

AVE MARIA UNIVERSITY

SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY

INTRODUCTION

Ave Maria University is committed to maintaining a positive learning and working environment for students, faculty and staff. Sexual harassment, a form of sex discrimination, detracts from a positive environment and is absolutely prohibited. Sexual harassment is defined as any unsolicited, offensive behavior that inappropriately asserts sexuality over status as a student or an employee, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic admission or advancement; submission to or rejection of such conduct is used as the basis (or threatened to be used as the basis) for employment actions or academic decisions or evaluations; or such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive work or learning environment.

Sexual harassment can occur between/among supervisors/managers and subordinates, faculty and staff or students, peers, vendors/subcontractors/visitors and employees or students, or any combination thereof. Often, but not always, the harasser is in a more powerful position than the person being harassed. In such situations sexual harassment is particularly serious because it may unfairly exploit the power inherent in a supervisor's or faculty member's position. All forms of sexual harassment whether occurring on or off campus are violations of the University's policy and will not be tolerated.

Sexual violence, as that term is used in Federal regulations, refers to physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent. Sexual violence encompasses a range of offenses including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. All such acts can be considered a form of sex discrimination, and like sexual harassment, are prohibited by Title IX of Federal law.

Sexual assault, a form of sexual violence, is defined as forcing, threatening or coercing an individual into sexual contact against his or her free will with or without his or her consent. It includes, but is not limited to, any sexual act performed on an individual, any sexual act required to be performed by an individual, or forced or coerced intercourse. Sexual assault includes having sexual contact with a person while knowing or having reason to know that the person was incapacitated by drugs, including alcohol, or by other means.

For the purposes of this policy, the term "consent" is defined as informed, freely given, mutually and clearly understandable words or actions that convey, and are intended to be taken as conveying, a willingness to engage in sexual activity. Consent cannot be gained by force, or by ignoring or acting in spite of the objections of another. Incapacitated persons (as from the use of drugs or alcohol) or persons who are asleep or unconscious cannot give consent, nor can minors give consent. Silence or an absence of resistance does not imply consent. Consent obtained to engage in past sexual activity shall not be deemed to imply consent to future activity. Further, consent to one form of physical intimacy or sexual activity shall not be considered to imply consent to other forms of sexual activity.

As a Catholic university that believes in the inherent dignity and worth of each and every person, Ave Maria University prohibits sexual harassment and all forms of sexual violence as inimical to the common good and deeply offensive to the God-given dignity and worth of the person.

The University's prohibition of sexual harassment and sexual violence wherever it occurs (on or off-campus) applies to all students, faculty and staff members as well as third parties (such as visitors to campus). The information provided here regarding processes, procedures and resources is primarily intended for the benefit of students. (Members of the faculty and staff of the University should contact Human Resources for information and resources designed for their benefit.)

The University encourages victims of sexual harassment and sexual violence to talk to somebody about what happened – so that victims can get the care and support that they need and so that the University can respond appropriately and work to prevent its recurrence and remedy any discriminatory effects. However, when seeking assistance from University employees in particular, students should understand that most employees are required by Federal law to report all details of an incident to the University (so that the University can take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably).

Students who make a report of sexual harassment or sexual violence (these students are referred to elsewhere within this and other University policies as “complainants”) shall be informed of and encouraged to use all appropriate University, law enforcement, and community resources. The University's response to such reports will be conducted promptly, thoroughly and impartially. Students accused of sexual harassment or sexual violence (referred to within University policies as “charged students”) shall receive appropriate procedural protection to ensure that they are treated fairly and in accordance with University policies and procedures. The investigation of any report of sexual harassment or sexual violence made to the University shall be completed as promptly as possible and in most cases within 60 days of the initial report.

Any actual or threatened retaliation, or any act of intimidation by a charged student or third party directed at any participant in the disciplinary process, intended to prevent or otherwise obstruct the reporting of sexual harassment or sexual violence or the participation in proceedings related to such reports, is prohibited by Title IX and University policy and will result in disciplinary action regardless of the outcome of the underlying misconduct complaint.

To support and assist students, both those who bring complaints and those who are charged with violations, the University provides a range of services and referrals for resources. Please see the references below for information related to medical, counseling and pastoral care.

HELP FOR VICTIMS OF SEXUAL VIOLENCE

Immediate Assistance: Reporting an Incident

Victims of sexual violence have several alternatives open to them for reporting the incident. Each of these resources can assist students in getting the help they need:

AMU Security Department: 239-280-6289

AMU Security is available 24 hours a day, 7 days a week. AMU Security may contact the Collier County Sheriff's Office or other local law enforcement agencies, as appropriate. AMU Security will also notify the AMU Title IX

Coordinator as well as the Office of Student Affairs so as to ensure that the reporting student is provided appropriate assistance.

**Collier County Sheriff's Office Emergency: 911,
8-911 (from a campus phone), or 239-252-9300**

For incidents occurring on campus or in Ave Maria town, a victim of sexual violence may also report the incident directly to the local law enforcement authority, the Collier County Sheriff's Office (CCSO). AMU Security can assist students in contacting the CCSO.

AMU Title IX Coordinator, Mrs. Kateri Allen: 239-304-7920

Reports may also be made to the AMU Title IX Coordinator, Mrs. Kateri Allen. The University's Title IX Coordinator is the designated agent of the University with primary responsibility for overseeing Title IX compliance efforts. The Title IX Coordinator serves as a primary point of contact for those seeking information or wanting to report sexual violence.

Assistance for victims of sexual violence is also available from Project HELP: 239-262-7227. Project HELP (www.projecthelpnaples.org) is not affiliated with the University, but is a local non-profit organization staffed by professional counselors and advocates committed to providing assistance to those affected by sexual violence. Project HELP maintains a 24/7 Crisis and Referral Hotline (239-262-7227) and is the local state certified Rape Crisis Center. Project HELP provides free counseling and advocacy services, and staffs a Sexual Assault Response Team (SART) which includes a Sexual Assault Nurse Examiner (SANE). SART works with complainants individually or acting as advocates while they work with law enforcement.

Immediate Assistance: Emergency Medical Care

It is especially important for victims of sexual violence to seek immediate and appropriate medical treatment and assistance, if necessary. Note: Depending upon the nature of the incident, and for the purposes of preserving evidence in the event criminal prosecution is sought, it may be best for the victim not to shower, eat, change clothes, or brush teeth prior to seeking medical attention.

Immediate emergency medical care is available through the Collier County Emergency Medical Services system (dial 911).

Collier County EMS: Dial 911

The nearest hospitals to Ave Maria University are:

NCH North Naples Hospital
11190 Health Park Boulevard
Naples, FL 34110
239-624-5000

Physicians Regional - Collier Boulevard
8300 Collier Boulevard
Naples, FL 34114
239-354-6000

Physicians Regional – Pine Ridge
6101 Pine Ridge Road
Naples, FL 34119
239-348-4000

NCH Downtown Naples Hospital
350 7th St. N.
Naples, FL 34102
239-436-5000

Ave Maria University Security, residence hall directors and/or staff from Student Affairs (239-280-2540) can assist students who need transportation or would like to be accompanied to any of these off-campus medical resources.

Ongoing Assistance: Medical, Counseling, Pastoral Care Resources

Besides immediate emergency care, ongoing care is also critically important. Students are encouraged to make use of the following resources.

I. The University Counselor, Ana Maria Li-Rosi, LMHC, NCC: 239-304-7372

Students needing confidential counseling services should contact the University Counselor, Ms. Ana Maria Li-Rosi, a trained professional who can provide specialized support and assistance to students who have been subjected to sexual violence. Students may seek counseling at any time, no matter how long ago the incident occurred. Counseling services also are available to friends of a victim who may need support in assisting the student.

II. Project HELP: 239-262-7227

In addition to providing 24/7 assistance for sexual violence victims, Project HELP can also provide ongoing counseling and support services for students dealing with sexual violence.

III. Campus Ministry 239-280-2518, chaplain@avemaria.edu

The Campus Ministry staff is trained to provide pastoral counseling and support to students or to friends who wish to support and assist them.

IV. The on-call Residence Hall Director: 239-280-7344

The on-call Residence Hall Director can also provide assistance in obtaining counseling and pastoral guidance and support.

All of the services described above are available to student victims regardless of whether or not a victim chooses to report the incident or participate in any University disciplinary process or criminal process. The University Counselor, the priests in Campus Ministry staff and the staff of Project Help are confidential resources; for further information regarding confidentiality, please see the "Reporting Options and Confidentiality" section below.

Accommodations and Other Interim Measures

Students seeking support following an incident of sexual violence should contact the Office of Student Affairs (239-280-2540), where they will be referred to a professional staff member in the office who will identify, explain and navigate the available support services. This includes information regarding counseling, educational support, pastoral care, medical treatment, and information about the University's disciplinary procedures.

The Office of Student Affairs can take steps to help ensure the safety and well-being of students who report sexual violence, such as providing alternative housing arrangements, helping to rearranging class or work schedules, identifying other academic assistance (e.g., tutoring) and seeking other academic accommodations if necessary.

In some cases, as a way to help students continue their academic endeavors with as little distraction and disruption as possible, the Office of Student Affairs may issue a "no-contact order" to some or all of the students involved. These no-contact orders have the force of a University regulation and normally prohibit the students involved from having any contact of any sort, either directly or through third parties, with each other. The issuance of no-contact orders is not a determination of responsibility (or lack thereof) attributable to either party, but is intended to help students focus on their school work with minimal distraction.

In each case, every effort will be made to accommodate all reasonable requests, to protect the student and the campus community, and to minimize the impact on the student's educational endeavors. As with the resources described earlier, these academic accommodations and interim measures are available to student complainants regardless of whether any formal disciplinary action is initiated against an alleged perpetrator of sexual violence.

REPORTS TO THE UNIVERSITY

A student who reports an incident of sexual violence to the University will be referred to a professional staff member in the Office of Student Affairs who will identify, explain and navigate the available support services. The University's Student Code of Conduct and disciplinary policies and procedures will be explained to the student. The University's Student Code of Conduct may be found at:

<http://www.avemaria.edu/CurrentStudents/StudentHandbookPolicies.aspx>.

A student always has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue the University's disciplinary process, or to pursue both processes simultaneously.

The University Disciplinary Process

The Office of Residence Life and Housing is responsible for investigating and adjudicating alleged violations of the University's behavioral expectations, including alleged violations of the sexual violence policy. The University's Code of Student Conduct may be found at

<http://www.avemaria.edu/CurrentStudents/StudentHandbookPolicies.aspx>. The Code of Student Conduct does not allow for the mediation of allegations of violations of the sexual violence policy.

Cases involving allegations of sexual harassment and sexual violence referred to the Office of Residence Life and Housing shall be adjudicated using a "preponderance of the evidence" (*i.e.*, it is more likely than not that the sexual harassment or sexual violence occurred) as the standard for the determination of responsibility under the policy.

In cases of sexual harassment and sexual violence referred to the Office of Residence Life and Housing, both the complainant and the charged student shall be provided notice of the disciplinary setting (*i.e.*, a case referral meeting or an appeal hearing); both parties shall be provided the opportunity to present witnesses and other evidence; both parties will be afforded similar and timely access to any information that will be used in the proceeding; both parties shall have the same opportunities to have an advisor present during a disciplinary proceeding; both parties shall be informed of the final determination of the proceeding in writing, as well as informed of any sanctions imposed against the charged student, and any options to appeal the determination of responsibility. Disciplinary action at the University may proceed while criminal or civil proceedings are pending, and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced, that no criminal charges have been brought, or that any civil action has been dismissed. Sanctions may be administered independent of any pending civil or criminal action or settlement reached. The full range of disciplinary sanctions, including expulsion from the University, may be considered, depending on the nature and severity of the offense.

OPTIONS AND CONFIDENTIALITY

As a community of scholars and students who aim to foster a genuine love and concern for one another, the University believes that members of the community should not bear the pain and effects of sexual violence on their own. The University encourages victims of sexual violence to seek out those who can help them and offer support.

The University also encourages victims to make reports to the University, so that it can take prompt and effective steps to end the violence, prevent its recurrence, and address its effects.

Reports to University Employees

The University acknowledges that sexual violence cases require extreme sensitivity and the exercise of discretion, and will make reasonable efforts to preserve an individual's privacy and protect the confidentiality of information. However, under Federal law, all University employees (except professional counselors with the University Counseling Center and priests within Campus Ministry) who receive information regarding sexual violence, whether from the student involved or a third party, are required to refer that information (including personal details) to the Title IX Coordinator and other University authorities for investigation and follow up.

University employees are directed to make every effort – before a student reveals information that he or she may wish to keep confidential – to ensure that the student understands that the employee has certain reporting obligations (i.e., to report the names of the alleged perpetrator and the student involved in the alleged violence, as well as relevant facts regarding the alleged incident including the date, time and location, to the Title IX coordinator or other appropriate school officials). University employees are also directed to refer students to counselors, health care providers, clergy, and others who can maintain confidentiality.

If the victim nonetheless wants to tell a University employee what happened but also wants to maintain confidentiality over the details of the incident, the employee should tell the victim that the University will consider the request, but because of its obligation to protect the campus community by trying to end the sexual violence and prevent its recurrence, cannot guarantee that the University will be able to honor the request. The University's Title IX Coordinator is responsible for evaluating these requests for confidentiality. Further, the student should be aware that honoring the request for confidentiality may limit the University's ability to respond fully to the incident.

Reports to Local Law Enforcement

Students may, at any time, make a report of an incident of sexual violence to the appropriate law enforcement agency. For sexual violence that is also criminal behavior alleged to have occurred on campus or in the town of Ave Maria, the Collier County Sheriff's Office (911, 8-911 from a campus phone, or 239-252-9300) is the appropriate law enforcement agency. Students pursuing this option should understand that the law enforcement agency may conduct an investigation that would not allow for the details of the incident to remain confidential.

Discuss with a Privileged and/or Confidential Resource Person

Students may report an incident of sexual violence to certain professionals who may maintain confidentiality. Medical care providers, licensed counselors, and pastoral counselors are not required to report any information about an incident of sexual violence to the University without a victim's permission. If a student would like the details of an incident to remain confidential, the student should speak with one of the following persons:

- the University Counselor – Ana Maria Li-Rosi, LMHC, NCC: 239-280-2540
- a health care provider (such as a physician or staff member from one of the hospitals previously provided)
- a staff member at an off-campus rape crisis center (such as Project HELP: 239-262-7227)
- priests within Campus Ministry: 239-280-2518

At Ave Maria, professional licensed counselors and priests providing assistance to members of the University community are not required to report any information about an incident to the University or to the University's Title IX coordinator.

SOME WAYS THE UNIVERSITY TRIES TO PREVENT SEXUAL VIOLENCE

The University's sexual violence prevention efforts are coordinated through the Office of Student Affairs. Through collaborative efforts with other University departments and outside agencies, Student Affairs works to prevent sexual violence through orientation sessions, education, awareness, the promotion of a caring community, and skill building. Programs include self-defense workshops, educational seminars, advocacy and volunteer opportunities, resource and referral information, and Love Week.

NOTES

Nothing in this policy should be construed as curtailing, limiting, abridging, or in any way modifying the rights of students, faculty or staff to engage in legitimate academic inquiry or to express themselves in accordance with rights guaranteed under federal, state or local law, or otherwise provided by University policy.

Students with questions about Title IX may contact the Federal Department of Education's Office for Civil Rights:

U.S. Department of Education - Office for Civil Rights

Lyndon Baines Johnson Department of Education Building

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481; TDD: 800-877-8339 Email: OCR@ed.gov