which is typically one (1) to five (5) business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.

¹ All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.

² If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- The Title IX Coordinator works with the Complainant to ensure they have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
 - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
 - If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
 - Incident, and/or
 - A potential pattern of misconduct, and/or
 - A culture/climate issue.
- In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by two (2) or more VRA trained members of the Behavioral Intervention Team (BIT) as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
 - Interim suspension of a Respondent who is a threat to health/safety;
 - Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant;
 - Whether to put the investigation on the footing of incident and/or pattern and/or climate;
 - To help identify potentially predatory conduct;
 - To help assess/identify grooming behaviors;
 - Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful;
 - Whether to permit a voluntary withdrawal by the Respondent;
 - Whether to communicate with a transfer Recipient about a Respondent;
 - Assessment of appropriate sanctions/remedies;
 - Whether a Clery Act Timely Warning/Trespass order is needed.

More about the AdventHealth University's process for VRA can be found in [Appendix B](#).

Based on the initial assessment, the AdventHealth University will initiate one of two responses:

- Informal Resolution – typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
- Administrative Resolution – investigation of policy violation(s) and recommended finding, subject to a determination by the Title IX Coordinator or Decision-maker(s) and the opportunity to appeal to an Appeal Panel.

The investigation and the subsequent Administrative Resolution determine whether the non-discrimination policy has been violated. If so, AdventHealth University will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

Resolution Process Pool

The resolution processes rely on a pool of officials (“Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all students, parents/guardians of students, employees, prospective students, and prospective employees.

[View Grievance Process Pool Members](#)

Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To act as optional process Advisors to the parties
- To investigate allegations
- To serve as a Decision-maker
- To serve on an Appeal Panel

The Title IX Coordinator carefully vets Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training, including a review of AdventHealth University’s policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

This training includes, but is not limited to:

- The scope of AdventHealth University’s Non-Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- Types of evidence

- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by AdventHealth University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be use
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

Specific training is also provided for Appeal Decision-makers and Advisors. All Pool members are required to attend this annual training. The Resolution Process Pool consists of faculty and staff employees. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

Counterclaims

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. AdventHealth University is obligated to ensure that any process is not abused for retaliatory purposes.

AdventHealth University permits the filing of counterclaims, but uses the initial assessment, described in the Policy, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

Advisors

Expectations of an Advisor

AdventHealth University generally expects an Advisor to adjust their schedule to allow them to attend AdventHealth University meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

AdventHealth University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by AdventHealth University policies and procedures may face the loss of that Advisor and/or possible Policy violations.

Advisors are expected to consult with their advisees without disrupting AdventHealth meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

Expectations of the Parties with Respect to Advisors

Each party may choose an Advisor¹ who is eligible and available² to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time.

Upon written request of a party, AdventHealth University will copy the Advisor on all communications between AdventHealth University and the party.

Assistance in Securing an Advisor

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>

Resolution Options

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with AdventHealth University Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose but are encouraged to discuss with their Advisors first before doing so.

Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternate Resolution mediation, restorative practices, etc., or when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation.

¹ This could include an attorney, advocate, or support person. Witnesses are not entitled to Advisors within the process, though they can be advised externally.

² "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the fact, Administrative Resolution may be pursued.

Alternate Resolution

Alternate Resolution is an informal process, such as mediation or restorative practices, by which a mutually agreed upon resolution of an allegation is reached. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Alternate Resolution.

The Title IX Coordinator determines if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution.

In an Alternate Resolution meeting, a trained administrator facilitates a dialogue with the parties to an effective resolution, if possible. Institutionally-imposed sanctions are not possible as the result of an Alternate Resolution process, though the parties may agree to accepted sanctions and/or appropriate remedies.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Administrative Resolution process is completed should the parties and the Title IX Coordinator believe it could be beneficial. The results of Alternate Resolution are not appealable.

Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator makes a determination that the individual is in violation of AdventHealth University's Policy.

The Title IX Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator has determined appropriate sanction(s) or responsive actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The parties are still able to seek Alternate Resolution on the remaining allegations, subject to the stipulations above.

Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement any agreement to resolve the allegations that satisfies all parties and AdventHealth University.

Administrative Resolution

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by Harassment, and Non-discrimination Policy at any time during the process. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least two (2) business days in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official AdventHealth University records, or emailed to the parties' AdventHealth University-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

AdventHealth University aims to complete all investigations within a sixty-to-ninety (60-90) business days, which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) to four business days of determining that an investigation should proceed.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the President.

Investigations are completed expeditiously, normally within 30 business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

AdventHealth University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

AdventHealth University may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the Recipient's resolution process are being investigated by law enforcement. AdventHealth University

will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.

AdventHealth University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

Investigation

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of a Pool member as a process Advisor appointed by AdventHealth University or other Advisor of their choosing present for all meetings attended by the advisee
- When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary

- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within five (5) business days and incorporate that response into the report
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Share the report with the Title IX Coordinator or legal counsel for review and feedback
- Provide the final assessment report to the Title IX Coordinator which will include all the information gathered in an orderly and synthesized manner.

Determination

Within four (4) business days of receiving the Investigator's recommendation, the Title IX Coordinator or a trained, designated Decision-maker(s) from the Pool¹ reviews the report and all responses and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Title IX Coordinator/Decision-maker(s) may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The recommendation of the investigation should be strongly considered but is not binding on the Title IX Coordinator/Decision-Maker(s). The Title IX Coordinator or Decision-maker(s) may invite and consider impact statements from the parties if and when determining appropriate sanction(s), if any.

The Title IX Coordinator then timely provides the parties with a written Notice of Outcome to include findings, any sanction(s), and a detailed rationale, delivered simultaneously (without undue delay) to the parties

Additional Details of the Investigation Process

Witness responsibilities

Witnesses (as distinguished from the parties) who are employees of AdventHealth University are expected to cooperate with and participate in AdventHealth University's investigation and

¹ When the Title IX Coordinator is the Investigator or has been heavily involved in the process prior to determination, a Decision-maker(s) should be designated from the Pool to ensure there is no conflict of interest.

resolution process. Failure of a witness to cooperate with and/or participate in the investigation or resolution process constitutes a violation of Policy and may be subject to discipline.

Remote processes

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) or Decision-maker(s) determine that timeliness or efficiency dictates a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. Where remote technologies are used, the Recipient makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

Recording

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to¹ audio and/or video recording.

Evidence

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

Sexual history/patterns

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or (3) the irrelevant character of the parties.

Previous allegations/violations

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s), if the Recipient uses a progressive discipline system.

Character witnesses

Character witnesses or evidence may be offered. The investigation and hearing will determine if the character evidence is relevant. If so, it may be considered. If not, it will be excluded.

Notification of outcome

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator/Decision-Maker(s) determines sanction(s) and/or responsive actions, which are

¹ Consent of the interviewer and interviewee is required in "dual-party recording" states.

promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator informs the parties of the determination within five (5) business days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official AdventHealth University records; or emailed to the parties' AdventHealth University-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which AdventHealth University is permitted to share pursuant to state or federal law, and the rationale supporting the essential findings to the extent AdventHealth University is permitted to share under state or federal law.

The notice will detail when the determination is considered final and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found in section 11 below.

Sanctions

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

Student Sanctions

The following are the sanctions that may be imposed upon students or student organizations singly or in combination:

- *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any AdventHealth University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling:* A mandate to meet with and engage in either AdventHealth University-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation:* A written reprimand for violation of institutional Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at AdventHealth University.
- *Expulsion:* Permanent termination of student status, revocation of rights to be on campus for any reason or attend AdventHealth University-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's record in the student information system.
- *Other Actions:* In addition to or in place of the above sanctions AdventHealth University may assign any other sanctions as deemed appropriate.

Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions, the AdventHealth University may assign any other sanctions as deemed appropriate.

Withdrawal or Resignation While Charges are Pending

Students: If the student Respondent withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely, and the respondent will be held to the sanctions decided.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any AdventHealth University responses to future inquiries regarding employment references for that individual will include the former employee's unresolved status.

Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the written finding of the Title IX Coordinator or Decision-maker(s). Any party may appeal the findings only under the grounds described below.

A three-member appeals panel chosen from the Pool will be designated by the Title IX Coordinator from those who have not been involved in the process previously. One member of the Appeal Panel will be designated as the Chair. Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, failure to correctly apply the evidentiary standard).
- To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies) or other appropriate persons such as the Investigator(s), who may file a response within five (5) business days. The other party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within five (5) business days. These responses or appeal requests will be shared with each party. The Appeal Chair/Panel will review the appeal request(s) within five (5) business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the appeal Chair/Panel dismisses the appeal.

When the appeal Chair/panel finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Chair/Panel are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeal Chair/Panel to substitute their judgment for that of the original Investigator(s) or Title IX Coordinator/Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Chair/Panel.

- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- All parties will be informed in writing within five (5) business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand.
- In rare cases when a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the Appeal Chair/Panel may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator.
- The results of a new Administrative Resolution process can be appealed once, on any of the two applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to AdventHealth University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by the Recipient to the Respondent.

Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from AdventHealth University.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Recordkeeping

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept for a period of at least seven years, by the Title IX Coordinator in the Title IX case database.

Statement of the Rights of the Parties

See [Appendix A](#).

Disabilities Accommodation in the Resolution Process

AdventHealth University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at AdventHealth University. Anyone needing such accommodations or support should contact the Director of Disability Services or HR Shared Services (Call 1-844-843-6363) if employee, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

Revision

These procedures will be reviewed and updated annually by the Title IX Coordinator. AdventHealth University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure.

Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the party's consent to be bound by the current policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

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

Hazing Reporting and Prevention

Effective December 23, 2024, the **Stop Campus Hazing Act (SCHA)** amended the Jeanne Clery Campus Safety Act (“Clery Act”) to require institutions of higher education to (1) collect and publish statistics on hazing incidents reported within Clery geography, (2) adopt and publish hazing policies and prevention programs, and (3) maintain a publicly available Hazing Transparency Report. AdventHealth University (AHU) is committed to full compliance with these requirements and to fostering a safe and respectful environment consistent with our mission and values.

Definition of Hazing

AHU defines hazing in accordance with federal law as:

Any intentional, knowing, or reckless act, occurring on or off campus, committed by one student acting alone or with others, against another student, in connection with initiation, affiliation, or continued membership in any student organization, that creates a risk of physical or psychological harm beyond the normal scope of participation, regardless of a student’s willingness to participate.

Examples include, but are not limited to:

- Physical abuse or coercion
- Forced consumption of substances
- Activities that cause degradation, disgrace, or risk of injury
- Acts intended to compromise the mental or physical health or safety of another

Any student who engages in hazing or commits any act that intentionally or unintentionally injures, degrades, or disgraces a fellow student may be subject to discipline up to and including dismissal, as well as potential criminal prosecution.

Reporting Hazing

Reports of hazing are handled through the Office of Student Affairs as potential violations of University policy. Reports may be submitted via the AHU Incident Report form or directly to:

Josh Garrido

Dean of Students

Office of Student Affairs

Phone: 407-303-8016

Email: joshua.garrido@ahu.edu

Reports may also be made to AHU Campus Security or other designated campus security authorities (CSAs), who will forward the information to the Dean of Students. All hazing incidents reported to CSAs or local law enforcement that occur within Clery geography (on-campus, non-campus, public property, or property controlled by recognized student organizations) will be included in AHU’s Annual Security Report crime statistics.

Investigation and Disciplinary Process

Upon receiving a report of possible hazing, the Dean of Students or designee conducts an initial assessment and determines whether a formal investigation is warranted. The University may also take appropriate steps to address immediate health or safety concerns while the report is being reviewed.

When a formal investigation is initiated, the following procedures apply:

- **Written notice:** The accused student or student organization receives written notice of the allegations. Notice to a student organization will be provided to the appropriate organizational representative.
- **Investigation:** The Dean of Students or designee conducts the investigation. This may include interviews with the reporting party, the responding student or student organization, witnesses, and others who may possess relevant information.
- **Participation and evidence:** The parties may identify witnesses, submit relevant evidence, and respond to relevant information gathered during the investigation.
- **Decision and sanctions:** Following the investigation, the Dean of Students reviews the available information and determines whether disciplinary action is warranted. The Dean of Students may resolve the matter and impose appropriate sanctions or refer the matter to the Citizenship Committee for further review and sanctioning. Sanctions may include restitution, probation, suspension, dismissal, or other sanctions authorized under the University's [Discipline Procedure](#).
- **Written outcome:** The parties receive written notice of the outcome, including the findings and any sanctions that the University is permitted to disclose.

Allegations against student organizations are handled through the same general process as allegations against individual students.

When a matter is referred to the Citizenship Committee, a student or student organization that disagrees with the Committee's decision may submit a written appeal to the Dean of Students within five business days after receiving the Committee's report. The appeal must describe the circumstances surrounding the matter and specifically explain why the Committee's decision regarding sanctions was inappropriate. If an appeal is not submitted within five business days, the Committee's decision becomes final.

When a timely appeal is submitted, the Dean of Students reviews the appeal and the Citizenship Committee Chair's report. The Dean of Students may uphold, modify, or overturn the Committee's decision regarding sanctions. The student or student organization will receive written notice of the appeal decision within five business days after the Dean of Students receives the appeal. The Dean of Students' appeal decision is final.

A full description of the University's disciplinary procedures can be found in the AHU Student Handbook, available online at:

https://catalog.ahu.edu/content.php?catoid=84&navoid=8072#Discipline_Procedure

Prevention and Awareness Programs

Prevention and Awareness Programs

AHU prohibits hazing and provides information concerning its hazing policy and reporting options through this Annual Security Report and other University communications. AHU has not yet implemented a documented, research-informed, campus-wide hazing prevention program designed to reach students, faculty, and staff. Development and implementation of such a program is a University priority for 2027.

Hazing Statistics

As required by the Stop Campus Hazing Act, AHU began collecting hazing statistics on January 1, 2025. Hazing incidents reported to campus security authorities or local law enforcement within Clery geography will be published beginning with this report.

Alcohol and Drug Policy

Alcohol Policy

AdventHealth University believes that the use of alcohol is counterproductive to a successful and safe learning and working environment. Therefore, the possession or use of alcoholic products, or being under the influence of alcohol, on University property or during any University-sponsored activity or event is strictly prohibited. Failure to comply with this policy may result in disciplinary action.

Students and employees are expected to comply with University policy and applicable federal, state, and local laws concerning alcohol and drugs.

Drug Policy

AdventHealth University is committed to providing a drug-free learning and working environment. The manufacture, distribution, possession, or use of illegal drugs or drug paraphernalia is strictly prohibited. The intentional misuse of prescription drugs is also considered a violation of this policy.

Those who decide to learn and work at AHU agree to submit to random drug testing and are subject to search and surveillance at all times while on campus premises. Failure to comply with this policy will result in disciplinary action.

AHU prohibits the possession, use, sale, manufacture, or distribution of illegal substances or drug paraphernalia of any kind or in any amount. The improper use, sale, or distribution of prescription medication is also prohibited.

Medical and Non-Medical Marijuana Use

Colorado law permits certain medical and adult-use marijuana activity under state law. These provisions do not authorize the possession, use, provision, sale, manufacture, or distribution of marijuana on University property or during University-sponsored activities and events and do not limit AHU's authority to prohibit such conduct.

Marijuana remains a controlled substance under federal law. Accordingly, marijuana possession or use is prohibited on University property and during University-sponsored activities and events, even

when the individual's conduct may otherwise be permitted under Colorado law or supported by a medical authorization.

Legally Obtained Substances

The use or misuse of any legally obtained substance for the purpose of rendering oneself intoxicated or in a state of euphoria is strictly prohibited on University property and during University-sponsored activities and events. Students or employees found under the influence of, using, manufacturing, or distributing a substance for this purpose will be subject to disciplinary action up to and including permanent dismissal or termination.

Enforcement and Referrals

AHU-Denver Security assists with responding to and documenting suspected violations of the University's alcohol and drug policies. Alleged student violations are referred to the Dean of Students for review under the applicable student disciplinary procedures. Alleged employee violations are referred to Human Resources or the employee's management.

When reported conduct may violate Colorado or federal law, the Greenwood Village Police Department or another law-enforcement agency with jurisdiction may be contacted. University disciplinary action may proceed independently of any law-enforcement investigation, arrest, prosecution, or other criminal proceeding.

Sanctions

Any violation of the Tobacco, Alcohol, and Drug Policy is grounds for disciplinary action up to and including immediate and permanent dismissal or termination. The sale, distribution, or manufacture of drugs will automatically result in immediate and permanent dismissal or termination from AdventHealth University.

Criminal conduct may also result in referral to law enforcement and the imposition of fines, imprisonment, forfeiture, or other penalties under applicable law. University sanctions are separate from any sanctions imposed through the criminal-justice system.

State and Federal Laws and Penalties

There are substantial legal sanctions pursuant to state or federal law which may be levied against students or employees for the unlawful manufacture, distribution, possession, or use of an illicit drug, controlled substance, tobacco, or alcohol. If an incident has evidence of breaking federal/state drug or alcohol laws, the incident will be passed on to local law enforcement in addition to institution-imposed sanctions. The law often treats drug offenses as a criminal matter, punishable by substantial fines, imprisonment, or other severe sanctions.

Colorado State Laws Concerning Drugs¹, Alcohol, and Tobacco

Colorado law establishes criminal and civil consequences for unlawful conduct involving alcohol, controlled substances, marijuana, tobacco, and impaired driving. Applicable provisions include:

¹ AdventHealth University recognizes federal drug laws over those of individual state statutes. Therefore, federal laws and penalties will be followed when there are discrepancies between state and federal law.

- **Alcohol:** Colorado Revised Statutes § 44-3-901 addresses unlawful conduct involving alcoholic beverages, including furnishing alcohol to a person under 21 and possession or consumption by a person under 21, subject to statutory exceptions.
- **Impaired driving:** Colorado Revised Statutes § 42-4-1301 prohibits driving under the influence of or while impaired by alcohol, drugs, or a combination of substances and establishes separate provisions concerning underage drinking and driving.
- **Open alcoholic beverages in vehicles:** Colorado Revised Statutes § 42-4-1305 restricts open alcoholic beverages in the passenger area of a motor vehicle located on a public highway or the right-of-way of a public highway.
- **Controlled substances:** Colorado Revised Statutes, Title 18, Article 18 establishes offenses and penalties involving the unlawful possession, use, manufacture, distribution, or dispensing of controlled substances.
- **Marijuana:** Article XVIII, §§ 14 and 16 of the Colorado Constitution and Colorado Revised Statutes, Title 44, Article 10 address medical and regulated marijuana activity under Colorado law. These provisions do not override AHU policy or applicable federal law.
- **Tobacco and nicotine products:** Colorado Revised Statutes § 44-7-103 prohibits the sale, distribution, or provision of cigarettes, tobacco products, or nicotine products to a person under 21, subject to applicable statutory provisions.

The complete and current statutory language is available through the [Colorado Revised Statutes](#).

Federal Drug Laws and Penalties

Federal law prohibits the unauthorized manufacture, distribution, dispensing, possession, and use of controlled substances. Depending on the offense, substance, quantity, location, prior convictions, and resulting harm, federal sanctions may include imprisonment, fines, forfeiture of property, and denial of certain federal benefits. Enhanced penalties may apply to certain drug offenses committed near colleges, universities, and other protected locations.

Applicable provisions include 21 U.S.C. §§ 841, 844, 853, 860, and 862. Complete federal controlled-substance laws are available in [Title 21, Chapter 13 of the United States Code](#).

Drug and Alcohol Abuse Prevention

Health Risks Associated with Alcohol and Other Drugs

Alcohol use can impair judgment, coordination, memory, and reaction time and may contribute to accidents, unsafe behavior, alcohol poisoning, dependence, and academic or workplace difficulties. Long-term or excessive use can damage the brain, heart, liver, pancreas, immune system, and other organs and can increase the risk of several cancers.

Illegal drug use and prescription-drug misuse can impair judgment and physical coordination and may cause dependence, mental-health effects, organ damage, overdose, or death. Combining alcohol with prescription medications or other drugs can produce dangerous or fatal interactions. The specific risks depend on the substance, dosage, frequency of use, method of administration, and individual health.

Additional information is available from the [National Institute on Alcohol Abuse and Alcoholism](#) and the [National Institute on Drug Abuse](#).

Counseling, Treatment, Rehabilitation, and Reentry Resources

Students and employees seeking assistance with alcohol or other drug concerns may contact the Office of Spiritual Care and Counseling and for confidential assistance and referral information, subject to applicable legal and professional limitations on confidentiality. Students may also access anonymous online screenings and counseling information through the my.ahu.edu portal.

Individuals seeking substance-use treatment, rehabilitation, recovery, or reentry support may contact the University Counselor for information about available community resources. Students returning after treatment may also contact the Dean of Students, and employees may contact Human Resources, for information regarding available support and any applicable return-to-study or return-to-work requirements.

Biennial Review

The AHU Drug and Alcohol Policy will be reviewed biennially (a) to determine its effectiveness and to implement changes that may be needed; (b) to ensure that sanctions are consistently enforced, and (c) to meet the stated requirements for compliance with federal regulations.

Crime Statistics

The Denver instructional site relocated in September 2025. The statistics presented below cover the Denver instructional site for the three calendar years required by the Clery Act.

Statistics for 2023 and 2024 reflect the site's former location. Statistics for 2025 include incidents occurring within the Clery geography of the former location while it remained under University control and was used for educational purposes, together with incidents occurring within the Clery geography of the current location beginning when University operations commenced there.

Crime Definitions

Unless otherwise noted, the following definitions are based on the Clery Act regulations and the applicable FBI Uniform Crime Reporting Program standards incorporated into those regulations.

Murder and Non-Negligent Manslaughter is defined as *the willful (non-negligent) killing of one human being by another.*

Negligent Manslaughter is defined as *the killing of another person through gross negligence. (Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.)*

Forcible Rape is *the carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.*

Forcible Sodomy is *oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.*

Sexual Assault with an Object is *the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.*

Forcible Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Incest is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is non-forcible sexual intercourse with a person who is under the statutory age of consent.

Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary is the unlawful entry of a structure to commit a felony or a theft. (**Structure**, which is defined as having four walls, a roof, and a door)

Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.

Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship would be determined based on the length of the relationship the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Sexual Assault is an offense that meets the definition of rape, fondling, incest, or statutory rape.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

"Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

Hate crime is a criminal offense in which evidence indicates that the victim was intentionally selected because of the perpetrator's bias. For Clery reporting, qualifying offenses include murder and nonnegligent manslaughter; rape; fondling; incest; statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; arson; larceny-theft; simple assault; intimidation; and destruction/damage/vandalism of property. Bias categories include race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and disability.

Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin. Any of the above crimes are also reported as a hate crime if motivated by one of these biases.

The following four offenses are only reported if they are found to have the elements of a hate crime:

1. **Larceny-Theft** is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) **Constructive possession** is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.
2. **Simple Assault** is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
3. **Intimidation** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
4. **Destruction/Damage/Vandalism of Property** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Criminal Offenses				
Offense ¹	Year	On-Campus	Non-Campus Property	Public Property
Murder/non-negligent manslaughter	2023	0	0	0
	2024	0	0	0
	2025	0	0	0
Negligent manslaughter	2023	0	0	0
	2024	0	0	0
	2025	0	0	0
Rape	2023	0	0	0
	2024	0	0	0
	2025	0	0	0
Fondling	2023	0	0	0
	2024	0	0	0
	2025	0	0	0
Incest	2023	0	0	0
	2024	0	0	0
	2025	0	0	0
Statutory Rape	2023	0	0	0
	2024	0	0	0
	2025	0	0	0
Robbery	2023	2	0	0
	2024	0	0	0
	2025	0	0	0
Aggravated Assault	2023	4	0	0
	2024	0	0	0
	2025	0	0	0
Burglary	2023	3	0	0
	2024	0	0	0
	2025	0	0	0
Motor Vehicle Theft	2023	5	0	0
	2024	0	0	0
	2025	0	0	0
Arson	2023	0	0	0
	2024	0	0	0
	2025	0	0	0

VAWA Offenses				
Offense	Year	On-Campus	Non-Campus Property	Public Property
Domestic Violence	2023	0	0	0
	2024	0	0	0
	2025	0	0	0
Dating Violence	2023	0	0	0
	2024	0	0	0
	2025	0	0	0
Stalking	2023	0	0	0
	2024	0	0	0
	2025	0	0	0

Hazing				
Offense	Year	On-Campus	Non-Campus Property	Public Property
Hazing Incidents	2025	0	0	0

¹ The Denver instructional site relocated in September 2025. Statistics for 2023 and 2024 reflect the site's former location. Statistics for 2025 include incidents occurring within the Clery geography of the former location while it remained under University control and was used for educational purposes, together with incidents occurring within the Clery geography of the current location beginning when University operations commenced there.

Arrests and Disciplinary Referrals				
Offense	Year	On-Campus (Hospital)	Non-Campus Property	Public Property
Arrests				
Weapons: Carrying, Possessing, etc.	2023	0	0	0
	2024	0	0	0
	2025	0	0	0
Drug Abuse Violations	2023	0	0	0
	2024	0	0	0
	2025	0	0	0
Liquor Law Violations	2023	0	0	0
	2024	0	0	0
	2025	0	0	0
Disciplinary Referrals				
Weapons: Carrying, Possessing, etc.	2023	0	0	0
	2024	0	0	0
	2025	0	0	0
Drug Abuse Violations	2023	0	0	0
	2024	0	0	0
	2025	0	0	0
Liquor Law Violations	2023	0	0	0
	2024	0	0	0
	2025	0	0	0

Hate Crimes

AHU received no reports of Clery-reportable hate crimes within its on-campus, non-campus, or public-property geography during 2023, 2024, or 2025.

Unfounded Crimes

AHU had no crime reports formally determined by sworn or commissioned law-enforcement personnel to be unfounded and subsequently withheld from its Clery crime statistics in 2023, 2024, or 2025.

Hazing

Hazing statistics are presented beginning with calendar year 2025 in accordance with the implementation timeline of the Stop Campus Hazing Act.

Appendices

Appendix A: Statement of Rights of the Parties

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or retaliation made in good faith to AdventHealth University officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by AdventHealth University officials.
- The right to have AdventHealth 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 AdventHealth University officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by AdventHealth University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by AdventHealth University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by AdventHealth University law enforcement and/or other AdventHealth University officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to an AdventHealth University-implemented no trespass order or no-contact order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.

- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of sexual harassment and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Relocating an on-campus student's housing to a different on-campus location
 - Assistance from AdventHealth University staff in completing the relocation
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation accommodations
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and a pro-rated refund
 - Exam, paper, and/or assignment rescheduling or adjustment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options.
- The right to have AdventHealth University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair AdventHealth University's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigators and Decision-makers to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigators/Decision-makers with a list of questions that, if deemed relevant by the Investigators/Chair, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigators with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.

- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged policy violations addressed by Investigators, Title IX Coordinators, and Decision-makers who have received relevant annual training.
- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any AdventHealth University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence; to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-makers following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by AdventHealth University is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by AdventHealth University.
- The right to a fundamentally fair resolution as defined in these procedures.

Appendix B: Violence Risk Assessment (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A **Violence Risk Assessment (VRA)** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other Behavioral Intervention Team (BIT) members.

A VRA occurs in collaboration with the BIT, and or threat assessment team and must be understood as an on-going process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., A seventy-two-hour mental health hold in Colorado, Baker Act in Florida), nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

1. an appraisal of **risk factors** that escalate the potential for violence;
2. a determination of **stabilizing influences** that reduce the risk of violence;
3. a contextual **analysis of violence risk** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence; and
4. the application of **intervention and management** approaches to reduce the risk of violence.

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the violence risk assessment process through the BIT. The BIT will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor will follow the process for conducting a violence risk assessment as outlined in the BIT manual and will rely on a consistent, research-based, reliable system that allows for the operationalization of the risk levels.

Some examples of formalized approaches to the VRA process include: The NaBITA Risk Rubric,¹ The Structured Interview for Violence Risk Assessment (SIVRA-35),² The Extremist Risk Intervention Scale (ERIS),³ Looking Glass,⁴ Workplace Assessment of Violence Risk (WAVR-21),⁵ Historical Clinical Risk Management (HCR-20),⁶ and MOSAIC.⁷

¹ www.nabita.org/tools

² www.nabita.org/resources/assessment-tools/sivra-35/

³ www.nabita.org/resources/assessment-tools/eris/

⁴ www.nabita.org/looking-glass

⁵ www.wavr21.com

⁶ www.hcr-20.com

⁷ www.mosaicmethod.com

The VRA is conducted independently from the Title IX process, free from outcome pressure, but is informed by it. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The BIT or threat team's member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community.

Emergency 911

Greenwood Village Police Department

303-773-2525 (Non-Emergency)

2026

AHU-Denver

Katie Shaw

Chief Operations Officer

303-765-6271

Katie.Shaw@ahu.edu

Dean of Students

Josh Garrido

Dean of Students

407-303-8016

Joshua.Garrido@ahu.edu

AHU-Orlando Security

Eric Goebelbecker

Director of Security

407-353-4002

Eric.Goebelbecker@ahu.edu

Title IX

Katie Shaw

Deputy Title IX Coordinator

303-765-6271

Katie.Shaw@ahu.edu

Human Resources

Jennifer Carpenter

Director, HR Business Partner

407-303-7398

Jennifer.Carpenter@ahu.edu



6061 S Willow Drive, Suite 310, Greenwood Village, CO 80111

303-765-6271 | ahu.edu/denver