

# **The University of St. Augustine for Health Sciences**

## **STATEMENT OF RIGHTS AND OPTIONS FOR STUDENTS REPORTING CLAIMS OF SEXUAL MISCONDUCT**

You have reported to USAHS's Title IX Coordinator that you have been subject to sexual misconduct which may include sexual harassment, sexual discrimination, sexual violence, dating violence, domestic violence or stalking ("sexual misconduct"). USAHS takes reports of sexual misconduct seriously and we provide the following information relating to your rights and options as a victim of sexual misconduct. If you have any further questions or would like to discuss these rights and options, please contact the Title IX Coordinator who will assist you with available resources or provide help with filing a formal grievance.

### **IF I AM A VICTIM OF SEXUAL MISCONDUCT, WHAT SHOULD I DO?**

#### *Call the Police*

To report sexual misconduct or other criminal offenses or emergencies, individuals should dial 911. It is the policy of USAHS to encourage anyone who is the victim or witness to any crime to promptly report the incident to the local police and, if applicable, to the security personnel on campus. However, you are not required to file a police report. Filing a police report will not obligate you to seek prosecution, nor will it subject you to scrutiny or judgmental opinions from officers. Although, filing a police report will:

- ensure that you receive the necessary medical treatment and tests;
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later
- provide you access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

If you need assistance in contacting the police, contact the Title IX Coordinator or other USAHS staff member who will connect you with the appropriate university representative. Please note that police reports are public records under state law and cannot be held in confidence.

#### *Preserve Evidence*

Time is a critical factor for evidence collection and preservation. Ideally, you should not wash, douche, use the toilet, or change clothing prior to calling the police or seeking medical treatment.

#### *Seek Treatment*

You should then obtain necessary medical treatment. If you need assistance in contacting the medical treatment resources, contact your Title IX Coordinator who will connect you with the appropriate university representative.

### Consult Counseling Resources

You may consult community resources specializing in sexual assault crisis intervention. If you need assistance identifying counseling resources, contact your Title IX Coordinator who will connect you with the appropriate university representative.

### WHAT CAN USAHS DO TO HELP?

USAHS will use its best efforts to inform you of your rights and support you in relation to orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts.

### Right to Confidentiality

USAHS does not have a policy of limited confidential reporting. Any information received by the Title IX Coordinator or other responsible employee regarding criminal activity, sexual misconduct, or any other violation of the USAHS Code of Conduct will be investigated and a record of the incident will be taken along with all relevant information including the names of the alleged victim. However, there are certain circumstances where USAHS will protect the identity of alleged victims, such as any accommodations or protective measures provided to a victim of sexual misconduct will be kept confidential to the extent that maintaining such confidentiality will not impair the ability of the university to provide the accommodations or protective measures. Additionally, USAHS will only reveal confidential information to the extent necessary to conduct an appropriate investigation. In situations where the University is required by law to make recordkeeping publically available it will be accomplished, to the extent possible by law, without including identifying information about the victim.

### Interim Measures

If applicable and requested, the Title IX Coordinator will provide you with immediate options for a change in your accommodations or academic situations.

### Disciplinary Procedures

The USAHS process and procedures for institutional disciplinary action in cases of sexual misconduct will provide a prompt, fair, and impartial investigation and resolution. You are encouraged to have a support person/advisor included in the proceedings. Any investigation and hearing shall be conducted by University officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. You will be informed of the outcome and the procedure for appealing the results of any proceedings. The alleged perpetrator will be afforded all of the same rights as you, including the right to make a statement, present witnesses and evidence, and to have a support person/advisor included in the proceedings. If applicable, disciplinary action will be taken in accordance with the

USAHS Student Code of Conduct. USAHS will disclose simultaneously to all parties the results of any disciplinary hearing conducted by the University, procedures for appealing the results of the proceeding, any change to the results that occurs prior to the time that such results become final, and when such results become final. If the alleged victim is deceased as a result of the crime or offense, the information will be provided to their next of kin, if so requested. Following a determination of disciplinary action relating to sexual misconduct, the University may impose sanctions up to and including dismissal from the University.

In conducting disciplinary proceedings, USAHS will use a preponderance of evidence as its evidentiary standard. The University will institute appropriate measures in order to protect confidentiality and the crime victim relating to the investigative and disciplinary proceedings.

### Retaliation

USAHS does not tolerate any conduct that may be seen as retaliation directed against any person involved in a sexual misconduct investigation, including alleged victims, witnesses, or third parties.

### Timeliness

USAHS is committed to conducting a thorough and prompt investigation into any complaint of sexual misconduct. While each situation is different and may require a different level of resources, the University will attempt to have the investigation and disciplinary process completed in a reasonable timeframe, with the goal being to complete the entire process within 60 days.

### Right to Appeal

At the conclusion of the investigation and disciplinary process, both parties have the right to appeal any findings. The appeals process is describes in the Code of Conduct.