

Reporting Policies and Investigation Procedures

Jacksonville University encourages all students and employees to report information about any type of sexual misconduct or harassment involving a student, employee, or third party. All complaints will be given a full, impartial, and timely investigation. Jacksonville University will typically complete the investigation within 60 days, unless extended for good cause. If the investigation is extended for good cause, written notice will be provided to the complainant and the accused of the delay and the reason for the delay.

Jacksonville University prohibits retaliation against any person for filing or participating in a complaint. Jacksonville University will discipline any individual who retaliates against any person who reports alleged sexual misconduct or who retaliates against any person who testifies, assists, or participates in an investigation, a proceeding or a hearing relating to a sexual misconduct complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

False accusations regarding sexual abuse will not be tolerated, and any person knowingly making a false accusation will likewise be subject to disciplinary action up to and including termination, with regard to employees and expulsion with regard to students.

Coordination with Law Enforcement

Jacksonville University has zero tolerance for criminal acts committed on campus and most especially those acts involving domestic violence, dating violence, repeat violence, sexual violence, sexual assault, and/or stalking. Reports of criminal activity will be investigated by the Jacksonville Sheriff's Office as well as the Department of Campus Security once knowledge of the act is gained or upon reporting by the victim. Jacksonville University will cooperate with any criminal investigation, to the extent permitted by law. The results of the investigation will be forwarded to the Dean of Students or other University officials as required for appropriate action.

The University process and the criminal justice process are two separate and independent investigations.

Jacksonville University will proceed with its investigation independent of any investigation being conducted by local law enforcement. In addition, even if an act is not criminally prosecuted, it may still violate Jacksonville University's policies. The complainant's decision not to file a criminal complaint or the outcome of any criminal investigation will not impact the University's response to a complaint.

Amnesty

Individuals have the right to amnesty for drug or alcohol use related to the complaint. Individuals reporting an incident of sexual misconduct will not be subject to disciplinary action under the college's Code of Conduct for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not place the health or safety of any other person at risk.

Procedures Specific to Employees

Any employee involved in a reported incident of sexual misconduct may be immediately relieved of responsibilities that involve interaction with students or may be suspended, as determined by Jacksonville University. The reinstatement of an employee involved in a reported incident of sexual abuse shall occur only after all allegations of sexual misconduct have been cleared by Jacksonville University.

Disciplinary Procedures for Complaints of Sexual Harassment

Complaints of sexual harassment by a student or employee will be processed according to Jacksonville University's Sexual Harassment Policy. Additional information regarding this policy may be found on the Human Resources web site at <http://www.ju.edu/humanresources/Pages/Sexual-Harrassment.aspx>

Disciplinary Procedures for Complaints of Alleged Sexual Assault, Domestic Violence, Dating Violence, or Stalking

The following procedures will apply to any incident of alleged sexual assault, domestic violence, dating violence, or stalking.

1. The investigation will be conducted by the Title IX Coordinator or designee and JU Department of Campus Security, who receive annual training on these issues and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
2. The preponderance of the evidence standard will be used to determine responsibility.
3. Both the accuser and accused will be provided the same opportunities to be accompanied by an advisor of their choice to any related meeting or proceeding. Advisors may assist a party with understanding the investigation process and preparing for interviews and meetings; attend interviews and meetings with the party; review any written appeals or other statements prepared by the party; provide emotional support; and otherwise assist and support the party as the party moves through the process. Advisors may not speak on behalf of the party at any interviews or meetings or through any written documents.
4. The accuser and accused will be provided timely notice of meetings and conduct hearings.
5. The accuser and accused will be provided timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings.
6. Prior sexual history of the accuser and/or accused. In general, prior sexual history is not relevant to an investigation under this policy and will not be considered by investigators or decision-makers. However, where there is a current or ongoing relationship between the accuser and the accused, and the accused alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. The mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the accuser with other individuals is not relevant and will not be considered.
7. Pattern evidence by an accused party. Where there is evidence of a pattern or conduct similar in nature by the accused, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous incident was substantially similar to the present allegation or information and indicates a pattern of behavior and substantial conformity with that pattern by the accused.
8. Both parties will be simultaneously informed in writing of:
 - a. The result of the proceeding, including any sanctions imposed;
 - b. The procedures for the accuser and the accused to appeal the result;
 - c. Any changes to the result; and
 - d. When such results become final.

Sanctions

The purpose of disciplinary sanctions is to redirect students' behaviors toward patterns more acceptable to the University community, if such redirection is feasible; and/or to protect the University community from possible harm or injury. This information is promulgated to assure that students are aware of the potential consequences of their misconduct. Sanctions for misconduct will be determined on a case to case basis, utilizing three main criteria:

1. The nature of the offense;
2. The precedent, if any, established at the University for similar offenses; and
3. The previous disciplinary history of the student, if any, and the student's attitude and behavior throughout the disciplinary process.

Possible sanctions may include, but are not limited to, no contact orders, written letter of warning, a letter of reprimand, mandatory participation in an educational program on sexual harassment or sexual assault, mandatory referral for psychological assessment and compliance with any resulting treatment plan, adjustment of living arrangements, adjustment of academic schedule, restricted participation in extracurricular activities, restricted attendance at University-sponsored activities or events, restricted access to campus, probation, suspension or dismissal from the University.

Employees

Depending on the nature and severity of the violation, the University reserves the right to impose sanctions including, but not limited to termination of employees.

Third Party Vendors/Others

The University's Chief Financial Officer, in conjunction with Human Resources, will determine the sanction for third party vendors and others.

Appeals

Specific to this policy, both parties have the opportunity to appeal the written decision. Appeals may be made in writing, and shall be made within three business days of the date the party receives the summary of the decision. Appeals must be based on at least one of the following grounds:

- The procedures described in this policy were not followed, and the failure to follow procedure may have affected the outcome of the final decision;
- The sanction(s) imposed are disproportionate for the facts of the case and/or the violation of the policy that was found;
- Substantive new information that was not reasonably available at the time of the investigation has now become available and may change the outcome of the final decision.
- When a party requests an appeal, the Title IX coordinator shall advise the other party, who will be permitted to respond to the appeal within a timeframe established by the Title IX coordinator.
- Appeals will be determined in a timely fashion, but generally within 10 calendar days after receipt of the appeal. The selected adjudicators shall review the written decision and any responses made by the parties. At its discretion, the panel may seek further information from the parties, the investigators, or the decision panel, and will then issue a written appeal decision that either accepts or amends the decision of the decision panel, or directs the investigators to re-open the investigation to address specific concerns raised by the appeals panel.