



February 25, 2015

**TO:** THE DISTRICT BOARD OF TRUSTEES  
of Valencia College

**FROM:** SANFORD C. SHUGART  
President

**RE:** DISCRIMINATION, HARASSMENT AND RELATED MISCONDUCT (Including Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Interpersonal Violence, Stalking, Complicity, and Retaliation) – (6Hx28: 2-01)

The proposed amendments to the Discrimination, Harassment and Related Misconduct (Including Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Interpersonal Violence, Stalking, Complicity, and Retaliation) policy are required to conform to all applicable laws, and to provide updates to reflect current and desired practices.

**RECOMMENDED ACTION:**

The President recommends that the District Board of Trustees of Valencia College approve the "Discrimination, Harassment and Related Misconduct (Including Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Interpersonal Violence, Stalking, Complicity, and Retaliation)" policy as presented.

A handwritten signature in black ink, reading "Sanford C. Shugart".

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President



**VALENCIA**

**POLICY: 6Hx28:2-01**

Responsible Official:  
Vice President, Organizational Development and Human  
Resources/Title IX Coordinator/Equal Opportunity  
Officer

Specific Authority: 1001.64, F.S.

Law Implemented: 1001.64, F.S.

Effective Date: xx-xx-xxxx

**DISCRIMINATION, HARASSMENT AND RELATED MISCONDUCT  
(Including Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Interpersonal  
Violence, Stalking, Complicity, and Retaliation)**

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**Policy Statement**

**I. NOTICE OF NON-DISCRIMINATION BASED ON PROTECTED STATUS**

- A. It is the policy of the District Board of Trustees to provide equal opportunity for employment and educational opportunities to all applicants for employment, employees, applicants for admission, students, and others affiliated with the College, without regard to race, ethnicity, color, national origin, age, religion, disability, marital status, sex/gender, genetic information, sexual orientation, gender identity, and any other factor protected under applicable federal, state, and local civil rights laws, rules and regulations (collectively referred to as “Protected Status”).
- B. In addition, Valencia College (“Valencia” or “College”) strives to be a community in which all members can learn and work in an atmosphere free from all forms of harassment, including sexual harassment, discrimination, intimidation and/or retaliation. This Policy 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. This Policy further prohibits Stalking and Interpersonal Violence, which need not be based on an individual’s Protected Status. Finally, this Policy prohibits Complicity for knowingly assisting in an act that violates this Policy and Retaliation against an individual because of his or her good faith participation in the reporting, investigation, and/or adjudication of violations of this Policy. These behaviors are collectively referred to in this Policy as Prohibited Conduct.
- C. All members of the College community are responsible for conducting themselves in accordance with this Policy and other College policies and procedures. Valencia students and employees who violate this Policy may face discipline up to and including expulsion or termination.
- D. 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. Taking action may include direct intervention when safe to do so, seeking

assistance from a person in authority at the College, enlisting the assistance of friends, contacting law enforcement, or contacting Campus Safety and Security. Members of the College community who exercise this positive responsibility will be supported by the College and protected from Retaliation.

- E. The College has an obligation to make reasonable efforts to investigate and address known or suspected instances of Prohibited Conduct. To foster a climate that encourages prevention and reporting of Prohibited Conduct, the College will actively promote prevention efforts, educate the College community, respond to all reports promptly, provide Interim Protective Measures to address safety and emotional well-being, and act in a manner that recognizes the inherent dignity of the individuals involved.

## II. SEXUAL OR GENDER BASED HARASSMENT, SEXUAL ASSAULT, SEXUAL EXPLOITATION, INTERPERSONAL VIOLENCE, AND STALKING

- A. Title IX of the Education Amendments of 1972 states that:
  - No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.
- B. Sexual or Gender-Based Harassment, Sexual Assault, Sexual Exploitation, and Retaliation, as defined in this Policy, are prohibited forms of discrimination under Title IX, which covers all of the College's programs and activities. Like racial, religious, and national origin harassment, Sexual or Gender-Based Harassment and Sexual Violence are also prohibited under Title VII of the Civil Rights Act of 1964, Section 760 et al, F.S., and other applicable laws.
- C. The College's prohibition against Interpersonal Violence (including domestic and dating violence) and Stalking is also governed by federal law because these forms of behavior are prohibited by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) (the Clery Act) and Section 304 of the Violence Against Women Reauthorization Act of 2013. Such acts violate the essential dignity of our community member(s) and are contrary to our institutional values.
- D. The College, as an educational community, will promptly and equitably respond to reports of Sexual Assault, Interpersonal Violence, and Stalking in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community. The College recognizes that Sexual Assault, Interpersonal Violence, and Stalking encompass a broad spectrum of conduct and will respond according to both the severity of the offense and the threat it poses to the campus community.

## III. PROHIBITED CONDUCT

This Policy prohibits all forms of Discrimination and Harassment based on an individual's Protected Status, including (as defined in Appendix A and hyperlinked throughout), race, color, national origin, ethnicity, age, religion, disability, marital status, sex/gender, genetic information, sexual orientation, gender identity, and any other factor protected under applicable federal state, and local civil rights laws, rules and regulations. In addition, this Policy prohibits related misconduct, including Sexual Assault, Sexual Exploitation, Interpersonal Violence, Stalking, Complicity, and Retaliation.

## ADDITIONAL GUIDANCE ABOUT DISCRIMINATION AND HARASSMENT

Consistent with the definitions provided in Appendix A, conduct that constitutes Discrimination and Harassment based on Protected Status:

1. May be blatant and involve an overt action, threat, or reprisal; or may be subtle and indirect, with a coercive aspect that is unstated but implied.
2. May or may not include intent to harm.
3. May not always be directed at a specific individual.
4. May be committed by anyone, regardless of Protected Status, position, or authority.
5. May be committed by a stranger, an acquaintance, or someone with whom the Reporting Party has a current or previous relationship, including a romantic or sexual relationship.
6. May be committed by or against an individual or by or against an organization or group.
7. May occur in the classroom, in the workplace, or in any other setting.
8. May be a pattern of behavior or, if sufficiently severe, a one-time event.
9. May be committed in the presence of others, when the Reporting Party and Responding Party are alone, or through remote communications, including email, text messages, or social media.
10. May take the form of threats, assault, property damage, economic abuse, and violence or threats of violence.
11. May include harassing or retaliatory behavior directed to a sexual or romantic partner, family member, or friend of the Reporting Party.

### IV. SCOPE AND APPLICABILITY OF THE POLICY

#### A. INDIVIDUALS COVERED BY THIS POLICY

1. This Policy and associated procedures apply to the conduct of and protect College students, employees, interns, volunteers, and visitors. The non-discrimination provisions also apply to contractors and other third parties under circumstances within the College's control.
2. When used in this Policy, Reporting Party refers to any individual who may have been the subject of any Prohibited Conduct by an individual or organization covered under the Policy, regardless of whether the Reporting Party makes a report or seeks action under the Policy. Responding Party refers to any individual who has been alleged to have violated the Policy.

#### B. LOCATIONS COVERED BY THIS POLICY

1. This Policy applies to all Prohibited Conduct that occurs on campus (including the District Office, centers, and other property owned or leased by the College). It also applies to Prohibited Conduct that occurs off campus, including online or electronic conduct, if the conduct occurs in the context of an employment or education program or activity of the College, has continuing adverse effects on campus, or has continuing adverse effects in an off-campus employment or education program or activity. Examples of covered off-campus conduct include conduct that occurs at College-sponsored events and activities, during study abroad, or in internship programs. In determining whether the College has jurisdiction over off-campus conduct that is not part of an educational program or activity of the College, and in evaluating "continuing adverse effects," the Title IX Coordinator/Equal Opportunity Officer will consider the

seriousness of the alleged conduct, the risk of harm involved, whether both parties are members of the campus community, whether the off-campus conduct is part of a series of actions that occurred both on and off campus, the nature/scope of the continuing effect on campus, and whether the alleged conduct has created a hostile environment.

2. Regardless of when, where, and with whom the conduct occurred, the College will offer reasonably available resources and assistance to individuals covered by this Policy who report or experience Prohibited Conduct. In cases of Sexual Assault, Interpersonal Violence, and Stalking, if the Responding Party is not a member of the College community, the College will also assist the Reporting Party in identifying and contacting external law enforcement agencies and community resources.

#### V. DEFINITIONS

A complete [glossary of terms](#) may be found in Appendix A.

#### VI. ANNUAL REVIEW

This Policy is maintained by the Title IX Coordinator/Equal Opportunity Officer. The Title IX Coordinator/Equal Opportunity Officer and the Equal Opportunity Response Team will review this Policy on at least an annual basis. The review will capture evolving legal requirements, evaluate the support and resources available to the parties, and assess the effectiveness of the resolution process (including the fairness of the process, the time needed to complete the process, and the sanctions and remedies imposed). The review will include the opportunity for individuals affected by the Policy to provide feedback and will incorporate an aggregate view of reports, resolution, and climate.

#### VII. IMPLEMENTATION

The President or designee(s) shall adopt procedures to implement this Policy.

#### VIII. RELATED POLICIES

(There may be relevant information in other College policies. Where that information conflicts with information in this Policy, this Policy will control.)

Substitute Admission and Graduation Requirements for Students with Disabilities

Accommodation of Religious Observances by Students

Ethical Conduct and Performance

Disciplinary Action

Employee Dispute Resolution

Suspension, Dismissal, Return to Annual Contract, or Non-Renewal of Contracts

Student Records

Student Code of Conduct

Child Abuse Reporting

Drug Free Campuses

### **Policy History**

This Policy shall apply to all Reports alleging violation made on or after February 25, 2015, regardless of when the conduct is alleged to have occurred. This Policy supersedes any policies and procedures to the contrary.

Adopted 12-10-02; Amended 12-21-04; Amended 12-18-12; Amended xx-xx-xxxx; Formerly 1-12, 2-1, 2-2, 2-3, 10-6



**POLICY: 6Hx28:2-01**

Responsible Official:  
Vice President, Organizational Development and Human  
Resources/Title IX Coordinator/Equal Opportunity  
Officer

Specific Authority: 1001.64, F.S.  
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## Procedures

These internal procedures provide mechanisms for students, faculty, and staff to receive a fair investigation and hearing on issues covered by Policy 6Hx28:02-01. 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.

### I. Reporting Prohibited Conduct

- A. The College 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 College is committed to ensuring that all reports are referred to the Title IX Coordinator/Equal Opportunity Officer, who will ensure consistent application of the Policy to all individuals and allow the College 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/Equal Opportunity Officer/Equal Opportunity Compliance Officer oversees the investigation and resolution of all Prohibited Conduct covered by the Policy on Prohibited Discrimination, Harassment, and Related Misconduct (the "Policy"). To report an incident involving Prohibited Conduct or discuss any aspect of the Policy, individuals are encouraged to contact the Title IX Coordinator/Equal Opportunity Officer/Equal Opportunity Compliance Officer or any of the designated College officials who together comprise the College's Equal Opportunity Response Team (see Appendix B).
- 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 agency and 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 Equal Opportunity Response 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.

*Title IX Coordinator/Equal Opportunity Officer*

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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 list in 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 Valencia 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 Valencia 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*

- i. 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/Equal Opportunity Officer 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.

- ii. For any report under this Policy, every effort will be made to respect and safeguard the privacy interests of all individuals involved in a manner consistent with the need for a careful assessment of the report and any necessary steps to eliminate the conduct, prevent its recurrence, and address its effects. Privacy and confidentiality have distinct meanings under this Policy.

*b. Privacy*

Privacy generally means that 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. 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*

- i. Confidentiality means that 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).
- ii. There are no College employees with legally-protected confidentiality. However, the College provides students and employees with access to External Confidential Resources (see Appendix E).

*3. Reporting Obligations of Employees and Students*

A report of Prohibited Conduct should be made to the Designated Reporting Options, comprised of the Equal Opportunity Response Team. The College recognizes, however, that an individual may choose to share information with other College employees, including those College employees designated as Responsible Employees. Information shared with a Responsible Employee must immediately be shared with the Title IX Coordinator/Equal Opportunity Officer or a member of the Equal Opportunity Response Team.

*a. Responsible Employees*

- i. 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/Equal Opportunity Officer 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. The list of Responsible Employees includes, for example, members of the Board of Trustees, the President, Vice Presidents, Campus Presidents, Deans, Directors, Campus Safety officers and faculty who serve as advisors to student groups. A full list of Responsible Employees can be found in Appendix C.

- ii. 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/Equal Opportunity Officer or a member of the Equal Opportunity Response Team in person, by telephone, electronically, or by email. Such reporting ensures timely support for all parties and enables an effective and consistent institutional response.

*b. All Other Employees*

All other employees are strongly encouraged to share any information about such conduct with the Title IX Coordinator/Equal Opportunity Officer or a member of the Equal Opportunity Response Team, 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*

All students (who are not otherwise required to report as a Responsible Employee) are strongly encouraged to report any information, including reports or partial reports, to the Title IX Coordinator/Equal Opportunity officer or a member of the Equal Opportunity Response Team.

*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, immediately to 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.

Any individual may make a direct report as follows:

- a. If a child is in immediate danger, call 911, then contact DCF.

- b. 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://abuse-report-bc.dcf.state.fl.us/AbuseWebReport/AddReporterinfo.aspx>.

Additional information regarding reporting suspected child abuse or neglect may be found in the College's Policy on Child Abuse Reporting, which may be found here: [http://valenciacollege.edu/generalcounsel/policy/default.cfm?policyID=269&volumeID\\_1=10&navst=0](http://valenciacollege.edu/generalcounsel/policy/default.cfm?policyID=269&volumeID_1=10&navst=0)

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 Policy. 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. See "Locations Covered by This Policy."

II. Initial Assessment

- A. 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 Assault, 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.
- B. 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:
1. Assess the nature and circumstances of the allegation.
  2. Address immediate physical safety and emotional well-being.
  3. Notify the Reporting Party of the right to contact, or decline to contact, law enforcement and seek medical treatment.
  4. Notify the Reporting Party of the importance of preservation of evidence.
  5. Assess whether the reported matter involves minors and if so, follow the reporting guidelines set forth above.

6. Enter the report into the College's daily crime log, but omit the Reporting Party's name and other identifying information.
7. Assess the reported conduct for the need for a timely warning under the Clery Act.
8. Provide the Reporting Party with information about on- and off-campus resources.
9. Notify the Reporting Party of the range of interim accommodations and remedies.
10. Provide the Reporting Party with an explanation of the procedural options, including remedies-based resolution and discipline-based resolution.
11. Receive information identifying the respective advisors (if any) for the Reporting Party and Responding Party.
12. Assess for pattern evidence or other similar conduct by Responding Party.
13. Discuss the Reporting Party's expressed preference for manner of resolution and any barriers to proceeding.
14. Explain the College's Policy 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*

- A. When a report is received, the Title IX Coordinator/Equal Opportunity Officer, in consultation with the Equal Opportunity Response Team and other administrators, will 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 at any time—for the Reporting Party, the Responding Party, and other involved individuals as appropriate to ensure their safety and well-being. Interim Protective Measures may be requested by the parties or imposed by the College at any time, regardless of whether any particular course of action is sought by the Reporting Party. Interim measures will be kept private to the extent practical.
- B. Interim Protective Measures are initiated based on information gathered during a report and generally are not intended to be permanent resolutions; hence, they may be amended, withdrawn, or made permanent. The Title IX Coordinator/Equal Opportunity Officer, in consultation with other administrators, will maintain consistent contact with the parties so that safety, emotional, and physical well-being concerns can be reasonably addressed.
- C. In the event that a Reporting Party does not wish to proceed with an investigation or disciplinary resolution, the Title IX Coordinator/Equal Opportunity Officer 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,

1. The seriousness and impact of the conduct;
2. The respective ages and roles of the Reporting Party and Responding Party;
3. Whether the Reporting Party is a minor under the age of 18;
4. Whether the Responding Party has admitted to the conduct;
5. 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;
6. The extent of prior remedial methods taken with the Responding Party;
7. The rights of the Responding Party to receive notice and relevant information before disciplinary action is sought;
8. If circumstances suggest there is an increased risk of the Responding Party's committing additional acts of Prohibited Conduct;
9. Whether the Responding Party has a history of arrests or records indicating a history of Prohibited Conduct;
10. Whether the Responding Party threatened further Prohibited Conduct against the Reporting Party or others;
11. Whether the Prohibited Conduct was committed by multiple individuals;
12. If the circumstances suggest there is an increased risk of future Prohibited Conduct under similar circumstances;
13. Whether the Prohibited Conduct was perpetrated with a weapon;
14. The existence of independent evidence;
15. Whether the College possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence);
16. Whether the Reporting Party wants to participate in an investigation or disciplinary hearing; and
17. Whether the Reporting Party has requested anonymity.

D. 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/Equal Opportunity Officer. Violations of Interim Protective Measures will be addressed under this Policy. The Title IX Coordinator/Equal Opportunity Officer 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:

1. Assistance in setting up initial appointments off campus.

2. Imposition of a trespass warning or a campus “No-Contact Order.”
3. Rescheduling of exams and assignments.
4. Providing alternative course completion options.
5. Change in class schedule, including the ability to drop a course without penalty or to transfer sections.
6. Change in work schedule, work location, or job assignment.
7. Limiting or prohibiting access to College facilities or activities pending resolution of the matter.
8. Leave of absence (voluntary or involuntary).
9. Providing an escort to ensure safe movement between classes and activities.
10. Providing academic support services, such as tutoring.
11. College-imposed leave, suspension, or separation for the Responding Party.
12. Any other measure which can be tailored to the involved individuals to achieve the goals of this Policy.

E. 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.

### III. Determination to proceed to Remedies-Based Response or Investigation

- A. At the conclusion of the Initial Assessment, the Title IX Coordinator/Equal Opportunity Officer, in coordination with the Equal Opportunity Response 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. The Title IX Coordinator/Equal Opportunity Officer 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/Equal Opportunity Officer.
- B. 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.
- C. 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*

- a. 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/Equal Opportunity Officer or the College. Depending on the form of remedies-based resolution used, it may be possible for a Reporting Party to maintain anonymity.
- b. 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.
- c. The Title IX Coordinator/Equal Opportunity Officer 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*

- a. 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.

- b. 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. 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.
- c. 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.
- d. 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.
- e. 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).
- f. 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.
- g. 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. A Reporting Party or Responding Party may have an Advisor accompany him or her to any meeting he or she attends related to the investigation of Prohibited Conduct in accordance with this Policy and procedures.

- h. 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.
- i. 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.

#### IV. Review of Investigation Report

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.

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

1. 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 Vice President, Organizational Development and 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 Vice President, Organizational Development and Human Resources (or designee), will then be issued to the Reporting Party, the Responding Party, and, to the Vice President/Campus President and immediate supervisor for further consideration of disciplinary action. The final report will identify an Appeals Officer (an executive officer of the College).

2. An acceptance by the Vice President, Organizational Development and Human Resources (or designee) of a finding of “cause” or a rejection by the Vice President, Organizational Development and Human Resources (or designee) of a finding of “no cause” may be appealed by the Responding Party and an acceptance by the Vice President, Organizational Development and Human Resources (or designee) of a finding of “no cause” or a rejection by the Vice President, Organizational Development and 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.

3. 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.
4. Upon acceptance of an appeal, the Appeals Officer shall notify the Reporting and Responding Parties, the Vice President for Organizational Development and Human Resources (or designee), the Title IX Coordinator/Equal Opportunity Officer, and those individuals who received a copy of the final investigation report.
5. 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 Vice President, Organizational Development and 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 Vice President, Organizational Development and Human Resources (or designee) to reconsider his or her acceptance or rejection of the findings in light of the new information. The Vice President, Organizational Development and 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.
6. 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 Vice

President for Organizational Development and Human Resources, the Title IX Coordinator/Equal Opportunity Officer, 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.

7. 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 Vice President for Human Resources and Diversity or the Office of Employee Relations, Diversity, and Compliance decides that further investigation is either impossible or unnecessary.

*B. Resolution of Investigation Reports for Cases of Discrimination or Harassment (Excluding Sexual or Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Interpersonal Violence, and/or Stalking) when the responding party is a student*

1. 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 Vice President, Organizational Development and Human Resources (or designee) who will review the report and determine whether or not to accept the findings of the investigator(s). The report will then be issued to the Reporting Party, the Responding Party, and to the Vice President Student Affairs and Dean of Students for further consideration of disciplinary action, pending any potential appeal. The final report will identify an Appeals Officer (an executive officer of the College).
2. An acceptance by the Vice President, Organizational Development and Human Resources (or designee) of a finding of “cause” or a rejection by the Vice President, Organizational Development and Human Resources (or designee) of a finding of “no cause” may be appealed by the Responding Party and an acceptance by the Vice President, Organizational Development and Human Resources (or designee) of a finding of “no cause” or a rejection by the Vice President, Organizational Development and 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.

3. 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.

4. Upon acceptance of an appeal, the Appeals Officer shall notify the Reporting and Responding Parties, the Vice President for Organizational Development and Human Resources, the Title IX Coordinator/Equal Opportunity Officer, and those individuals who received a copy of the final investigation report.
5. 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 Vice President for Organizational Development and Human Resources and/or the Title IX Coordinator/Equal Opportunity Officer 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 Vice President for Organizational Development and Human Resources and/or the Title IX Coordinator/Equal Opportunity Officer to reconsider his or her acceptance or rejection of the findings in light of the new information. The Vice President for Organizational Development and Human Resources and/or the Title IX Coordinator/Equal Opportunity Officer 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.
6. 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 Vice President for Organizational Development and Human Resources, the Title IX Coordinator/Equal Opportunity Officer, 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) and/or the Vice President for Organizational Development and Human Resources and/or the Title IX Coordinator/Equal Opportunity Officer. The decision by the Appeals Officer shall be final.
7. 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 Vice President for Human Resources and Diversity or the Office of Employee Relations, Diversity, and Compliance decides that further investigation is either impossible or unnecessary.

*C. Resolution of Investigation Reports in Cases of 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 policy violation may have occurred (that is, that the policy elements have been raised, and there are sufficient facts alleged that the Disciplinary Resolution Officer could find a policy violation if established by a preponderance of the evidence).

1. *Determination not 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 employee*

If the investigator(s) determines that there is insufficient information alleged to suggest that a policy 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/Equal Opportunity Officer 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.

2. *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 an employee*

If the investigation team determines that there is sufficient information alleged to suggest that a policy violation may have occurred, the Title IX Coordinator/Equal Opportunity Officer 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 disciplinary resolution process by transmitting the investigation report and Notice of Alleged Violation to a Disciplinary Resolution Officer. The Notice of Alleged Violation will identify the Disciplinary Resolution Officer. As outlined in greater detail below, the Disciplinary Resolution Officer 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 Policy.

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

- i. In cases when the Responding Party is an employee, the Disciplinary Resolution is the process by which a Disciplinary Resolution Officer

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 Policy.

- ii. Following a Notice of Alleged Violation, a Disciplinary Resolution Officer 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 Policy. The Disciplinary Resolution Officer 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 Disciplinary Resolution Officer may also consult with others in considering additional relevant factors.
- iii. For reports of Prohibited Conduct against an employee, the Disciplinary Resolution Officer is typically the Vice President for Organizational Development and Human Resources or designee. Either party may challenge the designation of the Disciplinary Resolution Officer 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 a Disciplinary Resolution Officer related to the student's employment in addition to or in lieu of the Disciplinary Resolution Officer typically assigned for reports against students.
- iv. The Disciplinary Resolution Officer must be a neutral and impartial decision-maker. Student Reporting and Responding Parties may submit a written request to the Title IX Coordinator/Equal Opportunity Officer (or designee) to remove the named Disciplinary Resolution Officer, and employee Reporting and Responding Parties may submit a written request to the Internal Auditor (or designee) to remove the named Disciplinary Resolution Officer, 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 Disciplinary Resolution Officer will be removed only if the Title IX Coordinator/Equal Opportunity Officer or Internal Auditor (or designee(s)) concludes that the Disciplinary Resolution Officer's bias precludes an impartial hearing of the report. Additionally, any Disciplinary Resolution Officer who has reason to believe he or she cannot make an objective determination must recuse himself or herself from the process.

- b. 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 an employee*
- i. In reaching determinations of responsibility, the Disciplinary Resolution Officer will consult with the Reporting Party, the Responding Party, the Title IX Coordinator/Equal Opportunity Officer, and other affected parties, as appropriate, to ensure a full assessment of the relevant facts and impacts. In cases of sexual assault, the Disciplinary Resolution Officer shall conduct separate, in-person conferences with the Reporting Party and the Responding Party. If a Reporting Party or Responding Party meets with the Disciplinary Resolution Officer, 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 Disciplinary Resolution Officer 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 Disciplinary Resolution Officer will make a finding by a preponderance of the evidence as to whether the Responding Party is responsible for engaging in Prohibited Conduct.
  - ii. The Disciplinary Resolution Officer forwards the report and finding to the Vice President, Organizational Development and Human Resources and to the Title IX Coordinator/Equal Opportunity Officer. After review, the report is then forwarded to the immediate supervisor and the respective Vice President/Campus President who, together with the Vice President Organizational Development and 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/Campus 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.
  - iii. 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.
  - iv. Generally, for College faculty and staff, a recommendation of termination or other disciplinary action may implicate other applicable Policies and

Procedures, including Policy: 6Hx28:3F-03, Suspension, Dismissal, Return to Annual Contract, or Non-Renewal of Contracts; Policy: 6Hx28:3E-09, Employee Dispute Resolution; and Policy: 6Hx28:3E-08, Disciplinary Action. Under these circumstances, additional steps may occur or be available as set forth in those Policies 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.

*D. Resolution of Investigation Reports in Cases of 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 policy violation may have occurred (that is, that the policy elements have been raised, and there are sufficient facts alleged that the Disciplinary Resolution Officer could find a policy violation if established by a preponderance of the evidence).

- 1. Determination not 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 investigator(s) determines that there is insufficient information alleged to suggest that a policy 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/Equal Opportunity Officer within five (5) business days of the date of such notice. If the matter involves a student Responding Party, the Appeals Officer is typically the Vice President for Student Affairs or designee. 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.

2. *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 policy violation may have occurred, the Title IX Coordinator/Equal Opportunity Officer 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 a Disciplinary Resolution Officer. The Notice of Alleged Violation will identify the Disciplinary Resolution Officer. As outlined in greater detail below, the Disciplinary Resolution Officer 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 Policy.

a. *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*

- i. Disciplinary Resolution is the process by which a Disciplinary Resolution Officer 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 Policy.
- ii. Following a Notice of Alleged Violation, a Disciplinary Resolution Officer 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 Policy. The Disciplinary Resolution Officer 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 Disciplinary Resolution Officer may also consult with others in considering additional relevant factors.
- iii. For reports of Prohibited Conduct against students, the Disciplinary Resolution Officer is typically a Dean of Students or designee. Either party may challenge the designation of the Disciplinary Resolution Officer 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 a Disciplinary Resolution Officer related to the

student's employment in addition to or in lieu of the Disciplinary Resolution Officer typically assigned for reports against students.

- iv. The Disciplinary Resolution Officer must be a neutral and impartial decision-maker. Student Reporting and Responding Parties may submit a written request to the Title IX Coordinator/Equal Opportunity Officer (or designee) to remove the named Disciplinary Resolution Officer, and employee Reporting and Responding Parties may submit a written request to the Internal Auditor (or designee) to remove the named Disciplinary Resolution Officer, 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 Disciplinary Resolution Officer will be removed only if the Title IX Coordinator/Equal Opportunity Officer or Internal Auditor (or designee(s)) concludes that the Disciplinary Resolution Officer's bias precludes an impartial hearing of the report. Additionally, any Disciplinary Resolution Officer who has reason to believe he or she cannot make an objective determination must recuse himself or herself from the process.

*b. 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*

- i. In reaching determinations of responsibility and sanction, the Disciplinary Resolution Officer will consult with the Reporting Party, the Responding Party, the Title IX Coordinator/Equal Opportunity Officer, and other affected parties, as appropriate, to ensure a full assessment of the relevant facts and impacts. In cases of sexual assault, the Disciplinary Resolution Officer shall conduct separate, in-person conferences with the Reporting Party and the Responding Party. If a Reporting Party or Responding Party meets with the Disciplinary Resolution Officer, 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 Disciplinary Resolution Officer 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 Disciplinary Resolution Officer will make a finding by a preponderance of the evidence as to whether the Responding Party is responsible for engaging in Prohibited Conduct.
- ii. If the Responding Party is a student and is found responsible, the Disciplinary Resolution Officer 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 Disciplinary Resolution Officer 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.

- iii. 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.

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

- i. 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 the Outcome becomes final.
- ii. A Notice of Outcome will include a finding whether there is a policy 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.

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

- i. An acceptance by the Vice President, Organizational Development and Human Resources (or designee) of a finding of "cause" or a rejection by the Vice President, Organizational Development and Human Resources (or designee) 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 and an acceptance by the Vice President, Organizational Development and Human Resources (or designee) of a finding of "no cause" or a rejection by the Vice

President, Organizational Development and Human Resources (or designee) 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.

- ii. 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.
- iii. 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/Equal Opportunity Officer within five (5) College business days of the date of the Notice of Outcome.
- iv. Upon receipt of the appeal, the Title IX Coordinator/Equal Opportunity Officer 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.
- v. Upon receipt of the appeal and any response, the Title IX Coordinator/Equal Opportunity Officer will notify the appropriate Appeals Officer. For an appeal involving a Responding Party who is a student, the Appeals Officer is typically the Vice President for Student Affairs or designee. For an appeal involving a Responding Party who is an employee, the Appeals Officer 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.
- vi. 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.

- vii. 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 Disciplinary Resolution Officer to assess the weight and effect of the new information and render a determination after considering the new facts.
- viii. The Appeals Officer will communicate the result of the appeal to the 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.

## V. Time Frames for Resolution

- A. Valencia will make every effort to successfully resolve all reports within sixty (60) business days. All time frames expressed in this Policy 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.
- B. In general, a Reporting Party and Responding Party can expect that the process will proceed according to the time frames provided in this Policy. 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.

## VI. 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.

## VII. Retaliation

- A. During the investigation and resolution of violations of this Policy 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.
- B. Retaliation is a violation of College Policy. 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/Equal Opportunity Officer or a Deputy Title IX Coordinator for assistance in addressing the concern. If the concern about Retaliation involves the Title IX Coordinator/Equal Opportunity Officer, an individual may contact the Internal Auditor at [InternalAudit@valenciacollege.edu](mailto:InternalAudit@valenciacollege.edu) or by telephone at 407-582-5557.

## VIII. Advisors and Attorneys

- A. 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 Policy, 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/Equal Opportunity Officer has the right at all times to determine what constitutes appropriate behavior on the part of an Advisor.
- B. 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.

## IX. Communication

College-issued email is the primary means of communication used by the College. The Title IX Coordinator/Equal Opportunity Officer, 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.

## X. Records

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

## XI. Release of Information

- A. If a report of Prohibited Conduct discloses a serious and continuing threat to the campus community, Valencia Campus 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.
- B. 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 Valencia Campus Safety for inclusion in the Daily Crime Log. This information will also be included in the College's Annual Security Report (<http://valenciacollege.edu/security/documents/Annual-Security-Report-2013.pdf> )
- C. The College may also share aggregate and not personally identifiable data about reports, outcomes, and sanctions.
- D. 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 Policy. No information, including the identity of the parties, will be released from such proceedings except as required or permitted by law or College Policy/procedure.

## Appendix A: Definitions

Term	Definition
<b>Advisor</b>	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.
<b>Age</b>	The number of years from the date of a person's birth. With respect to employment, individuals who are forty (40) years of age or older are protected from Discrimination and Harassment. There is no age threshold for students or other participants in educational programs or activities.
<b>Coercion or Force</b>	Conduct, intimidation, and express or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that are employed to persuade or compel someone to engage in sexual contact.
<b>College Community</b>	Faculty, staff, administrators, students, student employees, volunteers, and visitors.
<b>Color</b>	An individual's skin pigmentation, complexion, shade, or tone.
<b>Complicity</b>	Any act that knowingly aids, facilitates, promotes, or encourages the commission of Prohibited Conduct by another person.
<b>Confidentiality</b>	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).
<b>Consent</b>	<p>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.</p> <ul style="list-style-type: none"><li>• Consent cannot 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.</li><li>• Consent cannot 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.</li><li>• 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.</li><li>• 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.</li></ul>

	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Note that generally in Florida, consent cannot legally be given by a minor under the age of 18, with certain specified statutory exceptions.</li> </ul>
<b>Disability</b>	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.
<b>Discipline-Based Resolution</b>	The process by which a Disciplinary Resolution Officer designated by the College determines responsibility and if warranted, administers sanctions and/or discipline against a Responding Party.
<b>Discrimination</b>	<p>Any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's <u>Protected Status</u> and that is sufficiently serious, persistent, or pervasive so as to unreasonably interfere with or limit:</p> <ul style="list-style-type: none"> <li>• An employee's or applicant for employment's access to employment or conditions and benefits of employment;</li> <li>• A student's or admission applicant's ability to participate in, access, or benefit from educational programs, services, or activities;</li> <li>• An authorized volunteer's ability to participate in a volunteer activity; or</li> <li>• A guest's or visitor's ability to participate in, access, or benefit from the College's programs.</li> </ul> <p><u>Discrimination</u> includes failing to provide reasonable accommodations, consistent with state and federal laws, to a qualified person with a Disability.</p>
<b>Equal Opportunity Response Team</b>	A group of individuals led by the Title IX Coordinator/Equal Opportunity Officer 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.
<b>Gender-Based Harassment</b>	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.
<b>Gender Expression / Gender Identity</b>	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.
<b>Genetic Information</b>	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.
<b>Harassment</b>	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: <ul style="list-style-type: none"> <li>• educational environment;</li> <li>• work environment;</li> <li>• participation in a College program or activity; or</li> <li>• receipt of legitimately-requested services (e.g., disability or religious accommodations),</li> </ul> and creates Hostile Environment Harassment or Quid Pro Quo Harassment.
<b>Hostile Environment Harassment</b>	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.
<b>Incapacitation</b>	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.
<b>Interim Protective Measures</b>	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.
<b>Interpersonal Violence</b>	Physical, sexual, emotional, economic, or psychological actions or threats of 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: <ul style="list-style-type: none"> <li>• In a romantic or intimate relationship with the Reporting Party (of the same or different sex);</li> <li>• The Reporting Party's spouse or partner (of the same or different sex);</li> <li>• The Reporting Party's family member; or</li> <li>• The Reporting Party's cohabitant or household member, including a roommate.</li> </ul>
<b>National Origin/Ethnicity</b>	An individual's actual or perceived country or ethnicity of origin.
<b>Privacy</b>	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.
<b>Protected Status</b>	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.
<b>Quid Pro Quo Harassment</b>	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.
<b>Race</b>	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.
<b>Religion</b>	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.
<b>Remedies-Based Resolution</b>	A voluntary approach designed to eliminate a hostile environment without taking disciplinary action against a Responding Party.
<b>Reporting Party</b>	An individual who makes a report of Discrimination, Harassment, Sexual Harassment, Sexual Assault, Sexual Exploitation, Stalking, Interpersonal Violence, Complicity, or Retaliation.
<b>Responding Party</b>	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.
<b>Responsible Employees</b>	Employees with administrative or supervisory responsibilities on campus or who have been designated as Campus Security Authorities.
<b>Retaliation</b>	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.
<b>Sex/Gender</b>	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.
<b>Sexual Assault / Sexual Contact</b>	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.
<b>Sexual Exploitation</b>	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: <ul style="list-style-type: none"> <li>• 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;</li> </ul>

	<ul style="list-style-type: none"> <li>• 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;</li> <li>• Prostituting another individual;</li> <li>• Exposing one’s genitals in non-consensual circumstances;</li> <li>• Knowingly exposing another individual to a sexually transmitted infection or sexual virus without that individual’s knowledge; and</li> <li>• Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.</li> </ul>
<b>Sexual Harassment</b>	<p>Any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature, when:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or</li> <li>• 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.</li> </ul>
<b>Sexual Orientation</b>	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.
<b>Stalking</b>	<p>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.</p> <p>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.</p>
<b>Title IX Coordinator/Equal Opportunity Officer</b>	The designated College official with primary responsibility for coordinating the College’s compliance with Title VII, Title IX, and other federal and state regulations pertaining to equal access and equal opportunity.
<b>Title IX Deputy Coordinators</b>	Individuals responsible for supporting the Title IX Coordinator/Equal Opportunity Officer 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 as well as at the District Office.

Appendix B: Equal Opportunity Response Team

<b>Role</b>	<b>Name</b>	<b>Title</b>	<b>Campuses</b>	<b>Phone</b>	<b>Email</b>
Title IX Coordinator/Equal Opportunity Officer	Amy Bosley	VP, Organizational Development and Human Resources	District Office 245	407-582-8255	<a href="mailto:abosley@valenciacollege.edu">abosley@valenciacollege.edu</a>
Deputy Coordinator	Michelle Sever	Director, Employee Engagement	District Office 267	407-582-8256	<a href="mailto:msever@valenciacollege.edu">msever@valenciacollege.edu</a>
Deputy Coordinator	Lauren Bojalad	Assistant Director, Employee Relations	District Office Room x	407-582-8125	<a href="mailto:lbojalad@valenciacollege.edu">lbojalad@valenciacollege.edu</a>
Deputy Coordinator	Ruth Ridore	Campus Director, Human Resources East, Winter Park, Public Safety	East 7-110B	407-582-2760	<a href="mailto:rridore@valenciacollege.edu">rridore@valenciacollege.edu</a>
Deputy Coordinator	Becky Gallup	Campus Director, Human Resources West, District Office	West 6-306	407-582-5124	<a href="mailto:bgallup@valenciacollege.edu">bgallup@valenciacollege.edu</a>
Deputy Coordinator	Lisandra Suarez Lopez	Campus Director, Human Resources Osceola, Lake Nona	Osceola 1-141C	407-582-4710	<a href="mailto:Lsuarez@valenciacollege.edu">Lsuarez@valenciacollege.edu</a>
Deputy Coordinator	Cheryl Robinson	Dean of Students, Winter Park Campus	Winter Park 204	407-582-6883	<a href="mailto:crobinson@valenciacollege.edu">crobinson@valenciacollege.edu</a>
Deputy Coordinator	Jill Szentmiklosi	Dean of Students, Osceola Campus	Osceola 2-140D	407-582-4142	<a href="mailto:jszentmiklosi@valenciacollege.edu">jszentmiklosi@valenciacollege.edu</a>
Deputy Coordinator	Linda Herlocker	Dean of Students, West Campus	West SSB 136A	407-5821388	<a href="mailto:lherlocker@valenciacollege.edu">lherlocker@valenciacollege.edu</a>
Deputy Coordinator	Joe Sarrubbo	Dean of Students, East Campus	East 5-210L	407-582-2586	<a href="mailto:jsarrubbo@valenciacollege.edu">jsarrubbo@valenciacollege.edu</a>
Deputy Coordinator	Ben Taylor	Coordinator, Student Conduct and Academic Success	West SSB 170B	407-582-1336	<a href="mailto:Wtaylor17@valenciacollege.edu">Wtaylor17@valenciacollege.edu</a>
Deputy Coordinator	Corey Evans	Coordinator, Student Conduct and Academic Success	East 5-210Q	407-582-2346	<a href="mailto:Cevans53@valenciacollege.edu">Cevans53@valenciacollege.edu</a>
Deputy Coordinator	Mindy Smith	Manager, Student Services Lake Nona	Lake Nona 1-149C	407-582-7780	<a href="mailto:Msmith225@valenciacollege.edu">Msmith225@valenciacollege.edu</a>

Campus Security Manager	Mike Favorit	Manager, Security West, District Office	West SSB 170B	407-582-1336	<a href="mailto:mfavorit@valenciacollege.edu">mfavorit@valenciacollege.edu</a>
Campus Security Manager	Tom Decker	Manager, Security East, Winter Park, Public Safety	East 5-220	407-582-2365	<a href="mailto:tdecker1@valenciacollege.edu">tdecker1@valenciacollege.edu</a>
Campus Security Manager	Bill Maccauley	Manager, Security Osceola, Lake Nona	Osceola 2-109B	407-582-4388	<a href="mailto:bmaccauley@valenciacollege.edu">bmaccauley@valenciacollege.edu</a>

The Equal Opportunity Response Team may be expanded to include other members of the College community based on the unique circumstances of the issue under consideration.

## Appendix C: Responsible Employees

Appendix D: Law Enforcement and Medical Providers

<b>Law Enforcement</b>	<b>Medical Providers</b>
<p><b><u>City of Orlando Police Department</u></b>                      For Emergencies: 911                      Criminal Investigations Division: (407) 246-2425</p>	<p><b><u>Florida Hospital Orlando</u></b>                      (407) 303-5600</p>
<p><b><u>Orange County Sheriff's Office</u></b>                      For Emergencies: 911                      Main Number: (407) 254-7000</p>	<p><b><u>Florida Hospital East</u></b>                      (407) 303-8110</p>
<p><b><u>City of Kissimmee Police Department</u></b>                      For Emergencies: 911                      Criminal Investigations Division: (407) 847-0176 ext. 3248</p>	<p><b><u>Florida Hospital Kissimmee</u></b>                      (407) 846-4343</p>
<p><b><u>City of Winter Park Police Department</u></b>                      For Emergencies: 911                      Main Number: (407) 599-3444 or                      Non-emergency: (407) 644-1313</p>	<p><b><u>Orlando Regional Medical Center</u></b>                      (321) 841-5111</p>
	<p><b><u>Dr. P. Phillips Hospital</u></b>                      (407) 351-8500</p>
	<p><b><u>Health Central Hospital</u></b>                      (407) 296-1000</p>
	<p><b><u>Osceola Regional Medical Center</u></b>                      (407) 846-2266</p>

## Appendix E: External Confidential Resources

### *BayCare*

Available to students who are currently enrolled in Valencia College credit classes

(800) 878-5470

### *Employee Assistance Program*

Available to current full-time employees of Valencia College

(800) 554-6931

### *Victim Service Center of Central Florida*

Available to all members of the Central Florida community

(407) 497-6701



February 25, 2015

**TO:** THE DISTRICT BOARD OF TRUSTEES  
of Valencia College

**FROM:** SANFORD C. SHUGART  
President

**RE:** POLICY REPEALS

Conditioned upon the adoption of Policy 6Hx28:2-01 "Discrimination, Harassment and Related Misconduct" the following policies are superseded and obsolete:

1. 6Hx28: 1-12 – Discrimination and Sexual Harassment Prohibited
2. 6Hx28: 2-02 – Harassment/Sexual Harassment
3. 6Hx28: 2-03 – Investigating and Resolving Discrimination, Harassment and Sexual Harassment Complaints
4. 6Hx28: 10-06 – Sexual Assault and Other Crimes of Violence

**RECOMMENDED ACTION:**

The President recommends that the District Board of Trustees of Valencia College approve the Repeal of Policies 6Hx28:1-12 "Discrimination and Sexual Harassment Prohibited", 6Hx28:2-02 "Harassment/Sexual Harassment", 6Hx28:2-03 "Investigating and Resolving Discrimination, Harassment and Sexual Harassment Complaints", and 6Hx28:10-06 "Sexual Assault and Other Crimes of Violence" as presented.

A handwritten signature in black ink, reading "Sanford C. Shugart".

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President



February 25, 2015

**TO:** THE DISTRICT BOARD OF TRUSTEES  
of Valencia College

**FROM:** SANFORD C. SHUGART  
President

**RE:** SUBSTITUTE ADMISSION AND GRADUATION REQUIREMENTS FOR  
STUDENTS WITH DISABILITIES– (6Hx28: 2-07)

The proposed amendments to the Substitute Admission Graduation Requirements for Students with Disabilities policy are required to conform to all applicable laws, and to provide updates to reflect current and desired practices.

**RECOMMENDED ACTION:**

The President recommends that the District Board of Trustees of Valencia College approve the "Substitute Admission and Graduation Requirements for Students with Disabilities" policy as presented.

A handwritten signature in black ink that reads "Sanford C. Shugart".

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President

**POLICY: 6Hx28: 2-07**



Responsible Official:  
Vice President, Student Affairs

Specific Authority: 1001.64, F.S., and 1001.65,  
F.S.

Law Implemented: 1001.64, F.S., and 1001.65,  
F.S.

Effective Date: xx-xx-xxxx

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**Substitute Admission and Graduation Requirements for Students with Disabilities**

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**Policy:**

- A. Any student who has provided Valencia College's Office for Students with Disabilities with appropriate documentation of a disability, as defined by Florida Statute §1007.02, shall be eligible to request a reasonable modification/substitution for admission requirements to the College, a program of study, or graduation requirement(s) provided that the individual's inability to meet the requirement is related to the disability and where the failure to meet the graduation requirement or program admission requirement does not constitute a fundamental alteration in the nature of the program.

The College will provide a mechanism:

1. for determining, upon receipt of notification by a student that they are seeking a substitution, whether students are eligible for reasonable substitutions;
2. for identifying reasonable substitutions for criteria for admission to the institution, admission to a program of study, or graduation related to each disability for eligible students;
3. for making substitutions known to affected persons;
4. for making substitution decisions on an individual basis; and
5. for a student to appeal denial of a substitution or a determination of eligibility.

B. Articulation with Other State Institutions

In order to provide articulation with other state institutions, Valencia College shall accept all comparable substitutions previously granted by other state postsecondary institutions as they may

relate to admission to the College, admission to a program of study, or graduation from Valencia College.

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### **Procedure Statement:**

#### **A. Mechanism for Considering Course Substitution Requests**

1. The College has created the Collegewide Course Substitution Committee as the mechanism for students with disabilities to request reasonable course substitutions in the areas of admission to the college, admission to a program of study, graduation, or entry into upper division courses where appropriate. The Committee will evaluate all substitution requests made by eligible students with disabilities; make substitution recommendations; and forward substitutions granted under this policy to the Assistant Vice President of Admissions and Records for inclusion in the student's permanent record. The Committee's decision will be communicated to the student making the request and any pertinent departments in writing.
2. The Substitution Committee shall be a collegewide body. With the exception of the Chairperson and other positions with no alternate, new committee members will be appointed every two years. The Committee will consist of nine voting members; alternates are trained to fill in if assigned members cannot meet: Committee Chairperson (Assistant Vice President, Curriculum and Articulation); one Mathematics faculty member (and alternate); one Foreign Language faculty (and alternate); one English faculty (and alternate); one Student Services representative (and alternate); one Career Center representative (and alternate); one member from Office for Students with Disabilities (and alternate); Director, Office for Students with Disabilities (no alternate); Director of Standardized Testing (no alternate). All official members of the Substitution Committee shall have one vote.
3. The Substitution Committee will meet three times during the academic year, once in each of the principal academic terms. Meetings will be scheduled by the Committee Chairperson and held in November, March and June of each year. Committee meetings will be held on a rotating basis among each of the four campuses of Valencia College.

#### **B. Mechanism for Admission Substitution/Modification Requests**

1. Students may also request substitutions or modifications for admission to the College and/or a program of study or graduation requirement (other than the requirements addressed in the Course Substitution process). The request must be related to the substantial limitation of the documented disability; the request must not alter the fundamental nature of the program.

Note that a successful substitution to the College or a program of study may not alter federal requirements such as federal financial aid, residency requirements, etc.

2. All requests must be made to the Director of the Office for Students with Disabilities, who will convene an ad hoc committee of the relevant departments to engage in an interactive discussion to determine if the request:
  - a. Is related to the documented disability; and
  - b. Does not alter the fundamental nature of the program.

The ad hoc committee may be made up of the Dean of the relevant department and/or program chair, advisors or faculty member, the Registrar, and/or other relevant College administration.

3. Students may address the committee in person or in writing to make their requests.
4. The ad hoc committee's decision will be communicated to the student making the request and any pertinent departments in writing.

#### C. Mechanism for Making Substitutions Known to Affected Persons

The mechanism for the making of designated substitutions shall be made known to affected persons by inclusion in the College catalog, and the Office for Students with Disabilities Handbook.

#### D. Mechanism for Student Appeal

1. Within ten (10) working days of the email notification by Valencia of either the decision of the Course Substitution Committee referenced in Section A(1) or the decision by the ad hoc committee referenced in Section B(3), the student may appeal in writing to the Vice President, Academic Affairs and Planning. The student's written appeal must contain:
  - a. A statement outlining the background of the case, including all pertinent information the student wishes the Vice President, Academic Affairs and Planning to consider.
  - b. An explanation as to why the appeal is being sought, including the decision or action being sought by the student.
2. The Vice President, Academic Affairs and Planning shall set a date to hear the appeal within ten (10) days following receipt of the request. The purpose of the hearing shall be to obtain information on which the Vice President, Academic Affairs can make a decision regarding the appeal.
3. Final determination of the matter shall rest with the Vice President, Academic Affairs and Planning, who shall promptly transmit the decision in writing to the student and the Course

Substitution Committee chair in the case of Course Substitutions, or to the Director of the Office for Students with Disabilities in the case of Admission Substitutions.

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**Related Documents/Policies:**

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**Policy History:**

Adopted 12-10-02; Amended 12-21-04; Formerly 6Hx28:5-15; Amended XX-XX-XXXX

**Procedure History:**

Adopted 12-10-02; Amended 12-21-04; Formerly 6Hx28:5-15; Amended XX-XX-XXXX