Procedure

Subject	Harassment and Discrimination and Related Misconduct (Including Sexual and Gender- Based Harassment, Sexual Assault, Sexual Exploitation, Interpersonal Violence, Stalking, Complicity and Retaliation)	Number: 2.44.01
Source	Human Resources	Reference rule # 6HX14-2.44
President's Approval/Date: 8/24/2015	Cart Cubother	

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Introduction

State College of Florida, Manatee – Sarasota ("SCF") is committed to providing an educational and working environment free from harassment and discrimination based on such factors as race, color, sex (including pregnancy), age, religion, genetic information, national origin, ethnicity, disability, marital status, sexual orientation and any other factor prohibited under applicable federal, state and local civil rights, laws, rules, and regulations (collectively referred to as "Protected Status"). SCF will not tolerate harassment or discrimination of its employees, students, applicants for admission and/or employment, volunteers, visitors, contractors, or any persons while present on any College campus or sponsored event. SCF will also attempt to protect its employees and students from harassment and discrimination by non-employees and non-students.

These internal procedures provide mechanisms for students, faculty, and staff to receive a fair investigation and hearing on issues covered by Rule 6HX14-2.44. Students/employees are not required to exhaust these procedures with regard to any report alleging violation before pursuing remedies outside the College with any applicable external enforcement agencies, including the Equal Employment Opportunity Commission, the Florida Commission on Human Relations, the Office for Civil Rights of the Department of Education, the Department of Justice, and the Department of Labor.

Rule 6HX14-2.44 prohibits all forms of Discrimination and Harassment based on Protected Status. It expressly, therefore, also prohibits Sexual Assault and Sexual Exploitation, which by definition involve conduct of a sexual nature and are prohibited forms of Sexual or Gender-Based Harassment. The Rule further prohibits Stalking and Interpersonal Violence, which need not be based on an individual's Protected Status. Finally, this Rule prohibits Complicity for knowingly assisting in an act that violates this Rule and Retaliation against an individual because of his or her good faith participation in reporting, investigation, and/or adjudication of violations of this Rule. These behaviors are collectively referred to in the Rule as Prohibited Conduct.

The College's protection of these statuses is grounded in federal, state and local laws, the College encourages all community members to take reasonable and prudent actions to prevent or stop Prohibited Conduct.

Reporting Prohibited Conduct

- A. SCF encourages all individuals to report Prohibited Conduct to the College and, if appropriate, to local law enforcement. Both College and criminal reports may be pursued simultaneously.
- B. Although a report may come in through many sources, the SCF is committed to ensuring that all reports are referred to the Vice President of Student Affairs/Title IX Coordinator, who will ensure consistent application of the Procedure to all individuals and allow SCF to respond promptly and equitably to eliminate the harassment, prevent its recurrence, and eliminate its effects. The College provides reporting options through multiple contact points across campuses that are broadly accessible to all College community members. The College's Title IX Coordinator oversees the investigation and resolution of all Prohibited Conduct covered by the Procedure on Prohibited Discrimination and Harassment. To report an incident involving Prohibited Conduct or discuss any aspect of the Procedure, individuals are encouraged to contact the Title IX Coordinator or one of the designated Title IX deputies or any member of the Title IX Team.
- C. The College recognizes that deciding whether to make a report and choosing how to proceed are personal decisions. At the time a report is made, a Reporting Party does not have to decide whether to request any particular course of action or know how he or she wishes to proceed, if at all. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time. The College will make every effort to respect an individual's autonomy in making the determination as to how to proceed, and as described below, will balance an individual's autonomy with the College's obligation to provide a safe and non-discriminatory learning and working environment. Resources are available to support a Reporting Party regardless of the course of action chosen. All individuals are encouraged to make a report, regardless of when, where, or with whom the incident occurred, and to seek any necessary assistance from campus or community resources.
- D. The report may be made in person, by telephone, in writing, by email, or by other electronic means. Reports may be anonymous. All reports will be shared with appropriate members of the College's Title IX Team. As may be required by law, any report involving a minor will be shared with the Florida Department of Children and Family Services and law enforcement agencies.

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1. Emergency and External Reporting Options for Reports of Sexual Assault, Sexual Exploitation, Interpersonal Violence, and Stalking

The College encourages all individuals to seek assistance from law enforcement and/or a medical provider (see Appendix D) as soon as possible after an incident of Sexual Assault, Sexual Exploitation, Interpersonal Violence, or Stalking. This is the best option to ensure preservation of evidence and to begin a timely investigation and remedial response. Contacting law enforcement does not automatically lead to the filing of criminal charges, and a Reporting Party may discuss available options with local authorities. The College will assist any SCF community member in utilizing community resources to obtain a safe place and will provide transportation to the hospital or law enforcement agency, coordination with a law enforcement investigation, and information about on- and off-campus resources and options for resolution.

2. Anonymity, Privacy, Confidentiality, and College Obligations

The College will seek action consistent with the Reporting Party's request where possible. Where a Reporting Party makes a report but requests that a name or other identifiable information not be shared with the Responding Party or that no formal action be taken, the College will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all SCF community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Responding Party.

- a. Anonymity The College will take all reasonable steps to investigate and respond to the report alleging violation consistent with a request for anonymity or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Reporting Party. The College will assess any barriers to proceeding, including Retaliation, and will inform the Reporting Party that Title IX prohibits Retaliation and the College will take strong responsive action to protect the Reporting Party. Where the College is unable to take action consistent with the request of the Reporting Party, the Title IX Coordinator or designee will communicate with the Reporting Party about the College's chosen course of action, which may include the College's choosing to pursue action against a Responding Party on its own behalf. Alternatively, the College may take non-disciplinary measures to remedy and limit the effects of the misconduct and prevent any recurrence while protecting the identity of the Reporting Party. b. Privacy means that information related to a report under this Procedure will be shared only with those College employees who need to know in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. If the decision is made to pursue disciplinary action against a Responding Party, information related to the report will be shared with the Responding Party. Information regarding a report may be shared with either party's parents or guardians as may be authorized under the Family Education Rights and Privacy Act (FERPA).
- c. Confidentiality means that information shared with community professionals, referred to in this Procedure as Confidential Resources, will be disclosed only with the individual's express written permission. Confidential Resources will not share information about an individual (including whether that individual has received services) with anyone, including the College, without the individual's express written permission, unless there is a continuing threat of serious violence to the individual or to others, or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor). The College provides students and employees with access to external confidential resources (see Appendix D).

3. Reporting Obligations of Employees and Students

A report of Prohibited Conduct should be made to the college's department of public safety. However, the College recognizes, that an individual may choose to share information with other College employees, including those College employees designated as Responsible Employees. (See <u>Appendix C</u>) Information shared with a Responsible Employee must immediately be shared with the Department of Public Safety, the Title IX Coordinator or a member of the Title IX Team.

- a. Responsible Employees are employees with administrative or supervisory responsibilities on campus or who have been designated as Campus Security Authorities are considered Responsible Employees. Because the College has an obligation to make reasonable efforts to investigate and address instances of known or suspected Prohibited Conduct, Responsible Employees and Campus Security Authorities who have information or receive a report of Prohibited Conduct must immediately share with the Title IX Coordinator all known details of an incident. No identifying information with respect to a Reporting Party, however, will be entered in the College's daily crime log or annual security report, or released in a timely warning or community notification. Responsible Employees will safeguard an individual's privacy, but are required by the College to immediately share all details about a report of Prohibited Conduct (including the known details of the incident [e.g., date, time, location], the names of the parties involved, a brief description of the incident, and whether the incident has been previously reported) with the Title IX Coordinator or deputy Title IX Coordinator in person, by telephone, electronically, or by email. Such reporting ensures timely support for all parties and enables an effective and consistent institutional response. Responsible Employees can be found in Appendix C.
- **b.** All Other Employees are strongly encouraged to share any information about such conduct with the department of Public Safety, Title IX Coordinator, or a deputy title IX coordinator, in recognition of the understanding that centralized reporting is an important tool to address, end, and prevent Prohibited Conduct. All College employees are required to safeguard an individual's privacy.
- *c. Students* are strongly encouraged to report any information, including reports or partial reports, to either the department of Public Safety, Title IX Coordinator, a deputy title IX coordinator, a designated responsible employee or any member of the Title IX Team (See Appendix B).

4. Reports involving minors

Florida law requires any person who knows, or has reasonable cause to suspect, that a child (under 18 years of age) is abused, abandoned, or neglected, to immediately report such knowledge or suspicion to the Florida Department of Children and Family Services (DCF). In addition, Florida law prohibits any person from knowingly and willfully preventing another person from meeting his or her reporting obligation to DCF. Any person may contact local law enforcement authorities to make a report of suspected child abuse at any time; however, this does not negate the statutory obligation to first report to DCF. If a child is in immediate danger, call 911, then contact DCF. If there is no immediate danger, contact DCF's statewide hotline, 24 hours a day, 7 days a week, at 1-800-962-2873; or via facsimile at 1-800-914-0004; or via the web at https://reportabuse.dcf.state.fl.us/

Additional information regarding reporting suspected child abuse or neglect may be found in the College's Procedure on Vulnerable Persons Act – Reporting Requirements

5. Timeliness of Report, Location of Incident

Reporting Parties and third party witnesses are encouraged to report Discrimination, Harassment, Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Stalking, Interpersonal Violence, Complicity, and Retaliation as soon as possible in order to maximize the College's ability to respond promptly and effectively. There is no time limit on reporting violations of this Procedure. If the

Responding Party is no longer a student or employee at the time of the report, the College may not be able to take disciplinary action against the Responding Party, but it will still seek to meet its Title IX obligation by providing support for a Reporting Party and taking steps to end the discrimination or harassment, prevent its recurrence, and address its effects. An incident does not have to occur on campus to be reported to the College.

Initial Assessment

Upon receipt of a report, the College will conduct an Initial Assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of Discrimination, Harassment, Sexual Harassment, Sexual Exploitation, Stalking, Interpersonal Violence, Complicity, and Retaliation. The assessment will consider the nature of the report, the safety of the individual and of the campus community, the Reporting Party's expressed preference for resolution, and the necessity for any interim remedies or accommodations to protect the safety of the Reporting Party or the community. In the course of the initial assessment, the College will consider the interest of the Reporting Party and the Reporting Party's expressed preference for manner of resolution. Where possible and as warranted by an assessment of the facts and circumstances, the College will seek action consistent with the Reporting Party's request. As part of the Initial Assessment, the College may, as appropriate given the facts and circumstances of each reported matter:

- Assess the nature and circumstances of the allegation.
- Address immediate physical safety and emotional well-being.
- Notify the Reporting Party of the right to contact, or decline to contact, law enforcement and seek medical treatment.
- Notify the Reporting Party of the importance of preservation of evidence.
- Assess whether the reported matter involves minors and if so, follow the reporting guidelines set forth above.
- Enter the report into the College's daily crime log, but omit the Reporting Party's name and other identifying information.
- Assess the reported conduct for the need for a timely warning under the Clery Act.
- Provide the Reporting Party with information about on- and off-campus resources.
- Notify the Reporting Party of the range of interim accommodations and remedies.
- Provide the Reporting Party with an explanation of the procedural options, including remediesbased resolution and discipline-based resolution.
- Receive information identifying the respective advisors (if any) for the Reporting Party and Responding Party.
- Assess for pattern evidence or other similar conduct by Responding Party.
- Discuss the Reporting Party's expressed preference for manner of resolution and any barriers to proceeding.
- Explain the College's Procedure prohibiting Retaliation to the Reporting Party and Responding Party.

The initial review will proceed to the point where a reasonable assessment of the safety of the Reporting Party and of the campus community can be made, and the College has sufficient information to determine the best course of action. Interim Protective Measures may be enacted at any time during the initial assessment.

Interim Protective Measures

When a report is received, the Title IX Coordinator may in consultation with Public Safety and Security, the Title IX Team and other administrators, impose reasonable and appropriate Interim Protective Measures when necessary to protect the safety of the parties or witnesses involved. Interim Protective Measures are temporary actions taken by the College to ensure equal access to its education programs and activities and foster a stable and safe environment during the process of reporting, investigation, and/or resolution. As determined to be appropriate in the sole discretion of the College, Interim Protective Measures may be applied, amended, withdrawn or made permanent at any time—for the Reporting Party, the Responding Party, and other involved individuals as appropriate. Interim Protective Measures may be requested by the parties or imposed by the College, regardless of whether any particular course of action is sought by the Reporting Party. Interim measures will be kept private to the extent practical. The Title IX Coordinator or designee, in consultation with Public Safety and Security and other administrators, will maintain consistent contact with the parties so that safety, emotional, and physical well-being concerns can be reasonably addressed.

All individuals are encouraged to report concerns about the adequacy of the Interim Protective Measures or failure of another individual to abide by any Interim Protective Measure to the Title IX Coordinator. Violations of Interim Protective Measures will be addressed under this Procedure. The Title IX Coordinator will take appropriate, responsive, and prompt action to enforce Interim Protective Measures and/or to respond to Retaliation by another party or witness. The range of Interim Protective Measures includes:

- Assistance in setting up initial appointments off campus
- Imposition of a trespass warning or a campus "No-Contact Order."
- Rescheduling of exams and assignments.
- Providing alternative course completion options.
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections.
- Change in work schedule, work location, or job assignment.
- Limiting or prohibiting access to College facilities or activities pending resolution of the matter.
- Leave of absence (voluntary or involuntary).
- Providing an escort to ensure safe movement between classes and activities.
- Providing academic support services, such as tutoring.
- College-imposed leave, suspension, or separation for the Responding Party.
- Any other measure which can be tailored to the involved individuals to achieve the goals of this Procedure.

Where the report of Prohibited Conduct poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal College functions, the College may place a student or student organization on interim suspension or impose leave or an interim suspension for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities, and/or all other College activities or privileges for which they might otherwise be eligible, as the College determines appropriate. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

In the event that a Reporting Party does not wish to proceed with an investigation or disciplinary resolution, the Title IX Coordinator will determine, based on the available information, including

information learned in the Initial Assessment or as part of the investigation, whether the investigation or disciplinary resolution proceedings should nonetheless be initiated or if already begun, continue. In making this determination, the College will consider, in light of the facts and circumstances of the reported matter and among other factors,

- The seriousness and impact of the conduct.
- The respective ages and roles of the Reporting Party and Responding Party.
- Whether the Reporting Party is a minor under the age of 18.
- Whether the Responding Party has admitted to the conduct.
- Whether the Responding Party has a pattern of similar conduct, including whether there have been other reports of harassment or misconduct against the Responding Party.
- The extent of prior remedial methods taken with the Responding Party.
- The rights of the Responding Party to receive notice and relevant information before disciplinary action is sought.
- If circumstances suggest there is an increased risk of the Responding Party's committing additional acts of Prohibited Conduct.
- Whether the Responding Party has a history of arrests or records indicating a history of Prohibited Conduct.
- Whether the Responding Party threatened further Prohibited Conduct against the Reporting Party or others
- Whether the Prohibited Conduct was committed by multiple individuals.
- If the circumstances suggest there is an increased risk of future Prohibited Conduct under similar circumstances.
- Whether the Prohibited Conduct was perpetrated with a weapon.
- The existence of independent evidence.
- Whether the College possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).
- Whether the Reporting Party wants to participate in an investigation or disciplinary hearing.
- Whether the Reporting Party has requested anonymity.

Determination to proceed to Remedies-Based Response or Investigation

At the conclusion of the Initial Assessment, the Title IX Coordinator, in coordination with the Title IX Team, will determine the appropriate manner of resolution, which may include remedies-based resolution or the initiation of an investigation to determine if disciplinary action is warranted, with-in 5 business days or the report. The Title IX Coordinator has the discretion to determine which method of resolution is appropriate. Any individual wishing to explore alternative resolution methods is encouraged to discuss these options with the Title IX Coordinator.

How the College intends to proceed will be communicated to the Reporting Party in writing. Depending on the circumstances and requested resolution, the Responding Party may or may not be notified of the report or resolution. A Responding Party will be notified when the College seeks action that would impact a Responding Party, such as Interim Protective Measures that restrict the Responding Party's movement on campus, the initiation of an investigation, or the decision to involve the Responding Party in remedies-based resolution.

Following this assessment and determination, the College may seek either a voluntary remedies-based resolution that does not involve disciplinary action against a Responding Party or resolution by initiating an investigation to determine if disciplinary action is warranted. The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to refer the report for disciplinary action. Each resolution process is guided by the same principles of fairness and respect for all parties. All individuals who violate these standards will be held accountable for their behavior through a process that protects the rights of both the Reporting Party and the Responding Party. Resources are available for both students and employees, whether as Reporting Parties or Responding Parties, to provide support and guidance throughout the investigation and resolution of the report.

1. Remedies-Based Resolution

Remedies-based resolution is a voluntary approach designed to eliminate a hostile environment without taking disciplinary action against a Responding Party. Where the Initial Assessment concludes that remedies-based resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Reporting Party's access to educational, extracurricular, and employment activities at the College and to eliminate a hostile environment. Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the Responding Party and/or indirect action by the Title IX Coordinator or the College. Depending on the form of remedies-based resolution used, it may be possible for a Reporting Party to maintain anonymity.

The College may offer mediation for appropriate cases, but will not compel a Reporting Party to engage in mediation, to directly confront the Responding Party, or to participate in any particular form of remedies-based resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault. The decision to pursue remedies-based resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in remedies-based resolution is voluntary, and a Reporting Party or Responding Party can request to end remedies-based resolution and continue with an investigation at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for remedies-based resolution, which will typically be completed within thirty (30) business days of the initial report.

2. Investigation

Where the Initial Assessment concludes that disciplinary action may be appropriate, the College will initiate an investigation. The College will designate an investigator(s) who has specific training and experience investigating allegations of the type presented, including when appropriate, sexual and gender-based harassment, sexual assault, stalking, and interpersonal violence. The investigator(s) may be an employee of the College or an external investigator engaged to assist the College in its fact-gathering. Any investigator(s) chosen to conduct the investigation must be impartial and free of any actual conflict of interest. The College may use a team of two or more investigators.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. The investigation will be conducted in a manner that is respectful of individual privacy concerns.

It is the responsibility of the College, not of the parties, to gather relevant information, to the extent reasonably possible. The investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case. The investigator(s) will coordinate the gathering of information from the Reporting Party, the Responding Party, and any other individuals who may have information relevant to the determination. The investigator(s) will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. The Reporting Party and Responding Party will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. A Reporting Party or Responding Party may have an Advisor (See Appendix A) accompany him or her to any meeting he or she attends related to the investigation of Prohibited Conduct. Any witnesses must have observed the acts in question or have information relevant to the incident and cannot participate solely to speak about an individual's character.

Medical and counseling records of a Reporting or Responding Party are privileged confidential records that individuals are not required to disclose. However, these records may contain relevant and material information, and a party may voluntarily choose to share such records with the investigator(s). Any records provided by a party become part of the file and are available for review by the opposing party.

In gathering the facts, the investigator(s) may consider other allegations of, or findings of responsibility for, similar conduct by the Responding Party to the extent such information is relevant and available. Such information may be relevant to prove motive, intent, and absence of mistake, pattern or another material fact.

In cases of Sexual Assault, Sexual Violence, Sexual Exploitation, Interpersonal Violence, or Stalking, a Reporting Party's prior sexual history is generally not relevant and will not be considered as evidence during an investigation. Where there is a current or ongoing relationship between the Reporting Party and the Responding Party, and the Responding Party alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Reporting Party with other individuals is typically not relevant and will be considered only under very limited circumstances (e.g., to explain an injury or physical finding or other material fact).

In instances of allegations of Interpersonal Violence, whether there was a relationship (including romantic or intimate relationship with the Reporting Party [of the same or different sex]; the Reporting Party's spouse or partner [of the same or different sex]; the Reporting Party's family member; or the Reporting Party's cohabitant or household member [including a roommate]) will be gauged by the length, type, and frequency of interaction between the parties. Reports of violence between individuals that do not involve one of these specified relationships or do not involve an individual's Protected Status will be resolved for

students under the Student Code of Conduct and for employees under other appropriate policies and procedures.

The College will seek to complete the investigation within twenty (20) business days of receiving the report of alleged violation, but this time frame may be extended for good cause. At the request of law enforcement, the College may agree to defer its Title IX fact-gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the Reporting Party regarding Title IX rights, procedural options, and the implementation of interim measures to ensure the safety and well-being of all affected individuals. The College will promptly resume its Title IX fact-gathering as soon as law enforcement has released the case for review following the initial criminal investigation. The investigator(s) or designee will provide timely updates, as appropriate or requested, about the timing and status of the investigation.

Information gathered during the review or investigation will be used to evaluate the responsibility of the Responding Party, provide for the safety of the Reporting Party and the College campus community, and take appropriate measures designed to end the misconduct, prevent its recurrence, and address its effects.

Investigation Reports Discrimination or Harassment

At the conclusion of the investigation, the investigator(s) will prepare a written investigation report that summarizes the information gathered and synthesizes the contested and uncontested issues of fact and any supporting information or accounts. In preparing the investigation report, the investigator(s) will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation.

1. Resolution of Investigation Reports for Cases of Discrimination or Harassment (<u>Excluding Sexual or Gender-Based Harassment</u>, Sexual Assault, Sexual Exploitation, Interpersonal Violence, and/or Stalking) when the responding party is an employee

In cases of discrimination or harassment (**excluding** Sexual or Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Interpersonal Violence, and/or Stalking), the investigator(s) will submit the final report to the Director of Human Resources (or designee) who will review the investigation report and determine whether or not to accept the findings of the investigator(s). The investigation report, as accepted or rejected by the Director of Human Resources (or designee), will then be issued to the Reporting Party, the Responding Party, to the College President, the Title IX Coordinator and immediate supervisor for further consideration of disciplinary action. The final report will identify an Appeals Officer (typically a vice president or Head of the Collegiate School). The Appeals Officer may also be an external trained professional engaged to make a determination impartially and free of any actual conflict of interest.

An acceptance by the Director of Human Resources (or designee) of a finding of "cause" or a rejection by the Director of Human Resources (or designee) of a finding of "no cause" may be appealed by the Responding Party and an acceptance by the Director of Human Resources (or designee) of a finding of "no cause" or a rejection by the Director of Human Resources (or designee) of a finding of "cause" may be appealed by the Reporting Party to the designated Appeals Officer.

The limited grounds for appeal are as follows:

- a. New information that could affect the finding of the Disciplinary Resolution Officer and that was not reasonably available through the exercise of due diligence at the time of the investigation; and/or
- b. Material deviation(s) from written procedures that significantly affected the outcome. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal.

The issues raised on appeal shall be limited to those issues raised during the investigation. Any issues not raised during the investigation or new issues that could have been raised, but were not, shall be precluded on appeal. To secure an appeal, the Reporting or Responding Party must file a written request to have the finding reviewed with the designated Appeals Officer no later than five (5) business days from the date on which the party receives a copy of the final report.

Upon acceptance of an appeal, the Appeals Officer shall notify the Reporting and Responding Parties, the Director of Human Resources (or designee), the Title IX Coordinator and those individuals who received a copy of the final investigation report.

The Appeals Officer shall consider the facts in support of the request and clarify facts as deemed necessary. The Appeals Officer may request that the Director of Human Resources (or designee) do additional investigation or address particular issues. If the Appeals Officer receives new information (not reasonably available through the exercise of due diligence at the time of the investigation) pursuant to his or her efforts to clarify facts, that he or she believes may change the outcome, the Appeals Officer shall

ask the Director of Human Resources (or designee) to reconsider his or her acceptance or rejection of the findings in light of the new information. The Director of Human Resources (or designee) shall inform the Appeals Officer of his or her reconsidered finding. The Appeals Officer shall apprise the Reporting and Responding Parties of the new information and the reconsidered finding so that each has an opportunity to review and refute any such additional information before the Appeals Officer renders a final decision.

The Appeals Officer shall complete the review in a timely manner and shall prepare and provide a written decision to the Reporting and Responding Parties, the Director of Human Resources, the Title IX Coordinator, and those individuals who received a copy of the original investigation report. The Appeals Officer may endorse or reject the findings of the investigator(s). The decision by the Appeals Officer shall be final.

An investigation shall be considered complete and the investigation shall be closed after the period has passed within which either party may take an appeal if none has been taken or following a final decision by the Appeals Officer, if either the Reporting or Responding Party has requested an appeal. A matter also may be closed administratively when the Director of Human Resources in consultation with the Title IX coordinator, decides that further investigation is either impossible or unnecessary.

2. Resolution of Investigation Reports for Cases of Discrimination or Harassment (<u>Excluding Sexual or Gender-Based Harassment</u>, Sexual Assault, Sexual Exploitation, Interpersonal Violence, and/or Stalking) when the responding party is a student, please refer to Disciplinary Procedure 4_10_01.pdf

Resolution of Investigation Reports Sexual or Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Interpersonal Violence, and/or Stalking when the Responding Party is an Employee

Before the investigator's report is finalized, the Reporting Party and Responding Party will be given the opportunity to review all information that will be used in the adjudication of the matter. This includes the investigation report, any written statements of the parties or witnesses, and any relevant information gathered. The Reporting Party and Responding Party may submit any additional comment or information, including identifying any additional witnesses, to the investigation team within five (5) business days of the opportunity to review the relevant portions of the report. Upon receipt of any additional information by the Reporting Party or Responding Party, or after the five (5) day comment period has lapsed without comment, the investigator(s) will make a finding as to whether there is sufficient information alleged to suggest that a Procedure violation may have occurred (that is, that the Procedure elements have been raised, and there are sufficient facts alleged that the Disciplinary Resolution Officer could find a Procedure violation if established by a preponderance of the evidence).

A. Determination <u>not</u> to proceed to Disciplinary Resolution Process in cases of sexual or gender-based harassment, sexual assault, sexual exploitation, interpersonal violence, and/or stalking when the Responding Party is an <u>employee</u>

If the investigator(s) determines that there is insufficient information alleged to suggest that a Procedure violation may have occurred, the Reporting Party and Responding Party will be notified in writing. The Reporting Party will have the opportunity to seek review by the Appeals Officer by submitting a written request for review to the Title IX Coordinator within five (5) business days of the date of such notice. The Appeals Officer is typically a vice president or senior level administrator. The Responding Party will be notified and have the opportunity to respond within five (5) business days. The Appeals Officer may agree with the finding of the investigator(s), reverse the finding and refer the case for the hearing process, or request that additional investigation steps be taken. The Appeals Officer will render a decision in writing, to both parties, within ten (10) business days of receipt of the request for review. The decision of the Appeals Officer is final.

B. Determination <u>to Proceed</u> to Disciplinary resolution Process in cases of sexual or gender-based harassment, sexual assault, sexual exploitation, interpersonal violence, and/or stalking when the Responding Party is an <u>employee</u>

If the investigation team determines that there is sufficient information to suggest that a Procedure violation may have occurred, the Title IX Coordinator or designee will issue a Notice of Alleged Violation to the Responding Party, with a copy to the Reporting Party, Director of Human Resources and refer the report to the disciplinary resolution process by transmitting the investigation report and Notice of Alleged Violation to an Administrative Conflict Resolution Committee. As outlined in greater detail below, the Administrative Conflict Resolution Committee will make a finding, by a preponderance of the evidence, as to whether or not the Responding Party is responsible for conduct in violation of this Procedure.

Disciplinary Resolution, finding of responsibility and imposition of Sanction in cases of sexual or gender-based harassment, sexual assault, sexual exploitation, interpersonal violence, and/or stalking when the Responding Party is an employee

In cases when the Responding Party in an employee, the Disciplinary Resolution is the process by which an Administrative Conflict Resolution Committee designated by the College determines responsibility. Because the relationship of students, staff, and faculty to the College differ in nature, the procedures that

apply when seeking disciplinary action necessarily differ in some respects. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this Procedure.

Following a Notice of Alleged Violation, an Administrative Conflict Resolution Committee will be designated to review all relevant information in order to make a finding, by a preponderance of the evidence, as to whether the Responding Party is responsible for conduct in violation of this Procedure. Any individual designated by the College must have training or experience to serve in this capacity. The Administrative Conflict Resolution Committee may also consult with others in considering additional relevant factors.

The Administrative Conflict Resolution Committee must be a neutral and impartial decision-maker. Student Reporting and Responding Parties may submit a written request to the Title IX Coordinator (or designee) to remove the named individuals on the Administrative Conflict Resolution Committee, and employee Reporting and Responding Parties may submit a written request to the to remove an individual, if there are reasonable articulable grounds to establish bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised within five (5) business days of receipt of the Notice of Alleged Violation. A designated Administrative Conflict Resolution Committee member will be removed only if the Title IX Coordinator (or designee(s)) concludes that the member bias precludes an impartial hearing of the report. Additionally, any who has reason to believe he or she cannot make an objective determination must recuse himself or herself from the process.

In reaching determinations of responsibility, the Administrative Conflict Resolution Committee will consult with the Reporting Party, the Responding Party, the Title IX Coordinator, and other affected parties, as appropriate, to ensure a full assessment of the relevant facts and impacts. In cases of sexual assault, the Administrative Conflict Resolution Committee shall conduct separate, in-person conferences with the Reporting Party and the Responding Party. If a Reporting Party or Responding Party meets with the Administrative Conflict Resolution Committee, he or she may be accompanied by an Advisor. At any time, the Responding Party may choose to agree to a finding of responsibility to some or all of the reported conduct. The Administrative Conflict Resolution Committee will provide the Reporting Party, the Responding Party, and other affected parties with an opportunity, as appropriate, to provide a written impact and/or mitigation statement for consideration. After a consideration of all of the relevant information, the Administrative Conflict Resolution Committee will make a finding by a preponderance of the evidence as to whether the Responding Party is responsible for engaging in Prohibited Conduct.

The Administrative Conflict Resolution Committee forwards the report and finding to the Director of Human Resources and to the Title IX Coordinator. After review, the report is then forwarded to the immediate supervisor and the respective Vice President who, together with the Director of Human Resources, consider the appropriate sanction designed to address the misconduct, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and Title IX obligations. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior. The Vice President may impose any sanction deemed appropriate after a consideration of all of the relevant information. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of any appeal.

For employees, the sanction may include any form of responsive action or progressive discipline as set forth in College Policies and Procedures, including training, referral to counseling, and/or disciplinary action, such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination. For a student employee who is acting within the scope of his or

her employment at the time of the incident, the sanction may include any of the sanctions from the Student Code of Conduct or as applicable to employees in College Policies and Procedures.

Generally, for College faculty and staff, a recommendation of termination or other disciplinary action may implicate other applicable Rules and Procedures, including Rule: 6Hx14-2.14 Contracts, Rule: 6Hx14.253 Disciplinary Action-Employees, and Procedure: 2.53.01 Disciplinary Action. Under these circumstances, additional steps may occur or be available as set forth in those Rules and Procedures. The College will support Reporting Parties, to the extent permitted by law, in being present and heard as witnesses in any subsequent hearing/appeal process conducted at the request of Responding Parties in response to such recommendations of disciplinary action.

Resolution of Investigation Reports Sexual or Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Interpersonal Violence, and/or Stalking when the Responding Party is a Student

Before the investigator's report is finalized, the Reporting Party and Responding Party will be given the opportunity to review all information that will be used in the adjudication of the matter. This includes the investigation report, any written statements of the parties or witnesses, and any relevant information gathered. The Reporting Party and Responding Party may submit any additional comment or information, including identifying any additional witnesses, to the investigation team within five (5) business days of the opportunity to review the relevant portions of the report. Upon receipt of any additional information by the Reporting Party or Responding Party, or after the five (5) day comment period has lapsed without comment, the investigator(s) will make a finding as to whether there is sufficient information alleged to suggest that a Procedure violation may have occurred (that is, that the Procedure elements have been raised, and there are sufficient facts alleged that the Administrative Conflict Resolution Committee could find a Procedure violation if established by a preponderance of the evidence).

A. Determination <u>not to proceed</u> to Disciplinary Resolution Process in cases of sexual or gender-based harassment, sexual assault, sexual exploitation, interpersonal violence, and/or stalking when the Responding Party is a <u>student</u>

If the investigator(s) determines that there is insufficient information alleged to suggest that a Procedure violation may have occurred, the Reporting Party and Responding Party will be notified in writing. The Reporting Party will have the opportunity to seek review by the Appeals Officer by submitting a written request for review to the Title IX Coordinator within five (5) business days of the date of such notice. The Responding Party will be notified and have the opportunity to respond within five (5) business days. The Appeals Officer may agree with the finding of the investigator(s), reverse the finding and refer the case for the hearing process, or request that additional investigation steps be taken. The Appeals Officer will render a decision in writing, to both parties, within ten (10) business days of receipt of the request for review. The decision of the Appeals Officer is final.

B. Determination to Proceed to Disciplinary resolution Process in cases of sexual or gender-based harassment, sexual assault, sexual exploitation, interpersonal violence, and/or stalking when the Responding Party is a student

If the investigation team determines that there is sufficient information alleged to suggest that a Procedure violation may have occurred, the Title IX Coordinator or designee will issue a Notice of Alleged Violation to the Responding Party, with a copy to the Reporting Party, and refer the report to the hearing process by transmitting the investigation report and Notice of Alleged Violation to an Administrative Conflict Resolution Committee. As outlined in greater detail below, the Administrative Conflict Resolution Committee will make a finding, by a preponderance of the evidence, as to whether or not the Responding Party is responsible for conduct in violation of this Procedure.

Disciplinary Resolution in cases of sexual or gender-based harassment, sexual assault, sexual exploitation, interpersonal violence, and/or stalking when the Responding Party is a student

Disciplinary Resolution is the process by which an Administrative Conflict Resolution Committee designated by the College determines responsibility and, if warranted and in cases when the Responding

Party is a student, administers sanctions and/or discipline against a Responding Party. Because the relationship of students, staff, and faculty to the College differ in nature, the procedures that apply when seeking disciplinary action necessarily differ in some respects. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this Procedure.

Following a Notice of Alleged Violation, an Administrative Conflict Resolution Committee will be designated to review all relevant information in order to make a finding, by a preponderance of the evidence, as to whether the Responding Party is responsible for conduct in violation of this Procedure. The Administrative Conflict Resolution Committee may be an internal member of the administration or an external member of the community. Any individual designated by the College must have training or experience to serve in this capacity. The Administrative Conflict Resolution Committee may also consult with others in considering additional relevant factors.

Either party may challenge the designation of the Administrative Conflict Resolution Committee within the time limits specified below. For a report of Prohibited Conduct against a student employee who is acting within the scope of his or her employment at the time of the incident, the College may designate an Administrative Conflict Resolution Committee related to the student's employment in addition to or in lieu of the Disciplinary Resolution Officer typically assigned for reports against students.

The Administrative Conflict Resolution Committee must be a neutral and impartial decision-maker. Student or employee Reporting and Responding Parties may submit a written request to the Title IX Coordinator (or designee) to remove a named Administrative Conflict Resolution Committee member, if there are reasonable articulable grounds to establish bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised within five (5) business days of receipt of the Notice of Alleged Violation. A designated Administrative Conflict Resolution Committee will be removed only if the Title IX Coordinator concludes that there is bias that precludes an impartial hearing of the report. Additionally, any Administrative Conflict Resolution Committee who has reason to believe he or she cannot make an objective determination must recuse himself or herself from the process.

Finding of Responsibility and Imposition of Sanction by the Disciplinary Resolution Officer in cases of sexual or gender-based harassment, sexual assault, sexual exploitation, interpersonal violence, and/or stalking when the Responding Party is a student

In reaching determinations of responsibility and sanction, the Administrative Conflict Resolution Committee will consult with the Reporting Party, the Responding Party, the Title IX Coordinator, and other affected parties, as appropriate, to ensure a full assessment of the relevant facts and impacts. In cases of sexual assault, the Administrative Conflict Resolution Committee shall conduct separate, inperson conferences with the Reporting Party and the Responding Party. If a Reporting Party or Responding Party meets with the Administrative Conflict Resolution Committee, he or she may be accompanied by an Advisor. At any time, the Responding Party may choose to agree to a finding of responsibility to some or all of the reported conduct. The Administrative Conflict Resolution Committee will provide the Reporting Party, the Responding Party, and other affected parties with an opportunity, as appropriate, to provide a written impact and/or mitigation statement for consideration. After a consideration of all of the relevant information, the Administrative Conflict Resolution Committee will make a finding by a preponderance of the evidence as to whether the Responding Party is responsible for engaging in Prohibited Conduct.

If the Responding Party is a student and is found responsible, the Administrative Conflict Resolution Committee then also determines the appropriate sanction designed to address the misconduct, prevent its

recurrence, and remedy its effects, while supporting the College's educational mission and Title IX obligations. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior. The Administrative Conflict Resolution Committee may impose any sanction deemed appropriate after a consideration of all of the relevant information. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of any appeal.

For students, the sanction may include removal from specific courses or activities, suspension from the College, or expulsion. A full list of the range of sanctions for students is contained in the Student Code of Conduct.

Notice of Outcome in cases of sexual or gender-based harassment, sexual assault, sexual exploitation, interpersonal violence, and/or stalking

A written determination of responsibility and sanction (the Outcome) will be provided simultaneously to the Reporting Party and the Responding Party. The College will also provide written notice, at the same time to both parties, of any change in the outcome that occurs before it becomes final.

A Notice of Outcome will include a finding whether there is a Procedure violation, any applicable sanctions (for students), and the rationale for each. The Responding Party (when a student) will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. The Reporting Party will be informed of any sanctions and remedies that directly relate to the Reporting Party, including information about the Responding Party's presence on campus (or in a shared class or work space) that may assist a Reporting Party to make informed decisions or work with the College to eliminate harassment and prevent its reoccurrence. The Notice of Outcome will also provide each party with applicable appeal options. The College may also notify appropriate College officials, including a direct supervisor of a Responding Party (when a student employee), as necessary to implement the outcome and/or sanctions.

Appeal in cases of sexual or gender-based harassment, sexual assault, sexual exploitation, interpersonal violence, and/or stalking

An acceptance of a finding of "cause" or a rejection of a finding of "no cause" and/or the imposition of sanction (when the Responding Party is a student) may be appealed by the Responding Party. An acceptance of "no cause" or a rejection of a finding of "cause" and/or the imposition of sanction (when the Responding Party is a student) may be appealed by the Reporting Party to the designated Appeals Officer.

A review of the matter will be prompt and narrowly tailored to stated appeal grounds. The Reporting Party and/or Responding Party may appeal only the parts of the determination of responsibility or sanctions directly relating to him or her. Dissatisfaction with the outcome of the investigation is not grounds for appeal. The limited grounds for appeal are as follows:

- a) New information that could affect the finding of the Disciplinary Resolution Officer and that was not reasonably available through the exercise of due diligence at the time of the investigation; and/or b) Material deviation(s) from written procedures that significantly affected the outcome.
- The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. The appeal must be provided to the Title IX Coordinator within five (5) College business days of the date of the Notice of Outcome.

Upon receipt of the appeal, the Title IX Coordinator will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within five (5) College business days from receipt of the appeal. In the event that both parties initially appeal the findings, each party will be provided notice and a copy of the other party's appeal or response.

Upon receipt of the appeal and any response, the Title IX Coordinator will notify the appropriate Appeals Officer who is typically a vice president or senior level administrator. The appeal process outlined here supersedes (replaces) the grievance procedures contained in other College Policies and Procedures.

The appeal will be conducted in an impartial manner by the Appeals Officer. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The Appeals Officer shall consider the merits of an appeal only on the basis of the two stated grounds for appeal. Except as required to explain the basis of new information unavailable at the time of an investigation, review of an investigation will be limited to the written investigation Report and all supporting documents.

The Appeals Officer can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal. If the appeal is based on procedures not having been followed in a material manner, the Appeals Officer can ask that a new investigation and/or adjudication, or other appropriate action, occur. In the case of new and relevant information, the Appeals Officer can recommend that the case be returned to the Administrative Conflict Resolution Committee to assess the weight and effect of the new information and render a determination after considering the new facts.

The Appeals Officer will communicate the result of the appeal to the Title IX Coordinator, Reporting Party and Responding Party within fourteen (14) business days from the date of the submission of all appeal documents by both parties. The decision of the Appeals Officer is final.

Miscellaneous

Time Frames for Resolution

SCF will make every effort to successfully resolve all reports within sixty (60) business days. All time frames expressed in this Procedure are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames for good cause, including extension beyond sixty (60) business days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening College break or planned leave (vacation/sick/personal) of involved parties, or other unforeseen circumstances.

In general, a Reporting Party and Responding Party can expect that the process will proceed according to the time frames provided in this Procedure. In the event that the investigation and resolution time frames are extended for good cause, the College will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. All parties involved are entitled to periodic status updates on the process and any subsequent appeals.

Obligation to Present Truthful Information

The College takes the validity of information seriously because a report of Discrimination, Harassment, Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Stalking, Interpersonal Violence, Complicity, and/or Retaliation may have severe consequences. Any individual who makes a report or provides information as part of an investigation or hearing process that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action and may also violate state criminal statutes and civil defamation laws. These provisions do not apply to reports or responses made in good faith, even if the facts alleged in the report or the response are not substantiated by an investigation.

Retaliation

During the investigation and resolution of violations of this Procedure that are alleged in good faith, reasonable steps will be taken to protect the Reporting Party, the Responding Party, and other participants in the reporting, investigation, and resolution process from Retaliation.

Retaliation is a violation of College Procedure. Any individual who engages in Retaliation will be subject to prompt and appropriate disciplinary action. Individuals who have a concern about potential or actual Retaliation should contact the Title IX Coordinator or a Deputy Title IX Coordinator for assistance in addressing the concern. If the concern about Retaliation involves the Title IX Coordinator an individual may contact the Director of Human Resources.

Advisors and Attorneys

During any investigation of Sexual Assault, Interpersonal Violence, and/or Stalking, the Reporting Party and Responding Party have the right to be assisted by an Advisor of their choice, which may include an attorney. In all other matters under this Procedure, the Advisor may not be an attorney of the Reporting Party or Responding Party. Under no circumstances may an Advisor be a witness. The Advisor may accompany the Reporting Party or Responding Party to any meeting with an investigator or a College employee. Any person who serves as an Advisor should plan to make himself or herself available for meetings throughout the process. The Advisor is a silent and non-participating presence who solely observes and provides support during the investigation process. During proceedings, the Advisor may speak only to the Party by whom he or she was invited. The Advisor may not address the Disciplinary

Resolution Officer, the committee members, witnesses, or other participants. Any exceptions to this prohibition will be at the sole discretion of the Disciplinary Resolution Officer. The Title IX Coordinator has the right at all times to determine what constitutes appropriate behavior on the part of an Advisor.

Any party may seek the assistance of an attorney at their own expense. An attorney may serve as an Advisor only in cases involving reports of Sexual Assault, Interpersonal Violence and/or Stalking. This process is not a legal proceeding and should not be regarded as such. Similarly, the College will not recognize or enforce agreements between the parties reached outside of these procedures.

Communication

College-issued email is the primary means of communication used by the College. The Title IX Coordinator, investigator, and/or designee will deliver notice to students and/or employees by College-issued email, and may concurrently send a duplicate by means of mail, courier service, or in person delivery to the permanent address in the College's official records.

Records

The Title IX Coordinator will retain records of all reports, regardless of whether the matter is resolved by means of Initial Assessment, remedies-based resolution or disciplinary resolution.

Release of Information

If a report of Prohibited Conduct discloses a serious and continuing threat to the campus community, SCF Public Safety will issue a timely notification to protect the health or safety of the community as required by the Clery Act. The notification will not include identifying information about a Reporting Party. The College may also share aggregate and not personally identifiable data about reports, outcomes, and sanctions.

Pursuant to the Clery Act and Section 304 of the Violence Against Women Reauthorization Act of 2013, information regarding criminal incidents reported to Campus Security authorities must be shared with SCF Public Safety for inclusion in the Daily Crime Log. This information will also be included in the College's Annual Security Report Clery2014.pdf

All College proceedings are conducted in accordance with the requirements of Title IX, the Clery Act, the Violence against Women Act, FERPA, state and local laws, and College Procedure. No information, including the identity of the parties, will be released from such proceedings except as required or permitted by law or College Procedure.

Appendix A: Def	initions
Term	Definition
Advisor	A silent and non-participating presence who solely observes and provides support during the investigation process. In cases of Sexual Assault, Sexual Violence, Interpersonal Violence, or Stalking, the Advisor may be an attorney. In all other cases, the Advisor may not be an attorney.
Appeals Officer	Vice President or Senior Administrator who will review the written documentation of a formal resolution, and making changes to the finding only where there is clear error or if there is a compelling justification to do so.
College Community	Faculty, staff, administrators, students, student employees, volunteers, and visitors.
Complicity	Any act that knowingly aids, facilitates, promotes, or encourages the commission of Prohibited Conduct by another person.
Confidentiality	Information shared with designated community professionals, referred to in this Policy as External Confidential Resources, will be disclosed only with the individual's express written permission. External Confidential Resources will not share information about an individual (including whether that individual has received services) with anyone, including the College, without the individual's express written permission, unless there is a continuing threat of serious violence to the patient/client or to others or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor).
Consent	Consent is the communication of an affirmative, conscious, and freely made decision by each participant to engage in agreed upon forms of sexual contact. Consent requires an outward demonstration, through understandable words or actions, which conveys a clear willingness to engage in sexual contact. • Consent cannot to be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may result in a violation of this Policy. For example, a person who does not physically resist or verbally refuse sexual contact may not necessarily be giving Consent. There is no requirement that an individual verbally or physically resist unwelcome sexual contact for there to be a violation of this Policy.
	 Consent cannot to be inferred from an existing or previous dating or sexual relationship. Even in the context of a relationship, there must be mutual Consent to engage in sexual contact for each occasion and each form of sexual contact. Consent to one form of sexual contact does not constitute Consent to any other form of sexual contact, nor does Consent to sexual contact with one person constitute Consent to sexual contact with any other person. Additionally, Consent

to sexual contact on one occasion is not Consent to engage in sexual contact on another occasion.

- Consent cannot be obtained by Coercion or Force or by taking advantage of a person's inability to give Consent because of Incapacitation or other circumstances.
- A person who has given Consent to engage in sexual contact may withdraw
 Consent at any time. However, withdrawal of Consent requires an outward
 demonstration, through understandable words or actions that clearly conveys that
 a party is no longer willing to engage in sexual contact. Once Consent is
 withdrawn, the sexual contact must cease immediately.
- Note that generally in Florida, consent cannot legally be given by a minor under the age of 18, with certain specified statutory exceptions.

Disability

A physical or mental impairment that substantially limits one or more major life activities; or a record of such impairment; or regarding an individual as having such impairment. A qualified person with a disability must be able to perform the essential functions of the employment, internship, or volunteer position or the academic or extracurricular program, with or without reasonable accommodation.

Discrimination

Any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's Protected Status and that is sufficiently serious, persistent, or pervasive so as to unreasonably interfere with or limit:

- An employee's or applicant for employment's access to employment or conditions and benefits of employment;
- A student's or admission applicant's ability to participate in, access, or benefit from educational programs, services, or activities;
- An authorized volunteer's ability to participate in a volunteer activity; or
- A guest's or visitor's ability to participate in, access, or benefit from the College's programs.

Discrimination includes failing to provide reasonable accommodations, consistent with state and federal laws, to a qualified person with a Disability.

Title IX Team

A group of individuals led by the Title IX Coordinator and including the Title IX Deputy Coordinators who work together to assess and respond to reports of Discrimination, Harassment, Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Stalking, Interpersonal Violence, Complicity, and Retaliation.

Gender-Based Harassment

Sexual Harassment also includes Harassment based on gender, sexual orientation, or gender identity, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature. Also includes Harassment for exhibiting what is

	perceived as a stereotypical characteristic for one's Sex or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the actual or perceived Sex, Gender, or Sexual Orientation of the individuals involved.
Gender Expression / Gender Identity	An individual's socially-constructed status based on the behavioral, cultural, or psychological traits typically associated with societal attribution of masculinity and femininity, typically related to one's assigned sex at birth. This includes Gender Expression, which is how someone expresses his or her Gender through appearance, behavior, or mannerisms, and Gender Identity, which is the Gender with which an individual identifies psychologically, regardless of what Gender he or she was assigned at birth. A person's Gender Expression may not be the same as his or her Gender Identity.
Genetic Information	Information about (i) an individual's genetic tests, (ii) the genetic tests of family members of such individual, and (iii) the manifestation of a disease or disorder in family members of such individual. Genetic Information includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services by such individual or any family member of such individual.
Harassment	A type of Discrimination that occurs when verbal, physical, electronic, or other conduct based on an individual's Protected Status interferes with that individual's:
	educational environment;
	work environment;
	participation in a College program or activity; or
	 receipt of legitimately-requested services (e.g., disability or religious accommodations),
	and creates Hostile Environment Harassment or Quid Pro Quo Harassment.
Hostile Environment Harassment	Unwelcome conduct based on Protected Status that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a College program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive under both a subjective and objective assessment. An isolated incident, unless sufficiently severe, does not amount to Hostile Environment Harassment.
Incapacitation	Sleep, unconsciousness, intermittent consciousness, or any other state where an individual is unaware or unable to give consent to sexual contact. Incapacitation may also exist because of a mental or developmental Disability that impairs the ability to consent to sexual contact.
Interim Protective Measures	Actions taken by the College to ensure equal access to its education programs and activities and foster a more stable and safe environment during the process of reporting, investigation, and/or resolution.

Interpersonal	Physical, sexual, emotional, economic, or psychological actions or threats of
Violence	actions that a reasonable person in similar circumstances and with similar identities would find intimidating, frightening, terrorizing, or threatening (commonly referred to as domestic violence or dating violence). Such behaviors may include threats of violence to an individual or an individual's family member. Interpersonal Violence can encompass a broad range of abusive behavior committed by a person who is or has been:
	 In a romantic or intimate relationship with the Reporting Party (of the same or different sex);
	 The Reporting Party's spouse or partner (of the same or different sex);
	The Reporting Party's family member; or
	The Reporting Party's cohabitant or household member, including a roommate.
National Origin/Ethnicity	An individual's actual or perceived country or ethnicity of origin.
Privacy	Information related to a report under this Policy will be shared only with those College employees who need to know in order to assist in the active review, investigation, or resolution of the report.
Preponderance of the Evidence	Information provided is convincing enough that one can conclude "it's more likely than not to be true." A more convincing amount of evidence than the other side has, that something is more likely to have occurred than not to have occurred.
Protected Status	Consistent with federal, state, and local laws, the College prohibits Discrimination and Harassment based on race, ethnicity, color, national origin, age, religion, disability, marital status, gender, genetic information, sexual orientation, gender identity, and any other factor protected under applicable federal, state, and local civil rights laws, rules, and regulations.
Quid Pro Quo Harassment	Unwelcome conduct based on Protected Status where submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a College program or activity.
Race	An individual's actual or perceived racial or ethnic ancestry or physical characteristics associated with a person's race, such as a person's color, hair, facial features, height, and weight.
Religion	All aspects of religious observance and practice, as well as belief. A well-formed and thought-out set of beliefs held by more than one individual, which may not necessarily involve belief in a supreme being. The College will accommodate an individual's observances and practices required by his or her creed, unless it is unable to reasonably accommodate an individual's creed-required observance or practice without undue hardship.

Remedies-Based Resolution	A voluntary approach designed to eliminate a hostile environment without taking disciplinary action against a Responding Party.
Reporting Party	An individual who makes a report of Discrimination, Harassment, Sexual Harassment, Sexual Assault, Sexual Exploitation, Stalking, Interpersonal Violence, Complicity, or Retaliation.
Responding Party	An individual who is alleged to have violated the College Policy on Discrimination, Harassment, Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Stalking, Interpersonal Violence, Complicity, or Retaliation and who is named in a report alleging violation.
Responsible Employees	Employees with administrative or supervisory responsibilities on campus and who have been designated as Campus Security Authorities.
Retaliation	Retaliation is acts or words taken against an individual because of the individual's participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Protected activity includes an individual's good faith (i) participation in the reporting, investigation, or resolution of an alleged violation of this Policy; (ii) opposition to policies, practices, or actions that the individual reasonably believes are in violation of the Policy; or (iii) requests for accommodations on the basis of religion or Disability. Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith is not substantiated. Retaliation may be committed by the Responding Party, the Reporting Party, or any other individual or group of individuals.
Sex/Gender	An individual's biological status of male or female, including pregnancy. Conduct of a sexual nature is by definition based on Sex as a Protected Status.
Sexual Assault / Sexual contact	Sexual Assault involves having or attempting to have sexual contact with another individual without Consent. Sexual contact is the intentional touching or penetration of another person's clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast, by another with any part of the body or any object in a sexual manner. Sexual contact also includes causing another person to touch his or her own or another's body in a sexual manner. Sexual Assault includes, without limitation, sexual battery as defined in Section 794, F.S.
Sexual Exploitation	 Taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, personal benefit, or any other non-legitimate purpose. Examples of Sexual Exploitation include: Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;

- Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Prostituting another individual;
- Exposing one's genitals in non-consensual circumstances;
- Knowingly exposing another individual to a sexually transmitted infection or sexual virus without that individual's knowledge; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Sexual Harassment

Any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature, when:

- Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's academic work, employment, or participation in any aspect of a College program or activity; or
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an
 individual's work or academic performance, i.e., it is sufficiently serious, pervasive,
 or persistent as to create an intimidating, hostile, humiliating, demeaning, or
 sexually offensive working, academic, or social environment under both an
 objective (a reasonable person's) and subjective (the Reporting Party's) view.

Sexual Orientation

The inclination or capacity to develop intimate emotional, spiritual, physical, and/or sexual relationships with those of the same or different Sex or Gender, or irrespective of Sex or Gender.

Stalking

Repeated, unwanted attention; physical, verbal, or electronic contact; or any other course of conduct directed at an individual that is sufficiently serious to cause physical, emotional, or psychological fear or distress or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances and with similar identities.

Stalking may involve individuals who are known to one another, who have a current or previous relationship, or who are strangers. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Title IX Coordinator	The designated College official with primary responsibility for coordinating the College's compliance with Title IX, and coordinates with other offices on other federal and state regulations pertaining to equal access and equal opportunity.
Title IX Deputy Coordinators	Individuals responsible for supporting the Title IX Coordinator and accessible to any College community member for consultation and guidance on issues related to Discrimination, Harassment, Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Stalking, Interpersonal Violence, Complicity, and Retaliation. Deputy Coordinators are located in Human Resources, Student Affairs, and Safety/Security, and are available at each campus location.

Appendix B: Title IX Team

Role	Name	Title	Campus	Phone	Email
Title IX Coordinator	Dr. Donald Bowman	Vice President Of Student Affairs	Bradenton	941-752- 5301	bowmand@scf.edu
Deputy Coordinator	Gloria Tracy	Assistant Director of Human Resources	Bradenton	941-752- 5323	tracyg@scf.edu
Deputy Coordinator	Heather Shehorn	Coordinator Student Support Services	Venice	941-408- 1416	shehorh@scf.edu
Deputy Coordinator	Dr. Brenda Pinkney	Director of Advising Services	Bradenton	941-752- 5429	pinkneb@scf.edu
Member	Susanne Walters	Title IX/Student Life Advisor	Bradenton	941-752- 5603	walters@scf.edu
Deputy Coordinator	Karen Peck	Collegiate School	Bradenton	941-752- 5583	peckk@scf.edu
Member	Lydia Kloiber	Director of Institutional Compliance	Bradenton	941-752- 5220	kloibel@scf.edu
Member	Shawn Patten	Manager, Public Safety	Bradenton	941-752- 5550	pattens@scf.edu
Member	Jennifer LaHurd	Director of Human Resources	Bradenton	941-752- 5599	lahurdj@scf.edu
Member	Erika Gillette	Manager, Employment/Equity	Bradenton	941-752- 5323	gillete@scf.edu
Member	Kelly Monod	Head of Collegiate School	Bradenton	941-752- 5491	monodk@scf.edu
Member	Christopher Wardman	Public Safety	Bradenton	(941) 752- 5557	wardmac@scf.edu
Member	Steve Prouty	General Counsel	Bradenton	(941) 752- 5205	proutys@scf.edu

Name	Title	Campus	Phone	Email

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Susanne Walters	Title IX/Student Life Advisor	Bradenton 941-752-5603	walters@scf.edu
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Name	Title	Campus	Phone	Email

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Name	Title	Campus	Phone	Email
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Name	Title	Campus	Phone	Email

	Advisor LEV Paralagal Hayaya		
	Advisor, LEX-Paralegal Honors Advisor, Paralegal Society		
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Name	Title	Campus	Phone	Email

	Advisor, Earth Club			
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Frank Clements	Advisor, Earth Club	Bradenton	941-752-5487	clemenf@scf.edu
TBD	Advisor, History Club	Bradenton	TBD	TBD
Cathy Panik Mary Beth Headlee	Co-Advisors, Math Olympics (Competitive Team)/Math Club		941-408-7491 941-408-1498	panikc@scf.edu headlem@scf.edu
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Name	Title	Campus	Phone	Email

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Nicole Kirchberg	Coordinator, Early College	Bradenton	941-752-5422	kirchbn@scf.edu
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Name	Title	Campus	Phone	Email
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Appendix D: Resources and Support Services

Victims of sexual assault, domestic violence, dating violence or stalking are strongly encouraged to take some type of action following the incident. The College's primary concern is the victim, personal safety, proper medical attention and counseling. Victims should report the incident as soon as possible, since time is a critical factor for evidence collection and preservation. The following resources for information concerning counseling, mental health or medical services are available:

Resource Name	Contact Information	Location (if on campus)
Public Safety and	941-752-5550	Bldg. 14 Rm. 127
Security Bradenton		
Public Safety and	941-363-7155	Bldg. 2, Rm. 105
Security LWR		
Public Safety and	941-408-1550	Bldg. 500, Rm. 504
Security Venice		
CARE TEAM	941-752-5429	Bldg. 1 Rm. 105
Title IX Coordinator	941-752-5301	Bldg. 7 Rm. 105
Title IX Deputy	941-752-5429	Bldg. 1 Rm. 105
Coordinator		
(Students)		
Title IX Deputy	941-408-1416	Venice, Bldg. 100 Rm. 162
Coordinator		
(Students)		
SCF Title IX Deputy	941-752-5323	Bldg. 7 Rm. 125
Coordinator (Faculty		
& Staff)		
SCF Collegiate School	941-752-5583	Bldg.19 Rm. 175
Title IX Deputy		
Coordinator		
Comprehensive	941-363-0878 X2170	
MedPsych Systems/		
Student Assistance		
Programs		
Employee Assistance	800-272-7252	
Program	www.mylifevalues.com	
Centerstone of Florida	941-782-4100	
(formerly Manatee		
Glens)	0.44 =00 00=0	
Rape Crisis Hotline	941-708-6059	
Hope House	941-747-8499	
(Manatee)	info@hopefamilyservices.org	
SPARCC (Safe Place	941-365-1976	
and Rape Crisis		
Center)	044 426 2444	
Domestic Abuse	941-426-3111	
Intervention		

Domestic Abuse	941-475-8722	
Shelter Homes		
Center of Abuse and	941-627-6000	
Rape Emergencies		

Victims of a sexual assault may also report the incident directly to the Manatee County or Sarasota County Sheriff's Office by dialing 911, or SCF Department of Public Safety at 941-752-5550. Police reports are confidential and information in the report may not be released to College officials without the victim's permission. College officials, upon request, will assist victims in the filing of a police report.