



HOLMES UNIVERSITY FLORIDA

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PD36 – Sexual Violence Policy

Policy Code	PD36
Policy Title	Sexual Violence Policy
Domain	A – Academic, Admissions and Student Support
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Jurisdiction	Florida, United States – Holmes University Florida (HUF)
Version	1.1
Policy Owner	Director of Risk and Compliance, Holmes University Florida
Approved By	Holmes University Florida Board of Directors

1. Related Policies

- PD88 – Title IX and Nondiscrimination Policy (Florida) — formal grievance process
- PD15 – Safeguarding and Child Protection (Florida)
- PD39 – Code of Conduct (Florida)
- PD13 – Student Charter (Florida)
- PD7 – Disciplinary Policy and Procedures (Florida)

2. Context and Scope

- 2.1** This policy applies to Holmes University Florida (HUF) students who wish to report sexual assault or sexual harassment. It operates within the framework of Title IX of the Education Amendments of 1972, the Jeanne Clery Act as amended by the Violence Against Women Act (VAWA), and applicable Florida law. The formal grievance process for complaints of sex discrimination, sexual harassment and sexual violence - including the role of the Title IX Coordinator, the standard of evidence, and the rights of the parties - is set out in the Title IX and Nondiscrimination Policy (PD88); this policy sets out HUF's commitments, definitions, support principles and disclosure/reporting routes, and is read together with PD88. Allegations of sexual assault or sexual harassment against staff are referred to Human Resources and the Title IX Coordinator and managed under the Code of Conduct (PD39).

3. Purpose

- 3.1** HUF promotes an environment free from sexual assault and sexual harassment and is committed to providing students a safe environment that promotes respect for each member of the community. Sexual assault and sexual harassment against any student is unacceptable; any report will be taken seriously and investigated. In support of this commitment, HUF takes steps to increase awareness, provides support for survivors, investigates all reports, and deals fairly with

all parties. Where an investigation finds that an incident has occurred, HUF takes appropriate action. Retaliation against any person for making a report or participating in a process under this policy is prohibited and is itself a violation.

4. Definitions

- **Respondent (alleged offender)** - a person against whom a complaint of sexual assault or sexual harassment is made.
 - **Complainant** - a person who makes a disclosure or a report.
 - **Consent** - the capacity to give free and clear agreement, expressed outwardly through mutually understandable words or actions, to engage in a particular activity. Consent can be withdrawn by any party at any point, must be voluntarily given, and is not valid where a person is subjected to pressure, threat, intimidation or fear (coercion or force). Consent to one sexual activity, or past agreement to a particular activity, cannot be presumed as agreement to a different activity or to repeat an activity, and cannot be given by a person who lacks the capacity to consent, including a person who is intoxicated, unwell, distressed, asleep or unconscious.
 - **External report** - a report to the police and/or an external agency.
 - **Procedural fairness** - the requirement to apply a standard of fairness in investigation and adjudication: fully informing a person of any allegations; giving them the opportunity to state their case; conducting a proper investigation in which all parties are heard and all relevant submissions considered, with reasons given for any decision; acting impartially and without bias; and declaring any real or potential conflict of interest. This is consistent with the equitable grievance process required under Title IX (PD88).
 - **Supportive (reasonable) measures** - arrangements or adjustments implemented on a case-by-case basis following a disclosure or report to minimize the potential for harm, such as changes to schedules, no-contact directives, or academic and support adjustments.
 - **Report** - the sharing of information about an incident with HUF for the purpose of accessing support, which may require further action such as an investigation.
 - **Personal information** - information that names a person or from which a person's identity can be worked out.
- 4.1 Sexual assault** is any unwanted sexual behavior to which a person does not consent, and can be perpetrated by a person of any gender on a person of any gender; it includes rape (forced, unwanted sex or sexual acts), child sexual abuse (using power over a child to involve them in sexual activity), and indecent assault. Any incident involving a person under 18 is also subject to mandatory reporting to the Florida Abuse Hotline (see PD15).
- 4.2 Sexual harassment** is unwelcome sexual behavior that could be expected to make a person feel offended, humiliated or intimidated; it is not consensual interaction, flirtation or friendship. It can be physical, verbal or written and includes comments about a person's body or private life; sexually suggestive behavior such as leering or staring; unwelcome physical contact of a sexual nature; sexually suggestive comments or jokes; displaying sexually offensive material; accessing pornographic material on HUF's network or premises; repeated unwelcome requests for dates or sex; sexually explicit messages or social-media posts; making or distributing sexually explicit photographs or videos; unwelcome sexual advances; acts of indecency; and sexual assault.

5. Support Principles

- 5.1** HUF's support principles are: the safety and wellbeing of students is of the highest priority; HUF has zero tolerance for sexual assault and sexual harassment; HUF supports all students who are

parties to a report, including facilitating access to relevant counselling, medical, police or legal services; HUF promotes a culture of safety and respect; HUF respects students' rights to privacy and confidentiality; HUF supports the right of a student who has experienced sexual assault or sexual harassment to choose whether to make a report to HUF or an external report; HUF treats individuals fairly, impartially and with compassion while adhering to procedural fairness; and a former student who reports an incident that occurred while they were a student is provided information and referred to relevant support services, while being made aware that HUF may be limited in the investigative actions it can take. HUF applies an amnesty so that a complainant or witness is not subject to disciplinary action for a personal drug- or alcohol-related violation disclosed in connection with a report made in good faith.

6. Procedure - Disclosure of an Incident

- 6.1** A student who has experienced sexual assault or sexual harassment is encouraged to disclose the matter by completing the incident form and submitting it, or by speaking directly to a designated Support Officer or the Title IX Coordinator. The role of the Support Officer is to be willing to listen to any disclosure; provide appropriate support; ensure the person is treated with compassion, empathy, understanding and respect; act in accordance with HUF's policies and procedures; explain the difference between a disclosure and a formal report and that the student can still access support services without making a formal report; and explain how the person's privacy will be maintained. Any data related to the incident is de-identified of personal information and held only for data-collection purposes, and the person making the disclosure has the right to review the information for factual accuracy before it is submitted for data collection. HUF maintains anonymized statistics for Clery Act reporting, which do not identify individuals.

7. Procedure - Formal Reporting of an Incident

- 7.1** Where a formal report (complaint) is lodged, the complainant is advised of HUF's threshold for determining whether to undertake a formal investigation or refer the matter to external services such as the police, and is asked how they would like their report resolved; HUF makes every effort to facilitate reasonable requests in a safe and supportive way. Where a misconduct assessment is appropriate in relation to a current HUF student or staff member, the appropriate steps are taken to commence an assessment and investigation under the Title IX grievance process (PD88) or the applicable staff process, and information continues to be held securely. Where a disclosure is made, the Support Officer assesses and ensures the immediate safety of those involved; encourages and assists the person to contact a specialized counselling service; explains the difference between a disclosure and a formal report; provides information about internal support (academic and welfare) and external support and reporting options (police, health and emergency services); provides information about the choice to make a formal report; and provides copies of this policy and the disclosure procedure. If a formal report is made, HUF investigates and acts in accordance with its policies and applicable federal and Florida law. If a person does not wish to make a formal report, HUF continues to provide support and guidance. Where HUF becomes aware of an incident that occurred on campus, at an HUF event, or involving a member of the HUF community (including a student placed with a homestay provider), HUF may instigate its own action.

8. Confidentiality and External Reporting

- 8.1** Any disclosure or formal report is treated confidentially; however, information may be shared on a confidential basis with relevant HUF staff (including the Title IX Coordinator) as necessary to ensure the safety of the complainant and the broader community and to coordinate support. There are circumstances in which HUF is required by law to disclose information to the police and/or government agencies, including a mandatory report where a minor is involved (PD15) and Clery Act timely-warning or emergency-notification obligations where there is a serious or continuing threat. A person alleging sexual assault is given the option to report directly to the police; HUF lets the complainant decide whether to report to the police and continues to provide support regardless of that decision, and is required to report externally or contact emergency services where there is a threat of physical harm or danger to any person. Where a report is made both to HUF and the police, HUF may temporarily pause fact-finding in its own investigation for a short period while law enforcement gathers evidence, then resume promptly.

Document Control

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