

REQUESTING CONFIDENTIALITY FROM LYNN UNIVERSITY

Victims of Sexual and Gender-based Misconduct have the right not to file a report or formal Complaint with the University or report criminal activity to law enforcement. However, victims of Sexual or Gender-Based Misconduct are encouraged to seek medical attention, including counseling, either on or off campus. Victims of Sexual or Gender-Based Misconduct who wish to file a report at a later date may do so by contacting the Title IX Coordinator or Campus Safety and Security. Please note that a delay in reporting could weaken or result in a loss of evidence used to determine whether an individual is responsible for Sexual or Gender-Based Misconduct.

Alleged victims may (i) request that the University not investigate the information or allegation(s) reported, (ii) request confidentiality, (iii) refuse to file a Complaint, and/or (iv) refuse to cooperate in the investigation and/or resolution of allegation(s).

The University takes such requests and decisions seriously; however, such requests and decisions may limit the University's ability to investigate and take reasonable action in response to a report of Sexual or Gender-Based Misconduct. In such cases, the University will evaluate such requests and decisions in the context of the University's commitment to provide a reasonably safe and non-discriminatory environment.

In order to make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual or Gender-Based Misconduct and may weigh such requests and decisions against the following factors:

1. The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
 - a. Whether there have been other Sexual or Gender-Based Misconduct complaints about the same alleged perpetrator;
 - b. Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - c. Whether the alleged perpetrator threatened further Sexual or Gender-Based Misconduct or other violence against the victim or others;
 - d. Whether the Sexual or Gender-Based Misconduct was committed by multiple perpetrators.
2. The seriousness of the alleged Sexual or Gender-Based Misconduct, including but not limited to whether the Sexual or Gender-Based Misconduct was perpetrated with a weapon;
3. Whether the victim is a minor;
4. The Respondent's right to receive information about the allegations if the information is maintained by the University as an "Education Record" under FERPA;
5. Whether the University possesses other means to obtain relevant evidence of the Sexual or Gender-Based Misconduct (e.g., security cameras or security personnel, physical evidence);

6. Whether the victim'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 or person.

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 likely respect the victim's request for confidentiality. If the University honors the request for confidentiality, a victim must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. There are times when the University may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all members of the University community. If the University determines that it cannot maintain a victim's confidentiality, the Assigned Title IX Coordinator will inform the victim 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 victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to implement interim measures. Retaliation against the victim, whether by students, University employees or third parties, will not be tolerated. The University will also:

1. Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
2. Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
3. Inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The University will not require a victim to participate in any investigation or disciplinary proceeding.

Because the University is under a continuing obligation to address the issue of Sexual and Gender-Based Misconduct, reports of Sexual and Gender-Based Misconduct (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 or Gender-Based Misconduct 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 victim's request for confidentiality, the University will also take immediate action as necessary to protect and assist the victim.