

# Criminal and Disciplinary Action

## What Action May Be Taken

1. **General Statement:** Johnson & Wales University is committed to complying with the federal legal requirement that it provide a "prompt, fair and impartial" adjudication process for complainants (the reporting students, employees or third-parties) and respondents (the responding parties) in sexual misconduct matters ("Fairness"). The concept of Fairness means the university will comply with the explicit provisions in its processes and policies; the concept of Fairness does not give students any rights other than those in the explicit provisions of university processes and policies. Such processes and policies are not intended to, and do not, create a contractual agreement with any student or other individual, and it does not grant any student or other individual any contractual rights. When the university receives a good faith report or other information alleging that a university student or an employee has engaged in sexual misconduct the university may commence an investigation.
2. **Criminal Prosecution:** If you choose to pursue criminal prosecution through the courts, the incident should be reported to the police. Remember, a police report does not require a victim to prosecute and campus personnel are available to assist you when notifying the police. Please see Getting Help for sources of assistance for victims when moving through the prosecution process.
3. **Enforcement of Protective Orders:** If you have obtained a protective order from the court system, contact the Title IX coordinator (who is also the university's nondiscrimination coordinator and Section 504 coordinator). The Title IX coordinator will disseminate the protective order to Campus Safety & Security and will arrange for necessary supportive measures to allow the beneficiary of the protective order access to class, work, housing and transportation. Although Campus Safety & Security will be made aware of the protective order, neither Campus Safety & Security nor the university can enforce the protective order.
4. **University Disciplinary Action:** If you choose to report the matter to the university, the incident should be reported to Campus Safety & Security. Please see Getting Help for contacting Campus Safety & Security. Sexual assault and relationship violence (including dating violence, domestic violence, stalking and sexual exploitation) are violations of the university's Sexual Assault and Relationship Violence Policy, Prohibited Discrimination and Harassment (including Sexual Harassment) Policy, Policy Governing Reporting of Misconduct and Whistleblowing, Student Code of Conduct, as well as state and federal law, including Title IX of the Education Amendments of 1972 (Title IX). Visit "Policies and Resources" for more information.

Sexual assault, sexual harassment and relationship violence alleged to have been committed by students are addressed through the university's Conduct Review Process for claims that do not fall within the scope of JWU's Title IX Policy and Procedures. If any matter is dismissed as outside the scope of Title IX, then, in the sole discretion of the university, the university may bring charges and address such conduct under the Conduct Review Process, which will apply to matters outside the scope of Title IX. The university shall take such steps as needed to ensure compliance with any other university rules, including the Student Code of Conduct. Such steps could include taking disciplinary action against respondents who are not subject to adjudication under Title IX or are found not responsible for violations of the Title IX Policy and Procedures. For avoidance of doubt, a respondent may be found not responsible for Title IX violations but, thereafter, be found responsible for violations of any other university Rules, including violations of the Student Code of Conduct and Title VII. Please see the **Conduct Review Process** and the university's Title IX Policy and Procedures for more information about the rights of parties related to complaints of sexual assault and relationship violence. Possible sanctions for a violation of the Student Code of Conduct regarding sexual assault and relationship violence are set forth in Sanctions for Individuals.

**When any one of the options above is pursued, you do not forfeit your right to pursue the remaining options.** Compliance with the items listed above does not constitute a violation of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g).

See also the following pages:

- Education and Prevention
- Steps to Follow
- Getting Help
- Retaliation
- State Laws