



Kaplan University Sexual Misconduct Policy

Anti-Harassment / Sexual Violence

Responsible Office: Office of the President

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Contacts

	Contact	Phone	Email
Policy Clarification	Title IX Coordinator	954.515.4407	studentrelations@kaplan.edu
Harassment Complaints	Title IX Coordinator	954.515.4407	TitleIX@kaplan.edu
Reports of Sexual Violence	Confidential Advisor	954.515.3393	ca_reporting@kaplan.edu

Mailing address:

1515 W. Cypress Creek Rd

Fort Lauderdale, FL 33309

Statement of Policy

Kaplan University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect; and encourages its members to strive to reach their potential. The most effective way to work toward preventing Harassment is through education that emphasizes respect for every individual.

It is essential that Kaplan University demonstrate its intellectual and ethical leadership by reaffirming its strong position against Harassment in all forms. All members of the University community must be able to pursue their goals and educational needs without intimidation or injury generated by intolerance and Harassment.

Harassment in the educational environment is unacceptable conduct and will not be tolerated. Kaplan University is committed to maintaining an educational climate that is positive and free from all forms of Harassment. This policy addresses Harassment in all forms, including Harassment toward individuals for reasons of race, religion, color, sex, age, national origin or ancestry, genetic information, disability, status as a veteran, marital status, parental status, sexual orientation, gender identity or gender expression.

Scope

This policy addresses student complaints of sexual harassment and does not cover allegations of discriminatory behavior without conduct of a sexual nature. Other University policies prohibit discrimination and harassment. When an individual alleges discriminatory action in addition to sexual misconduct, the allegations are assessed under the applicable University policy. If the complaint involves conduct of a University employee, the employee's conduct will be addressed pursuant to existing policies. For information regarding other University policies addressing discrimination and harassment, refer to the [Policy Information](#) section of the University Catalog.

These Procedures govern conduct that occurs on and/or off campus or that impacts the educational or work experience of a member of the University community. In particular, off-campus conduct is subject to these Procedures if 1) the conduct occurred in the context of an education program or activity of the University, 2) the conduct has or had continuing adverse effects on education program or activity or 3) the Respondent is a student.

The majority of the University's students attend via distance learning methodology from locations worldwide and this creates a unique situation when offering assistance to victims of Sexual Violence / Harassment. The University is committed to assisting all students with issues related to Sexual Violence / Harassment that affect the students' access to education by assisting them in locating reporting mechanisms for reporting to local law enforcement and applicable community services. The University Title IX Coordinator Office, and other trained staff, will work with affected students to guide individuals toward proper treatment, counseling, and reporting as needed.

Reporting and Addressing Harassment

This policy seeks to encourage the reporting of incidents of Harassment. *Appendix A: Rights and Options of Students Who Have Experienced Sexual Misconduct*, as issued and updated from time to time, describes the necessary steps for filing complaints of Harassment.

Retaliation against faculty members, staff members, employees, or students for reporting or complaining of Harassment, for assisting or participating in the investigation of a complaint of Harassment, or for enforcing this policy is strictly prohibited.

The University reserves the right to investigate circumstances that may involve Harassment in situations where no complaint, formal or informal, has been filed. In appropriate circumstances, sanctions in accordance with this policy will be implemented where the University has initiated an investigation in the absence of a formal or informal complaint.

To determine whether a particular act or course of conduct constitutes Harassment under this policy, the alleged behavior will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of Harassment, a serious incident, even if isolated, can be sufficient.

All University community members are expected to provide truthful information in any report or proceeding under these Procedures. Any person who knowingly makes a false statement in connection with the resolution of a complaint under these Procedures may be subject to appropriate discipline. Making a good faith report of discrimination or harassment that is not later substantiated is not considered a false statement and will not be subject to disciplinary sanctions.

Violations of Policy and Sanctions

Any individual or group of individuals found to have violated this policy will be subject to disciplinary and/or remedial action, up to and including expulsion from the University or termination of employment. Please refer to the [Student Conduct](#) section of the University Catalog for more information about disciplinary actions. Faculty and staff who are determined to have violated this policy also may be held personally liable for any damages, settlement costs, or expenses, including attorney fees incurred by the University.

This policy may not be used to bring knowingly false or malicious charges. Disciplinary action will be taken against any person or group found to have brought a charge of Harassment in bad faith or any person who, in bad faith, is found to have encouraged another person or group to bring such a charge.

Coordination With Other University Policies

This policy augments, but does not supersede, other University policies covering discrimination. Although Harassment as described and prohibited by this policy includes a wide range of behavior, it does not include certain discriminatory conduct, even though that conduct may be otherwise unlawful, offensive, or prohibited by other University policies. Likewise, this policy is not intended to supersede or amend any University employee policy.

Reason for This Policy

This policy is designed to prevent and sanction incidents of Harassment within the Kaplan University community. The University believes that Harassment, which is a form of discrimination, is repugnant and inimical to our most basic values.

Kaplan University is committed to the principles of equal opportunity in education and employment. We take seriously our responsibility to provide leadership in ensuring that equal opportunity is the norm rather than an aspiration.

This policy helps to promote this commitment through compliance with both state and federal laws and regulations, including but not limited to:

- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act of 1990, as amended
- Executive Order 11246, as amended
- Equal Pay Act of 1963
- Genetic Information Nondiscrimination Act of 2008
- Immigration Reform and Control Act of 1986
- Various state laws
- Pregnancy Discrimination Act
- Sections 503 and 504 of the Rehabilitation Act of 1973
- Title VI of the Civil Rights Act of 1964, as amended
- Title VII of the Civil Rights Act of 1964, as amended
- Title IX of the Education Amendments of 1972
- Uniformed Services Employment and Reemployment Rights Act of 1994
- VEVRRA, Section 4212
- Jeanne Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013

Departmental Responsibilities

Office of the President

- In consultation with University officials and legal counsel, oversee and coordinate enforcement of policies and procedures dealing with Harassment for Kaplan University.
- In consultation with University officials and legal counsel, oversee and coordinate the provision of education and primary prevention, risk reduction, and awareness programs regarding Sexual Harassment, Sexual Violence, Sexual Exploitation, Relationship Violence, and Stalking within the University.

Title IX Coordinators

- Oversee the investigation and resolution of all reports of Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking, and Relationship Violence on their respective campuses involving students, staff, faculty and third parties.
- Be knowledgeable and trained in University policies and procedures and relevant state and federal laws.
- Be available to advise any individual, including a Complainant, a Respondent, or a third party, about the courses of action available at the University, both informally and formally, and in the community.

- Be available to provide assistance to any University employee regarding how to respond appropriately to a report of Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking, or Relationship Violence.
- Monitor full compliance with all applicable procedural requirements, record keeping and timeframes.
- Oversee training, prevention and education efforts and periodic reviews of climate and culture for their respective campuses.

Individuals Who Believe They Have Experienced or Witnessed Harassment

- Report the incident as described *Appendix A: Rights and Options of Students Who Have Experienced Sexual Misconduct*.

Definitions

All defined terms are capitalized throughout the document.

Consent/Consensual

Affirmative, clear communication given by words or actions that shows an active, knowing, and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is given freely and voluntarily. Consent may not be inferred from silence, passivity, or when an individual is Incapacitated or otherwise prevented from giving Consent as a result of impairment due to a mental or physical condition or age. No Consent exists when there is a threat of force or physical or psychological violence.

Although Consent may be given initially, it may be withdrawn at any point without regard to activity preceding the withdrawal of Consent.

The voluntary nature of Consent will be subject to heightened scrutiny in circumstances in which a person engages in a sexual relationship with a person over whom he or she has any power or authority within the University.

Harassment

Conduct toward another person or identifiable group of persons that has the purpose or effect of:

- Creating an intimidating or hostile educational environment, work environment, or environment for participation in a University program or activity;
- Unreasonably interfering with a person's educational environment, work environment, or environment for participation in a University program or activity; or
- Unreasonably affecting a person's educational or work opportunities or participation in a University program or activity.

Use of the term Harassment includes all forms of harassment, including Stalking, Racial Harassment, and Sexual Harassment.

Incapacitated/Incapacitation

A mental state in which an individual cannot make rational decisions because they lack the capacity to give knowing Consent (e.g., to understand the who, what, where, why, and how of their sexual interaction). Such Incapacitation may be caused by alcohol or other drug use, sleep, or unconsciousness. Intoxication is not equivalent to Incapacitation.

Mandatory Reporters

Individuals employed by the University who hold a title of or equivalent to president, chancellor, vice president, vice chancellor, vice provost, dean, department head, and director, as well as all faculty members, coaches, employees in supervisory or management roles, student affairs professionals, academic advisors, and residential life staff. Also included are individuals who have authority and responsibility to remedy Harassment, or those whom a student would reasonably believe has such authority (e.g., student organization advisors, including fraternities and sororities).

Racial Harassment

Conduct that demonstrates hostility toward another person (or identifiable group of persons) on the basis of race, color, national origin, or ancestry and that has the purpose or effect of:

1. Creating an intimidating or hostile educational environment, work environment, or environment for participation in a University program or activity;
2. Unreasonably interfering with a person's educational environment, work environment, or environment for participation in a University program or activity; or
3. Unreasonably affecting a person's educational or work opportunities or participation in a University program or activity.

The University is strongly committed to providing a safe and Harassment-free environment for members of those groups that have historically been, and are still likely to be, at greatest risk of Harassment for reasons of prejudice.

Relationship Violence

Any physical, sexual, and/or psychological harm against an individual by a current or former intimate or romantic partner. Intimate or romantic partners may be dating, cohabitating, married, separated, or divorced, and may be of the same or opposite sex.

Retaliation

Any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation, or Harassment against any person or group for reporting or complaining of discrimination and/or Harassment, assisting or participating in the investigation of a complaint of discrimination and/or Harassment, or enforcing University policies with respect to discrimination and/or Harassment.

Sexual Exploitation

An act that exploits someone sexually. Examples of Sexual Exploitation include, but are not limited to:

- Exposing one's own or another person's intimate parts without Consent.
- Recording video or audio, photographing, disseminating, or transmitting intimate or sexual utterances, sounds, or images without Consent of all parties involved.
- Allowing others to view sexual acts (whether in person, through electronic means, or via a video camera or other recording device) without the Consent of all parties involved.
- Engaging in any form of voyeurism.

Sexual Harassment

1. Any act of Sexual Violence.
2. Any act of Sexual Exploitation.
3. Any unwelcome sexual advance, request for sexual favors or other written, verbal, or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or participation in a University program or activity;
 - b. Submission to, or rejection of, such conduct by an individual is used as the basis for, or a factor in, decisions affecting that individual's employment, education, or participation in a University program or activity; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, offensive, or hostile environment for that individual's employment, education, or participation in a University program or activity.

Sexual Violence

Any non-Consensual sexual act including, but not limited to, rape, sexual assault, sexual battery, and sexual coercion. Sexual Violence also includes Relationship Violence. Examples of Sexual Violence include, but are not limited to:

- Non-Consensual sexual contact: touching, with any body part or object, another person's intimate parts (e.g., genitalia, groin, breast, buttocks), whether clothed or unclothed.
- Non-Consensual sexual intercourse: oral, anal, and/or vaginal penetration, to any degree and with any body part or object.
- Compelling a person to touch his or her own or another person's intimate parts without Consent.

Stalking

Any knowing or intentional course of conduct involving repeated or continued following, threatening, or intimidating another by telephone, mail, electronic communication, social media, in person or any other action, device or method that 1) would cause a reasonable person to suffer substantial emotional distress or fear of bodily injury or death and 2) actually causes such person substantial emotional distress or fear of bodily injury or death.

Related Documents

Please refer to the [Kaplan University Nondiscrimination Policy](#) in the University Catalog for more information.

Available Reporting Methods

Phone:

Title IX Coordinator: 954.515.4407

Student Relations Confidential Advisor: 954.515.3393

Email:

studentrelations@kaplan.edu

TitleIX@kaplan.edu

ca_reporting@kaplan.edu

Mailing address:

Attention Student Relations

1515 W. Cypress Creek Rd

Fort Lauderdale, FL 33309

Appendix A: Rights and Options of Students Who Have Experienced Sexual Misconduct

When you have personally experienced incidents that may constitute sexual misconduct, Kaplan University cares and wants you to know the rights and options available to you.

Rights of Students Who Have Experienced Sexual Misconduct

1. You have the right to report (or not report) an incident of sexual misconduct to Kaplan University or local law enforcement or both to the extent you believe is appropriate.

Law enforcement: If you are experiencing an emergency, dial 911 immediately. For nonemergencies, contact your local authorities or Kaplan University's Student Relations Confidential Advisor at 954.515.3393 or ca_reporting@kaplan.edu and he/she will assist you in connecting with the proper local law enforcement officials.

Kaplan University Title IX Coordinator: Justin O'Sullivan can be contacted by mail at 6301 Kaplan University Avenue, Fort Lauderdale, FL 33309; by phone at 954.515.4407; or by email at TitleIX@kaplan.edu.

2. You have the right to request and receive assistance in notifying law enforcement.
3. You have the right to understand your privacy rights if you report sexual misconduct. You may request that your identity be kept private and/or that Kaplan University not investigate your allegations. The Title IX Coordinator, or a designated staff member, will evaluate your request, taking into account your desires, Kaplan University's responsibility to provide a safe and nondiscriminatory environment for all students and employees, and other relevant factors. It is important to understand that if Kaplan University agrees to either of these requests, Kaplan University's ability to respond fully to the incident, including initiating disciplinary action, may be limited. Please note, retaliation against reporters of sexual misconduct is prohibited by Title IX and Kaplan University's Sexual Misconduct Policy.
4. You have the right to use confidential resources. These individuals are not required to report incidents of sexual misconduct to law enforcement or to Kaplan University. The Student Relations Confidential Advisor is available at 954.515.3393 or ca_reporting@kaplan.edu.
5. You have the right to request and receive assistance accessing and navigating local health and mental health services, counseling, and advocacy services. If you desire this assistance, contact the Title IX Office.

The Title IX Office can coordinate interim measures to immediately assist your well-being and academic issues. The Title IX Coordinator, or a designated staff member, will assist in finding local assistance to the extent practicable and possible given your location and which may

include locating resources to assist with obtaining an order of protection or no-contact order in your local court.

If you feel your academics may be impacted by your experience, the Title IX Office can work with the Student Relations Department to assist you with any academic adjustments you might request, including communicating with your professors if you are experiencing difficulty completing assignments or attending class due to safety or health concerns.

For further information on possible options available to you through the University please see *Appendix B: Nonexclusive List of Potential Interim/Protective Measures and Corrective Action Remedies*.

6. You have the right to file a formal complaint of a violation of Kaplan University's Sexual Misconduct Policy through the Office for Student Relations. If you request a formal investigation, and/or if the University concludes an investigation is appropriate, the investigation will be conducted in a prompt, thorough, fair, and impartial manner.

Complaint Resolution Process Summary

The following summary of the complaint resolution procedures of the student discipline process has been provided to help you better understand Kaplan University's practices when investigating claims of sexual misconduct.

During the investigative process, representatives from the University will meet separately with both the person filing the complaint (the "complainant") and the person alleged to have committed the misconduct (the "respondent"). Please note, the complainant and the respondent will not be required to be in the same room during the student disciplinary process. The investigation consists of gathering relevant information, evaluating that information, and compiling a written investigative report. The standard of proof used by the student discipline process to determine whether Kaplan University's Sexual Misconduct Policy has been violated is the preponderance of the evidence standard (whether it is more likely than not, based on information gathered and examined, that the policy was violated).

Any student found in violation of the Sexual Misconduct Policy will be assigned a formal sanction, ranging from a university reprimand to dismissal from the University. Furthermore, most of these individuals will also be assigned one or more educational sanctions. The University may also restrict a respondent from contacting specific individuals, going to particular campus locations, or participating in certain events or organizations. A more complete list of actions/outcomes possible in individual student discipline cases can be found in *Appendix B: Nonexclusive List of Potential Interim/Protective Measures and Corrective Action Remedies*.

The anticipated duration of a sexual misconduct investigation is approximately 45 calendar days following notification of the allegations, but the actual duration of each investigation may vary depending on the complexity of the investigation, the severity and extent of the allegations, the number of witnesses, and the possibility of interruption by break periods. Student Relations estimates issuing a final decision within 30 calendar days of the conclusion of the investigation.

Throughout the process, both the complainant and the respondent, to the extent the respondent is also a Kaplan University student, have the right to receive updates regarding the charges, to respond to those charges, to identify witnesses and provide relevant information, to review and to comment on the results of the investigation within a specified time period, to receive a timely written decision, and to appeal that decision. In addition, both the complainant and the respondent may have an advisor of their choice accompany them to any meeting with the Kaplan University staff and may choose not to answer any question during the investigation.

For the complete student conduct protocol for complaint resolution pertaining to a violation of the Kaplan University Sexual Misconduct Policy, please contact Kaplan University's Student Relations Confidential Advisor at 954.515.3393 or ca_reporting@kaplan.edu.

For further information on the student discipline process, please see the [Student Conduct](#) section of the University Catalog or contact the Student Relations Department at 954.515.4407.

Appendix B: Nonexclusive List of Potential Interim/Protective Measures and Corrective Action Remedies

The need for interim/protective measures and corrective action/remedies is assessed on a case-by-case basis. Depending upon the circumstances, potential interim measures, protective measures, corrective action, and remedies could include, but not be limited to, any of the following:

- A University directive of no contact
- Campus no-trespass notices*
- Limiting and/or scheduling access of individual buildings*
- Making an escort available to assist the Complainant move safely between classes and campus activities*
- Adjusting class schedules or methods of participating in activities to minimize campus contact between the Complainant and the Respondent*
- Counseling services
- Medical services
- Academic support services
- Other appropriate academic accommodations
- Adjusting reporting lines

**Campus only: due to the nature of the actions, these are not applicable to online students*