

Sexual Misconduct, including Harassment, Assault, Dating and Domestic Violence, Stalking and Sexual Exploitation

An Addendum to the Student Handbook, Employee Handbook and the Faculty Manual

Note: These policies do not take the place of policies in the Student Handbook, Employee Handbook and Faculty Manual. This addendum gives added clarity to current policies that come alongside Asbury's longtime commitment to a safe and healthy community for students, faculty and staff. This addendum also includes additional information and educational resources required for compliance to the Campus Sexual Violence Elimination Act of 2014.

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I. TITLE IX

Title IX of the Education Amendments of 1972 is a federal law that prohibits discrimination on the basis of sex in federally funded education programs and activities, including but not limited to athletic programs that receive federal funding.

Title IX states:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be

denied the benefits of or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” (20 U.S.C. Sec. 1681).

Under Title IX, discrimination on the basis of sex can include sexual harassment, sexual assault and sexual violence.

Institutional Compliance with Title IX

It is the policy of Asbury University to provide an educational environment free of all forms of sex discrimination, including but not limited to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communications constituting sexual harassment, as defined in this policy and as otherwise prohibited by state and federal statutes. Sexual harassment, including acts of sexual assault and sexual violence, is a form of sex discrimination and is prohibited at Asbury University. This prohibition against discrimination on the basis of sex applies to all students, faculty and staff, to other members of the Asbury community, and to contractors, consultants and vendors doing business or providing services to the school.

In accordance with Title IX, the president of Asbury University has designated the following Title IX Coordinator(s) as the primary contacts responsible for coordinating compliance with Title IX.

Title IX Coordinators

Coordinator Title	Name/Position	Office Location	Phone/Email
Lead Coordinator	Glenn Hamilton VP for Business Affairs	2 nd Floor Hager Administration Bldg., Room 214	859-858-3511, x2106 glenn.hamilton@asbury.edu
Deputy Coordinator	Sarah Baldwin VP for Student Development	1 st Floor Fletcher-Early Student Development Bldg., Room 102	859-858-3511, x2116 sarah.baldwin@asbury.edu
Deputy Coordinator	Tim Campbell Academic Dean	1 st Floor Hager Administration Bldg., Room 101	859-858-3511, x2109 tim.campbell@asbury.edu
Deputy Coordinator	Jan Craigmiles Director of Human Resources	2 nd Floor Hager Administration Bldg, Room 208	859-858-3511, x2357 Jan.craigmiles@asbury.edu

Title IX Coordinator Roles and Responsibilities

The Lead Title IX Coordinator is responsible for implementing and monitoring Title IX compliance on behalf of Asbury University. This includes coordination of training, education, communications and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of Title IX.

The Deputy Title IX Coordinators are also responsible for implementing and monitoring Title IX compliance at Asbury University and for notifying the Lead Title IX Coordinator of any alleged or suspected violations of Title IX and the resolution of such alleged or suspected violations, regardless of whether a grievance is submitted.

When Should I Contact a Title IX Coordinator?

Any student, faculty or staff member, or applicant for admission who has concerns about sex discrimination, including but not limited to acts of sexual harassment, sexual assault or sexual violence, is encouraged to seek the assistance of one of the Title IX Coordinators identified above.

Contact a Title IX Coordinator if you:

- Wish to understand your options if you think that you may have encountered sexual misconduct;
- Learn of a situation involving possible sexual misconduct that you feel may warrant an Institutional investigation;
- Need help on how to handle a situation involving possible sexual misconduct in which you are indirectly affected;
- Want information about possible informal remedies to de-escalate or alleviate a difficult situation involving possible sexual misconduct; or
- Have questions about Asbury University's Title IX policies and procedures.

Confidentiality

Conversations with Title IX Coordinators are kept as confidential as possible, but information about incidents of suspected violations of Title IX must be shared to the extent necessary to conduct an investigation and take any corrective action deemed appropriate by the University. For confidential help and support, see the Confidential Counseling Resources section later in this document.

Title IX & the Asbury University Community

Asbury University is committed to providing a Christ-centered community that fosters a safe living, learning and work setting for students, employees and visitors. Sexual harassment, assault, domestic/dating violence, stalking, exploitation, and harassment are contrary to the mission, values and Lifestyle Standards of our community, and are violations of federal and/or state law. It is our firm belief that engaging in any aspect of this behavior is inappropriate for members of the Asbury community.

The following policies are for all students in any program at Asbury University. Additionally, while many aspects are pertinent for faculty, staff and administrators, employees should also see appropriate sections in the employee handbook.

Campus Awareness and Education for Title IX and the Sexual Violence Elimination Act

Awareness and educational efforts are important aspects of preventing and responding to incidents of sexual misconduct. Every year, Asbury reviews campus safety precautions and implements any necessary upgrades. In addition, Asbury provides the following sexual harassment education and prevention training:

- Orientation sessions for new undergraduate and transfer students, as well as APS/GPS students, designed to educate students regarding prohibited behaviors, University policies and expectations, reporting procedures and available resources.
- Annual education for current students and employees regarding the sexual misconduct policy and other important information.
- Annual training for Assistant Resident Directors, Resident Assistants (RAs), Spiritual Life Assistants (SLAs), athletes and other student leaders on responding and assisting students in crisis situations, including sexual assault, and in protocols for emergency response.
- Annual posting in prominent locations on campus of flyers, posters and other educational documents.
- Resources and reporting processes are posted clearly on the University website.

- Campus climate surveys are conducted annually in order to address and understand the following: a) How sexual assault affects the health, mental health, and academic success of students; b) The scope or nature of the problems of sexual assault on campus in order to increase knowledge to aid in campus response, intervention and prevention efforts; c) Students' knowledge about reporting policies and resources for victims, their attitudes about prevention, and their perceptions about how the University is addressing the issue of sexual violence.

Informal Remedies and Administrative Measures

Any student, faculty or staff member that may wish to employ informal remedies and administrative measures in the event of a sexual misconduct or potential sexual misconduct situation may do so. At any time, community members may receive the following support and help from the University if he or she believes that they are experiencing a Title IX violation or potential violation.

These measure and remedies include, but are not limited to:

- No contact orders (no communication is allowed between the complainant and the respondent)
- Change of seat in class or chapel (for students)
- Change of housing situation (for students)
- Confidential support from the Center for Counseling or Campus Ministries (for students)
- Security escort from vehicle to residence hall after dark
- Mediation between complainant and respondent facilitated by counselor or student development professional
- Class schedule change (for students)

II. DEFINITIONS

Sexual Harassment

Sexual harassment is unwanted sexual advances, requests for sexual favors, or other visual, verbal or physical conduct of a sexual nature when:

- Such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or academic status;
- An individual's submission to or rejection of such conduct influences employment or academic status decisions affecting that individual;
- Such conduct has the purpose or effect of interfering with an individual's work or academic performance; or
- Such conduct creates an intimidating, hostile, or offensive work or educational environment

While sexual harassment encompasses a wide range of conduct that may be verbal, visual or physical in nature, specifically prohibited conduct includes, but is not limited to:

- Promising an individual a reward, directly or indirectly, if the person complies with a sexually oriented request.
- Threatening retaliation against a person individual, directly or indirectly, if the person refuses to comply with a sexually oriented request.
- Denying a student or employee an employment or education related opportunity, directly or indirectly, if the student or employee refuses to comply with a sexually oriented request.
- Engaging in sexually suggestive conversation.
- Displaying pornographic or sexually oriented materials.
- Engaging in indecent exposure.
- Making sexual or romantic advances toward a person individual and persisting despite

- the person's rejection of the advances.
- Physical conduct such as assault, touching, or blocking normal movement.
- Retaliation for making reports of harassment or threatening to report harassment.

More subtle forms of inappropriate behavior such as offensive posters, cartoons, caricatures, comments and jokes of a sexual nature are prohibited, as they may constitute sexual harassment when they contribute to a hostile or offensive work, academic or campus environment.

Sexual harassment can involve males or females being harassed by members of either, or the same, sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

Sexual Assault

Sexual assault is defined as any nonconsensual sexual contact or intercourse, whether it is unforced or forced. Sexual assault can occur between any two people, regardless of age or gender. This includes any contact with intimate body parts of an individual. It is also penetration, however slight, of any intimate body part with a body part or an object.

Consent

Consent is explicit, informed, voluntary and mutually understandable communication to willingly participate in specific sexual activity without pressure, threats, coercion, force or intimidation. Either person must also be able to withdraw consent and cease any sexual activity at any time. A current relationship, having previous sexual encounters, or silence from the individual may not be taken as an indication of consent. Similarly, a passive response or sexual advances that are not resisted physically or verbally do not constitute consent.

Someone who is not of legal age, has a mental disorder or is physically or mentally incapacitated may not give consent. The use of alcohol or drugs may render an individual incapable of giving consent due to impaired judgment and the inability to make decisions or communicate intentions. Consent may not be given by someone who is unconscious, unaware or for any reason is unable to communicate her/his intentions.

Domestic Violence

Domestic violence is the use of physical, sexual or emotional abuse or threats to control another person who is a current or former spouse or other intimate partner, such as a boyfriend or girlfriend. It includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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.

Examples of domestic violence include but are not limited to:

- Causing or attempting to cause physical or mental harm to a family or household member
- Placing a family or household member in fear of physical or mental harm
- Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress
- Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed or molested

Dating Violence

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; and where the existence of such a relationship shall be determined based on a consideration of: (1) the length of the relationship; (2) the type of the relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Dating violence is a pattern of assaultive and controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship. The abuser intentionally behaves in ways that cause fear, degradation and humiliation to control the other person. Forms of abuse can be physical, verbal, sexual, emotional or psychological.

Examples include, but are not limited to, trying to cut off the victim's relationship with family and friends, humiliating the victim in front of friends, making the victim fearful by using threatening behavior, threatening to find someone else if the dating partner doesn't comply with the abuser's wishes or demands, using or threatening to use physically assaultive behaviors such as hitting, shoving, grabbing, slapping, beating, kicking and touching or forcing the victim to engage in unwanted sexual activity.

Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

Acts of stalking include but are not limited to: electronic or telephone harassment, following someone, giving unwanted gifts, and other similar forms of intrusive behavior.

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.

Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited, and the behavior does not otherwise constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual viewing, videoing, audio-taping or broadcasting sexual activity;
- Engaging in voyeurism, which is the sexual interest in or practice of spying on people engaged in intimate behaviors, such as undressing, sexual activity or other actions usually considered to be of a private nature;
- Knowingly transmitting an STD or HIV to another person;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;

- Sexually based stalking and/or bullying may also be forms of sexual exploitation.

Discrimination

Discrimination due to race, color, sex, religion, creed, age, national origin, citizenship status, workers' compensation status, physical or mental disability, veteran status or any other status protected under applicable local, state or federal law; or any other distinguishing characteristic protected by applicable non-discrimination law, is prohibited.

Actions that constitute harassment or discrimination may be verbal or physical conduct that includes, but is not limited to the following: demeaning gestures, threats of violence, physical attacks or any types of threatening or verbal remarks. These behaviors include hazing, other initiations or any actions that may be hazardous, dehumanizing, harassing or humiliating to people within or outside the Asbury community. Prohibited actions also include vandalism, destruction of a person's property, the misuse of telephones, voicemail messages, text messages, United States or campus mail, as well as e-mail, social media or other electronic communication for the purpose of issuing obscene, harassing or threatening messages.

Such conduct has the purpose or effect of interfering with an individual's work, academic or campus life. Students and employees are expected to conduct themselves in a manner that shows respect to all and ensures no discrimination or harassment occurs.

III. REPORTING & RESOURCES

To foster the safety and security of the entire community, Asbury University strongly encourages immediate reporting of all alleged instances of sexual assault, harassment, dating/domestic violence, stalking and any other kind of sexual misconduct and exploitation. There are several reporting options described below. Through investigating and resolving the reports, the University is committed to respecting the rights of all parties involved. To this end, the University is prepared to provide help, support and assistance to the complainant and the respondent.

Note: Until a determination of a violation has been reached, the word "complainant" is used to describe the survivor(s). The individual accused is referred to as "the respondent". University personnel exercise sensitivity and discernment while striving to protect the privacy of the individuals involved.

EMERGENCY REPORTING

Survivors who have been sexually assaulted or are in immediate danger should contact:

- **Wilmore Police Department: 911**
- **Asbury Security: 859-858-3511, ext. 0**

Medical Assistance

Following a sexual assault, the most important concern is for the health, safety and care of the survivor. As difficult as it can be, we strongly encourage campus community members to seek medical assistance at the nearest hospital following a sexual assault. A medical examination is vital for the health and well-being of the sexual assault survivor and also will offer assistance to law enforcement if a report is made. A medical examination is an important element of obtaining evidence if a person desires to press charges.

While the first inclination of a survivor may be to take a shower, it's important not to wash, shower,

bathe or douche or to change, destroy or clean the clothes worn during the assault before having the exam. Forensic medical exams need to be conducted within 72 hours of an assault in order to obtain any evidence. It is important to bring a change of clothing if the person goes to the hospital. It may be necessary for the nurse or police to keep the clothes worn during the assault. If the person has already changed clothes, the articles of clothing that were worn can be brought in a paper bag.

Normally, there is no cost to the survivor and it is not documented through the person's health insurance. Survivors can request an advocate be present to assist during the exam. These exams can be performed without a report to law enforcement, and evidence can be collected and held for up to six months through an anonymous collection process. This gives the survivor time to consider whether to report the incident to law enforcement.

Some hospitals are equipped with a SANE (Sexual Assault Nurse Examiner) Nurse who works as part of the SART (Sexual Assault Response Team). The SART includes the nurse examiner, a detective, and an advocate from the local rape crisis center.

The following hospitals in the Lexington area have SANE Nurse available:

- University of Kentucky Chandler Hospital
Chandler Emergency Department
1000 South Limestone
Lexington, KY 40536
- Ephraim McDowell Regional Medical Center
217 South Third Street
Danville, KY 40422

Non-Emergency Reporting

Sexual harassment, sexual assault, domestic violence, dating violence, stalking, sexual exploitation and discrimination are not tolerated in the Asbury community. These actions may also violate local, state and federal law. All complaints or allegations of harassment are investigated promptly by designated University personnel. Appropriate corrective action may be implemented based upon the findings of the investigation. Although demeaning, discriminating or harassing messages on such things as flyers, posters, emails, social media (e.g., Facebook), voicemails and graffiti are often obnoxious or worse, it is helpful to preserve them as evidence and not to disturb or remove anything that could help identify the source and/or targets or other affected persons.

If any student or employee believes he or she has witnessed, or has been subjected to, sexual harassment, sexual assault, domestic violence, dating violence, stalking, sexual exploitation, or discrimination, the person is encouraged to immediately report the incident to University officials as indicated below.

- For complaints against Asbury University students, contact the VP for Student Development
- For complaints against Asbury University faculty, contact the Academic Dean
- For complaints against Asbury University staff or an outside vendor, contact the VP for Business Affairs

If an individual is more comfortable reporting the incident to another staff member or faculty member, he/she is encouraged to do so immediately and then that person should inform the appropriate complaint officer. If the appropriate complaint officer is not available, then incidents should be reported to any available officer. Any person violating these policies may be subject to appropriate community accountability, up to and including termination of an employee and suspension or dismissal of a student.

Once a complaint is made in writing, the complaint coordinator will take appropriate steps to attempt

to ensure that no further contact occurs between the complainant and the respondent. The coordinator will then follow the investigation/hearing process as is necessary.

If the University becomes aware of an incident of sexual misconduct/violence or a suspected incident of such, the appropriate coordinator/Title IX officer will respond by making efforts to keep the alleged victim and community safe and will begin an investigation into the incident(s). Efforts will be made to respond sensitively and with confidentiality as much as is possible.

Coordinator Title	Name/Position	Office Location	Phone/Email
Lead Title IX Coordinator	Glenn Hamilton VP for Business Affairs	2 nd Floor Hager Administration Bldg., Room 214	859-858-3511, x2106 glenn.hamilton@asbury.edu
Deputy Coordinator	Sarah Baldwin Vice President for Student Development	1 st Floor Fletcher-Early Student Development Bldg., Room 102	859-858-3511, x2116 sarah.baldwin@asbury.edu
Deputy Coordinator	Tim Campbell Academic Dean	1 st Floor Hager Administration Bldg., Room 101	859-858-3511, x2109 tim.campbell@asbury.edu
Deputy Coordinator	Jan Craigmiles Director of Human Resources	2 nd Floor Hager Administration Bldg., Room 208	859-858-3511, x2357 jan.craigmiles@asbury.edu

Asbury University has an obligation to investigate reports of sexual violence, and upon a final determination that sexual violence occurred, to take prompt and effective steps to end the sexual violence. While Asbury will make every effort to maintain confidentiality, strict confidentiality may not be possible when it would interfere with Asbury's ability to undertake an effective investigation and protect the Asbury community. Even when strict confidentiality is not possible, information will be shared only with those persons with a need to know.

Any complainant may request confidentiality, and Asbury will consider the request and make every effort to honor it, while complying with its obligations under Title IX.

For strictly confidential reporting options, see the section below.

Confidential Reporting and Counseling Resources

A complainant wishing to receive confidential help and support may utilize any of the on-campus or off-campus counseling resources listed below. If the complainant decides to file an official report of the incident, these resources are also prepared to assist the complainant in all aspects of reporting, up to and including the incident being investigated and the respondent confronted. Confidential counseling is also available to the accused individual by the following on-campus offices.

Confidential on-campus support is available by contacting the following departments:

- Center for Counseling: 859-858-3511, x2323; counseling@asbury.edu; Mon.-Fri., 8 a.m.-5 p.m.
- Campus Ministries: 859-858-3511, x2200; campus.ministries@asbury.edu; Mon.-Fri., 8 a.m.-5 p.m.
- Health Services: 859-858-3511, x2277; health.services@asbury.edu; Mon.-Fri., 9 a.m.-4 p.m.

Off-campus confidential support is available through the following agency:

Bluegrass Rape Crisis Center

Toll-free 24-hour hotline (1.800.656.4673)

Counselors are always available to provide support, information, education, and referrals.

Police Reporting

An alleged victim may choose to file both a Title IX complaint and a criminal complaint simultaneously, or may choose to file one report or the other. A complainant may choose to file a police report directly. Any of the Student Development personnel, Director of Security, or Title IX coordinators can assist an alleged victim, upon request, in making such a report. An alleged victim may also directly contact the Wilmore Police Department at 859-858-3535.

IV. COMPLAINT RESPONSE PROCESS

Investigation & Discipline Process

In response to a complaint, the University follows the institutional complaint policy as is found in the Student Handbook, Employee Handbook, and Faculty Manual. However, due to the unique, sensitive, and legal implications of a sexual misconduct complaint, the complaint process is specified and clarified in this document for these situations.

Upon receiving the complaint, the Title IX coordinator will appoint investigator(s) to investigate the complaint. The Title IX officer makes the complainant aware of the campus resources available to him or her. The Title IX officer also may make immediate (and temporary) provision for the physical and/or emotional safety of the complainant.

Upon investigation, if the facts are not disputed, any discipline and sanctions will be determined by the appropriate administrator (see chart below). If the facts are disputed, the Title IX coordinator will review the case and determine if sexual misconduct occurred. If an offense occurred, discipline and sanctions will be determined by the appropriate administrator.

Disciplinary/Sanctioning Administrators

Respondent	Administrator
Student--Traditional	Vice President for Student Development
Student—APS/GPS	Vice President for Student Development
Faculty Member	Provost
Administrator/Staff Member	Appropriate Executive Officer

A. Rights of the Complainant and Respondent during the Complaint Process

1. The complainant and the respondent are entitled to an expeditious process. The review process will be completed within thirty (30) calendar days of receiving the complaint, (reasonable extensions to this deadline may be made for good cause).
2. The complainant and the respondent are entitled to the following in regard to the process:
 - Written or electronic notification of complaint process.
 - Written or electronic statement that outlines the violations.
 - Active participation in the complaint process. Either party may choose to not participate. Active participate is not required for the complaint process to progress. Evidentiary standard for this process is preponderance of the evidence.

- Equitable notification of the progress of the complaint process.
 - A person of support of the complainant's or respondent's choosing may be a silent presence with them at any meeting with the Title IX officers, Title IX investigators or in the disciplinary response meeting.
3. Written notification of the outcome of the complaint process.
 4. Opportunity to appeal the decision of the Title IX coordinator and/or the discipline/sanctions given.
 5. Sexual misconduct may result in sanctions and penalties, up to and including termination (for employees), suspension, and/or expulsion (for students). Other sanctions and penalties may include, but is not limited to:
 - Disciplinary warning or probation
 - Required accountability with a mentor or pastor
 - Psychological evaluation
 - Community service
 - Inability to represent the University in public roles and programs
 - Loss of leadership roles
 - Demotion
 - Administrative leave without pay
 - Assigned essays or research papers
 - No contact orders
 - Fines

C. Appeal Process

Appeals of the decision of a Title IX Coordinator may be made within five (5) calendar days of receiving notification of the decision. Appeals must be made in writing or sent electronically to the Lead Title IX Coordinator.

Once the appeal has been filed both the complainant and respondent will be notified of the appeal and the opportunity to present information to the Appeals Hearing Board. The Appeals Hearing Board will be chaired by a Title IX Coordinator with other hearing committee members selected by the Lead Title IX Coordinator or their designate. The appeals hearing will commence within seven (7) calendar days from the date the appeal was made, (reasonable extensions to this deadline may be made for good cause).

After the appeals hearing has been concluded the claimant, the respondent and the Title IX Coordinator who made the initial ruling, will receive the Appeals Hearing Board's decision in writing within three (3) calendar days from the conclusion date of the hearing, (reasonable extensions to this deadline may be made for good cause).

The Appeals Hearing Board represents the final appeal for the claimant and the respondent.

Retaliation

Retaliation is prohibited by federal law and institutional policy. It is defined as any adverse or negative action against a person participating in any reporting, investigation or proceeding that is perceived as: intimidating, threatening, coercing, hostile, and harassing, retribution or violence that occurred in connection to the making and follow-up of the report. This also includes actions against an individual who has: (1) complained about alleged discrimination, harassment or retaliation; (2) participated as a party or witness in an investigation relating to such allegations; or (3) participated as a party or witness in a court proceeding or administrative investigation relating to such allegations.

Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the

purpose of interfering with any right or privilege secured by these laws. Intimidation means to make fearful or to put into fear. Generally, proof of actual fear is not required in order to establish intimidation. It may be inferred from conduct, words or circumstances reasonably calculated to produce fear. Any person violating this policy may be subject to appropriate community accountability, up to and including termination of an employee and suspension or dismissal of a student.

Bystander Intervention & Conditional Immunity

Asbury is deeply committed to the health, safety and well-being of its students. Bystander intervention by students can be a critical aspect of enhancing the welfare of their peers. Students are strongly encouraged to contact University personnel, call 911 or seek other professional or medical attention when the health or safety of themselves or others is threatened or appears to be at risk.

The University wants to eliminate barriers for students who may be hesitant to seek medical or emergency help or report the incident to University officials because they fear being held accountable for policy violations (e.g., drinking alcoholic beverages). To encourage reporting, Asbury offers conditional immunity from being charged with policy violations related to the particular incident to students who are accessing help for themselves or others. While there may be no community accountability sanctions for these individuals, the University may provide elements of help, accountability, support and education.