

# THOMAS UNIVERSITY

## Student Handbook & Policies



# Volume VII

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## THOMAS UNIVERSITY MISSION

Thomas University is a private, comprehensive, university offering undergraduate and graduate degree programs as well as training for non-credit industry certifications to prepare students to serve the common good through industry, government, and community.

## THOMAS UNIVERSITY HONOR CODE

In pursuit of its mission to prepare students to serve the common good through industry, government, and community, TU seeks to help students develop the personal qualities and values that will enable them to lead and contribute effectively in a civil society. The Thomas University Honor Code is based on the philosophy that “honor” transcends all aspects of an individual’s life and includes both academic and social responsibility.

As such, the Honor Code was designed as a broad statement of honor to incorporate and align the University’s Community Standards and Code of Academic Honor. By embracing the TU Honor Code, it is the hope that students will evince the values of honesty, integrity, and responsibility in all aspects of their lives as they work to serve the common good at TU and beyond.

### The Thomas University Honor Code

As a student at Thomas University, I will uphold the values of honesty and responsibility in my academic work and social interactions. I will strive to act with integrity in all of my interactions, both within the University community and beyond.

## CODE OF COMMUNITY STANDARDS

### Philosophy

At Thomas University, we believe that the role of a University is to promote growth; not just through the acquisition of knowledge, but through the continuous development of the whole person. Thomas University’s Community Standards were developed in an effort to both guide this development and to foster a safe and nurturing educational community. You will see the values of honesty, responsibility, and integrity reflected throughout the Community Standards.

### Expectations for Behavior

As responsible members of the Thomas University community, students and student organizations are expected to know University policies and procedures and exemplify behavior that embodies the mission and vision of the University. There will be times when students behave in a way that does not align with the values of the Honor Code. The Office of Student Affairs reserves the right to meet with any student, or will refer the appropriate faculty or staff member to meet with a student, in order to address such behaviors.

During the course of the year, many offices on campus will contact Student Affairs to inquire about a student’s conduct status. Some of these offices may include Athletics, Residential Life, Student Activities, and Academic Affairs.

A student’s conduct standing has the potential to affect many privileges, including, but not limited to, the ability to participate in immersion experiences, study abroad, obtain an internship, live in residence halls, become a Resident Assistant or Resident Director, and hold a leadership position within a student organization. Student Affairs recognizes the impossibility of anticipating every circumstance under which a student’s privileges may be suspended or revoked due to conduct standing. The final decision regarding these privileges lies with the office granting the privilege.

## A COMMITMENT TO HONESTY

“Honesty is the first chapter in the book of wisdom”

-Thomas Jefferson

### Falsification and Representation

The University expects students to be truthful and honest in all interactions. Providing false information hinders the University’s ability to operate effectively and keep members of our community safe. This expectation of honesty applies not only to face-to-face conversations but also to written documentation provided to the University. Students are frequently asked to fill out paperwork, such as applications, drop/add forms, etc. Misrepresenting information on any document will not be tolerated and will be subject to sanction per University regulations.

### Identification Cards and Appropriate Use

At TU, a student identification card is issued to each residential student and should be carried at all times while on campus. This identification card is necessary in order to use the University dining hall, check out resource materials from the library or other campus offices, attend student activities on campus, receive discounts from local businesses, and for general campus identification and security purposes. Student IDs are also required for some online programs and are issued to online students upon request.

When students allow someone else to use their ID, it can have major repercussions for safety and security, and it will not be tolerated. A student should accurately represent himself/herself with government-issued identification. Thomas University abides by the laws of the State of Georgia, which state that the possession, use, manufacture, or sale of a falsified government-issued ID is illegal. The State of Georgia considers using false identification to be a felony offense.

### Internet Services and Acceptable Use Policy

Thomas University provides network services to students to promote educational excellence by facilitating resource sharing, innovation, and communication.

Students have access to e-mail communication, library databases, information and news, discussion groups, and other resources on an ever-increasing range of topics.

Thomas University provides Internet access for students in all of its residence halls and academic buildings. The purpose of Thomas University’s Internet access is to support education by providing access to unique resources and the opportunity for collaborative work.

Use of Thomas University Internet access must be for academic activities consistent with the educational objectives of Thomas University. Use of another organization’s network or computing resources must comply with the rules appropriate for that network. Transmission of any material in violation of any U. S. or state regulation is prohibited. This includes, but is not limited to, copyright materials, threatening or obscene materials, or material protected by trade secret. Use for commercial activities is not acceptable. Use for product advertisement or political lobbying is also prohibited.

Note that e-mail is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities. Do not use the network in such a way that you would disrupt the use of the network by other users. All

communications and information accessible via the network should be assumed to be private property of the university.

## **Cyber Security**

Security on any computer system is a high priority, especially when the system involves many users. If you feel you can identify a security problem on the Internet, you are required to notify an administrator. Do not demonstrate the problem to other users.

**Assigned Network Access Identifying Credentials:** Do not use another individual's username and password to access the Thomas University network, student portal, software applications, course work, computer lab or university computers, or any other area requiring a student's username and password for access. To attempt to use another student's username and password, identifying credentials, or any other security information is a violation of Honor Code, and will result in cancellation of user privileges and disciplinary action.

**Administrative Access:** Attempts to log onto the Internet, into a computer or computer lab requiring network access identifying credentials, or any other software or hardware as a system administrator will result in cancellation of user privileges and disciplinary actions.

## **Internet Vandalism**

Vandalism is defined as any malicious attempt to harm or destroy data of another user, internet, or other networks that are connected to the internet backbone. This includes, but is not limited to, the uploading or creation of computer viruses. Vandalism will result in cancellation of privileges and disciplinary action.

## **File Sharing Policy**

TU affirms its compliance with copyright and information security laws. The University prohibits the use of the TU's network and information technology resources for illegal activities.

It's a violation of U.S. Copyright Law and University policies to illegally share copyrighted material over the University network, including using e-mail, web pages, and peer-to-peer file sharing software. This applies to University owned computers as well as personally owned computers if they are accessing the University network. Please be sure that you have rights for any material you are making available or sharing on the University network.

TU may terminate the network access and accounts of users who are found to have repeatedly infringed the copyrights of others. TU complies fully with the federal Digital Millennium Copyright Act of 1998 ("DMCA") and has in place the mandated process for receiving and tracking alleged incidents of copyright infringement.

The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject you to disciplinary action as well as civil and criminal liabilities. Under the law, it is not necessary to establish that the infringer made a profit from the infringement to establish liability for the infringement. Therefore, liability can be imposed for common illegal peer-to-peer file sharing, for example the improper downloading of music and video files, even if the infringer has not gained a profit from the illegal activity. Users who distribute any quantity of copyrighted materials or advertise their services to Users even though they receive no financial benefit, may also be subject to criminal investigations and incarceration. Examples of relevant TU policies and resources include the E-Mail Policy, CNS Acceptable Use Policy, Digital Millennium Copyright Act Policy, Peer to Peer File Sharing Policy, and Copyright and Fair Use web page.

## **Use of Thomas University Name or Symbols**

In order for Thomas University to protect itself and its brand from misrepresentation, no student or student organization may use the Thomas

University name, symbols, logos, slogans, or songs without written authorization from the Vice President for Advancement or their designee.

## **DEVELOPING PERSONAL RESPONSIBILITY**

“The choices we make are ultimately our responsibility”

-Eleanor Roosevelt

### **Laws and Other Regulations**

As responsible citizens, students are expected to comply with all local, state, and federal policies, statutes, laws, and ordinances. Criminal conduct involving the violation of local, state, or federal statutes could also constitute a violation of policy and may result in University action even if this behavior is not prosecuted by law enforcement.

Student-athletes are expected to comply with all NAIA regulations. More information about these regulations can be found on the TU athletics website. Student Affairs and the Athletic Director or designee will determine whether an NAIA regulation violation will be handled through the University disciplinary process or by the appropriate coach or designee. In all cases, both institutional and NAIA policies and regulations will be followed and sanctions for violations can occur jointly or separately.

Students are expected to be aware of all relevant laws, rules, and policies that pertain to them. Ignorance will not be considered an excuse nor will it be considered to be a mitigating factor in any disciplinary procedure.

### **Requests or Orders by University or Other Officials**

Students are expected to immediately and fully cooperate with University officials, Residential Life staff, law enforcement, and emergency personnel while they are engaged in their official capacities. Failure to fully comply with appropriate requests or commands in a timely manner may result in sanctions according to University or other regulations, as applicable. Some examples of appropriate requests include abiding by the University's policies and procedures, providing a student ID to a Campus Safety Officer or Housing personnel when asked, attending meetings requested by faculty or staff members, and complying with sanctions or conditions.

### **Damage to Property & Vandalism**

Students are expected to treat University property and the property of others with respect. Damage and vandalism to personal property of others or University property will not be tolerated and violators may be subject to restitution and/or other sanctions. (Please refer to Appendix A for possible sanctions).

### **Theft or Unauthorized Possession**

Thomas University expects that students will be respectful of other's personal property and the property of the University. As a community, TU does not tolerate theft, attempted theft, or possession of stolen items. Those found responsible for theft will be sanctioned by the University, including but not limited to, restitution, suspension, or expulsion.

### **Disruptive Behavior**

Behavior that impedes the safety of community members, interferes with the educational process, or hinders the administrative or athletic functions of the University will not be tolerated. In a classroom setting, disruptive behavior is defined as behaviors that hamper the ability of the professors to teach and the students to learn. In an effort to build a community of trust and respect, students should express themselves in a manner that is responsible, situationally appropriate, and respectful of the rights and privacy of others. Outside of a classroom setting, disruptive behaviors can apply to any acts that cause harm or disorder. Students engaged in disruptive behaviors may be

sanctioned by University faculty, administration, or law enforcement officials according to the severity of the disruptive behavior and the relevant rules and regulations.

### **Weapons, and Other Dangerous Items**

Thomas University takes weapons and other dangerous items very seriously, as they pose a safety threat to our community. Students who threaten or harm others with a weapon, whether on or off campus, will be held accountable.

On campus, the possession, use, and/or sale of any weapons, ammunition, combustibles, fireworks, explosive devices, or any other substance or device designed or used to harm or threaten will not be tolerated.

The University recognizes that weapons can be a broad term. Examples of weapons include but are not limited to rifles, pistols, BB guns, paintball guns, pellet guns, stun guns, chemical weapons, knives with blades more than four inches in length, slingshots, bows and arrows, and martial arts weapons. Toy and squirt guns often look very realistic and may be perceived by others as a weapon, leading to concerns for safety and potential police involvement. For this reason, simulated weapons in the form of toy or squirt guns are not permitted on campus.

Additionally, toy guns, squirt guns, splat guns, or any other form of simulated weapons are not allowed in any Residence Hall or overflow housing.

It is important for students to protect themselves when it is appropriate and necessary. Personal defense spray is permitted in these circumstances. The University also encourages students to be proactive about their safety. If students find themselves in a threatening situation or a situation where they do not feel safe, they should contact either appropriate University personnel or law enforcement.

### **Drug and Alcoholic Beverages Policies**

Thomas University is committed to student safety and care. The misuse of a mind or body-altering substance can negatively affect cognitive processes and may limit one's ability to exercise good judgment and to learn effectively. When a student chooses to engage in substance use or abuse it has the potential to negatively affect the entire university community. The University expects all members of the community to comply with state and federal laws pertaining to alcohol and illegal drugs.

It is unlawful for any person under the age of 21 years to have in his/her possession any alcoholic beverages in either public or private spaces. Thomas University policy further prohibits the possession, distribution, consumption, or sale of alcoholic beverages on campus or at University student functions. For these reasons, alcoholic beverages are strictly prohibited in and around the Thomas University Residence Halls or other facilities leased by the University that serve in a residential capacity. Thomas University has a "zero tolerance" alcohol policy and the first violation of this policy shall be immediate grounds for University disciplinary sanctions, up to and including suspension or expulsion.

Thomas University is committed to establishing and maintaining a drug-free campus. The unlawful manufacture, distribution, dispensation, possession and/or use of any illegal drug or paraphernalia is strictly prohibited in all areas of Thomas University. This policy extends to all facilities that are leased by the University for residential purposes. The possession and/or use of narcotics or drugs other than those medically prescribed, properly used, properly secured, and in the original container (hereafter: Drugs) is prohibited in residence halls or other facilities leased by the University that serve in a residential capacity.

If illegal drugs of any variety are found on student housing property, all residents of the apartment/suite or room will be removed from housing immediately and subject to University disciplinary action as well as possible referral to local, state,

and/or federal law enforcement agencies.

Student-athletes must comply with additional policies pertaining to illegal substances. The University abides by NAIA regulations regarding banned drugs. This includes, but is not limited to, all substances on the NAIA Banned Drugs List.

The University's primary concern is for student safety and well-being. Students are encouraged to seek help before the Office of Student Affairs is involved. TU has resources available to assist students with their substance use.

Students who wish to speak to a confidential source can make an appointment with the Student Support Center or other University-provided resources.

### **Recording Device Use**

In order to protect the integrity of the classroom experience, the use of recording devices is limited to either the expressed permission of the faculty member or with proper documentation from the Office of Disability Services. Information about accommodations through Disability Services can be found on the TU Student Support Center website.

### **Visitors**

Students are welcome to bring visitors to campus. Students must assume responsibility for the conduct of their visitors. If a student's visitor violates University policy, that student will be held accountable for their guests' actions along with the guest. Students who live in the Residence Halls should consult Residence Life Policy regarding visitors in TU housing.

### **Unauthorized Access and Campus Facility Use**

Students have a responsibility to respect their fellow community members and their personal space. Students are not permitted to be in a residence hall room that is not assigned to them without the expressed permission of the student who lives there. Nor should students be present in University classrooms, offices, or other facilities without the express consent of the appropriate University official. When a person asks a student to leave their room, workplace, or property, it is expected that the student promptly comply with the person's request.

Access to TU facilities is limited to TU students, faculty, staff, and authorized visitors. Unauthorized use of the facilities is not permitted.

### **Classroom Conduct**

Everyone in a classroom, whether in person or virtual, is there for the purpose of learning, and no one should be able to deprive another person of the chance to learn. Expressions of rudeness and/or carelessness degrade the high purpose of learning that is paramount in a college classroom. Faculty members have the authority to protect this right to learn by creating and maintaining an environment that is conducive to learning.

To this end, Thomas University has developed the following Code of Classroom Conduct:

Students will conduct themselves in a safe, mature, and considerate manner. Students should conduct and express themselves in a way that is respectful to all individuals. This includes respecting the rights of others to comment, express unique perspectives, and participate fully in class. Classroom misconduct is any behavior which disrupts, interferes, or distracts from the learning environment. Thomas University students are expected to:

- be attentive, courteous, and respectful during class;
- complete assigned work according to the course schedule;
- do all their own work and will not present another's work as their own.

Examples of Classroom Misconduct Include but are not Limited to

- Engaging in behavior that disrupts or interferes with the learning environment. Behaviors such as talking in class while the faculty member or other students are speaking, using offensive language, creating or engaging in distractions or disturbances, sleeping, reading or sharing unrelated materials or comments, moving about the classroom, and other actions are, in many situations, considered disruptive behavior to the learning process.
- Using cell phones or other electronic devices that disrupt the learning process or teaching environment. Faculty members have the right to restrict the use of electronic devices in their classrooms.
- Entering the classroom late or leaving the classroom prior to the end of class may be considered a disruption to the learning environment.
- Attending a virtual class while driving, working or similar.

Students with approved accommodations through Disability Services have the right to receive and utilize such accommodations, which may include behavior or the use of technology otherwise restricted.

## PERSONAL INTEGRITY

“The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.”

-Martin Luther King, Jr.

### Abuse (Physical, Mental, or Verbal)

Thomas University does not tolerate the physical, mental, or verbal abuse of any person. When a student bullies, intimidates, degrades, demeans, threatens, or otherwise interferes with another person's rights or pursuit of learning, the University considers that abuse and action will be taken to end the abusive behavior. When a student causes harm to himself/herself or another, or when a student helps someone else cause harm, the University may need to intervene to protect individual and community safety.

### Discrimination & Hate-Motivated Offenses

Thomas University seeks to foster a safe environment conducive to learning and the free exchange of ideas. Thomas University does not discriminate on the basis of sex, disability, race, age, religion, color, national or ethnic origin, ancestry, marital status, veteran status, sexual orientation, gender identity, gender expression, or any other category protected by federal, state, or local law, in its educational programs, admissions policies, financial aid, employment, or other school-administered programs.

There are two elements to a hate-motivated offense. First, the conduct is directed at an individual(s) on the basis of that individual(s) being in or being believed to be in a protected class. Second, the conduct is intended to intimidate or injure the individual(s). This injury could result in physical, mental, or emotional harm. Hate motivated offenses compromise the integrity of the Thomas University community and will not be tolerated.

### Sexual Misconduct

It is the policy of Thomas University to maintain an environment that is free of all forms of discrimination and harassment, including sexual misconduct. The University has enacted its Sexual Misconduct Policy to reflect and maintain its institutional values and community expectations, to provide for fair and equitable procedures for determining when this Policy has been violated, and to

provide recourse for individuals and the community in response to violations of this Policy.

The TU Sexual Misconduct Policy prohibits all forms of sexual or gender-based discrimination, harassment, and misconduct, including sexual assault, domestic violence, dating violence and stalking.

This Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in any matter related to this Policy. Thomas University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

“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”. Sexual harassment is also prohibited under Title IX and Title VII of the Civil Rights Act of 1964, and other applicable statutes. This Policy prohibits sexual harassment against Thomas University community members of any sex, sexual orientation, gender identity, or gender expression in the context of education or employment. This Policy also prohibits gender-based harassment that does not involve conduct of a sexual nature. Upon receipt of a formal written complaint, the University will take prompt and equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects. In addition, the University will fulfill its obligations under the Violence Against

Women Reauthorization Act of 2013 (“VAWA”) amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) in response to reported Prohibited Conduct. Any member of the University community found to have violated this Policy may face disciplinary action up to and including expulsion (students) or termination of employment (faculty or staff).

Prior to the articulation of the Policy, it is important to note options for assistance following an incident of sexual violence. Whether or not an individual chooses to formally report an incident, receiving immediate medical attention and/or counseling is vital to the individual’s overall health and wellness. Likewise, seeking immediate medical attention is vital to preserve evidence if an investigation is to follow.

A full discussion of the Thomas University Sexual Misconduct Policy can be found in Appendix B.

## **Stalking**

Students have the right to live and learn in a community where they can move about freely and without fear. Stalking is a pattern of behavior directed at a specific person that would cause a reasonable individual to feel fear. Thomas University defines stalking as a pattern of behavior (two or more acts) that includes, but is not limited to, acts in which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. These acts can be taken by any method, device, or means.

A “reasonable individual” means that a fair and sensible person under similar circumstances and with similar identities to the victim would consider the behavior to be harmful.

Acts of stalking may cause substantial emotional distress, meaning that the individual is experiencing significant mental suffering or anguish. This distress may or may not necessarily require medical or other professional treatment or counseling.

Students who wish to speak to a confidential source can make an appointment with the Student Support Center or other University provided resources.

The Office of Student Affairs works in partnership with the Title IX Coordinator to determine the appropriate process through which stalking behavior should be addressed. Stalking on the basis of sex or within the context of an intimate relationship will be addressed by the Title IX Coordinator according to the University's Sexual Misconduct Policy and process.

### **Hazing**

Georgia law defines hazing as, the subjection “of a student to an activity which endangers or is likely to endanger the physical health of a student or coerces the student through the use of social or physical pressure to consume any food, liquid, alcohol, drug, or other substance which subjects the student to the likely risk of vomiting, intoxication, or unconsciousness regardless of a student’s willingness to participate in such activity”. The University also considers hazing to encompass conduct that causes emotional distress, psychological trauma, humiliation, degradation, intimidation, or mental anguish, even when physical injury does not occur. Hazing is a violation of both state and federal law, and will not be tolerated at Thomas University. Students and organizations that engage in hazing will be subject to University sanction and will be reported to law enforcement agencies if necessary.

### **Academic Honor**

Thomas University considers academic integrity to be essential for intellectual development. As an institution fundamentally concerned with the free exchange of ideas, the university depends on the academic integrity of each of its members. In the spirit of this free exchange, students and instructors of Thomas University recognize the necessity and accept the responsibility for academic integrity. The Thomas University Code of Academic Honor is designed to provide guidance in matters of academic integrity.

The Thomas University Code of Academic Honor was initially adopted by the University Board of Trustees as the University Policy Governing Academic Integrity in 2004. This followed unanimous approval by the Faculty Senate, the Student Government Association, and the University Administration. The Academic Honor System of the university is based on the premise that every member of the university community has the personal responsibility:

- to uphold high standards of academic honesty and intellectual ownership;
- to refuse to tolerate academic dishonesty in the University community; and
- to foster a high sense of honor and social responsibility on the part of all students.

All students are considered bound by the Code of Academic Honor upon admittance to the University:

“As a member of the Thomas University student body, I will not lie, cheat, or steal in any endeavor related to my academic pursuits, nor will I tolerate this behavior in others.”

Each member of the university community—students, faculty, and staff—are responsible for abiding by the Code of Academic Honor at all times. Violations of the Honor Code may lead to sanction according to TU University policies and procedures.

The University defines violations of this policy to include plagiarism, cheating, providing false information, copyright violation, misrepresentation of credentials, theft or damage of property, and alteration of University documents. Neither faculty members nor students shall claim credit for another’s work or accomplishments or use another’s ideas in a written paper or presentation without appropriate attribution through proper documentation. Additionally, self-plagiarism—the submission of one’s own previously completed work, in whole or

in part, for academic credit without prior authorization or proper acknowledgment—is also considered violation of academic integrity and falls under this policy.

For a more detailed discussion of the ethics of scholarly writing, refer to the most current edition of the Publication Manual of the American Psychological Association.

## **STANDARDS FOR EXPRESSION**

### **Assembly, Inquiry, and Expression**

Students are free to express their opinions both publicly and privately. Students are free to support causes in any orderly manner, including organized protests that do not disturb the normal and essential functions of the University.

Students have the right to peacefully organize and assemble within the institution, so long as the health and safety of others is not compromised. Students who interfere with the entering or exiting of institutional facilities, who interrupt classes or institutional operations, or who damage property are in violation of University policy and will be held accountable for their actions. While the University retains the right to contact local law enforcement bodies, the institution may choose to instead or simultaneously impose its own disciplinary sanctions in cases of disorderly or unpeaceful protests.

### **Protected Speech**

Thomas University seeks to foster a safe environment conducive to learning and the free exchange of ideas. Thomas University does not limit constitutionally protected speech. The University, however, is steadfast in its intolerance for threatening and/or discriminatory behaviors, speech that creates a hostile learning or working environment, or that otherwise impinges on the civil rights of others. Thomas University reserves the right to take disciplinary action to curb such behavior, up to and including removal of individuals or groups engaging in said behavior from the University.

## **Student Activities & Organizations**

### **The Role of Student Organizations at Thomas University**

Student organizations play a vital role on the Thomas University campus. Student organizations bring students with common interests together and in turn provide leadership and team building skills that will be essential after college.

Being a member of a student organization can be an important factor in the success and enjoyment of the college experience. While academic learning is the primary goal of college, co-curricular activities help students learn and grow beyond the classroom and provide students with hands-on training in leadership skills. Participation in student organizations offers the student opportunities for fellowship, leadership, recreation, and meaningful interaction with faculty, staff and students. Students are also encouraged to start their own student organizations to meet the needs of the student community.

Most student organizations are housed within the Office of Student Affairs. There are specific guidelines that students must abide by when they are a member of an organization, especially as it relates to starting an organization, maintaining University recognition, registering and hosting events, and funding an organization. For more information on these policies, please contact the Office of Student Affairs.

### **Unrecognized Student Organizations**

Student organizations are intended to promote responsible leadership and contribute positively to the campus and greater community. The University holds these organizations to a higher standard because it believes in their benefit and is committed to their success. Sometimes, students choose to enter into a group

that does not reflect these values or standards set by the University. Or they fail to follow the necessary procedures to be recognized as official student organizations. These kinds of groups are known as unrecognized student organizations.

A student who is a member of or who associates with any organization that does not adhere to the policies and regulations of Thomas University is considered to be in an unrecognized student organization. A student who participates in such a group is in violation of University policy and potentially subject to University sanction. Additionally, because an unrecognized student organization does not have access to University support and resources, the University cannot guarantee a student's safety when participating in unrecognized student organization activities.

### **Posting and Solicitation**

Thomas University supports allowing students and registered student organizations to post flyers, banners, and other forms of publicity to communicate their activities, services, and ideas. Organizational publicity must be approved by Student Life or Thomas University Marketing prior to posting. The University reserves the right to remove publicity materials that are inappropriate, outdated, or posted by unrecognized student organizations.

### **Campus Bulletin Boards**

Any person or representative of any group, organization, institution, company or business wishing to use a University provided bulletin board must first obtain approval from TU Marketing and the Office of Student Affairs, which will assign posting and removal dates. All unapproved materials will be removed from the bulletin boards per the Office of Student Life.

Individuals or groups posting items are responsible for the removal of the item(s) upon the termination date. Failure to do so may result in disciplinary action or sanctions to the individual or group and may result in that organization being prohibited from using bulletin board space in the future.

## **STUDENT SERVICES AND ASSISTIVE MEASURES**

### **Health Services**

Thomas University does not operate a university health clinic. First-Aid kits and/or life saving devices are located in residence halls, academic and athletic buildings, and administrative offices.

Students are expected to have their own family physicians and arrange for any necessary health insurance. Should a student require emergency medical treatment, an emergency medical service unit will be called. Students are responsible for all expenses incurred.

### **Counseling Services**

Campus-based students have access to behavioral healthcare through their participation in FlexCare, which provides telephonic or video consultations with certified mental health professionals. Campus-based students will be issued FlexCare cards at the beginning of the semester in order to more easily access their services. TU also offers additional counseling and mental health services for all students through the Archbold Student Assistance Program. Appointments can be made by calling either 229-228-2210 or 877-237-2124.

### **Office of Disability Services**

Thomas University is committed to making all programs, classes, services, and facilities accessible to and usable by individuals with disabilities. The Office of Disability Services is available to assist students with disabilities and may serve as liaisons with faculty, staff, and local agencies on behalf of expressed need for accommodation.

Students with disabilities are responsible for making sure that the Thomas

University Office of Disability Services is made aware of their disability requiring accommodation in their educational process. All documentation must be provided to the Office of Disability Services and reviewed in order to establish appropriate academic or other accommodations. Only after this process has been completed can an official email be sent to the professors or relevant University administration from the Office of Disability Services. Academic Accommodations are not retroactive and start when the professor receives the official email from the Office of Disability Services.

Students with disabilities are responsible for contacting the Director of the Office Disability Services each semester and providing the names of their professors, so that Disability Services may provide those professors with the student's established academic accommodations. Students are responsible for requesting accommodations in a timely manner so that instructors, professors, and coordinators may plan for those accommodations. For more details see Academic Accommodations for Students with Disabilities in the Thomas University Catalog.

Students who have trained Service Animals must notify the Office of Disability Services to discuss possible barriers in classrooms or any accommodations that might help the student and the service animal in the classroom setting. Emotional Support Animals (ESAs) need to be approved through Disability Services. Approved ESAs are not allowed in the academic setting, only in the residence halls to act as support for the students.

The university campus is accessible and special parking is available. For information and assistance, students should contact the Thomas University Office of Disability Services at [officeofdisabilityservices@thomasu.edu](mailto:officeofdisabilityservices@thomasu.edu).

### **Career Center**

The Career Center is a resource for both current students and alumni of Thomas University. Career Services staff strive to assist students in preparing for their future careers as early as possible. The staff is available to assist students through various assessments, résumé building and developing interview skills. The Career Center also assists with making connections with potential employers. The Career Center provides the following services:

- Help students create and/or fine-tune résumés.
- Conduct mock job interviews to prepare for a successful interview.
- Work with students on the cover letters (emails) .
- Help students create LinkedIn profiles and content.
- Post job openings that match students' major or program.
- Help direct job searches.
- Help find intern positions and prepare students to get their preferred placement.
- Help write application letters for graduate schools.
- Perform interest and personality assessments to help students make career decisions.
- Help complete career assignments for coursework.

Students may make appointments with Career Services online either through the Career Center Website or at [careercenter@thomasu.edu](mailto:careercenter@thomasu.edu).

### **Veterans' Services**

Thomas University provides services for student veterans, their families, and for students transitioning into national service. The Veterans Services website (<https://www.thomasu.edu/student-life/veterans-services/>) provides access to the Veterans Career and Transition Center, on campus counseling and referral services, and TU's chapter of Student Veterans of America.

The Vice President of Military and Corporate Relations is responsible for certification and eligibility services for Veterans. Any veteran student requiring assistance in processing paperwork should contact the Office of Military and Corporate Relations at [military@thomasu.edu](mailto:military@thomasu.edu).

### **International Students**

The Director of Compliance for International Affairs and State Authorization is responsible for certification and eligibility services for international students. Any student requiring assistance in processing paperwork should contact the Director.

### **Academic Advising**

Students are assigned to a student success advisor who will assist in identifying a progression of courses and determining the appropriate classes to take each semester. Advisors will be assigned at the time of matriculation to Thomas University. Students should discuss their academic progress and any concerns they may have with their advisor on a regular basis. Advising is a collaborative relationship between a student and the advisor that begins in the prospective student phase and continues through graduation and into alumni relations. The intent of this collaboration is to assist in developing meaningful educational and career goals that are consistent with the personal interest of the student. If students are having academic difficulty, faculty are the best resource for resolution. In addition to specific advice or assistance, faculty can assist with other available support.

### **Library Services**

The Thomas University Library's mission is "to support the academic needs of the students by providing a dynamic learning environment that engages students in their intellectual and personal development and to provide faculty and students training and resources to ensure the means by which they can achieve personal and professional transformation."

The University Librarians offer personalized research assistance; lead workshops on information literacy topics and technology; provide course instruction both face to face and online; and support academic publishing, instructional design, and OER use and development.

Thomas University students have access to GALILEO, the University System of Georgia's virtual library, where they may access online books, articles, and other resources. Articles and books not available in the library may also be acquired through the Interlibrary Loan service.

### **E-Bookstore**

The TU online bookstore provides a convenient way to purchase books using your student account and financial aid. Students are encouraged to purchase their textbooks through the TU bookstore to ensure they receive the correct book, edition, and supplementary materials. Students may access the TU Bookstore through the Thomas University website.

### **Parents and Families**

The expectations and policies we have in place for our students follow the

Community Standards philosophy established at the beginning of this document and are based on the values of honesty, responsibility, and integrity espoused in the Thomas University Honor Code. The Office of Student Affairs believes that parents and families are instrumental in their student's education and development, the University encourages parents and families to discuss these themes with their students. Parents and families can help us engage students in conversations about how they can be successful, both at TU and beyond.

If a student is involved with any conduct matter through the office of Student Affairs, Student Affairs personnel encourage them to talk with their parents immediately upon finding themselves in a tough situation that may involve violation of a University policy. Students are often fearful to talk with their parents and family about their situation because of the reaction they think they will receive. However, while parents and families will understandably be concerned about what may have happened, it is important that they show support to their student.

Support can mean listening to their perspective or encouraging them to accept responsibility for the role they played in a situation.

Support can also mean knowing about the campus resources TU has to offer its students. Student Affairs strongly encourages parents and families to become familiar with the student support services at TU, as well as understand how their students can access these services and resources.

Student Affairs understands that it may be difficult for parents and families to know when to step in and when to empower their student, and sometimes the best support families can provide – and the most growth-enabling for their student – is to support them while they work within University processes to resolve the situation at hand. Student Affairs is happy to address questions or concerns parents and families may have insofar as laws permit, but we encourage them to speak with their student to exchange information firsthand.

In accordance with the Family Educational Rights and Privacy Act (FERPA), Student Affairs may not be able to provide information to parents and families about their student's conduct information, particularly if their child has not permitted the University to speak to parents about such matters. If parents and families have questions about these limitations and how Student Affairs can still partner with them to promote their students' success, please reach out via phone, email, or in person. Student Affairs is happy to speak with any parents or family members, especially when it comes to advancing a student's development and overall success.

### **Resolution of Student Concerns**

Thomas University understands that at times students may have concerns about the application of a policy or process to their particular situation. TU has created a process by which those concerns can be heard, addressed, and resolved. The Student Complaints Policy and related processes are detailed in Appendix E of this document.

This procedure does not apply to academic appeals, which are conducted according to the process outlined in the Thomas University Catalog.

## APPENDICES

### APPENDIX A

#### UNIVERSITY DISCIPLINARY PROCESSES

While Thomas University is not responsible or liable for unsanctioned student off-campus events or behavior, in the interest of protecting students from harm, the University does reserve the right to take action in response to behavior off campus that violates University expectations and policies.

Thomas University is committed to providing a fair process for students who become involved with Student Affairs for conduct-related matters. A fair process ensures that students have an opportunity to understand how they may have violated University policy, as well as the opportunity to explain their involvement, if any, in that event.

It is important to note that while it may move in tandem with the law, depending upon the nature and seriousness of the offense, the student conduct process is inherently educational in nature and so purposefully differs from the legal process. The student conduct process is not bound by court timelines, external rules of evidence, confrontational discourse, or a burden of proof “beyond a reasonable doubt” used in the court system. Rather, it focuses on education, prevention, and student development.

Student Affairs plays an important part in helping students develop their values and ideals around what it means to be a responsible leader and global citizen, and the conduct process can play a role in helping students attain these values. While some interventions have to focus on negative behavior, the University believes in the value of recognizing and encouraging good critical thinking and reflection. What does it mean for a student to make responsible choices when others around them are not? What can students do to stand up for what they believe in? How can students use their influence to help others recognize the impact of their behavior? Students are grappling with these questions on a daily basis, and it is important to commend those who are making a positive impact. Students should know that Student Affairs provides a space for these kinds of engaging, developmental conversations to occur.

Student Affairs weighs the severity of an incident or event based on the following criteria:

- The impact that the incident or event has or may have on the student and the community,
- The likelihood that the incident or event will have a lasting negative effect on the student’s ability to succeed at TU, and
- University precedent for the violation(s) and/or potential violation(s).

#### Constructive Counseling

The conduct process often begins with a Constructive Counseling session. A constructive counseling session is a less formal, in-person conversation between a student and an assigned member of the Student Affairs staff (hereafter SAS) or designee. There are several reasons to conduct a constructive counseling session:

- Cases where the misconduct is minor
- As a preemptive measure when Student Affairs has received information about an event that has not yet taken place and where a policy violation is likely to occur
- When Student Affairs wishes to recognize and reinforce students for positive actions promoting student safety and responsibility
- A preliminary step in larger or more serious cases

A constructive counseling session can be used to prevent potential misconduct and/or to address misconduct that may have already occurred. The session can

be the entire disciplinary outcome, or it can be part of a larger disciplinary process. The constructive counseling is an opportunity for students to take accountability for their actions, correct course if they are engaging in any high-risk behaviors, and discuss ways in which they can improve their decision making. That students are being honest with the SAS so they can benefit from the conversation.

Students are not required to answer any or all of the SAS's questions. That being said, a constructive counseling session is intended to serve as a critical time for dialogue and reflection. The goal is to help students be proactive in their decision-making. The more a student shares with the SAS, the more they are able to help.

A finding of "responsible" in the constructive counseling process will result in a determination letter, sent to a student's TU email account. This determination letter may include resources for the student in order to prevent future incidents from occurring. In some circumstances, an SAS may determine that a student has action items to complete following an incident. More information regarding recommendations can be found in the Recommendations, Sanctions, and Conditions section below.

Although a constructive counseling session will not always end in a student having requirements to complete, the goal is that students will walk away with resources and knowledge that will allow them to be successful members of the TU community.

When it pertains to minor misconduct, it is expected that a constructive counseling session will only be used once during a student's tenure at TU. It will be at the discretion of Student Affairs to determine if a constructive counseling session may be used more than once. Future policy violations will go through the formal hearing process unless referred to another appropriate office by Student Affairs. A constructive counseling session will not be a part of a student's official conduct record; however, the incident or event will be documented within Student Affairs.

### **Hearing**

A hearing differs from a constructive counseling session in some specific and significant ways. A hearing is considered to be a more formal conduct process with the SAS. It is reserved for cases where misconduct is more severe, the impact on the campus community may be more significant, a student has a prior conduct record, and/or Student Affairs deems it necessary to address a violation through this process.

A hearing is also meant to educate. However, it may result in more severe sanctions than that of a constructive counseling session. A finding of "responsible" from a hearing will result in the student having a conduct record. This can affect a student's ability to study abroad, obtain an internship, or hold a student leadership position, depending on the severity of the sanction(s).

A finding of "responsible" in the hearing process can result in a sanction(s) that may escalate up to suspension or dismissal from the University. More information regarding sanctions can be found in the Recommendations, Sanctions, and Conditions section below.

### **The Constructive Counseling and Hearing Processes**

Student Affairs may receive information informally when a faculty, staff member, student, or community member expresses concern about an incident or an event. Student Affairs also receives information formally through an incident report.

Any member of the University community may report student misconduct. Reports should be submitted to the Office of Student Affairs as soon as possible after the event takes place, preferably within twenty-four hours of the incident. Student Affairs may review the information presented, as well as conduct or initiate an investigation to determine if the charges have merit and/or if they can

be disposed of administratively. If the charges are not determined to have merit, there will be no subsequent proceedings.

Any Thomas University student can be called into Student Affairs for a constructive counseling session, regardless of whether an incident report has been filed or not. A student may also request a constructive counseling session if there is a concern they would like to discuss. However, an incident report must be filed in order for a student to be charged and participate in the hearing process.

Student Affairs may notify an individual or organization by letter and/or email to request their attendance at a constructive counseling session or a hearing.

Students typically have three days to respond to this notification. However, Student Affairs may deem it necessary to extend or lessen the deadline depending on the severity of the incident. It is the University's expectation that students regularly check their TU email account, and if they experience any difficulties, contact Information Technology to address their issue.

Students are expected to respond to Student Affairs and to attend their constructive counseling or hearing. If a student does not respond to the request for a constructive counseling session or a hearing, the University may choose to proceed in one of the following ways:

- A student who does not respond to a request for a constructive counseling session may have their case moved up to the hearing process.
- A student who does not respond to a request for a hearing will have their case held in absentia. This means that Student Affairs will conduct a hearing using only the information they have already received about the incident.
- In extenuating circumstances, a student may be charged with violating the Requests or Orders policy in the event that they do not respond. This is a rare occurrence and will be at the discretion of the SAS.

If the University chooses to hold a hearing in absentia, the student will lose the ability to provide new information or other relevant facts not brought out in the original hearing.

When a student attends a constructive counseling session or a hearing, they will meet with an SAS. The SAS will discuss several important points with the student prior to holding a constructive counseling session or a hearing. The SAS may:

- Explain the charge(s) or the event that is causing concern
- Explain the students' rights
- Obtain the student's response to the charge(s)
- Discuss all aspects of the constructive counseling or hearing process
- Offer support and assistance in preparing for the constructive counseling or hearing

### **Student Rights During the Hearing Process**

Students are afforded specific rights in the hearing process. Those rights are explained in detail below:

1. Proceedings will be conducted in private.  
During a hearing, the student and the SAS will discuss the specific details of the incident or the cause for concern. This conversation is meant to be private, so the student can feel comfortable sharing any personal information that they wish to divulge.
2. Students may be accompanied by a companion.  
The student has the right to bring a companion for moral support. This companion must be a Thomas University student, staff member, or faculty member. Student Affairs will also allow a parent to serve in the companion role. The student may request that special permission be given by the Dean of Students, at the Dean's sole discretion, for a companion who does not meet the listed criteria.

The companion does not speak on behalf of the student, but rather allows the student to be more comfortable when sharing information with the SAS. It is the University's expectation that the companion be respectful of the conversation that is occurring between the student and the SAS. The SAS may ask the companion to leave if that person hinders the student's ability to explain themselves in the conversation.

3. Students may have witnesses appear on their behalf. Witnesses will be present only to give their statement and answer questions for the SAS. If the student or the SAS deem it necessary, a witness/witnesses may be asked to attend the hearing to provide context or clarification. During a hearing, the SAS asks the student questions about their choices and decision-making in a given incident or situation. The SAS will also be asking questions of any witnesses who appear. If the student wishes to ask questions of any witnesses, those questions must first be approved by the SAS.

A witness will only be present during his or her own statement and for additional questioning. If appropriate, the witness may be asked to wait outside the room for the entirety of the hearing in case additional information is needed. Additionally, if necessary, relevant witnesses may be questioned by the SAS outside of the hearing. In extenuating circumstances, and at the discretion of the Dean of Students, a witness may be deposed virtually via a platform such as Zoom or Teams.

4. Students have the opportunity to present evidence or submit documents for consideration by the SAS.

The student and/or the SAS may bring additional documentation, or information for review. Documentation or information should be relevant to the incident or conversation at hand and should be readily available at the time of the hearing. It will be at the discretion of the SAS to consider information that is brought forward after the hearing.

5. Students may choose not to answer any or all of the questions posed by the SAS.

The student has the right to not answer any or all of the questions posed by the SAS. However, Student Affairs always encourages students to participate in the conversation. The less a student shares with the SAS, the more likely it is that the SAS will have to rely on other information to come to a finding.

6. It is a violation of University policy to provide falsified information during a hearing.

If a student is found falsifying information, the student will be charged with a violation of the Falsification policy. It is the University's expectation that students are always being truthful with the SAS.

Once the SAS has discussed the above items with the charged student, the student may decide to proceed with the hearing at that time. If the student needs more time to prepare for their conduct process, the student and the SAS will choose another reasonable time to hold the hearing.

The SAS reserves the right to set the timeline as to when a hearing is held. This is to ensure that the process is taking place in a timely manner.

## **Other Guidelines**

There are additional guidelines that an SAS and students must abide by in order to ensure a fair, unbiased, and timely process. These guidelines are:

- Admission of any person to the constructive counseling or hearing shall be at the discretion of the SAS.
- In a process involving more than one student, the SAS may hold separate constructive counseling sessions or hearings.
- All procedural questions are subject to the final decision of the SAS.
- Any constructive counseling or hearing may be postponed, recessed, or continued at the discretion of the SAS.

- The use of a recording device will be reserved for more serious offenses that could result in a student's dismissal from the institution. Other constructive counseling sessions or hearings may be recorded at the SAS's discretion. The recording will not include deliberations. The recording will be the property of the University and may be maintained in the student's conduct record.
- Students will not be permitted to use their own recording device to record their constructive counseling session or hearing.
- The SAS's determination is made on the preponderance of presented evidence of whether it is more likely than not that the student violated University policy.
- After the constructive counseling or hearing, the SAS will determine whether the student has violated University policy.
- The SAS or a designee will notify the student/organization in writing of their findings, recommendations, sanctions, or conditions and the appeal process in a timely fashion.
- The University recognizes the impossibility of anticipating every circumstance under which disciplinary authority of the University must be exercised. The University also recognizes the possibility that compelling circumstances may require that certain procedures normally afforded to students be suspended.  
To facilitate the prompt adjudication for a campus disciplinary matter under such circumstances, the Dean of Students or a designee shall hold a constructive counseling session or administrative hearing. The student's procedural rights shall remain in effect.
- The University will, upon written request and to the extent allowable by law, disclose to the alleged victim of any crime of violence as defined by federal law, or a nonforcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such a crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin of the victim will be treated as the alleged victim.

If a student has any questions about the additional guidelines listed above, they should always ask the SAS for guidance and clarification.

### **Outcome Letter**

Once a constructive counseling session or a hearing is complete, the SAS must consider all of the information they have received about the incident at hand and must hold students accountable for their actions. If the University is responding to an incident report, the constructive counseling or hearing will result in a student being found responsible or not responsible for violating University policy.

This information will be communicated to the student in a written outcome letter. Outcome letters are emailed to students at their TU email address. In some cases, the SAS may also deem it necessary to discuss the decision via phone or in person. The SAS will make that determination and will contact the student appropriately.

### **Recommendations, Sanctions, and Conditions**

If a student is found responsible for violating University policy in a constructive counseling session, they will receive an outcome letter with information about resources that are available to them. Some of the resources and recommendations will draw from the sanctions and conditions list below, but they will not be mandated. However, Student Affairs reserves the right to mandate an action item(s) if deemed necessary.

If a student is found responsible for violating University policy in a hearing, the

sanction(s) or condition(s) assigned in the outcome letter will be mandatory.

Recommendations, sanctions, and conditions are designed to be educational in nature so that students can learn from their experiences. They are tailored to the individual student and are determined after consideration of several factors, including, but not limited to: a student's prior conduct history, the nature and severity of the incident, the student's willingness to accept responsibility for their actions, the need to bring an end to the violation, and University precedent for the violation.

When a case involves a student-athlete, the SAS will collaborate with the Athletic Director or designee to determine the appropriate recommendation(s), sanction(s), or condition(s) pertaining to athletics.

The SAS or their designee will have the sole discretion to determine if a condition has been successfully completed. Due to the formal nature of a hearing, sanctions will be recorded within a student's educational record. Potential recommendations, sanctions, or conditions are listed below. All sanctions are applicable to individuals, student organizations, academic groups, and athletic teams. It is important to note that more than one sanction or condition may be assigned for any single violation.

1. **Alcohol Education:** This education may consist of an online course or educational session(s). This education is designed to assist students in making healthy lifestyle choices. There is a fee associated with this sanction.
2. **Anger Management Training:** This training consists of educational sessions to address appropriate ways to express feelings of anger or frustration. There is a fee associated with this sanction.
3. **Athletic Sanctions:** These sanctions apply only to student-athletes in their practice, play, and competition and may range from a warning to dismissal from the team depending on the severity of the incident. In certain circumstances, a non-athletic sanction may be issued in tandem with an athletic sanction. More information about athletic sanctions can be found in the Student Athlete Handbook.
4. **Bystander Intervention: Training** A training conducted by University facilitators that is designed to educate and empower students to speak up or assert influence in a difficult or dangerous situation.
5. **Computer Privileges Restriction** Loss or restriction from University computer mainframe access or privileges for a stated period of time.
6. **Course Transfer or Removal:** Removal or withdrawal from academic courses without academic credit or tuition refund. This may include being transferred to another class(es) or section(s), or being placed in an independent study if available. Otherwise, the student forfeits the class without academic credit or tuition refund. This sanction is often carried out in collaboration with the Academic Dean, the Division Chairs in question, and/or other academic administration.
7. **Deferred Sanction:** When significant mitigating factors are present, one or more sanctions may be deferred (delayed) for implementation. Additional sanctions may be imposed for any new violations, which occur during the deferred period.
8. **Disciplinary Warning:** Disciplinary Warning is for a designated period and includes the probability of more severe disciplinary sanctions, which may include community probation or suspension from the institution if the student is found violating the specified policy during the warning period.
9. **Educational Research/Reflection:** The assignment of one or more relevant texts or books with an associated writing component. This may include a research paper, a reflection paper, and/or an essay. The topic, length, and source determinations will be made at the discretion of the SAS. Specific

guidelines will be outlined in the sanction letter.

10. **Educational Service Completion:** of a determined number of hours of educational community service. The SAS reserves the right to assign this service to the appropriate office or community partner. Specific guidelines and hours will be outlined in the sanction letter.
11. **Ethics Training:** A written Ethics Training assignment must be completed and submitted to the Office of Student Affairs by the sanction due date. If necessary, a meeting with a member of the Office of Student Affairs may be scheduled to individually discuss this training.
12. **Interim Residential Suspension:** There may be instances, when Residence Life and/or the University determine that a student's continued presence in the residence halls constitutes a significant risk to the health, safety, welfare, or rights of others, and poses a threat to the orderly operation of the residential community. In such circumstances, including but not limited to, (a) arrest, charges, or investigation for a felony or other serious criminal offense; (b) alleged engagement in conduct involving violence, threats of violence, sexual misconduct, stalking, harassment, weapons offenses, significant drug trafficking, arson, or other behavior presenting a substantial safety concern; (c) Engagement in conduct that reasonably suggests an imminent risk to members of the campus community; or (d) otherwise demonstrated behavior that warrants immediate action to protect persons or property, the University reserves the right to issue an Interim Residential Suspension pending the investigation, adjudication or resolution of the relevant allegations. In such cases, the resident must immediately vacate the residence hall and may not enter any TU residence hall until the investigation is completed and the decision is rendered and the sanctioned determined. At that point, the resident abides by the terms of the disciplinary outcome.
13. **Interim Campus Suspension:** Thomas University may impose an Interim Campus Suspension when a student's continued presence on campus is reasonably believed to pose a significant risk to the safety, welfare, or rights of others, or to the orderly operation of the University. Circumstances that may result in an interim suspension include, but are not limited to, alleged violent conduct, threats, sexual misconduct, stalking, harassment, weapons offenses, serious criminal charges, or other behavior that presents a substantial safety concern.  
  
An Interim Campus Suspension is an administrative action issued by the Dean of Students or designee and does not constitute a finding of responsibility. Students will receive written notice of the suspension and any restrictions on campus access, participation in University activities, or use of University services. Students may respond in writing or meet with the Dean of Students to provide information regarding the necessity of the suspension and may appeal the decision to the Provost within five (5) business days. The suspension may remain in effect until the conclusion of the University's disciplinary process, the resolution of related legal matters, or until the University determines that the safety concerns no longer exist.
14. **Letter of Apology:** A written apology reflecting an understanding of the inappropriateness of the student's actions and the impact it had on the letter's recipient.
15. **No Contact Order:** The Dean of Students or the Title IX Coordinator may determine that a No Contact Order is necessary to ensure that students' contact and communication is restricted to prevent further potentially harmful interaction. Information about the No Contact Order will be issued by the Dean of Students, the Title IX Coordinator, or a designee.
16. **Online Sexual Misconduct and Harassment Courses:** The student is required to complete a series of online courses pertaining to sexual

misconduct and harassment education. There is a fee associated with this sanction.

17. **Parental Notification:** Written notification to parent/guardian concerning a specific incident, outcome, and appropriate sanction. Notification will be in accordance with FERPA regulations.
18. **Privilege Restrictions:** Loss of specific privileges at the discretion and determination of the SAS. Such restrictions may include, but are not limited to:
  - a. Prohibited attendance at athletic, social, or organizational events, including social functions, group meetings, and student organization or club events.
  - b. The ability to be a member of an organization.
  - c. Housing for a designated period.
  - d. Prohibited from hosting visitors.
  - e. Prohibited from participating in a University ceremony or event, including, but not limited to, commencement/graduation, homecoming, or other University-sponsored events or activities on or off-campus.
19. **Review Meetings:** This sanction is a typically a component of being on Community Probation, but the SAS may deem it appropriate in other circumstances. The Office of Student Affairs will connect the student with the appropriate University staff or faculty who can provide insight or education around the impact of the student's violation(s) and appropriate ways to respond to similar situations in the future. The frequency and duration of these meetings is at the discretion of the SAS. Specific guidelines will be outlined in the sanction letter.
20. **Program Presentation:** Plan, implement, and present an educational program on a specific topic.
21. **Recommended Mediation:** A recommended sanction to assist a student with interpersonal skills. Mediation is a process in which a neutral third party works with disputants to attempt to achieve a lasting and mutually satisfying outcome to the dispute. Since successful mediation requires participation by consenting parties, this sanction can only be recommended, although this recommendation will remain a part of the student's disciplinary record. The Office of Student Affairs will recommend an appropriate party to lead this mediation. There is a fee associated with this sanction.
22. **Research Paper:** Research paper on a specific topic citing at least three sources. Specific guidelines will be outlined in the sanction letter.
23. **Residence Hall Dismissal:** Immediate and permanent removal from the residence halls without refund.
24. **Residence Hall Probation:** Residence Hall Probation is for a designated period and includes the probability of dismissal from campus housing and/or removal of privileges to live in campus housing if the student is found violating any policy during the probationary period.
25. **Residence Hall Suspension:** Immediate and permanent removal from the residence halls without refund for a determined number of semesters.
26. **Residence Hall Suspension (Deferred):** A period of observation and review for a defined period of time. If the student fails to complete any previously imposed sanctions or is found violating any University policy during the deferred suspension period, restriction from University-operated housing and housing grounds may be immediately imposed. Any student on deferred residence hall suspension may not be allowed to participate in the housing room selection process and therefore not be eligible for future

University housing.

27. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
28. Room Reassignment: Removal from the student's current room and relocation to another available space.
29. Sexual Harassment and Misconduct Education: This sanction has three components: online education courses, an interview with the Title IX Coordinator or a designee, and a reflection paper. Specific guidelines will be outlined in the sanction letter.
30. Sexual Misconduct Risk Assessment and Treatment: This is an evaluation to assess a student's level of risk for sexual and non-sexual recidivism. This is done at the student's expense. The student is required to make an appointment with a certified treatment professional, which is someone with specialized training and experience in conducting psychosexual evaluations. Students are required to meet the recommendations of the certified treatment professional as indicated in this evaluation. Results must be released to appropriate University officials, as per the sanction letter.
31. Substance Abuse Assessment and Treatment: This is an evaluation to assess a student's drug and/or alcohol use and is typically sanctioned in conjunction with additional treatment by an off-campus approved provider. This is done at the student's expense. The student is required to make an appointment with a certified treatment professional, which is someone who has a background in dealing with drug and/or alcohol use in college-aged populations. Students are required to meet the recommendations of the certified treatment professional as indicated in this evaluation. Results must be released to appropriate University officials, as per the sanction letter.
32. Substance Use Evaluation: This is an evaluation to assess a student's drug and/ or alcohol use. This is done at the student's expense. The student is required to make an appointment with a certified treatment professional, which is someone who has a background in dealing with drug and/or alcohol use in college-aged populations. Students are required to meet the recommendations of the certified treatment professionals as indicated in this evaluation. Results must be released to appropriate University officials, as per sanction letter.
33. Title IX Coordinator Interview: This is a meeting between the student and the Director of Title IX or their designee and is designed to educate the student on the sexual misconduct and harassment policy and discuss the impact that sexual misconduct and harassment has on the University community. When misconduct is more serious and a student has been found responsible through the hearing or investigation process, more severe sanctions, may be issued as outlined in the Sexual Misconduct Policy (Appendix B).
34. Community Probation: Community Probation is for a designated period and includes the probability of more severe disciplinary sanctions, which may include suspension or dismissal from the University if the student is found violating any policy during the probationary period. Students must be in compliance with any additional requirements set by Student Affairs during the probationary period.
35. Deferred Suspension: Deferred Suspension is a time of observation and review for a designated period. If the student fails to complete any previously imposed sanctions, adhere to previously imposed conditions, or violates any policy during the deferred suspension period, the student may (at minimum) be automatically suspended for one semester.
36. Suspension: Separation of the student from the University for a definite period, after which the student is eligible to return. Conditions for readmission may be specified. Students who are suspended from the

University once classes have started will be automatically withdrawn from all of their courses and will receive a grade of “W” or “WF” (based on the date that the sanction was issued) and will not receive a tuition refund, unless the sanction is deferred to the following semester. Suspension is noted on the transcript. A suspension will only be lifted when the student is in compliance with all required sanctions that must be completed prior to return. This determination will be made by the Director of Community Standards or a designee.

37. **Trespass:** In the event of an infraction of a serious nature or if there is a perception that a student may pose a threat to other students, faculty, staff, or the orderly conduct of University business, the University may authorize law enforcement to criminally trespass the student for a period of time determined by the University. The student may not be present on Thomas University property, including residence halls or overflow accommodations. The student may not attend any TU functions on or off-campus. The student may, however, attend purely online classes in pursuit of program completion. Such attendance must be approved by University administration, and the student can only attend the online class as a distance student removed from TU property.
38. **Withhold Diploma:** The University may withhold and refuse to confer a student’s diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a grievance pending, or as a sanction, if the student is found responsible for violating University policy.
39. **Dismissal:** Permanent separation of the student from the University. Students who are socially dismissed from the University once classes have started will be automatically withdrawn from all of their courses and will receive a grade of “W” or “WF” (based on the date that the sanction was issued), and will not receive a tuition refund, unless the sanction is deferred to the following semester. Dismissal is noted on the transcript.
40. **Revocation of Degree:** The University reserves the right to revoke a degree for fraud, misrepresentation, or any other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation, even if the misconduct was reported or investigated after the degree was conferred.

### **Failure to Complete Sanctions or Conditions**

All students and organizations/teams, as responsible members of the University community, are expected to complete mandated action items, sanctions, or conditions within the specified timeframe given by the Office of Student Affairs. Failure to successfully complete said sanction(s) by the date specified, whether by refusal, neglect, or any other reason, may result in the following:

- Additional sanction(s) may be assigned
- A hold may be placed on the student’s account and educational records
- The student may be charged with violating the Requests or Orders policy
- The student may be suspended or dismissed from the University. In these situations, residential students will be required to vacate University housing

within a specified timeframe at the discretion of the Dean of Students or a designee.

In the case of a student organization, failure to comply may impact the organization's status at the University.

### **Interim Administrative Hold**

In some circumstances, it may be necessary to remove a student, student organization, club, or team from an educational, residential, or University-sanctioned setting pending the outcome of a student conduct investigation and hearing. This process may be initiated by the Dean of Students or a designee. An interim administrative hold may be appropriate as an interim measure only:

(1) to preserve the safety and well-being of members of the University community or preservation of University property; (2) to preserve the student's own physical or emotional safety and well-being; (3) if the student poses a threat of disruption or of interference with the operations of the University.

During an interim administrative hold, students may be denied access to the residence halls and/or to the campus and/or all other University activities (including in-person and online classes) or privileges for which the student might otherwise be eligible. Student organizations, groups or teams will be denied privileges for which the organization, group, or team might otherwise be eligible.

Interim administrative holds may be appealed to the Dean of Students or their designee by the stated date in the hold letter.

### **Educational Records**

A student's educational record is typically maintained for seven years after graduation or permanent separation from the University. A student may, upon graduation or permanent separation, submit a written request to the Dean of Students or their designee, asking that minor disciplinary actions may be expunged. It is at the discretion of the Dean of Students or their designee to consider the request. The decision of the Dean of Students or their designee is final.

In accordance with the Family Educational Rights and Privacy Act (FERPA), Student Affairs may release a student's conduct information to another school to which the student is transferring without obtaining consent. For more information about FERPA, please visit the Department of Education's website.

### **New Information**

Prior to an appeal, if the student believes that there is new evidence or relevant facts that were not available to the student at the time of the original hearing, and such evidence or facts may be sufficient to alter the original finding, the student may make a request that this information be considered. The student must make such a request in writing to the appropriate Dean or designee by the appeal deadline in the decision letter. The matter will be returned to the original SAS for reconsideration.

### **Constructive Counseling Outcome**

If students are dissatisfied with the outcome of their constructive counseling, they may meet with the Dean of Students to discuss their dissatisfaction.

### **Appeals**

If students are dissatisfied with the outcome of their hearing, they have the opportunity to submit an appeal.

All appeals must be done in writing and submitted to the University Provost by the deadline stated in the outcome letter. It is the University's expectation that the appeal is written by the student. Students have the opportunity to request an

appeal on at least one of two grounds:

1. There was procedural misconduct by the SAS which was prejudicial to the accused student or;
2. The sanction(s) imposed was inappropriate for the violation of University policy

There are no other grounds for appeal. Attempted appeals that are not based on any of the grounds listed may be dismissed without further meeting or action.

Student Affairs submits all appeals to the University Provost for consideration. The appeal will be limited to the verbatim record of the initial hearing, supporting documents, and the written appeal. New evidence or other relevant facts not part of the original hearing will not be considered. The Provost may uphold, overturn, reduce, or increase the sanction(s) imposed by the SAS. In some cases, the appeal body may choose to return the case to the SAS. The student will be notified in a timely fashion of the appeal body's determination. Decisions of the appeal body are final.

If a student elects to file an appeal, pending a decision from the Provost, the student may continue to attend their courses and participate in University life as usual, unless the student has been criminally trespassed. Limitations on personal contact and/or participation in University-related events or activities may be imposed.

## APPENDIX B

### SEXUAL MISCONDUCT POLICY

#### Policy Statement

Title IX of the Education Amendments of 1972 provides:

*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.*

It is the policy of Thomas University to maintain an environment that is free of all forms of discrimination on the basis of sex and sex-based harassment in any education program or activity whether such program or activity is offered or sponsored by the institution or if the institution is serving as a partner in said program or activity in conjunction with other institutions, including admission and employment.

This Policy prohibits all forms of discrimination on the basis of sex and sex-based harassment, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. This Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in any matter related to this Policy. All the foregoing conduct shall be referred to as “Prohibited Conduct.”

Thomas University will take prompt and equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects. In addition, Thomas University will fulfill its obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) in response to reported Prohibited Conduct. Students, employees, or third parties who are found to have violated this Policy may face disciplinary action up to and including expulsion (students) or termination of employment or contractual relationship (employees or third-party contractors).

Inquiries about Title IX may be referred to Thomas University’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. Thomas University’s Title IX Coordinator is:

Mr. Scott T. Grubbs, Ed.S.  
Dean of Students/Title IX  
Coordinator

Email: [sgrubbs@thomasu.edu](mailto:sgrubbs@thomasu.edu)  
Phone: 229-236-7770

Thomas University also prohibits other forms of discrimination and harassment as described in the Nondiscrimination policy located on the university website.

When used in this Policy, “Complainant” refers to an individual who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or a person other than an student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part and who was participating or attempting to participate in Thomas University’s education program or activity at the time of the alleged sex discrimination.

“Student” refers to a person who has gained admission to Thomas University.

This includes: (a) a person not currently enrolled but who was enrolled in the fall, spring, or summer terms preceding the alleged violation; (b) a person who, while not currently enrolled, was previously enrolled at Thomas University and who is reasonably anticipated to seek enrollment at a future date; (c) a person who has applied to or been accepted for admission to Thomas University and has accepted an offer of admission or may reasonably be expected to enroll; or (d) a person enrolled in a Thomas University program on a credit or non-credit basis.

“Student with a disability” refers to a student who is an individual with a disability as defined in the Rehabilitation act of 1973, as amended, 29 U.S.C. 707(9)(B),(20)(B), or a child with a disability as defined in the Individuals with Disabilities Act, 20 U.S.C. 1401(3).

“Respondent” refers to an individual who is alleged to have violated Thomas University’s policy on sex discrimination.

A “Third-Party” refers to any other participant in the process, including a witness or an individual who makes a report on behalf of a Complainant.

The process begins with a Formal Complaint filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University. Nothing in this Policy derogates the legal right of a parent or guardian acting on behalf of the Complainant, Respondent, or Third-Party, including, but not limited to filing a Formal Complaint.

A possible violation of the Sexual Misconduct Policy is handled through an administrative process. A Complainant may also pursue criminal or civil legal recourse concurrently. One is not dependent upon another.

### **A. Persons Covered**

This Policy applies to all Thomas University community members, including students (including applicants for admission as well as admitted students), faculty, administrators including the Title IX Coordinator, staff, volunteers, and visitors.

Thomas University has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by persons who are covered under this Policy. The University strongly encourages reports of Prohibited Conduct regardless of who engaged in the conduct. Even if the University does not have jurisdiction over the Respondent, the University will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

The University will provide Supportive Measures with or without a Formal Complaint.

### **B. Locations Covered**

This Policy applies to the University’s educational program or activity, which includes locations, events, or circumstances over which the University exercises substantial control over both the Complainant and Respondent and the context in which the sexual harassment occurs. This conduct that occurs under Thomas University’s education program or activity includes, but is not limited to, conduct that occurs in a building owned or controlled by a student organization that is officially recognized by the University and conduct that is subject to the University’s disciplinary authority.

This Policy applies to all on-campus conduct. The University strongly encourages reports of Prohibited Conduct. Even if the Policy does not apply to the conduct because of its location, the University will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community under applicable University policies.

### **On-Campus Conduct.**

This Policy applies to conduct that occurs on-campus, including conduct which occurs on property owned or controlled, leased, or managed by the University. This policy also applies to any building owned or controlled by a student organization that is officially recognized by the University.

### **University Programs.**

This Policy applies to conduct that occurs in the context of University employment or education programs or activities, including, but not limited to, internship programs, graduate assistantships, University recognized club or organizational activities, or athletic travel.

### **Off Campus Conduct.**

This Policy applies to all conduct that occurs on University premises and at University- sponsored activities. The University also has the discretion to discipline a student for conduct that occurs off campus, if that conduct adversely affects the University community and/or the pursuit of its objectives. Dean of Students and the Title IX Coordinator in their sole discretion and on a case-by-case basis, decides whether campus proceedings should be initiated against a student for conduct occurring off campus and refer to the appropriate office. (See student code of conduct and employee code of conduct).

## **II. Prohibited Conduct and Definitions**

### **A. Sex or Gender-Based Discrimination**

Sex or gender-based discrimination refers to the disparate treatment of a person or group because of that person's or group's sex, sexual orientation, gender identity or gender expression.

### **B. Sexual Harassment:**

Sexual Misconduct is conduct of a sexual nature or conduct based on sex or gender that is nonconsensual or has the effect of threatening, intimidating, or coercing a person. The University prohibits the following specific conduct (defined below):

- An employee of the University conditioning the provision of an aid, or services of the Thomasville on an individual's participation in unwelcome sexual conduct.
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively reasonable that it effectively denies a person equal access to the University's education program or activity.

Sexual Assault (defined below); or Dating Violence (defined below); or Domestic Violence (defined below) or Stalking (defined below).

Sexual harassment quid pro quo occurs when a position of authority is used threaten to impose a penalty or to withhold a benefit for sexual favors, whether or not the attempt is successful. Sexual harassment may involve behavior by a person of either gender against a person of the same or opposite gender. It should be noted that the potential of sexual harassment exists in any of the following relationships: student/student, employee/student, student/employee, and employee/employee. Here and subsequently, "employees" refers to faculty, staff, and administration. Because of the inherent differential in power between University's employees and students, sexual relationships between employees and students are prohibited.

A hostile, demeaning, or intimidating environment exists when sexual harassment is so severe, pervasive, and objectively reasonable that it effectively denies a person equal access to the University's education program or activity. A hostile environment can be created by anyone involved in a University's program or activities (e.g., administrators, faculty members, staff members, campus visitors).

Explicit behaviors constituting sexual harassment include but are not limited to requests for sexual favors, physical assaults of a sexual nature, sexually offensive remarks, and rubbing, touching or brushing against another's body. More subtle behaviors may be experienced as intimidating or offensive, particularly when they recur, or one person has authority over another. Such behaviors may include but are not limited to unwelcome hugs or touching, inappropriate staring, veiled suggestions of sexual activity, requests for

meetings in non-academic settings, and risqué jokes, stories or images.

These behaviors may range from the most egregious forms, such as sexual violence, to more subtle forms. The University defines acts of sexual violence as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the individual's age or use of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give consent).

(1) Sexual Assault; or Dating Violence; or Domestic Violence or Stalking.

A hostile, demeaning, or intimidating environment exists when sexual harassment is so severe, pervasive, and objectively reasonable that it effectively denies a person equal access to the University's education program or activity. A hostile environment can be created by anyone involved in a University's program or activities (e.g., administrators, faculty members, staff members, campus visitors).

Explicit behaviors constituting sexual harassment include but are not limited to requests for sexual favors, physical assaults of a sexual nature, sexually offensive remarks, and rubbing, touching or brushing against another's body. More subtle behaviors may be experienced as intimidating or offensive, particularly when they recur, or one person has authority over another. Such behaviors may include but are not limited to unwelcome hugs or touching, inappropriate staring, veiled suggestions of sexual activity, requests for meetings in non-academic settings, and risqué jokes, stories or images.

These behaviors may range from the most egregious forms, such as sexual violence, to more subtle forms. The University defines acts of sexual violence as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the individual's age or use of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give consent; For full definition of consent, please refer to Section II. C).

#### C. Additional Definitions:

**Complainant.** Complainant refers to an individual who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or a person other than an student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part and who was participating or attempting to participate in Thomas University's education program or activity at the time of the alleged sex discrimination. **Coercion.** Coercion is inappropriate pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When a person makes clear that they do not want sex, wants to stop, or that going past a certain point of sexual interaction is unwanted, continued pressure beyond that point can be coercive. Consent cannot be obtained from coercion. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another person's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include, but are not limited to:

- Threatening to out someone based on sexual orientation, gender identity, or gender expression or
- Threatening to harm oneself if the other party does not engage in the sexual activity. Or
- When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive.

The University will evaluate the following in determining whether coercion was used:

- The frequency of the application of pressure,
- The intensity of the pressure,
- The degree of isolation of the person being pressured, and
- The duration of the pressure.

Consent. Consent is a clear, unambiguous, and voluntary agreement between participants to engage in specific sexual activity. Consent is active, not passive, and is given by clear actions or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone. Instead, consent is affirmatively given. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.

Being intoxicated does not diminish one's responsibility to obtain consent. In some situations, an individual may be deemed incapable of consenting to sexual activity. Examples of such situations include, but are not limited to, incompetence, impairment from alcohol and/or other drugs, fear, unconsciousness, intimidation, coercion, confinement, isolation, or mental or physical impairment. In Georgia, minors under the age of 16 years of age are generally unable to provide consent, with narrow exceptions.

See Georgia Code Ann. Section 16-6-3, Statutory Rape. The University recognizes the following aspects regarding consent:

(a) consent is a voluntary agreement to engage in sexual activity, (b) someone who is incapacitated cannot consent; (c) past consent does not imply future consent, (d) silence or an absence of resistance does not imply consent, (e) consent to engage in one form of sexual activity does not imply consent to engage in other forms of sexual activity; (f) consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another; (g) consent can be withdrawn at any time, and (h) coercion, force, or threat of either invalidates consent.

Dating violence.

The term "dating violence" means violence committed by a person; (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship. (34 U.S.C. 12291(a) (10)).

Domestic violence. The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, 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. [34 U.S.C. 12291(a)(8)].

Gender identity.

A person's deeply felt internal sense of being male or female, regardless of their sex assigned at birth.

**Gender expression.** The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

**Incapacitation.** Incapacity can result from mental disability, sleep, involuntary physical restraint, or from intentional or unintentional taking of alcohol and/ or other drugs. An incapacitated person does not have the ability to give knowing consent. Sexual activity with a person who one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated, constitutes a violation of this Policy. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of the use of alcohol and/ or drugs on another's ability to give consent (see full definition of "consent" above).

**Retaliation.** No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

**Intimidation, threats, coercion, or discrimination,** including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

**Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy** does not constitute retaliation prohibited, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

**Reasonable Person.** Reasonable person refers to an ordinary person who exercises care while avoiding extremes of boldness and carefulness (Replevin, Black's Law Dictionary, 10th ed. 2014).

**Respondent.** Respondent refers to an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment

**Sexual Assault.** "Sexual Assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, as defined in 20 U.S.C. 1092(f)(6)(A)(v).

#### CRIME DEFINITIONS FROM THE NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) USER MANUAL FROM THE FBI'S UCR PROGRAM

##### Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- A. Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- B. Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. Rape - The carnal knowledge of a person, without the consent of the victim,

including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

- D. Sexual Assault-Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- E. Sexual Assault with an Object - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- F. Sodomy - Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- G. Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent.
- H. Stalking. The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—  
(A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. [34 USC 12291(a) (30)]
- I. Student. The term student means any person refers to a person who has gained admission to Thomas University.

This includes: (a) a person not currently enrolled but who was enrolled in the fall, spring, or summer terms preceding the alleged violation; (b) a person who, while not currently enrolled, was previously enrolled at Thomas University and who is reasonably anticipated to seek enrollment at a future date; (c) a person who has applied to or been accepted for admission to Thomas University and has accepted an offer of admission or may reasonably be expected to enroll; or (d) a person enrolled in a Thomas University program on a credit or non-credit basis.

- J. Student with a disability. The term refers to a student who is an individual with a disability as defined in the Rehabilitation act of 1973, as amended, 29 U.S.C. 707(9)(B),(20)(B), or a child with a disability as defined in the Individuals with Disabilities Act, 20 U.S.C. 1401(3).
- K. Supportive measures. The term refers to individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:
  - 1. Restore or preserve that party’s access to the University’s education program or activity, including measures that are designed to protect the safety of the parties or the University’s educational environment; or
  - 2. Provide support during the University’s grievance procedures under §106.45, and if applicable §106.46, or during the Informal Resolution process under §106.44(k).

### III. CONFIDENTIALITY

The University encourages individuals who have experienced what they believe could constitute sexual harassment to speak with someone about what happened so that support can be offered, and the University can respond appropriately.

Different individuals associated with the University have different abilities to maintain confidentiality in this area.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Most employees, including faculty, staff, and administrators, are required to report all the details of an incident (including the identities of both the Complainant and Respondent to the Title IX Coordinator. A report to a Responsible Employee triggers an obligation for that employee to notify the Title IX Coordinator or an Official with Authority who have the obligation (at that point) to respond. Additionally, officials with authority to implement corrective measures (Title IX Coordinator and Deputy Title IX Coordinators) will respond.
- It is also possible to report to a third-party counselor or advocate off campus who may maintain confidentiality and only inform the school that an incident has occurred. In this case, “third party” refers to any other participant in the process, including a witness or an individual who makes a report on behalf of a Complainant or Respondent. As reporting requirements vary, it is important to discuss confidentiality with the third party prior to speaking with that individual. This Policy is intended to make individuals aware of the various reporting and confidential disclosure options available to them so they can make informed choices about where to turn if an incident occurs. The University encourages individuals to talk to someone identified in one or more of these groups. The options include:

#### A. Privileged and Confidential Communications

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a Complainant’s permission. Following is the contact information for these resources:

1. Thomas University Student Support Center: (email: [studentsupportcenter@thomasu.edu](mailto:studentsupportcenter@thomasu.edu) )
2. Archbold Student & Employee Assistance Program (229-228-2210; Toll-Free 1-877- 327-2724; or 24 hours Helpline 1-800-238-8661.(after hours, weekends, holidays, and other periods when the Counseling Center is closed.)

While these professional and non-professional counselors and advocates may maintain a Complainant’s confidentiality vis-à-vis the University, they may have reporting or other obligations under state law, such as mandatory reporting to law enforcement in case of minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case. Confidential reporters must report incidents of sexual misconduct for the Annual Security report but are obligated to report details of the incidents including the names of potential Complainants or Respondents except as required by their license and professional ethics.

#### B. Responsible Employees

All University employees who do not fit in the category of Privileged and Confidential are considered to be Responsible Employees who must report any possible sexual harassment or discrimination based on sex to the Title IX Coordinator. A Responsible Employee is anyone who:

- Does not fit the category of confidential employees.

Responsible Employees have defined obligations that they must meet:

- When a student or a person who has a legal right to act on behalf of the student informs a Responsible Employee of the student’s pregnancy or related conditions, the employee must promptly provide that person with the Title IX Coordinator’s contact information and inform the person that

the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the University's education program or activity.

- Notify the Title IX Coordinator when the employee has information about conduct that reasonably constitutes sex discrimination under Title IX or this part; or provide the contact information of the Title IX Coordinator and information about how to make a Complaint of sex discrimination to any person who provides the employee information about conduct that reasonably may constitute sex discrimination under Title IX or this part.

C. Requesting Confidentiality from the University: How the University Will Weigh the Request and Respond.

If an individual discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all Thomas University community members, including the reporting individual. If they disclose to the Responsible Employee, the Responsible Employee must disclose. It is up to the Title IX Coordinator (or Deputy) to talk to the Complainant and determine if Complainant wants to move forward, or if Complainant simply wants Supportive Measures.

If the University honors the request for confidentiality, an individual must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent may be limited.

Although rare, there are times when the University may not be able to honor an individual's request in order to provide a safe, non-discriminatory environment for all Thomas University community members.

The University has designated the following individual to evaluate requests for confidentiality once the institution is on notice of alleged sexual harassment or sexual violence:

Scott Grubbs  
Dean of Students & Title IX Coordinator  
(229-263-7770  
sgrubbs@thomasu.edu)

When weighing an individual's request for confidentiality or that no investigation or discipline be pursued, The Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the Respondent will commit additional acts of sexual or other violence, such as:

- Whether there have been other sexual harassment or sexual violence complaints about the same Respondent;
- Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence;
- Whether the Respondent threatened further sexual violence or other violence against the Complainant or others;
- Whether the sexual harassment or sexual violence was committed by multiple Respondents;
- Whether the sexual harassment or sexual violence was perpetrated with a weapon;
- Whether the Complainant is a minor;
- Whether the University possesses other means to obtain relevant evidence of the sexual harassment or sexual violence (e.g., security cameras or personnel, physical evidence);

- Whether the Complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group. The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will consider the Complainant's request for confidentiality.

If the University determines that it cannot maintain a Complainant's confidentiality, the University will inform the Complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The University will remain ever mindful of the Complainant's well-being and will take ongoing steps to protect the Complainant from retaliation or harm and work with the Complainant to create a safety plan. Retaliation against the reporting individual, whether by students or University employees, will not be tolerated. The University will provide Supportive Measures as described in Section VI of this policy.

Because the University is under a continuing obligation to address the issue of sexual harassment and sexual violence campus-wide, reports of sexual harassment and sexual violence (including non-identifying reports) will also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the University determines that it can respect a Complainant's request for confidentiality, the University will also take immediate action as necessary to assist the Complainant.

#### **IV. TITLE IX COORDINATOR, DEPUTY COORDINATORS, & RESPONSIBLE EMPLOYEES**

A. The Dean of Students is the TitleIX Coordinator at Thomas University. Thomas University's Title IX Coordinator oversees University compliance regarding all Title IX related matters, including the investigation of complaints. Responsibilities include, but are not limited to, the following:

- Ensuring Title IX compliance
- Assessing initial intake reports
- Understanding University policies and procedures
- Providing information about resources available to both the Complainant and Respondent
- Assigning appropriate investigators to individual cases
- Identifying the appropriate University Policy to resolve the complaint in a prompt and equitable manner
- Tracking and monitoring incidents of sex discrimination and sexual misconduct
- Providing information on options for complaint resolution
- Coordinating education and prevention efforts
- Providing information to the Clery Act administrator regarding Clery Act reportable crimes
- Thomas University has designated the following Deputy Title IX Coordinator:  
Anna Benefield, Deputy Title IX Coordinator; (229-227-6931), abenefield@thomasu.edu.

Thomas University's Deputy Coordinator is trained to receive initial intake

and, if designated by the Title IX Coordinator, investigate complaints. Deputy Coordinator responsibilities include the following:

- Supporting and assisting the Title IX Coordinator
- Understanding University policies and procedures
- Providing information about resources available to both the Complainant and Respondent
- Hearing and/or receiving initial intake (fact-gathering)
- Reporting intake reports to Title IX Coordinator for assessment
- Investigating complaints (if designated by the Titles IX Coordinator)

Providing information to the Clery Act administrator regarding Clery Act reportable crimes

No Title IX Coordinator, Deputy, or Investigator will have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

#### **B. Responsible Employees**

All University employees who do not have legally protected confidentiality are considered Responsible Employees.

Official with Authority means any official of the University who has authority to institute corrective measures on behalf of the University (§106.30). Thomas University has designated the following positions as Officials with Authority:

1. Title IX Coordinator
2. Deputy Title IX Coordinator
3. Director of HR
4. Dean of Students (independently of the Title IX Coordinator)

Responsible Employee means any employee with the obligation to report sexual harassment or the responsibility to inform a student how to report sexual harassment. The University requires that all Responsible Employees share any report of misconduct with the Title IX Coordinator. A Responsible Employee is anyone who:

1. Has the duty to report to appropriate University officials' sexual harassment or any other misconduct by students or employees; or
2. A student could reasonably believe a University employee has the responsibility to assist them. All University employees who do not have legally protected confidentiality are considered Responsible Employees. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University.
3. A Responsible Employee is any employee with supervisory or leadership responsibilities on campus, including, but not limited to, all faculty (full time, part time, and adjunct) Athletic staff (coaches, assistant coaches, trainers, and athletic administrators) administrators (those with responsibilities for administering a program or service); staff members, including Resident Directors and Resident Assistants.

#### **V. REPORTING**

The University strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

The University also strongly encourages all individuals or third-party

witnesses to report any incident to the University and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously.

In order for the process to begin, the University must have actual knowledge. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any University official who has authority to institute corrective measures on behalf of the recipient. Making a report means telling the Title IX Coordinator or Title IX Deputy Coordinator what happened—in person, by telephone, in writing, or by email. But ultimately there must be formal written notice of the sexual misconduct or allegation of sexual misconduct.

At the time a report is made, a Complainant does not have to request any course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The University provides support that can assist the Complainant in making these important decisions and will respect a Complainant's autonomy in deciding how to proceed to the extent possible. In this process, the University will balance the Complainant's interest with its obligation to provide a safe and non-discriminatory environment for all members of the University community.

The University will investigate and resolve all formal complaints of Prohibited Conduct in a fair and impartial manner. The Parties will be treated with dignity and respect. In response to all reports of Prohibited Conduct, the University will make an immediate assessment of any risk of harm to the Parties, or the broader campus community and will take steps necessary to address those risks.

These steps may include Supportive Measures and/or Emergency Removal or administrative leave of the Respondent to provide for the safety of the Complainant and the campus community.

#### A. Emergency and External Reporting Options

Complainants have the right to notify or decline to notify law enforcement. The University strongly encourages all individuals to seek assistance from law enforcement immediately after an incident of sexual misconduct. The University will help any Thomas University community member to get to a safe place and will arrange transportation to the hospital, coordination with law enforcement, and information about on- and off- campus resources and options for resolution.

Emergency Assistance: 911

Thomasville Police Dept.: 229-227-3249

Campus Security: (229)-473-0318 (between the hours of 7pm – 4am M-F) If you do not wish to make a report to the police, you are still encouraged to seek professional medical advice.

Additional off- campus assistance is available through the following:  
Archbold Student & Employee Assistance Program 229-228-2210, Toll- Free 1-877-327- 2724 or 24-Hours Helpline 1-800-238-8661 or at [www.archbold.org](http://www.archbold.org).

Halcyon Home, Inc.: Domestic/Sexual Violence Shelter: 600 E. Clay Street, Thomasville, GA 31792. (229-226-5096). Services are available to respond to allegations of a domestic violence upon male victims. These supports for adult male victims does not include residential. Residential is for women only.

The Treehouse Advocacy Center: Provides adult sexual assault services in Thomas County. (229)977-1639). After hours number 229-236-5437(CRISIS). Website: [treehousethomasville.org](http://treehousethomasville.org) or email: [the.treehousecac@gmail.com](mailto:the.treehousecac@gmail.com).

National Domestic Violence Hotline: 1-800-799-7233 (SAFE). Rape Crisis Center in Thomas County: (229)-435-0074.

DHR Protective Services (child/disabled adult); (866-552-4464). Provide individual investigation of all allegations and present if necessary to the court for action as recommended by investigators.

#### **B. Campus Reporting Options**

The University recommends that individuals report Prohibited Conduct to:  
Dean of Students & Title IX Coordinator

Director of Human Resources

Dean of Academic Affairs

The University reserves the right to grant amnesty from drug, alcohol, or other violations of the Student Code of Conduct for parties reporting allegations under this Policy (i.e., if alcohol was involved in the incident, the Respondent would not then be charged with an alcohol infraction). Decisions regarding amnesty under the Policy will be made by the Title IX Coordinator.

Title IX Coordinator and Deputy Title IX Coordinator.

Cases of sexual violence may also be reported to the Thomasville Police Department; the University's Title IX Coordinator can assist individuals with contacting the Police Department. If an incident is criminal in nature, the University may be mandated to share certain information with law enforcement.

### **VI. SUPPORTIVE MEASURES**

The University will provide reasonable and appropriate Supportive Measures designed to eliminate any existing hostile environment and support all Parties involved. The University will make reasonable efforts to communicate with the Parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Supportive Measures may be implemented regardless of whether formal resolution process is sought by the Complainant or the University, and regardless of whether a crime is reported to local law enforcement. Supportive Measures are non-disciplinary services offered as appropriate, as reasonably available, and without fee or charge to both the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. These Supportive Measures are designed to restore or preserve equal access to the University's education program or activity without unreasonable burdening Complainant and Respondent, including measures designed to protect the safety of all Parties or the University's educational environment, or deter sexual harassment.

Supportive Measures may include no- contact directives, changes in class or work schedules, changes in University-owned living arrangements, or any other supportive measures that the University deems appropriate. Likewise, the University may work with a reporting student to provide access to on-campus counseling services, provide information regarding off-campus services, increased security monitoring, additional academic support or even withdrawal from class (or classes) without penalty. Supportive Measures for employees may include changes in work schedules, relocating offices, providing information regarding off-campus services, increased security monitoring, or any other supportive measures that the University deems appropriate.

The University will maintain the privacy of any Supportive Measures provided under this Policy to the extent practicable and will promptly address any violation of the Supportive Measures. All individuals are encouraged

to report concerns about failure of another individual to abide by any restrictions imposed by a Supportive Measure. The University will take immediate and responsive action to enforce a previously implemented Supportive Measure if such Supportive Measure was violated.

#### **Emergency Removal**

Nothing in this Policy precludes the University from removing a Respondent from the University's education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of the Complainant or any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

#### **Administrative Leave**

Nothing in this Policy precludes Thomas University from placing a non-student employee Respondent on administrative leave during the pendency of this process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

### **VII. PREVENTION, AWARENESS PROGRAMS AND TRAINING**

Thomas University is committed to preventing sexual harassment. To that end, this Policy and these procedures will be printed in appropriate University publications. In addition, educational programs will be conducted annually by the University to (1) inform students, faculty, staff and administration about identifying sexual harassment and the problems it causes; (2) advise members of the University community about their rights and responsibilities under this Policy; (3) train personnel in the administration of this Policy. The Sexual Misconduct Policy and Procedures will be issued to all incoming students and personnel.

### **VIII. RESOLUTION OF GRIEVANCE**

The Title IX Team (Coordinator and/or Deputy) will coordinate resolution of all allegations of Prohibited Conduct defined in the Sexual Misconduct Policy using the procedures in this section. Prohibited Conduct (e.g., discrimination, harassment, retaliation) based on protected status other than sex (e.g., race, color, age, disability, other classification protected by federal or state law) is prohibited by other University policies. In the event of such complaints, the University will identify, based upon the allegation, the appropriate office to coordinate resolution of the report.

Situations in which both Complainant and Respondent are employees of the University may be handled through the processes outlined in the Employee Personnel Policy

Prohibited Conduct or through the Title IX process depending upon the alleged Prohibited Conduct.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the University's grievance process.

All investigations will be conducted in a timely and impartial manner. The Parties will be informed of the projected timeline for conclusion of the process. There may be temporary delays of the process and limited extensions of time frame for good cause. The Parties will be provided with written notice of the delay and reasons for such delay.

If the conduct alleged in the Formal Complaint would not constitute sexual

harassment as defined in this Policy even if proved, did not occur in the University's education program or activity, or did not occur against a person in the United States, then the University must dismiss the Formal Complaint with regard to that conduct for purposes of sexual harassment under this Policy.

The University may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; the Respondent is no longer enrolled or employed by the University; specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein, or the University determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the Complaint, the University will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal of the Formal Complaint either required or permitted, the University will promptly send written notice of the dismissal and reasons for the dismissal simultaneously to each Party.

The University may consolidate Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

#### A. Intake Meeting

With or without a Formal Complaint, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to supportive measures, and explain the Complainant the process for filing a Formal Complaint.

Upon receipt of a Formal Complaint, the Title IX Team will conduct an Intake Meeting with the Complainant as soon as possible. At that meeting, the Coordinator or Deputy Coordinator will address the following topics, as appropriate:

- Address immediate physical safety and emotional well-being needs
- Notify the Complainant of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence
- Notify the Complainant of confidential and non-confidential reporting options on and off campus
- Provide the Complainant with information about:
  - On and off campus resources, including counseling, health, mental health, victim advocacy, and legal assistance
  - The range of Supportive Measures, including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the Complainant regardless of whether the Complainant files a formal complaint with the University, Campus Security or local law enforcement.
  - Provide an overview of the procedural options and process, including Informal Resolution and Formal Resolution. This overview should include explanation that the Complainant will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Complainant to prepare to participate.
  - Explain the right to a timely investigation and resolution
  - Explain the right to inspect and review evidence

- Explain the University's policy on retaliation
- Provide notice of any provision in the University's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process
- Explain that the Complainant has a right to an Advisor of their choice during the process
- Explain the right to appeal
- Provide statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process

At the Intake Meeting, the Coordinator or Deputy Coordinator will provide the Complainant with the above-listed information in writing. If the initial Intake Meeting is conducted by a Deputy Coordinator, the meeting report will be submitted to the Coordinator for consideration. As described in the Sexual Misconduct Policy, the Complainant has the right to request that the Title IX office not share the Complainant's name (or other identifiable information) with the Respondent, or that the Title IX office take no formal action in response to the report.

If the Complainant makes such a request, the Coordinator will balance the request with the dual obligation to provide a safe and nondiscriminatory environment for all University's community members, and to remain true to principles of fundamental fairness that require the University to provide the Respondent with notice of the allegations and an opportunity to respond before action is taken against the Respondent.

The Coordinator will make this determination consistent with the following considerations, namely:

- The seriousness of the conduct;
- The respective ages and roles of the Complainant and the Respondent;
- Whether there have been other complaints or reports of Prohibited Conduct against the Respondent;
- The right of the Respondent to receive notice and relevant information before disciplinary action is sought.

Should the Coordinator determine that, in response to the Complainant's request, the University can satisfy its obligations to the Complainant, the University community members, and the Respondent without proceeding through the process described herein, the Coordinator has the discretion to do so.

Absent a request for confidentiality as described above, the Coordinator or Deputy Coordinator will ask the Complainant questions to get a basic understanding of the reported Prohibited Conduct. The interview will include, but is not limited to, questions to understand the key facts upon which the Complainant bases the report (i.e., the who, what, where, and when) to appropriately assess how to proceed. At the conclusion of the Intake Meeting, and if the individual wishes to move forward with a formal complaint, the Coordinator and Deputy will decide:

- Does the Complainant's report state facts that, if true, could constitute a violation of the University's Sexual Misconduct Policy?
  - If yes, an initial investigation will be conducted to determine if the University should proceed through Formal or Informal Resolution

The Title IX Coordinator or Deputy will select a trained internal or external investigator or a two-person investigative team to conduct a reasonable, impartial, and prompt investigation of the complaint ("Investigation"). The Coordinator will select an Investigator based on several factors, including

the Parties involved, the complexity of the complaint, the need to avoid any potential conflict of interest, and who may best conduct a fair and equitable investigation for all Parties involved. The Coordinator will notify the Complainant and Respondent, in writing, of the name of the designated Investigator(s).

The Complainant will have 2 business days to object to the Investigator's selection on the basis of bias or conflict of interest. For the purposes of this policy, business days refers to the days during which the University is open, typically Monday thru Friday, from 8:00 am to 5:00 pm and excludes weekends, holidays, and designated closures including, but not limited to, weather closures and delayed starts. If the Complainant or Respondent objects, the Coordinator will evaluate whether the objection is substantiated. The Coordinator will remove and replace any Investigator the Coordinator finds to have a bias or conflict of interest against either party.

The Complainant and the Respondent are each permitted to select an Advisor to accompany his/her during any investigative meeting, pre-hearing conference and/or at any time following the filing of a formal complaint. The Advisor may be a mentor, family member, friend, attorney or any other supporter so long as they are not in any way involved in the resolution process, such as serving as a witness. Their role is to support the Complainant or the Respondent and, as such, are not permitted to speak in investigative meetings. However, during a live hearing, Advisors are permitted to cross examine the parties and witnesses. The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other does not, or cannot afford an attorney, the University is not obligated to provide one.

#### Role of the Advisor of Choice

Both the Respondent and Complainant have the right to have an Advisor of choice. It is the responsibility of the Complainant and Respondent to communicate with the Advisor regarding allegations, times and dates of meetings, hearings, outcomes and any other information regarding the case. The Investigators, Title IX Coordinator and Deputy Coordinator will not discuss the case with any Advisor. The Advisor may:

- attend any meeting or hearing with the respective Complainant or Respondent regarding the case, if invited by the respective Complainant Respondent;
- may provide advice to the Complainant or Respondent he/she is advising through quiet conversation or written notes in any meeting or hearing related to the case;
- may be a member of the University community, but is not required to be. May be an attorney, but, is not required to be;
- during meetings with Investigators and the Title IX Team, Advisors may not represent the Complainant or Respondent; Parties are expected to respond to questions from investigators and the Title IX team directly;
- during a live hearing, Advisors may cross-examine the Parties and the Parties witnesses.

Prior to meeting with the Respondent, the University will provide written notice to the Respondent of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.

Additionally, the following must be provided in writing to the Respondent:

- Notify the Respondent of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence

- Notify the Respondent of confidential and non-confidential reporting options on and off campus
- Provide the Respondent with information about:
  - On and off campus resources, including counseling, health, mental health, victim advocacy, and legal assistance
  - The range of Supportive Measures, including changes to academic, living, transportation, and/or working situations, or other protective measures
  - Provide an overview of the procedural options and process, including Informal Resolution and Formal Resolution. This overview should include explanation that the Respondent will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Respondent to prepare to participate.
  - Explain the right to object to the assignment of the Title IX Coordinator, Deputy Coordinator or Investigators based on bias or conflict of interest within 2 business days of a decision to proceed through the process
  - Explain the right to a timely investigation and resolution
  - Explain the right to inspect and review evidence
  - Explain that the Respondent has a right to an Advisor of their choice during the process
  - Explain the University's policy on retaliation
  - Provide notice of any provision in the University's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process
  - Explain the right to appeal
  - Provide statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process

#### B. Initial Fact-Gathering:

The Investigator will interview both Parties and relevant witnesses and gather documentary evidence provided by the Parties and any identified witnesses. The Investigator will prepare a summary of each interview ("Interview Summary"). The University does not restrict the ability of either the Complainant or Respondent to discuss the allegations under investigation or to gather and present relevant evidence.

Using the findings from this preliminary investigation, the Title IX Coordinator, and Deputy Coordinator will determine and notify the Complainant in writing as to whether the University should proceed through Formal or Informal Resolution using the following guidelines:

1. Any Formal Complaint that alleges sexual harassment, including sexual assault, domestic violence, dating violence, and stalking can proceed through the Informal Resolution process.
2. Complaints involving allegations that an employee sexually harassed a student are not permitted to proceed through an Informal Resolution process.
3. Some complaints that allege harassment may be appropriate for Informal Resolution. If the Coordinator determines that the complaint may appropriately be resolved through Informal Resolution, the Coordinator will ask the Complainant and Respondent, separately, whether they would agree to pursue resolution of the complaint informally. Any resolution reached through Informal Resolution will be confirmed in writing and provided to the Parties as soon as possible after reaching a resolution.

If either Party does not agree to pursue Informal Resolution, or if the Complainant, Respondent, or Coordinator, at any time, determines that Informal Resolution is no longer appropriate, the Coordinator will promptly inform the Complainant and Respondent in writing that the complaint will proceed through Formal Resolution.

#### C. Informal Resolution

If the Coordinator determines that it is appropriate, the Parties may choose to resolve complaints through Informal Resolution. Informal Resolution must be mutually agreed upon, in writing, by both parties in case. Additionally, an Informal Resolution process cannot begin unless a Formal Written Complaint is filed. The Informal Resolution process may recommend the following types of outcomes, including but not limited to: facilitating an agreement between the Parties, separating the Parties, referring the Parties to counseling programs, conducting targeted educational and training programs, and mediation.

To proceed with Informal Resolution, the University must provide the Parties with written notice disclosing the allegations, the requirements of the Informal Resolution process including the circumstances under which the Parties could be precluded from resuming a Formal Resolution process arising from the same allegations. No party can be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive their right to an investigation and adjudication of a Formal Complaint.

If the parties involved in the Informal Resolution process fail to reach a mutually agreeable outcome for the alleged conduct, the allegation will be resolved via the Formal Resolution process. In that event, the Title IX Coordinator will so notify the Parties in writing and will describe next steps and timeframes for the Formal Resolution.

Agreements reached via the Informal Resolution process shall be final following three (3) business days and cannot be appealed absent the discovery of new and material information or other similar circumstances, in which case a new investigation may be initiated.

Any Party (including the Title IX Coordinator) may terminate the Informal Resolution process at any time.

#### D. Formal Resolution

If the Coordinator determines that the Complainant's report must proceed through Formal Resolution, the Coordinator will make every attempt to notify both Parties, in writing, of the decision as soon as possible following the initial investigation. The Coordinator's written notification to the Respondent will state facts sufficient to apprise the Respondent of the nature of the allegations, including, specifically:

- Complainant's name
- Nature of the report
- Specific policy violation(s) alleged (e.g., sexual assault, sexual harassment, retaliation)
- Date(s) of alleged policy violation(s)
- Location(s) of alleged policy violation(s)
- Brief description of allegation(s)

The notice of the complaint shall be accompanied with a request for a meeting with the Title IX Coordinator or Deputy Coordinator within 3 business days. If the Respondent does not respond to the meeting request or is unable to meet within 3 business days, the Coordinator shall provide the

following information in writing:

- On and off campus resources, including counseling, health, mental health, victim advocacy and legal assistance
- The range of Supportive Measures including changes to academic, living, transportation, and/or working situations, or other protective measures.
- An overview of the procedural options and process, including Informal Resolution and Formal Resolution
- Explain that the Respondent has a right to an Advisor of their choice during the process
- The University's stance on alcohol and drug amnesty
- The University's policy prohibiting retaliation

The Investigator will continue the investigation once the 3 business days have expired, or sooner if both Parties respond. The Investigator, in consultation with the Coordinator, will establish an expected, reasonable timeframe for the Formal Investigation process and notify the Parties of any delays.

### I. Formal Investigation

The Investigator will review the documentation from the preliminary investigation and will prepare a Preliminary Report. The Preliminary Report is a written summary of the evidence gathered in the course of the Preliminary Investigation. This evidence will include both inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the Parties. The Investigator will state specific factual findings in the Preliminary Report (e.g., "Complainant was incapacitated" or "Respondent believed that Complainant was not incapacitated"). The standard for determining each factual finding is the "preponderance of the evidence," (i.e., that it is more likely than not that the factual finding is true). The Investigator will not state ultimate findings as to whether the Respondent has, or has not, violated one or more of the University's policies. The Investigator will attach as exhibits to the Preliminary Report all Interview Summaries and any documentary evidence gathered and relied upon in the Preliminary Investigation that is directly related to the allegations in the Formal Complaint, including any evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence whether obtained from a Party or other source. The University cannot access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent to this evidence.

When the Investigator determines that the Preliminary Investigation is complete, the Investigator will submit the Preliminary Report to the Coordinator. The Coordinator may require the Investigator to conduct additional investigation; if so, the Investigator will conduct additional investigation consistent with the following procedures:

- The Investigator may conduct follow-up interviews with both Parties and witnesses based upon testimonial and documentary evidence gathered during the Preliminary Investigation. The Parties and witnesses can expect that, in these follow-up interviews, the Investigator will seek responses to specific allegations or evidence. To the extent additional material, witnesses or evidence are identified during Rebuttal Fact- Gathering,

the Investigator will conduct additional interviews and gather additional evidence. Rebuttal Fact-Gathering may be repeated as necessary to ensure a complete gathering of evidence.

## 2. Notice of Findings and Response

Once the Coordinator has agreed that the Investigation is complete, the Coordinator will provide the Preliminary Report to the Parties and their Advisor, if any, (for review, as soon as possible after receipt of the Preliminary Report from the Investigator. Neither the Complainant nor the Respondent (or their Advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided.

The Parties may respond to the Preliminary Report; the Parties will submit any response within 10 calendar days of being notified of their opportunity to review the report. The Parties may respond in one or both of the following ways:

- The Parties may provide a written response to the Preliminary Report, or any portion of it, including each Interview Summary. The Investigator will consider any written response provided by the Parties in preparing the Final Report.
- The Parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following:
  - (i) Request(s) for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the Investigator to pose to witnesses
  - (i) Request(s) to consider new evidence. Any request for additional investigation shall explain the reason for the request (e.g., new witnesses).

If neither of the Parties requests additional investigation, the Investigator will prepare the Final Report. If either (or both) Parties request additional investigation, the Investigator will review the request(s) in consultation with the Coordinator. The Investigator will conduct the requested additional investigation if the Coordinator determines that the request(s) will assist the Investigator in completing the investigation.

If the Investigator conducts additional investigation, the Investigator will prepare an Addendum to the Preliminary Report ("Addendum"). The Investigator will submit the Addendum to the Coordinator. The Coordinator may require the Investigator to conduct additional investigation before the Addendum is complete. Once the Coordinator has agreed that the Addendum is complete, the Coordinator will provide the Addendum to the Parties.

## 3. Final Report

Once the investigation is complete, the Investigator will prepare a Final Report. The Final Report, will have attached as exhibits the testimonial and documentary evidence from the Preliminary Investigation, the Preliminary Report, the Addendum (if applicable), and all of the Parties' responses throughout the Formal Resolution proceeding. Once the Investigator is satisfied that the Final Report is complete, the Investigator will submit the Final Report to the Coordinator. The Coordinator will send to each Party and the Party's Advisor, if any, a copy of the Final Report in an electronic format or hard copy, for their review and response.

No sooner than 10 (ten) Business Days after sending the Final Investigative Report, the Coordinator will meet individually with the Complainant and the Respondent. If both Parties wish to resolve the case without an adjudication, the Coordinator can facilitate an Informal Resolution of the Formal Complaint

that does not necessitate a full adjudication. The Parties must agree to this Informal Resolution in writing. [106.45(b)(9)] At the conclusion of an Informal Resolution, and upon receipt of official notification via University email, the Complainant and the Respondent have 2 (two) Business Days to change their mind about the resolution of the case. If either the Complainant or the Respondent changes their mind regarding the agreed upon resolution, they must do so in writing and submit it to the Title IX Coordinator.

Should the Party's request not be received in writing (including electronically) or does not submit within 2 (two) Business Days, the Informal Resolution will be considered final and binding.

## **IX. HEARING AND APPEALS**

### **A. Hearing (Hearing Panel)**

1. If either of the Parties do not wish to participate in the Informal Resolution prior to an adjudication by the hearing panel, the Coordinator will schedule a hearing on the case not less than 10 (ten) Business

Days from the meeting to discuss the findings with the Coordinator. The Coordinator will set the date and time of the hearing, appoint a hearing panel consisting of three (3) trained hearing panelists and notify the Parties of the hearing date and option to call witnesses to the proceeding. Three (3) panelists will serve on the panel and will ultimately make the determination by majority opinion as to whether or not, by the preponderance of the evidence the Respondent is responsible for the alleged Sexual Misconduct Policy violation. The third panelist will serve as the panel chair and is responsible for maintaining order during the hearing panel proceeding.

The hearing will be recorded. The hearing will be live, but may be conducted with all parties physically in the same geographical location or, at the University's discretion or request of either Party, any or all of the Parties may appear at the live hearing virtually, with sufficient technology to enable participants to simultaneously see and hear each other.

The hearing will not be conducted as a court proceeding. The Parties have the right to present their opening and closing statements as well as to present their factual position and for the Panel to question the Parties and witnesses presented. However, the Parties may not cross-examine each other. The Advisor for both Parties have the right to cross-examine the other Party and all witness and ask all relevant questions and follow-up questions, including those challenging credibility. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Chair of the hearing panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a Party does not have an Advisor present at the Live Hearing, the University will provide without fee or charge to that party, an Advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a Party or witness does not submit to cross-examination at the Live Hearing, the Hearing Panel must not rely on any statement of that Party or witness in reaching a determination regarding responsibility; provided, however, that the hearing panel cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other

questions.

#### Hearing Panel Determination

A written determination is required to be submitted by the hearing panel to the Title IX Coordinator, who will meet with the Respondent and Complainant separately to deliver the written determination. The written determination must include: (a) Identification of the allegations potentially constituting sexual harassment, (b) A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, (c) Findings of fact supporting the determination, (d) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant, (e) the University appeal process.

Possible sanctions which may be assigned after a finding of Responsibility are those articulated in the Thomas University Student Handbook.

This list is not exhaustive and may be modified to meet the particular circumstances of any given case:

1. **Expulsion** - Permanent severance of the student's relationship with the University. This severance includes being barred from campus.
  2. **Disciplinary Suspension** - Temporary severance of the student's relationship with the University for a specified period of time.
  3. **Limited Suspension** - A student may be denied certain privileges for a specified period of time. These privileges may include, but are not limited to, class attendance, housing, parking on campus, participation in extracurricular activities, ID card privileges, access to institutional facilities, and access to the campus.
  4. **Disciplinary Probation** - Notice to the student that any further, major disciplinary violation may result in suspension. Disciplinary probation might also include one or both of the following: the setting of restrictions or the issuing of a reprimand.
  5. **Reprimand** (either oral or written.)
  6. **Counseling** - The committee may request that a student meet a specified number of counseling sessions for issues including, but not limited to, anger management, substance abuse, and extenuating personal circumstances.
- B. Appeal (Appeal Officer)**

Both Parties may appeal a determination and sanctions made by the Hearing Panel. If the Respondent or the Complainant chooses to appeal either the Sanctions or the Hearing Panel's decision, they may do so by submitting a written appeal statement to the Title IX Coordinator within 3 business days of the date the hearing report is sent to the parties. The Title IX Coordinator will provide this statement to the VP of Academic Affairs who serves as the Appeal Officer. The three grounds for appeal are:

(A) Procedural irregularity that affected the outcome of the matter;

(B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

(C) The Title IX Coordinator, investigator(s), or Hearing Panel member(s) had a conflict of interest or bias for or against Complainants or respondents

generally or the individual Complainant or respondent that affected the outcome of the matter.

The appeal statement must identify the ground(s) for appeal. Note that an appeal is not a re-hearing of the case.

If the Appeal Officer determines that a ground of appeal is substantiated, the Appeal Officer will return the case to the Coordinator. When a case is returned to the Coordinator, the Coordinator may decide to dismiss the case (e.g., based on insufficient information to believe that a policy violation may have occurred), send the case to the original hearing panel for reconsideration, send the case to a new hearing panel with the same or different charges, and/or (re)implement any aspect of the disciplinary process. A different decision (i.e., the decision of responsibility and/or sanctions) may subsequently result. If the Appeal Officer finds the appeal is not substantiated, the decision of the Hearing Panel is final.

## **Parental, family, marital status, pregnancy or related conditions – Students**

### *Scope*

Thomas University has not adopted or implemented any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats students differently on the basis of sex.

Thomas University will not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions. Thomas University does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity provided Thomas University ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

Thomas University will ensure that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee promptly provides that person with the Title IX Coordinator's contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to Thomas University's education program or activity.

Thomas University will take specific actions to promptly and effectively prevent sex discrimination and ensure equal access to Thomas University's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions. The Title IX Coordinator must coordinate these actions.

Thomas University will inform the student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of Thomas University's obligations under this section and provide Thomas University's notice of nondiscrimination.

### *Reasonable Modification*

Thomas University will make reasonable modifications to Thomas University's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to Thomas University's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required under this paragraph, Thomas University will consult with the student. A modification that Thomas University can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by Thomas University. If a student accepts Thomas University's offered reasonable modification, Thomas University will implement it.

Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

*Voluntary access to separate and comparable portion of program or activity*  
Thomas University will allow the student to voluntarily access any separate and comparable portion of Thomas University's education program or activity.

*Voluntary leaves of absence.*

Thomas University will allow the student to voluntarily take a leave of absence from Thomas University's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by a Thomas University that allows a greater period of time than the medically necessary period, Thomas University will permit the student to take voluntary leave under that policy instead if the student so chooses.

When the student returns to Thomas University's education program or activity, the student will be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

*Lactation space.*

Thomas University will ensure that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

*Limitation on documentation.*

Thomas University will not require supporting documentation unless the documentation is necessary and reasonable for Thomas University to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided Thomas University with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

*Comparable treatment to other temporary medical conditions.*

Thomas University will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy Thomas University administers, operates, offers, or participates in with respect to students admitted to Thomas University's education program or activity.

*Certification to participate.*

Thomas University will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in Thomas University's class, program, or extracurricular activity unless:

- (i) The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- (i) Thomas University requires such certification of all students participating in the class, program, or extracurricular activity; and

The information obtained is not used as a basis for discrimination prohibited by this Policy.

### **Parental, family, marital status, pregnancy or related conditions – Employees**

#### *Scope*

Thomas University will not adopt or implement any policy, practice, or procedure, or take any employment action, on the basis of sex:

- (1) Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or
- (2) That is based on whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

#### *Pregnancy or related conditions.*

Thomas University will not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions.

#### *Comparable treatment to other temporary medical conditions.*

Thomas University will treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

#### *Voluntary leaves of absence.*

Thomas University has a policy in place to address voluntary leaves of absence. In the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, Thomas University will treat pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

#### *Lactation time and space.*

(1) Thomas University will provide reasonable break time for an employee to express breast milk or breastfeed as needed.

(2) Thomas University will ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

#### *Pre-employment inquiries. Marital status.*

Thomas University will not make a pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs."

Thomas University may ask an applicant for employment to self-identify their sex, but only if this question is asked of all applicants and if the response is not used as a basis for discrimination prohibited by Title IX.

### **Internal and External Resources**

Thomas University reserves the right, at any time during any stage of any process described in this Policy, to utilize the services of internal and/or external

individuals to facilitate any of the processes or to serve in any role in this Policy.

### **Record Keeping**

Title IX Records will be maintained for 7 (seven) years in accordance with the Title IX regulations and Thomas University's Records Retention Policy. Title IX records include:

1. Investigations
2. Determinations
3. Recordings
4. Transcripts
5. Sanctions
6. Remedies
7. Appeals
8. Informal Resolutions
9. Training Materials

### **Examination and Revision**

The policies of Thomas University are reviewed regularly. Thomas University's Title IX Policy may be revised at any time in order to comply with current applicable guidance, regulations, and laws.

## APPENDIX C

### ENFORCEMENT OF THE ACADEMIC HONOR CODE AND INTEGRITY OF STUDENT WORK

Based on the university's policies related to academic integrity, the following guidelines outline the expectations for faculty members in helping the university maintain the academic integrity of its degrees and promoting a community that values academic honesty.

#### Ongoing Actions

Course instructors and students are expected to use the plagiarism detection service provided by the university, currently Turnitin.

#### Suspected Violations of Academic Integrity

If a potential violation of academic integrity (plagiarism, cheating, providing false information, misrepresentation of credentials, copyright violation, etc.) is identified, the instructor should follow the process for Honor Code violations as outlined below.

In the event that a charge of violating academic integrity occurs at the end of the semester, a grade of "Incomplete" will be assigned until the matter is resolved. In the event that a charge at the end of a semester involves a graduating senior, a diploma will not be awarded to the student until the matter has been resolved sufficiently to justify the awarding of a degree. In all cases, the student's right to appeal the charge will follow the prescribed procedures, and every effort will be made to ensure the timely and fair adjudication of the case.

##### 1. Investigation Process

Should an instructor suspect that a student has violated the academic Honor Code, the instructor will conduct an appropriate investigation, which may include use of a plagiarism detection service and a request that the student provide complete copies of all sources used in the work under question. (If another university employee or a student suspects that a student has violated the Honor Code, he or she will report the suspicion to the instructor who will then conduct an appropriate investigation.) If the instructor finds that the student may have violated the Honor Code, he or she will send a letter of inquiry via email to the student which will describe the concern and give the student an opportunity to respond to this evidence in writing. The instructor should copy the program director on this email.

The instructor will review the inquiry letter and the student's response and make a determination if a violation has occurred and if so, which sanction(s) to impose. Possible sanctions for a first infraction include one or more of the following: a requirement to redo work, a reduction in grade for the work, or award of a failing assignment grade.

The instructor will notify the student via email of the sanction and copy the program director. A copy is also placed in the student's academic record. Suspected violations of academic integrity that are reported to the university by students or other community members will be investigated by the program director or their designee, and a disposition will be provided to the student in the same manner.

Thomas University believes that upholding academic integrity is among its highest callings and, to that end, provides educational opportunities for students to explore both the ethical necessity and the technical methods of conducting research that meet the highest standards laid out in the Thomas University Honor Code. All students who are found to have violated the principles of academic integrity but are not dismissed from the university will be required to take and successfully complete a course on academic integrity to build their understanding and skills in upholding academic integrity. This course must be taken in the same term or the term immediately following the

finding of an academic integrity violation.

## 2. Sanctions and Records

Thomas University takes all violations of the Code of Conduct very seriously and takes actions that are appropriate to the violation.

The university can impose additional sanctions upon a student whose violation of the Honor Code is severe or follows a prior history. These sanctions include but are not limited to: award of a failing grade for a course; placement on a status of academic warning; removal from internship, clinical, or practicum placements; academic suspension; and permanent dismissal from the university.

All disciplinary actions are recorded in the student's file, which remains permanently on record. The existence of a prior violation in a student's file will lead to stronger sanctions for subsequent acts. Students who have been dismissed from the university for violation of the Honor Code are not eligible for readmission.

## 3. Appeals

In the event that the student denies the allegation of an Honor Code violation or objects to the severity of the sanction, he or she may appeal to the program director. (If the program director is the instructor, the appeal is directed to the division chair. If the division chair is the instructor, the appeal is directed to the Academic Affairs Committee.) The program director will confer with the instructor, review the charge, and confer with the accused student. The program director will inform the student of his or her determination and the sanction to be imposed via email within five (5) business days of receiving the appeal. The sanction may be more or less severe than that recommended by the instructor. The student will be advised that he or she may accept the determination and sanction of the program director or may request a hearing by the Academic Affairs Committee. The student must email the request for a hearing to the program director within 48 hours of receiving the program director's determination and sanctions.

The program director will refer the request for a hearing as well as a notice of the charge to the chair of the Academic Affairs Committee within 48 hours of receiving the request.

The procedure for the hearing is as follows:

### *Notice*

The Chair of the Academic Affairs Committee will provide the student, instructor, and program director with notice of the hearing within five (5) business days of receipt of the charge and appeal. The notice will include:

- a. a statement of the date, time and place of the hearing;
- b. a statement of the composition of the Academic Affairs Committee and the nature of the hearing; and
- c. a statement of the charge.

All parties shall be notified of the hearing at least one week in advance. The accused student, however, may waive the right to the one-week notification of his or her case. The student will acknowledge receipt of the notice by signing and returning it by email to the Chair of the Academic Affairs Committee. The signed notice will become a part of the record.

### *Safeguard of Student Rights*

The Committee will consist of the elected members of the Academic Affairs committee of the Faculty. At least two of the members must come from a division other than that of the student being charged. If multiple elected

members of the committee are from the student's division, Associate committee members will serve. All members of the Committee, except the Chair, will refrain from pre-hearing conferences with any student involved in a scheduled hearing. The chair will advise the student of his or her rights and of the evidence being presented.

### *An Orderly Hearing*

Honor Code hearings are considered to be of an administrative nature; hence, the presence of counsel and the cross examination of witnesses are precluded. The student has the right to call witnesses to testify on his or her behalf and to present evidence in his or her defense. The hearing will be closed to any other persons not immediately involved in the situation.

If a student fails to appear at the specified hearing time, the hearing may proceed in the student's absence, and a decision may be rendered. The student, however, may request a postponement in the hearing, provided that the request is made in writing to the committee chair at least 24 hours in advance of the hearing for good cause. The chair may grant the request at his or her discretion.

The Chair may admit credible evidence, and the members shall use their discretion in determining the validity or amount of weight to be given to such affidavits. After all witnesses have been heard and all other testimony has been presented, the student shall be allowed to summarize his or her position. Upon the completion of the presentation of evidence, the chair shall recess the hearing, and the members shall meet privately to determine whether the charges are substantiated. During the deliberations, each member bears an equal responsibility for decision-making and must cast a vote for or against all motions. All decisions are determined by majority vote. The chair votes only in the event of a tie.

All aspects of deliberations must be treated as confidential by the committee members. If the student is found guilty of academic dishonesty, the Academic Affairs Committee will recommend sanctions. Such sanctions may be of an academic, as well as of a disciplinary, nature and may be more or less severe than that recommended by the instructor and/or program director.

### *Appeal*

The findings of the Academic Affairs Committee are final and are not subject to appeal.

## **APPENDIX D**

### **ENFORCEMENT OF THE CLASSROOM CONDUCT CODE**

Students who engage in classroom misconduct are subject to classroom penalties and conduct sanctions.

Any one or more of the following penalties may be imposed by the faculty member for any classroom misconduct violation. Consequences for classroom misconduct may include but are not limited to:

- Warning – an oral explanation of violation and possible consequences if misconduct continues;
- Dismissal from the remaining class time during which the infraction occurs;
- Dismissal from the remaining class time during which the infraction occurs, with required meeting with designated university employee (faculty member, Department Chair, etc.) prior to returning to class;
- Assignment of a reduced or failing grade on an assignment, paper, project or exam;
- Reduction in the final grade for the course
- Administrative withdrawal from the course

If the offense is egregious, threatening, or repeated, the faculty member may make a referral to the Dean of Students where a further determination may be made regarding additional investigation and/or potential institutional sanctions. The Dean of Students or designee may impose an interim suspension pending action through the University disciplinary process.

Appeals of classroom misconduct penalties imposed by the faculty member that result in a lowering of an overall grade should be directed to the grade appeal process described in the University Catalog. Appeals for sanctions imposed through the University disciplinary process should be addressed through the processes described in Appendix A.

Withdrawal from a course does not exempt a student from any pending charges of classroom misconduct.

## **APPENDIX E**

### **Student Complaints Policy and Procedure**

This process serves as a vehicle whereby students' concerns can be heard, addressed, and resolved. Students wishing to express a concern or complaint about a University function, service, or the application of a policy or process to their particular situation, must follow the process detailed herein.

Please note that this procedure does not apply to academic appeals, which are conducted according to the process outlined in the Thomas University Catalog.

1. **Informal Review and Resolution.** Before filing a formal complaint, the student should discuss the concern or decision with the person with whom he/she differs and attempt to resolve the matter satisfactorily.
2. **Primary Review and Resolution.** If the complaint cannot be resolved informally, the student may file a formal complaint, in writing, to the chairperson or head of the department responsible for the matter in question. The reason for the complaint must have occurred no longer than one semester prior to submitting the formal complaint. A meeting or communication between the student and the chairperson or head of the department must occur within ten working days of receipt of the complaint. Following review, the administrator's final decision will be conveyed to the student via the student's TU email address.
3. **Secondary Review and Resolution.** If dissatisfied with the decision of the administrator in the primary review, the student may appeal to the Dean or Vice President overseeing the academic or administrative unit responsible for the matter in question. This appeal must be submitted within ten days of receipt of the written decision of the primary review. Following review, the administrator's final decision will be conveyed to the student via the student's TU email address. The decision of the administrator conducting the secondary review is final and not subject to appeal.
4. **Documentation.** Documented formal complaints, written communication between parties, and the written decision are stored in the office where the complaint originated. If the complaint escalates to a secondary review, the record of the complaint is stored in the office of the Dean or Vice President of the academic or administrative unit responsible for the matter in question.
5. **Retaliation.** No retaliation of any kind shall be taken against a student for participation in a complaint. This policy is to ensure that students' complaints will be received, heard, and addressed with consideration of fairness and in accordance with university policies by the appropriate administrator(s).

## APPENDIX F

### Immunization and Contagious Disease Policies

#### Immunization Policy

Thomas University requires a record of immunization for students taking one or more classes on campus. Resident students will not be permitted to move in to a residence hall without a record of immunization on file.

Measles, mumps, and rubella varicella, tetanus-diphtheria, and hepatitis B immunizations are required. Meningitis vaccinations are strongly recommended. Georgia law requires that you receive a meningitis vaccination or waive this immunization.

Students failing to submit necessary documentation may be prohibited from entering campus until such paperwork is received. The record of immunization will be kept on file and will be valid throughout the tenure of the student's enrollment. This policy is in place to ensure that students are protected against communicable diseases that are preventable and to reduce the likelihood of an epidemic or threatened epidemic on the Thomas University campus.

Return the [Certificate of Immunization](#) to: Student Life, Thomas University, 1501 Millpond Road, Thomasville, GA 31792, or email to [immunization@thomasu.edu](mailto:immunization@thomasu.edu).

#### Transferable Disease Policy

Persons who know or who have reason to believe that they are infected with a significant infectious disease have an ethical and legal obligation to conduct themselves in accordance with such knowledge in order to protect themselves and others. In this light, students who have been diagnosed with, exposed to, or show signs of significant infectious diseases, whether symptomatic or not, are expected to seek expert medical advice and are encouraged to advise local health authorities.

The Policy shall be implemented for transferable diseases commonly found in the university population, which can be transmitted by air, object or through casual contact. Examples listed below "include, but not limited to" the following communicable diseases:

- Chicken Pox-Varicella; Rubella - 3day measles, Rubeola – 9-day measles; Meningitis (viral and bacterial); Hepatitis A; Tuberculosis (TB); Severe Adult Respiratory Syndrome (SARS); COVID 19.

- Note: The scope of this policy shall also include other transferable diseases that pose risks similar to the diseases listed above, which would put the university community at risk.

Procedures for Treating Students with Transferable Diseases Who Reside in University Housing:

1. Students suspected of having a transferable disease must be examined by a local health care provider and obtain appropriate medical care based on confirmed diagnosis.
2. If a student has been diagnosed as having a transferable disease by a medical agency and the student is unable to leave campus, the Dean of Students (or designee) shall at the "discretion of University" and "as appropriate under the circumstances," make provisions to mitigate the problem, which may include isolating the patient on campus. This option is intended to prevent the spread of the transferable disease. The preferred practice shall be to return the student to his/her home if at all possible.
3. In the event that a student with a transferable disease must remain on campus in isolation, the Dean of Students will determine the extent of the involvement of the other major university offices in the management of the disease. This decision will be based upon the Dean's evaluations of the

risk to the university community. Major university offices may include but are not limited to: President's Office; Academic Affairs; Business Office, Student Accounts Office, Admissions; Housing & Residence Life, Physical Plant, Housekeeping, Institutional Advancement, Office of Marketing and Communications, and Human Resources. The directors of each of these offices shall be contacted. These individuals shall implement plans to care for and to maintain a safe and orderly campus environment.

4. Before a student is discharged from isolation and permitted to return to classes/normal activities at the university, he/she must be examined by a physician. The physician must provide the Dean of Students a signed statement, which indicates that the student is safe to return to class/normal activities. When a student convalesces at home, he/she shall provide a statement from his/her family physician before returning to classes/normal activities. The physician shall certify that the student is no longer infectious to others and that the student presents no risk to the university community. The Dean of Students shall notify appropriate parties that the patient has been released from care and may return to class/normal activities.
5. When a transferable disease threatens the university community, the Dean of Students shall collaborate with the President and Provost to determine the appropriate course of action.
6. When deemed appropriate by law or by the President, it is the responsibility of the Director of Marketing and Communications to publicly announce that an epidemic of a transferable disease has been confirmed and to state the related facts that serve to inform and protect the university community.

#### Procedures for Treating Student with a Transferable Disease Who Resides Off-Campus:

1. A local health care provider shall examine a student suspected of having a transferable disease and determine appropriate medical care based upon a confirmed diagnosis.
2. If a student is diagnosed as having a transferable disease, the Dean of Students shall determine if the student should return to his/her home or to his/her off-campus residence. The preferred practice shall be to return student to his/her home where care can be provided and where exposure to other students is reduced.
3. In the event that a student with a transferable disease must remain off campus and in isolation, the Dean of Students shall determine the extent of the management of a communicable disease. This includes evaluation of the risk to the University community.
4. Before a student is permitted to return to classes at the university, he/she must be examined by a physician. The physician must provide the Dean of Students a signed statement of non-communicability, which also indicates that the student is safe to return to class. The physician shall certify that the student is no longer infectious to others and that the patient presents no risk to the university community. The Vice President for Student Life shall notify appropriate parties that the patient has been released from care and may return to class/normal activities.
5. When a transferable disease threatens the university community, the Dean of Students shall collaborate with the President and Provost to determine the appropriate course of action.
6. When deemed appropriate by the President, it is the responsibility of the Director of Marketing and Communications to publicly announce that an epidemic of a communicable disease has been confirmed, and to state the related facts that serve to inform and protect the university community.

#### Procedures for Employees:

1. Any Thomas University faculty or staff member who has been diagnosed with a transferable disease, especially if that employ has been on campus, should contact his/her direct supervisor immediately.
2. The supervisor will report the diagnosis to the appropriate persons and take the required steps.

#### Procedures for Managing an Epidemic among Participants in University-Sponsored Camps and Conferences:

1. The program supervisor who is working with participants enrolled in university-sponsored camps or conferences shall contact the Dean of Students when an occurrence of a transferable disease has been confirmed.
2. The Dean of Students will determine the extent of the involvement of other major university offices in the management of the communicable disease based upon the physician's evaluation of the risk to the university community.
3. Prior to returning to the program, the participant shall be required to present a signed doctor's certificate to the program supervisor certifying that he/she is no longer contagious to others and that he/she presents no risk to the university community. This certification will be submitted to the Dean of Students prior to the participant being allowed to return to the program.

#### Definitions:

The following definitions pertain to this policy:

· Transferable Disease – A transferable disease is an illness due to a specific infectious agent or its toxicity, which can be transmitted from one individual to another. This disease may be transmitted directly from one body to another without the aid of other objects or may be transmitted indirectly when an object transmits the organism.

· Transferable Period – The transferable period is that period of time or times during which the infectious agent may be transferred directly or indirectly from an infected person to another person.

#### Responsibilities:

It is the responsibility of all affected parties to report all transferable diseases to the Dean of Students. The Dean of Students shall in turn notify the President and Provost when such a disease threatens the university community. It is the responsibility of certified and licensed health officials, external to the university, to provide a confirmed diagnosis to the appropriate university sources when a university student is known to have a confirmed diagnosis of a communicable disease. When deemed appropriate by the President, it is the responsibility of the Director of Marketing and Communications to publicly announce that an epidemic of a transferable disease has been confirmed and to state the related facts that serve to inform and protect the university community.

The most current information about Thomas University's response to a transferable disease will be on TU's website, [www.thomasu.edu](http://www.thomasu.edu).



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