POLICY: 6Hx28:2-01

Responsible Executive:
Executive VP, Administrative Services

Policy Contact: Chief Human Resources Officer

Specific Authority: 1001.64, F.S.
Law Implemented: 1001.64, F.S.

Effective Date: 12-07-2023

Date of Last Policy Review: 10-03-2025

DISCRIMINATION, HARASSMENT, AND RELATED MISCONDUCT

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DISCRIMINATION, HARASSMENT AND RELATED MISCONDUCT

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, pregnancy, 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 their 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 appropriately 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

A. This Policy prohibits all forms of Discrimination and Harassment based on:

1. 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, pregnancy;

2. conduct motivated by anti-Semitic intent; and
3. 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.

B. 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 or Complainant 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 Complainant and Respondent 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 Complainant.

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, Complainant 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 Complainant makes a report or seeks action under the Policy. Respondent 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 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 AVP Employee Relations & Services /Title IX Coordinator 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 Respondent is not a member of the College community, the College will also assist the Complainant 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 Assistant Vice President, Employee Relations & Services /Title IX Coordinator. The Assistant Vice President, Employee Relations & Services /Title IX Coordinator and the Equal Opportunity Department 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. When that information conflicts with information in this Policy, this Policy will control.)
College Policy 6Hx28: 3E-05.2 Ethical Conduct and Performance
College Policy 6Hx28: 3E-08 Disciplinary Action
College Policy 6Hx28: 3E-09 Employee Dispute Resolution
College Policy 6Hx28: 3F-03 Suspension, Dismissal, Return to Annual Contract, or Non-Renewal of Contracts
College Policy 6Hx28: 7B-02 Student Records

College Policy 6Hx28: 8-03 Student Code of Conduct
College Policy 6Hx28: 10-08 Drug-Free Campuses and Workplaces
College Policy 6Hx28: 10-09 Child Abuse Reporting

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 2-25-2015; Amended 12-07-2023; Formerly 1-12, 2-1, 2-2, 2-3, 10-6

Procedures

(Adopted 2-25-15; Amended 8-26-21; Amended 1-14-22; Amended 8-30-22; Amended 11-09-22; Amended 12-07-23, Amended 2-27-25; Amended 8-13-25; Amended 9-2-25; Amended 10-03-25; Date of Last Procedure Review 10-03-25)

These internal procedures provide mechanisms for students, faculty, and staff to receive a fair assessment, investigation and hearing on issues covered by Policy 6Hx28:02-01. Students/employees are not required to exhaust these procedures regarding any report alleging a 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. College officials can assist a Reporting Party/Complainant in contacting local law enforcement, at the request of the Complainant. The Assistant Vice President, Employee Relations & Services (AVP, ER&S)/Title IX Coordinator, Equal Opportunity Office, and Deputy Title IX Coordinators are the officials at the College designated to institute corrective measures for allegations of Discrimination/Harassment based on a Protected Status.

Title IX Coordinator
Mr. Ryan Kane
1800 S. Kirkman Road
Orlando, FL 32811
Email: rkane8@valenciacollege.edu
Telephone: 407-582-3421

Office for Civil Rights
61 Forsyth Street S.W., Suite 19T10
Atlanta, GA 30303-8297
Email: OCR.Atlanta@ed.gov

Telephone: 404-974-9406 or (800) 421-3481
Facsimile: 404-974-9471

Discrimination and Harassment Based on Disability

The AVP, ER&S, serves as the employee responsible for coordinating the College's efforts with regard to Section 504 of the Rehabilitation Act of 1970 and Title II of the Americans with Disabilities Act of 1990 and their implementing regulations. Those wishing to report Discrimination or Harassment based on disability should contact the AVP, ER&S.

Section 504 Coordinator

Dr. Trisha Charles
1800 S. Kirkman Road
Orlando, FL 32811
Email: tcharles13@valenciacollege.edu
Telephone: 407-582-3867

B. The College provides reporting options through multiple contact points across campuses that are broadly accessible to all College community members. Although a report may come in through many sources, the College is committed to ensuring that all reports are referred to the Equal Opportunity Office. The Equal Opportunity Office, with consultation from the AVP, ER&S/Title IX Coordinator, will ensure consistent application of the Policy to all individuals and allow the College to respond promptly and appropriately to eliminate the Harassment, prevent its recurrence, and eliminate its effects. The College's AVP, ER&S 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 AVP, ER&S or, the College's Equal Opportunity Office. Contact and reporting information can be found at valenciacollege.edu/EO.

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 Complainant does not have to decide whether to request any course of action or know how they wish 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 Complainant 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. Upon receipt of a report of Prohibited Conduct, the College will contact the Reporting Party or Complainant to assess what action, if any, the Complainant is seeking, and to discuss available Interim Protective Measures as appropriate. Additional details may be required by the Complainant to permit the College to initiate formal processes as described in Procedures Sections II and III below.

E. 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 Title IX Sexual Misconduct, 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; however, at their discretion, law enforcement may take action without the continued participation of a Complainant. A Complainant 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.

F. Reports Involving Minors

As may be required by law, any report involving abuse, abandonment, or neglect of a minor will be shared with the Department of Children and Family Services and law enforcement agencies.

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 their 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 also report to DCF.

Any individual may make a direct report as follows:

1. If a child is in immediate danger, call 911, then contact DCF.
2. 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 (fax) at 1-800-914-0004; or via the web athttps://www.myflfamilies.com/service-programs/abuse-hotline/.

For additional information regarding reporting suspected child abuse or neglect, see College Policy 6Hx28: 10-09 Child Abuse Reporting.

G. Anonymity, Privacy, Confidentiality, and College Obligations

1. Anonymity

a. The College will take all reasonable steps to investigate and respond to the report alleging a 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 Complainant and the circumstances of the allegation(s). The College will assess any barriers to proceeding, including Retaliation, and will inform the Complainant that Title IX and this Policy prohibit Retaliation, and the College will take strong responsive action to protect the Reporting Party and/or Complainant. In situations where the College is unable to take action consistent with the request of the Complainant, the AVP, ER&S (or designee) will communicate with the Complainant about the College's chosen course of action, which may include the College choosing to pursue action against a Respondent 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 Complainant.

b. 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 coinciding 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.

2. Privacy

a. The College will seek action consistent with the Complainant's request when possible. When a Complainant makes a report but requests that a name or other identifiable information not be shared with the Respondent 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 Respondent. Note that a Complainant's request for privacy may impact the College's ability to proceed with the Title IX Sexual Misconduct procedures as described in detail below.

b. 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 Respondent, information related to the report will be shared with the Respondent. In certain circumstances, the final outcome of a formal process as described below may be shared with the Complainant. 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).

3. Confidentiality

a. 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).

b. 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).

4. Reporting Obligations of Employees and Students

A report of Prohibited Conduct should be made to the AVP, ER&S/Title IX Coordinator or to the Equal Opportunity Office. Employees and students are strongly encouraged to share any information about such conduct with the AVP, ER&S/Title IX Coordinator or a member of the Equal Opportunity Office, 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.

5. Timeliness of Report, Location of Incident

Reporting Parties and third-party witnesses are encouraged to report Title IX Sexual Misconduct, 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. As described in Procedures Section II below, the College enrollment/affiliation status of a Complainant may impact the College's ability to proceed with a formal response to allegations of Title IX Sexual Misconduct.

If the Complainant is no longer an employee or student at the time of the report, the College may not be able to take disciplinary action against the Respondent, but it may still seek to provide support for a Complainant and taking steps to end the Prohibited Conduct, prevent its recurrence, and address its effects. If the Respondent is no longer an employee or student of Valencia College at the time of the report, the College's ability to take disciplinary action against the Respondent would be significantly limited. An incident does not have to occur on campus to be reported to the College. See "Locations Covered by This Policy."

II. PROCEDURES FOR RESPONDING TO ALLEGATIONS OF TITLE IX SEXUAL HARASSMENT, TITLE IX SEXUAL ASSAULT, TITLE IX INTERPERSONAL VIOLENCE, AND TITLE IX STAKING (TITLE IX SEXUAL MISCONDUCT)

The following procedures apply to reports received that allege Title IX Sexual Misconduct in accordance with the United States Department of Education's Regulations effective August 14,

2020, as clarified by OCR's Questions and Answers on the Title IX Regulations on Sexual Harassment issued July 2021. Any other allegations of Discrimination, Harassment or related misconduct based on a Protected Status are addressed through Procedures Section III below.

A. Scope of Title IX Misconduct

In order for alleged behavior to be addressed under these procedures, one or more of the following must be present, on the basis of sex that occurs in the College's educational program or activity within the United States and jeopardizes an individual's equal access to education:

1. Allegations of *quid pro quo* Harassment demonstrated by an employee;

2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access;

3. Any instance of Title IX Misconduct (Title IX Sexual Harassment, including any instance of Title IX Sexual Assault, Title IX Interpersonal Violence or Title IX Stalking) as defined in this Policy.

Allegations of Title IX Misconduct that took place before August 14, 2020, will be reviewed under Procedures Section III below. Procedures for Responding to Allegations of Prohibited Conduct (Excluding Title IX Sexual Misconduct) as outlined in this Policy.

B. Reports of Title IX Misconduct

1. Any person may make a report of sex Discrimination, including Title IX Misconduct, whether or not the person reporting is the Complainant. However, a report is not a Formal Complaint unless the report is made by the Complainant and includes the required information as outlined in Procedures Section E. Formal Complaints of Title IX Sexual Misconduct.

2. Reports of Title IX Misconduct must be made to the College's Title IX Coordinator or to a Deputy Title IX Coordinator. The College's Title IX Coordinator is the AVP, ER&S, who is located at the West Campus, Mail Code: DO-21, and can be reached via telephone at 407-582-3421 or via email at equalopportunity@valenciacollege.edu. Reports of Title IX Sexual Misconduct can be made in person, via mail, email, telephone, or via the online reporting tool found at valenciacollege.edu/EO or www.valenciacollege.edu/students/disputes. Formal Complaints must be made in writing as outlined in Procedures Section II. E. Formal Complaints of Title IX Sexual Misconduct.

C. Receipt of Reports of Title IX Misconduct

Upon receipt of a report, the College will respond promptly to Title IX Sexual Misconduct in a manner that is not deliberately indifferent.

The Title IX Coordinator, or designee, will confidentially contact the Complainant to discuss the availability of supportive measures (without the need to file a formal complaint), and provide information regarding how to file a formal complaint. In this outreach, the Title IX Coordinator, or designee, will offer to the Complainant an opportunity to speak in order to provide further information regarding the College's process and to discuss available supportive measures.

D. Supportive Measures

1. Supportive measures are non-disciplinary, non-punitive individualized services, offered as appropriate, and reasonably available, free of charge, and offered to a Complainant or Respondent before or after a formal complaint of Title IX Sexual Misconduct has been filed. These supportive measures offered to a Complainant or Respondent will remain confidential to the extent that maintaining confidentiality would not impair the College's ability to provide these measures.

2. Upon receipt of a complaint of alleged Title IX Sexual Misconduct, the Title IX Coordinator, or designee, will review the information and determine what immediate supportive measures may be appropriate, based on the reported information.

3. Supportive measures may include, and are not limited to: Interim Protective Measures as described in Procedures Section III. B. below, referrals to on-campus resources to the extent available, and/or off-campus confidential resources, academic or other modifications to allow a Complainant to continue with their educational or work experience while addressing the immediate effects of the reported alleged misconduct.

4. When the report of Title IX Sexual Misconduct 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 Title IX Coordinator (or designee) may place a student or a registered student organization on interim suspension or impose leave, or place an employee on administrative leave in accordance with College Policy 6Hx28: 3D-02 Leaves of Absence. 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 action. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame, in accordance with the timeframes established by the United States Department of Education regulations.

5. In circumstances where the College issues an interim suspension to a student Respondent based on the alleged behavior, this interim suspension must occur after an individualized risk and safety analysis performed by the College which

resulted in a determination of an actual or perceived immediate threat to the physical health or safety to a member or members of the College community.

a. The student Respondent will be notified of this action in writing and given an opportunity to immediately challenge the College's decision within five (5) College Business Days of notice of interim suspension. The interim suspension will remain in effect pending the challenge, which may be submitted in writing to the Vice President, Student Affairs.

b. Upon receipt of a written challenge of the interim suspension, the Vice President, Student Affairs (or designee) will review the individualized risk and safety analysis along with all other relevant information regarding the issuance of the interim suspension and will communicate their decision to the Respondent within five (5) College Business Days of receipt of the written challenge. The decision of the Vice President, Student Affairs (or designee) is final.

E. Formal Complaints of Title IX Sexual Misconduct

1. In circumstances when a Complainant desires the College to take action under this Policy, they must submit a formal, written complaint. Reporting an allegation to a member of the College is not sufficient to be considered a formal complaint. The formal complaint is a document submitted by the Complainant alleging Title IX Sexual Misconduct under this Policy and indicates a request by the Complainant that the College investigate the allegations under this Policy.

2. The only individual able to submit a Formal Complaint is a Complainant. In certain circumstances, the Title IX Coordinator may submit and sign a formal complaint in the absence of a Complainant. Upon doing so, the Title IX Coordinator does not become a Complainant under this Policy.

3. In order to file a formal complaint, the Complainant must:

a. Submit a Formal Complaint Form, found at valenciacollege.edu/EO or by mail or via email to equalopportunity@valenciacollege.edu, or in person to the Title IX Coordinator; and

b. Include as part of their formal complaint, a signature or digital signature indicating the Complainant as the individual submitting the complaint; and

c. Be participating in or attempt to participate in an Educational Program or Activity at Valencia College.

F. Dismissal of Formal Complaints

1. If the allegations in a formal complaint do not meet the definition under Title IX Sexual Misconduct under this Policy, or did not occur within the College's Educational Program or Activity as defined in this Policy, the College must dismiss the allegations under these procedures. Depending on the reported allegations, the College may review the allegations under Procedures Section III below or other relevant College policies.

2. The College may dismiss a formal complaint of Title IX Sexual Misconduct if the Complainant informs the Title IX Coordinator in writing of their request to withdraw their formal complaint or the allegations against the Respondent.

3. The College may dismiss a formal complaint if the Respondent is no longer enrolled or employed at the College or if specific circumstances exist preventing the College from gathering sufficient information to make a determination (including a lack of information regarding the identity(ies) of the Complainant and/or Respondent). The College may pursue action under other policies arising out of the facts or circumstances in a Formal Complaint subsequent to this dismissal, provided the action is not pursued for the purpose of interfering with any right or privilege under Title IX.

4. The College will inform both the Complainant and Respondent notice of the dismissal and reason for the dismissal in writing.

5. A Complainant may appeal the decision to dismiss review of the allegations under these procedures through the process outlined in Procedures Section II. K. Appeal Process, below.

G. Investigating Formal Complaints

1. All parties who are part of the review or decision making under these procedures will be free from any conflict of interest or bias for or against Complainants or Respondents.

2. After receipt of a formal complaint and determination to proceed under the Title IX procedures based on the information provided in the formal complaint, the Title IX Coordinator (or designee) will provide written notice to the Complainant and Respondent. This notice will be provided before any initial interview is conducted with the Respondent to include, and not limited to, the following:

    a. Indication that the College's process does not discriminate against a Complainant or Respondent on the basis of sex;

    b. A link to this Policy which outlines the grievance process; and the policies that outline the sanctioning process for students and employees: College Policy 6Hx28: 8-03 Student Code of Conduct and College Policy 6Hx28: 3E-08 Disciplinary Action, respectively;

c. Information regarding the opportunity for informal resolution;

d. Key details of allegations;

e. A statement that the Respondent is not presumed responsible until a final determination is made under the College's process;

f. Information regarding the role of a Title IX Advisor in the process, and the College's ability to provide a Title IX Advisor to a Complainant or Respondent at their request;

g. An opportunity to review evidence as part of the investigation and hearing process; and

h. Information prohibiting false information as part of the College's review.

3. Should the College decide to investigate any additional complaints not referenced in the notification described in Procedures Section II. G. 2. above, the College will notify the Complainant and Respondent in writing of additional allegations under investigation.

4. The College will provide advance written notice to Complainants and Respondents in advance of any subsequent interviews, meetings, or requests for meetings.

5. Information considered as part of this investigation will not include information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.

6. Both the Complainant and Respondent will have an equal opportunity to provide information for review by the investigator which may include inculpatory and exculpatory evidence as well as information from witnesses (including expert witnesses).

7. Both the Complainant and Respondent may select a Title IX Advisor to participate as outlined in Title IX Misconduct Procedures Section II, investigation and hearing:

a. The Title IX Advisor may be an attorney;

b. The College will provide a Title IX Advisor upon request to a Complainant or Respondent, at no cost. The Title IX Advisor provided to the requesting individual may, but is not required to be an attorney;

c. Upon selecting a Title IX Advisor, the Complainant or Respondent must notify the Title IX Coordinator of the Title IX Advisor's name, telephone number, and email address.;

d. Title IX Advisors provided by the College will receive appropriate, required training as outlined by the Department of Education. Title IX Advisors selected by Complainants or Respondents independent of those provided by the College will not be provided training by the College on matters related to Title IX as outlined by the Department of Education but are nonetheless expected to participate in the College's process as outlined in these procedures.;

e. The Title IX Advisor will not participate or represent the Complainant or Respondent with the exception of cross examination of the opposing party during the Title IX Hearing. In order to adequately provide cross examination support, the Title IX Advisor must be selected and their name provided to the Title IX Coordinator no less than ten (10) College Business Days prior to a Title IX Hearing. Should either party not have identified a Title IX Advisor by ten (10) College Business Days prior to the scheduled Title IX Hearing, the College will appoint a Title IX Advisor to be assigned.;

f. Should either party select a different Title IX Advisor at any time during these procedures, the party must notify the Title IX Coordinator in writing and provide the new Title IX Advisor's name, telephone number, and email address.

8. The College will keep private the identity of the Complainant, Respondent, and witnesses, except as may be permitted under FERPA, as required by law, or as necessary to carry out a review of this process.

9. Formal complaints by multiple Complainants and/or against multiple Respondents arising from the same set of facts or circumstances may be consolidated into one formal investigation process, whereas the College will identify individual Complainants and/or Respondents as appropriate.

10. The College will make attempts to gather all evidence directly related to the allegations as part of a formal complaint within twenty (20) College Business Days.

H. Review of Information

1. Upon review of all information gathered, and prior to the finalization of an investigation report, the Title IX Coordinator (or designee) will provide via electronic or hard copy format, to the Complainant and Respondent and their

respective Title IX Advisors, all evidence directly related to the allegations with at least ten (10) College Business Days to inspect, review, and respond.

2. After the ten (10) College business day review period has passed, and upon review of any written response from the Complainant and/or Respondent, the investigator will provide a final investigation report to the Complainant and Respondent and their respective Title IX Advisors summarizing all relevant evidence. This investigation report will be provided to both the Complainant and Respondent, and each will be given ten (10) College Business Days to provide a written response to the investigator.

3. After the ten (10) College Business Days have passed for both the Complainant and Respondent to have reviewed the final investigation report, the investigator will forward the final investigation report to the Title IX Coordinator.

I. Title IX Hearing Process

1. Upon receipt of the final investigation report, the Title IX Coordinator will notify both the Complainant and Respondent in writing, of the date, time, and location (including a virtual location) of a hearing. Both parties will have no less than ten (10) College Business Days to prepare for the Title IX Hearing.

2. Either the Complainant or Respondent can request in writing that they participate virtually in the Title IX Hearing. Requests must be submitted to the Title IX Coordinator no less than five (5) College Business Days prior to the scheduled date of the Title IX Hearing. If requested, the College will make arrangements for either or both parties to participate in a virtual setting, while still allowing for all parties to hear and physically view all participants, including the Title IX Hearing Officer.

3. The purpose of the hearing is for both the Complainant and Respondent to provide evidence to the Title IX Hearing Officer who will determine, based on a preponderance of evidence standard, if the Respondent has violated Title IX Sexual Misconduct as defined in this Policy.

4. The Title IX Hearing Officer will maintain control of the Title IX Hearing and all parties involved are expected to adhere to instructions given by the Title IX Hearing Officer as well as engage in civil behavior throughout the hearing process, in accordance with College policies. Any party who disrupts the hearing may be subject to dismissal from the hearing by the Title IX Hearing Officer, and the Title IX Hearing may continue without the participation of the dismissed party. To the extent permitted by Florida law, the Title IX Hearing will be audio recorded and those conducted via virtual participation by any party are also subject to video recording.

5. Both parties will be afforded an opportunity to present evidence to the Title IX Hearing Officer in verbal statements as well as to address any relevant documentary evidence already provided.

6. The Title IX Hearing Officer may ask relevant questions of the Complainant, Respondent, or witness(es) in an effort to gather relevant evidence to make a determination of responsibility.

7. Relevant cross-examination by Title IX Advisors, and other questions of a Complainant, Respondent, and/or any witness by the Title IX Hearing Officer may be asked orally and in real-time. Before a cross-examination question is answered, the Title IX Hearing Officer will first determine whether the question is relevant and will explain to the Title IX Advisor any decision to exclude a question as not relevant. Questions referencing a Complainant's previous sexual behavior will be prohibited, unless deemed by the Title IX Hearing Officer to be relevant in determining that someone other than the Respondent committed the alleged misconduct or is relevant to indicate consent.

8. No inferences may be made by a Title IX Hearing Officer regarding responsibility based on an individual's absence or lack of participation in the Title IX Hearing.

J. Determination of Responsibility

1. At the conclusion of the Title IX Hearing, the Title IX Hearing Officer will make a determination of responsibility and will notify in writing to the Complainant and Respondent simultaneously as well as the Title IX Coordinator within ten (10) College Business Days.

2. The Title IX Hearing Officer may seek and consider impact statements from the parties during the hearing or at another point prior to providing the written determination of responsibility. The Title IX Hearing Officer will communicate an appropriate sanction, when applicable.

3. The written Determination of Responsibility will include the following:

    a. Determination of responsibility under this Policy

    b. Rationale for decision

    c. Facts and relevant evidence and information used to make this determination of responsibility

    d. Disciplinary action/sanction taken as a result of a finding of responsibility

        i. Disciplinary action taken against a student Respondent may include, and is not limited to, expulsion, suspension, probation,

and/or any other disciplinary action listed in College Policy 6Hx28: 8-03 Student Code of Conduct. The decision of discipline imposed on a student Respondent will be up to the discretion of the Dean of Counseling, Advising, and Holistic Student Support, who will, with consultation from the Title IX Hearing Officer and Title IX Coordinator, and review of all of relevant information, communicate the disciplinary action to the Title IX Hearing Officer for dissemination to all appropriate parties. The procedures listed in Procedures Section II.K, below are the sole process for appeal of responsibility and sanctions for Title IX Sexual Misconduct.

ii. Disciplinary action taken against an employee Respondent may include, and is not limited to, dismissal, written reprimand, and/or any other disciplinary action listed in College Policy 6Hx28: 3E-08 Disciplinary Action. The decision of discipline imposed on an employee Respondent will be up to the discretion of the Respondent's supervisor, or next level supervisor, who will, with consultation from the Title IX Hearing Officer and Title IX Coordinator, and review of all relevant evidence, communicate the disciplinary action to the Title IX Hearing Officer for dissemination to all appropriate parties. The procedures listed in Procedures Section II. K below are the sole process for appeal of responsibility and sanctions for Title IX Sexual Misconduct, except to the extent otherwise required by law.

K. Appeal Process

1. Following the determination of responsibility, the Complainant and/or Respondent may submit an appeal of the determination to the Title IX Coordinator. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal.

   The limited grounds for appeal are as follows:

   a. New information that could affect the finding of the Title IX Hearing Officer and that was not reasonably available through the exercise of due diligence at the time of the investigation or hearing; and/or

   b. Material deviation(s) from written procedures that significantly affected the outcome; and/or

   c. The Title IX Coordinator, investigator(s), or Title IX Hearing Officer had a conflict of interest or bias for or against one of the parties that affected the outcome of the proceeding; or

d. The disciplinary action/sanction(s) imposed was disproportionate to the conduct.

2. Mere dissatisfaction or disagreement with the finding of cause or disciplinary action is not a valid basis for appeal.

3. The issues raised on appeal shall be limited to those issues raised during the investigation and/or Title IX Hearing. Any issues not raised during the investigation and/or Title IX Hearing or new issues that could have been raised, but were not, shall be precluded on appeal. To secure an appeal, the Complainant or Respondent must file a written request to the Title IX Coordinator no later than ten (10) College Business Days from the date from the receipt of the written notice of determination of responsibility.

4. Upon receipt of an appeal, the Title IX Coordinator, or designee, will notify the parties involved, including the Complaint and Respondent and will provide a copy of the appeal along with all information used to make the decision of responsibility to the designated Appeal Officer, who is typically the Executive Vice President, Administrative Services; and, when the Respondent is an employee; or the Vice President for Student Affairs, when the Respondent is a student.

5. Upon receipt of the appeal and corresponding information, the Appeal Officer will review the information and provide an opportunity in writing for the party (either the Complainant or Respondent) who has not submitted an appeal, to provide any additional information regarding the finding of responsibility.

6. The Appeal Officer shall have access to the entire record of the investigation, hearing, and impact statements submitted by the parties. The Appeal Officer will not make new findings of fact, revisit any credibility determinations, or determine whether a policy violation has occurred. If the Appeal Officer receives new evidence (not reasonably available through the exercise of due diligence at the time of the investigation or hearing) pursuant to their efforts to clarify facts, that they believe may change the outcome, the Appeal Officer shall ask the Title IX Hearing Officer to reconsider the findings in light of the new evidence. In these circumstances, The Title IX Coordinator will initiate further investigation as needed, and shall inform the Appeal Officer of any adjustments made to the final decision by the Title IX Hearing Officer. The Appeal Officer shall apprise the Complainant and Respondent of the new information and a reconsidered finding so that each has an opportunity to review and refute any such additional evidence before the Appeal Officer renders a final decision.

7. The Appeal Officer shall, in most cases, communicate the results of the appeal to the Complainant and Respondent within twenty (20) College Business Days from the date of submission of all appeal documents by both parties. The Appeal Officer's written decision shall be provided to the Complainant and Respondent,

the Title IX Coordinator, and those individuals who received a copy of the written Determination of Responsibility. The Appeal Officer may accept or reject, whole or in part, the finding of responsibility and any sanction issued. The decision made by the Appeal Officer shall be final. If a sanction has been challenged as disproportionate, the Appeal Officer may affirm the finding of responsibility while recommending that the sanction be reconsidered based on the circumstances of the particular case. The Appeal Officer may ask the Title IX Hearing Officer to reconsider the sanction, and the Title IX Hearing Officer may modify the sanction without disturbing the finding of responsibility or leave the sanction in place. The determination of the Title IX Hearing Officer in this instance shall be final.

L. Informal Resolution Option

1. At any time prior to reaching a determination of responsibility against a Respondent, the Complainant or Respondent may request that the College proceed with an informal resolution option as an alternative to a Title IX Hearing. Note that this option **will not** be available for allegations involving Title IX Sexual Misconduct where a student is the Complainant and the Respondent is an employee.

2. Either the Complainant or Respondent may notify the Title IX Coordinator in writing of their request and their desired outcome. Upon receipt of this request, the Title IX Coordinator will notify the other party (Complainant or Respondent) of the request in writing, and provide them with the opportunity to respond. Should both parties be in agreement, the Title IX Coordinator, may, at their discretion, initiate an Informal Resolution Option. It is the sole responsibility of the Title IX Coordinator to make the determination to proceed with an Informal Resolution Option or proceed with any investigation and/or Title IX Hearing.

3. In circumstances where an Informal Resolution Option is pursued, both parties will receive a written notice listing the allegations against the Respondent, the requirements of the Informal Resolution Option including the circumstances under which the parties may, at either of their request, resume a formal complaint arising from the same set of allegations and that either party may, at any time, notify the Title IX Coordinator in writing of their withdrawal from the Informal Resolution Option, which would therefore initiate the formal process as described in these procedures. Both parties will also be notified of the potential outcomes of this process and information regarding record retention and disclosure of records.

M. Completion of the Title IX Misconduct Process

1. An investigation shall be considered complete and the investigation shall be closed after the period has passed within which the Complainant and Respondent may submit an appeal, if none has been submitted, or following a final decision by the Appeal Officer, if an appeal has been submitted.

2. Circumstances may arise that require the extension of time frames for good cause. 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.

N. Obligation to Provide Truthful Information

1. The College takes the validity of information seriously because a report of Title IX Sexual Misconduct 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. Nothing in this section prohibits the College from pursuing remedies under other policies arising out of the same facts or circumstances as a report or complaint of sex Discrimination provided the remedies are not pursued for the purpose of interfering with any right or privilege under Title IX.

III. PROCEDURES FOR RESPONDING TO ALLEGATIONS OF PROHIBITED CONDUCT (EXCLUDING TITLE IX SEXUAL MISCONDUCT)

A. Initial Assessment

In order to proceed with an initial assessment, a report of Prohibited Conduct (excluding Title IX Sexual Misconduct) under this Policy must be submitted in writing to the AVP, ER&S, or to a member of the Equal Opportunity Office.

1. A report may be submitted by any Reporting Party, but must identify a Complainant and Respondent, as well as a request for action to be taken by the College. Reports may be submitted via in writing or via email to the AVP, ER&S, or a member of the Equal Opportunity team, or through an online submission found at www.valenciacollege.edu/EO.

2. Reports made to College employees, other than the AVP, ER&S and/or Equal Opportunity team, are not necessarily sufficient to initiate an Initial Assessment.

3. Absent the necessary information or without a report being submitted as outlined above, the College may offer interim protective measures; however, the College may not be able to address the allegations through these established procedures.

Upon receipt of a report of Prohibited Conduct (excluding Title IX Sexual Misconduct), the College will review the allegations and information provided to make an initial assessment to

determine if the alleged conduct could form a basis of a violation of this Policy, would be subject to another College Policy, or would not be applicable under College policies. Reasons that an Initial Assessment may lead to a determination that the conduct could not form the basis of a violation of this Policy include, and are not limited to:

1. A determination that the alleged conduct could not have occurred;

2. A lack of continued participation, information, or communication from the Complainant limiting the College's ability to effectively assess the allegations.

3. A determination that the impact on the Complainant could not have substantially interfered with their educational or work environment;

4. A determination that the Complainant is not a member of a protected class covered by this Policy or that the Complainant has not identified an applicable Protected Status;

5. A determination that the College lacks jurisdiction over the Complainant, the Respondent, and/or the alleged conduct;

6. An admission by the Complainant that the alleged conduct did not occur;

7. A determination that, even if the alleged conduct occurred, it could not form the basis for a finding of Discrimination or Harassment under this Policy; or

8. A determination by and in the discretion of the AVP, ER&S, that a full investigation would have a negative impact on the health, safety, welfare, or well-being of the Complainant, Respondent, any witness, or the College community as a whole.

In no event will an investigation be avoided solely due to the personal or professional interests of the parties, for purposes of delay, or to prejudice the rights of any individual.

The AVP, ER&S, will provide written approval of the determination made for each Initial Assessment. If the report concerns the AVP, ER&S, the Chief Human Resources Officer, will provide written approval of the determination made for the Initial Assessment. If the allegations would more appropriately be addressed through another policy, the College will notify the Complainant in writing of the result of the Initial Assessment and provide information as to alternative College resources to appropriately address the allegation. The AVP, ER&S, retains the discretion to open separate investigations into potential patterns of behavior that may, taken together, constitute violations of this Policy.

B. Interim Protective Measures

1. When a report is received, the AVP, ER&S (or designee), in consultation with the Equal Opportunity Office and other administrators as needed, will provide 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. These measures are designed, as appropriate, to restore or preserve access to education without unreasonably burdening any party and are intended to be non-disciplinary and non-punitive. As determined to be appropriate in the sole discretion of the College, Interim Protective Measures may be applied or modified at any time—for the Complainant, the Respondent, 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 Complainant. Interim measures will be kept private to the extent practical.

2. 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 resulting from a remedies-based resolution or investigation. The AVP, ER&S (or designee) will maintain consistent contact with the parties so that safety, emotional, and physical well-being concerns can be reasonably addressed.

3. In the event that a Complainant does not wish to proceed with an investigation or remedies based resolution under these procedures, the AVP, ER&S, will determine, based on the available information, including information learned in the Initial Assessment or as part of the investigation, whether the investigation 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,

    a. The seriousness and impact of the conduct;
    b. The respective ages and roles of the Complainant and Respondent;
    c. Whether the Complainant is a minor under the age of 18;
    d. Whether the Respondent has admitted to the conduct;
    e. Whether the Respondent has a pattern of similar conduct, including whether there have been other reports of Harassment or misconduct against the Respondent;
    f. The extent of prior remedial methods taken with the Respondent;
    g. The rights of the Respondent to receive notice and relevant information before disciplinary action is sought;
    h. If circumstances suggest there is an increased risk of the Respondent committing additional acts of Prohibited Conduct;
    i. Whether the Respondent has a history of arrests or records indicating a history of Prohibited Conduct;
    j. Whether the Respondent threatened further Prohibited Conduct against the Complainant or others;
    k. Whether the Prohibited Conduct was committed by multiple individuals;
    l. If the circumstances suggest there is an increased risk of future Prohibited Conduct under similar circumstances;
    m. Whether the Prohibited Conduct was perpetrated with a weapon;
    n. The existence of independent evidence;
    o. Whether the College possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence);

p. Whether the Complainant wants to participate in an investigation or disciplinary hearing; and
q. Whether the Complainant has requested anonymity.

4. 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 AVP, ER&S. Violations of Interim Protective Measures will be addressed under this Policy, or through other applicable College policies. The AVP, ER&S, 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 and is not limited to:

   a. Assistance in setting up initial appointments off campus.
   b. Imposition of a trespass warning issued by local law enforcement, in partnership with Safety & Security and/or a college-issued "No-Contact Order."
   c. Rescheduling of exams and assignments.
   d. Providing alternative course completion options.
   e. Change in class schedule, including the ability to drop a course without penalty or to transfer sections.
   f. Change in work schedule, work location, or job assignment.
   g. Limiting or prohibiting access to College facilities or activities pending resolution of the matter.
   h. Leave of absence (voluntary or involuntary).
   i. Providing an escort to ensure safe movement between classes and activities.
   j. Providing academic support services, such as tutoring.
   k. College-imposed leave, suspension, or separation for the Respondent.
   l. Any other appropriate measure which can be tailored to the involved individuals to achieve the goals of this Policy.

5. When 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 AVP, ER&S, may place a student or student organization on interim suspension or impose leave or place an employee on administrative leave. 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.

C. Determination to Proceed to Remedies Based Response or Investigation

1. At the conclusion of the Initial Assessment, the AVP, ER&S, in coordination with the Equal Opportunity Office (as appropriate), will determine the appropriate manner of resolution, which may include remedies-based resolution, the initiation of an investigation to determine if disciplinary action is warranted, or no further action under this Policy based on the information gathered as part of the Initial Assessment. Any individual wishing to explore alternative

resolution methods is encouraged to discuss these options with the AVP, ER&S, or a staff member in Equal Opportunity. The College will consider the interest of the Complainant and the Complainant's expressed preference for manner of resolution. When possible and as warranted by an assessment of the facts and circumstances, the College will seek action consistent with the Complainant's request. Participation in remedies-based resolution by the Complainant and Respondent is voluntary, and a Complainant or Respondent may request to end remedies-based resolution and initiate, and/or continue with, an investigation at any time. Requests must be made in writing to the AVP, ER&S, who has the discretion to determine which method of resolution is appropriate.

2. Following the Initial Assessment, the College may take no further action under this Policy, or may seek either a voluntary remedies-based resolution that does not involve disciplinary action against a Respondent, or a resolution by initiating an investigation, which may result in disciplinary action against a Respondent. The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to suggest a violation of this Policy and therefore 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 Complainant and the Respondent. Resources are available for both students and employees, whether as Complainants or Respondents, to provide support and guidance throughout the investigation and resolution of the report.

    a. Remedies-Based Resolution

        i. Remedies-based resolution is a voluntary approach designed to address possible Discrimination or Harassment without taking disciplinary action against a Respondent. When 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 Complainant's access to educational, extracurricular, and employment activities at the College and to address a possible hostile environment without requiring a finding of or admission of responsibility on the part of the Respondent. Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the Respondent and/or indirect action by the AVP, ER&S (or designee), or the College. Depending on the form of remedies-based resolution used, it may be possible for a Complainant to maintain anonymity from the Respondent.

        ii. The College may offer mediation for appropriate cases, but will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of remedies-based resolution. 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.

        iii. The AVP, ER&S, will maintain records of all reports and conduct referred for remedies-based resolution, which will typically be completed within twenty-five

(25) College Business Days of the conclusion of the initial assessment.

b. Investigation

i. When the Initial Assessment concludes that reported conduct may have violated this Policy, that disciplinary action may be appropriate, and the conduct is not being addressed through a remedies-based resolution the College will initiate an investigation. The College will designate an investigator(s) who 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, when appropriate.

ii. 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 Complainant, the Respondent, 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 Complainant and Respondent 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.

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

iv. In gathering the facts, the investigator(s) may consider other allegations of, or findings of responsibility for, similar conduct by the Respondent to the extent such information is relevant and available. Such information may prove to be relevant.

v. 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 Complainant or Respondent may have an Advisor accompany them to any meeting they attend related to the investigation of Prohibited Conduct in accordance with this Policy and procedures.

vi. The College will seek to complete the fact-gathering in an investigation within twenty (20) College Business Days of completion of an initial assessment, but this time frame may be extended for good cause.

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

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

D. 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.

1. Resolution of the Investigation Report

a. Before the investigator's report is finalized, the Complainant and Respondent will be given the opportunity to review all information that will be used in adjudication of the matter. This includes any relevant information gathered including, but not limited to documents and written statements of the parties or witnesses. The Complainant and Respondent may submit any additional comment or information, including identifying any additional witnesses, to the investigation team within five (5) College business days of the opportunity to review the relevant portions of the report. Upon receipt of any additional information by the Complainant or Respondent or after the five (5) College business days 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 occurred.

b. After consultation with the AVP, ER&S, the investigator(s) will submit the final report to the Chief Human Resources Officer (or designee) if the Respondent is an employee; or to the Vice President, Student Affairs (or designee) if the Respondent is a student, who will review the investigation report and determine whether or not to accept the findings of the investigator(s).

c. Upon receipt and review of the investigation report, the Chief Human Resources Officer (or designee), or Vice President, Student Affairs (or designee) may request the investigator(s)

conduct additional fact-gathering and/or possible further investigation. In addition to accepting the findings of the investigator(s), the Vice President may reject the report in whole or may suspend a decision pending further review by the investigator for purposes of additional fact gathering or clarification.

d. A letter summarizing the decision by the Chief Human Resources Officer (or designee) or Vice President, Student Affairs (or designee) and the investigation report, will then be issued to the Complainant, the Respondent, and to the Vice President/Provost and immediate supervisor (in cases when the responding party is an employee) for further consideration of disciplinary action after any appeal process has concluded. Should the decision be a finding of responsibility, the decision letter will identify an Appeals Officer.

e. A finding of responsibility for a violation of this Policy may be appealed by the Respondent to the designated Appeals Officer. The Appeals Officer is typically a vice president or senior level administrator.

   The appeal shall consist of a specific, concise, and complete written statement outlining the grounds for the appeal. The limited grounds for appeal are as follows:

   i. New information that could affect the finding by the investigator(s)and that was not reasonably available through the exercise of due diligence at the time of the investigation; and/or

   ii. Material deviation(s) from written procedures that significantly affected the outcome.

   Mere dissatisfaction or disagreement with the finding of responsibility is not a valid basis for appeal.

f. 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 Respondent must file a written request to have the finding reviewed with the designated Appeals Officer no later than five (5) College Business Days from the date on which the party receives a copy of the final report.

g. Upon acceptance of an appeal, the Appeals Officer shall notify the Complainant and Respondent, the Chief Human Resources Officer (or designee) or the Vice President for Student Affairs (or designee), the AVP, ER&S, and those individuals who received a copy of the final investigation report.

h. The Appeals Officer shall consider the facts in support of the request and seek clarification of facts as deemed necessary. The Appeals Officer may request further investigation or that the investigator(s) 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 the Appeals Officer's efforts to clarify facts, that the Appeals Officer believes

may change the outcome, the Appeals Officer shall ask the Chief Human Resources Officer (or designee), or Vice President, Student Affairs (or designee), to reconsider their acceptance or rejection of the findings in light of the new information. The Chief Human Resources Officer (or designee), or Vice President, Student Affairs (or designee) shall inform the Appeals Officer of the reconsidered finding. The Appeals Officer shall apprise the Complainant and Respondent 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.

i. The Appeals Officer shall communicate the results of the appeal to the Complainant and Respondent within fifteen (15) College Business Days from the date of submission of all necessary appeal documentation. The Appeals Officer's written decision shall be provided to the Complainant and Respondent, the Chief Human Resources Officer or Vice President for Student Affairs, the AVP, ER&S, and those individuals who received a copy of the original investigation report. The Appeals Officer may accept or reject, the findings of the Vice President in whole or in part. The decision on whether or not the alleged conduct actually occurred and constituted a violation of this Policy made by the Appeals Officer shall be final.

j. An investigation shall be considered complete and the investigation shall be closed after the period has passed within which the Respondent may submit an appeal, if none has been submitted, or following a final decision by the Appeals Officer, if the Respondent has requested an appeal. A matter also may be closed administratively when the Chief Human Resources Officer, Vice President for Student Affairs, and/or the AVP, ER&S decides that further investigation is either impossible or unnecessary.

k. Circumstances may arise that require the extension of time frames for good cause, including extension beyond fifteen (15) College 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.

l. An employee who is found responsible for violating this Policy will then be referred to their immediate supervisor and/or their respective Vice President/Provost for possible disciplinary action under applicable College policies.

m. A student who is found responsible for violating this Policy will then be referred to the Assistant Vice President, Holistic Support, for possible disciplinary action under College Policy 6Hx28: 8-03 Student Code of Conduct.

E. Timeframes for Resolution

1. The College will make every effort to successfully resolve all reports within sixty (60) College 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) College 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.

2. In general, a Complainant and Respondent 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.

F. Obligation to Present Truthful Information

The College takes the validity of information seriously because a report of Prohibited Conduct may have severe consequences. Any individual who makes a report or provides information as part of a review or an investigation 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.

G. Alcohol and Drug Violation Amnesty

Valencia College believes in providing a safe, inclusive community for students, faculty, staff, and visitors at any of our campuses. We also believe that our community members have a unique role in ensuring the safety and inclusion of others by reporting incidents of Sexual Harassment, Sexual Assault, Interpersonal Violence, and Stalking that jeopardize this community. We understand the fear associated with reporting, particularly if the incident also involved underage alcohol use/possession or the use of illicit drugs. Although the College does not condone these behaviors, we do not desire them to become obstacles in reporting. Therefore, Reporting Parties or Complainants who make good faith reports regarding allegations of Discrimination, Harassment, or related misconduct, will not be subject to formal disciplinary action for their use or possession of alcohol or illicit drugs related to the reported incident.

H. Retaliation

1. During the investigation and resolution of violations of this Policy that are alleged in good faith, reasonable steps will be taken to protect the Complainant, the Respondent, and other participants in the reporting, investigation, and resolution process from Retaliation.

2. Retaliation is a violation of this 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 Chief Human Resources Officer, for

assistance in addressing the concern. If the concern about Retaliation involves the Chief Human Resources Officer, an individual may contact the Director of Compliance and Audit at InternalAudit@valenciacollege.edu or by telephone at 407-582-3253.

I. Advisors and Attorneys

1. At any point during the processes listed above, the Complainant and Respondent have the right to be assisted by an Advisor of their choice, which may include an attorney, however, an attorney may not represent their client as part of this process. Under no circumstances may an Advisor be a witness. The Advisor may accompany the Complainant or Respondent to any meeting with an investigator or a College employee. Persons who serve as Advisors should plan to make themselves 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 they were invited. Any exceptions to this prohibition will be at the sole discretion of the AVP, ER&S (or designee). The AVP, ER&S, has the right at all times to determine what constitutes appropriate behavior on the part of an Advisor.

2. Any party may seek the assistance of an attorney at their own expense. 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.

IV. COMMUNICATION

College-issued email is the primary means of communication used by the College. The AVP, ER&S/Title IX Coordinator (or designee), investigator, hearing officer, 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.

V. RECORDS

The AVP, ER&S/Title IX Coordinator will retain records of all reports, regardless of whether the matter is resolved by means of Initial Assessment, remedies-based resolution or disciplinary resolution for no less than a period of seven (7) years from the date of the receipt of the initial report.

VI. RELEASE OF INFORMATION

A. If a report of Prohibited Conduct discloses a serious and continuing threat to the campus community, Valencia College Safety and Security 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 Safety and Security authorities must be shared with Valencia College Safety and Security for inclusion in the Daily

Crime Log. This information will also be included in the College's Annual Security Report (http://valenciacollege.edu/security/annual-security-report.cfm)

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
Advisor	A silent and non-participating presence who solely observes and provides support during the investigation process. (See definition of Title IX Advisor below for Title IX Sexual Misconduct investigations.)
Age	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.
Anti-Semitism	Anti-Semitism includes a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, their property, or toward Jewish community institutions or religious facilities. For more information and examples, see 1000.05, F.S.
Coercion or Force	Conduct, intimidation, and expressed 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.
College Business Days	Monday – Friday when the College is fully open for business in-person and/or through remote services. It shall exclude College holidays and other official College closures as applicable.
College community	Faculty, staff, administrators, students, student employees, volunteers, and visitors.
Color	An individual's skin pigmentation, complexion, shade, or tone.
Complainant	An individual who is alleged to be the victim of Prohibited Conduct outlined in this Policy, regardless of whether this individual makes a report or seeks action under the Policy.
Complicity	Any act that knowingly aids, facilitates, promotes, or encourages the commission of Prohibited Conduct by another person.
Confidentiality	Information shared with designated community professionals, referred to in this Policy as External Confidential Resources, will be disclosed only with the individual's express written permission. External Confidential Resources will not share information about an individual (including whether that individual has received services) with anyone, including the College, without the individual's express written permission, unless there is a continuing threat of serious violence to the patient/client or to others or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor).

Conflict of Interest	A Title IX Advisor's personal or professional interest that is directly adverse to the interests of the party being advised, and that causes a substantial risk that the Advisor's responsibilities to that party will be materially limited by the Title IX Advisor's responsibilities to another party or to their personal or professional interest. To be a Conflict of Interest, the interest must actually affect the outcome of the proceeding. A possible or potential conflict, without evidence of how that conflict would actually affect the outcome of the proceeding, is insufficient. A Conflict of Interest exists when a Title IX Advisor has a familial relationship with a party or participant (other than the party being advised) whether by blood, adoption, or marriage. A Title IX Advisor's personal or business interest involving any party or participant in the proceeding may also be evidence of a Conflict of Interest, including but not limited to an interest in a party or participant's private business; the receipt of gifts or financial assistance from a party; or providing financial assistance to a party. Merely being employed by or compensated by the College for service as a Title IX Advisor, having knowledge of a party or participant prior to the hearing, or being a certain sex or gender shall, by themselves, be insufficient to constitute a Conflict of Interest. Relatedly, "bias" means a personal and sometimes unreasoned judgment. Biases are neither uncommon nor alone a basis for any modification of the proceedings described herein without the presence of a Conflict of Interest.
Consent	Consent is the communication of an affirmative, conscious, and freely made decision by each participant to engage in agreed upon forms of sexual contact. Consent requires an outward demonstration, through understandable words or actions, which conveys a clear willingness to engage in sexual contact. • Consent cannot to be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may result in a violation of this Policy. For example, a person who does not physically resist or verbally refuse sexual contact may not necessarily be giving Consent. There is no requirement that an individual verbally or physically resist unwelcome sexual contact for there to be a violation of this Policy. • Consent cannot be inferred from an existing or previous dating or sexual relationship. Even in the context of a relationship, there must be mutual Consent to engage in sexual contact for each occasion and each form of sexual contact. • Consent to one form of sexual contact does not constitute Consent to any other form of sexual contact, nor does Consent to sexual contact with one person constitute Consent to sexual contact with any other person. Additionally, Consent to sexual contact on one occasion is not Consent to engage in sexual contact on another occasion. • Consent cannot be obtained by Coercion or Force or by taking advantage of a person's inability to give Consent because of Incapacitation or other circumstances. • A person who has given Consent to engage in sexual contact may withdraw Consent at any time. However, withdrawal of Consent requires an outward demonstration, through understandable words or actions that clearly conveys that a party is no longer willing to engage in sexual contact. Once Consent is withdrawn, the sexual contact must cease immediately.

	Note that generally in Florida, consent cannot legally be given by a minor under the age of eighteen (18), with certain specified statutory exceptions.
Disability	A physical or mental impairment that substantially limits one or more major life activities; or a record of such impairment; or regarding an individual as having such impairment. A qualified person with a disability must be able to perform the essential functions of the employment, internship, or volunteer position or the academic or extracurricular program, with or without reasonable accommodation.
Discrimination	Any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's Protected Status and that is sufficiently serious, persistent, or pervasive so as to unreasonably interfere with or limit: • An employee's or applicant's access to employment or conditions and benefits of employment; • A student's or admission applicant's ability to participate in, access, or benefit from educational programs, services, or activities; • An authorized volunteer's ability to participate in a volunteer activity; or • A guest's or visitor's ability to participate in, access, or benefit from the College's programs. Discrimination also includes failing to provide identified and agreed upon reasonable accommodations consistent with state and/or federal laws, to a qualified person with a Disability.
Educational Program or Activity	Locations, events, or circumstances over which the school exercises substantial control over the Respondent and the context in which the alleged Sexual Harassment has occurred. This includes any building owned or controlled by a student organization that is officially recognized by the College. This includes college sponsored and/or affiliated programs or activities that occur on or off-campus.
Evidentiary Standard	To be found responsible for a violation of this Policy, there must be a preponderance of evidence to indicate that an individual has engaged in Prohibited Conduct.
Gender-Based Harassment	Sexual Harassment also includes Harassment based on gender, sexual orientation, or gender identity, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature. Also includes Harassment for exhibiting what is perceived as a stereotypical characteristic for one's Sex or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the actual or perceived Sex, Gender, or Sexual Orientation of the individuals involved.
Gender/ Gender Expression / Gender Identity	An individual's socially-constructed status based on the behavioral, cultural, or psychological traits typically associated with societal attribution of masculinity and femininity, typically related to one's assigned sex at birth. This includes Gender Expression, which is how someone expresses their Gender through appearance, behavior, or mannerisms, and Gender Identity, which is the Gender with which an individual identifies psychologically, regardless of what Gender they were assigned at birth. A person's Gender Expression may not be the same as their Gender Identity.

Genetic Information	Information about (i) an individual's genetic tests, (ii) the genetic tests of family members of such individual, and (iii) the manifestation of a disease or disorder in family members of such individual. Genetic Information includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services by such individual or any family member of such individual.
Harassment	A type of Discrimination that occurs when verbal, physical, electronic, or other conduct based on an individual's Protected Status interferes with that individual's: • educational environment; • work environment; • participation in a College program or activity; or • receipt of legitimately-requested services (e.g., disability or religious accommodations), and creates Hostile Environment Harassment or Quid Pro Quo Harassment.
Hostile Environment Harassment	Unwelcome conduct based on Protected Status that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a College program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive under both a subjective and objective assessment. An isolated incident, unless sufficiently severe, does not amount to Hostile Environment Harassment.
Incapacitation	Sleep, unconsciousness, intermittent consciousness, or any other state where an individual is unaware or unable to give consent to sexual contact. Incapacitation may also exist because of alcohol or other drugs, and/or mental or developmental Disability that impairs the ability to consent to sexual contact.
Interim Protective Measures	Actions taken by the College to ensure equal access to its education programs and activities and foster a more stable and safe environment during the process of reporting, investigation, and/or resolution.
Interpersonal Violence	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: • In a romantic or intimate relationship with the Complainant (of the same or different sex); • The Complainant's spouse or partner (of the same or different sex); • The Complainant's family member; or • The Complainant's cohabitant or household member.
Marital Status	An individual's legally defined marital state, including single, married, widowed, divorced, separated, or domestic partnership.
National Origin/Ethnicity	An individual's actual or perceived country or ethnicity of origin.
Privacy	Information related to a report under this Policy will be shared only with those College employees who need to know in order to assist in the active review, investigation, or resolution of the report.

Protected Status	Consistent with federal, state, and local laws, the College prohibits Discrimination and Harassment based on race, ethnicity, color, national origin, age, religion, disability, marital status, sex/gender, genetic information, sexual orientation, gender identity, pregnancy, and any other factor protected under applicable federal, state, and local civil rights laws, rules, and regulations.
Quid Pro Quo Harassment	Unwelcome conduct based on Protected Status where submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a College program or activity; or is sufficiently serious enough to deprive an individual of equal access under this Policy.
Race	An individual's actual or perceived racial or ethnic ancestry or physical characteristics associated with a person's race, such as a person's color, hair, facial features, height, and weight.
Religion	All aspects of religious observance and practice, as well as belief. A well-formed and thought-out set of beliefs held by more than one individual, which may not necessarily involve belief in a supreme being. Additionally, the College will accommodate an individual's observances and practices required by their creed, unless it is unable to provide assistance to an individual's creed-required observance or practice without undue hardship.
Remedies-Based Resolution	A voluntary approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent.
Reporting Party	A Complainant or third party who makes the College aware of Prohibited Conduct under this Policy. In situations where the Reporting Party is not the Complainant, the third party will not be entitled to the procedural rights afforded to Complainant, but may be protected from retaliation for their involvement.
Respondent	An individual who is alleged to have violated this College Policy and who is named in a report alleging violation. A Respondent is not predetermined to be found responsible until a determination is made at the end of the College's process.
Retaliation	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 Respondent, the Complainant, the Reporting Party, or any other individual or group of individuals.
Sex	An individual's biological status of male or female. Conduct of a sexual nature is by definition based on Sex as a Protected Status.
Sexual Assault / Sexual Contact	Sexual Assault involves having or attempting to have sexual contact with another individual without Consent. Sexual contact is the intentional touching or penetration of another person's clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast, by another with any part of the body or any object in a sexual manner. Sexual contact also includes causing another person to touch their own or another's body in a sexual manner. Sexual Assault includes, without limitation, sexual battery as defined in Section 794, F.S.

Sexual Exploitation	Taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, personal benefit, or any other non-legitimate purpose. Examples of Sexual Exploitation include: • Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved; • Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved; • Prostituting another individual; • Exposing one's genitals in non-consensual circumstances; • Knowingly exposing another individual to a sexually transmitted infection or sexual virus without that individual's knowledge; and • Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.
Sexual Harassment	Any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature, when: • Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's academic work, employment, or participation in any aspect of a College program or activity; or • Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, or social environment under both an objective (a reasonable person's) and subjective (the Reporting Party's) view.
Sexual Orientation	The inclination or capacity to develop intimate emotional, spiritual, physical, and/or sexual relationships with those of the same or different Sex or Gender, or irrespective of Sex or Gender.
Stalking	Repeated, unwanted attention; physical, verbal, or electronic contact; or any other course of conduct directed at an individual that is sufficiently serious to cause physical, emotional, or psychological fear or distress or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances and with similar identities. Stalking may involve individuals who are known to one another, who have a current or previous relationship, or who are strangers. Stalking includes the concept of cyber-Stalking, a particular form of Stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Student	All persons taking Valencia College courses, including both academic credit and continuing education, both full-time or part-time; and/or (i) all persons who are not officially enrolled for a particular term but have a continuing relationship with Valencia College or intend to enroll in the next term. This provision is intended to include within the definition of students, those persons enrolled in the spring and summer semesters who engage in misconduct during the summer and students who are first time enrollees who engage in misconduct prior to the time of enrollment; and/or (ii) all persons who are attending classes on a Valencia campus although they may be enrolled students in other higher education institutions.
Title IX Advisor	An individual, who may be an attorney, who is selected by either the Complainant or Respondent and is permitted to participate as defined above in the Title IX Misconduct process, including conducting cross-examination during a live hearing. Apart from their role in cross-examination, this person will be a silent and non-participating presence who solely observes and provides support during the investigation process. If a party does not have an advisor present at the live hearing, the school must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party. Title IX Advisors shall exercise independent judgment in carrying out their duties.
Title IX Coordinator	The designated College official with primary responsibility for coordinating the College's compliance with Title IX of the Educational Amendments of 1972.
Title IX Deputy Coordinators	Individuals responsible for supporting the Title IX Coordinator and accessible to any College community member for consultation and guidance on issues related to Title IX Sexual Misconduct.
Title IX Interpersonal Violence	Includes the definitions of Domestic Violence and Dating Violence as defined in the Violence Against Women Act (VAWA). Domestic Violence is a pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures, or wounds someone. Dating Violence is violence and abuse committed by a person to exert power and control over a current or former dating partner. Dating violence often involves a pattern of escalating violence and abuse over a period of time. Dating violence covers a variety of actions and can include physical abuse, physiological and emotional abuse, and sexual abuse. It can also include "digital abuse," the use of technology, such as smartphones, the internet, or social media, to intimidate, harass, threaten, or isolate a victim.
Title IX Sexual Assault	As defined in the Clery Act, including any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. • Fondling: The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or

	unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation. • Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. • Rape: Penetration, regardless of how slight, of the vagina or anus with any body part of object, or oral penetration by a sex organ of another individual, or by a sex-related object. This definition covers cases where the victim cannot provide consent due to temporary or permanent mental or physical incapacity (including resulting from drugs or alcohol) or due to age. Physical resistance by the victim is not required to establish lack of consent. • Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
Title IX Sexual Harassment	Misconduct based on sex that is severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access, and/or an employee conditioning the provision of an aid, benefit, or service to a student on the basis of participation in Title IX Sexual Misconduct.
Title IX Sexual Misconduct	Includes Title IX Sexual Harassment, including any instance of Title IX Sexual Assault, Title IX Interpersonal Violence or Title IX Stalking.
Title IX Stalking	As defined in the Violence Against Women Act (VAWA), Stalking is a pattern of repeated and unwanted attention, Harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking is dangerous and can often cause severe and long-lasting emotional and psychological harm to victims. Stalking often escalates over time and can lead to domestic violence, sexual assault, and even homicide. Stalking can include frightening communications, direct or indirect threats, and harassing a victim through the internet.

Appendix B: Law Enforcement and Medical Providers

Law Enforcement	Medical Providers
City of Apopka Police Department For Emergencies: 911 Non-Emergency: (407) 703-1757	**AdventHealth Apopka** (407) 609-7000
City of Kissimmee Police Department For Emergencies: 911 Non-Emergency: (407) 846-3333	**AdventHealth Celebration** (407) 303-4000
City of Ocoee Police Department For Emergencies: 911 Non-Emergency: (407) 905-3100	**AdventHealth Orlando** (407) 303-5600
City of Orlando Police Department For Emergencies: 911	**AdventHealth East Orlando** (407) 303-8110

Non-Emergency: (321) 235-5300	
City of Winter Garden For Emergencies: 911 Non-Emergency: (407) 656-3636	**AdventHealth Four Corners ER** (863) 422-5582
City of Winter Park Police Department For Emergencies: 911 Non-Emergency: (407) 644-1313	**AdventHealth Kissimmee** (407) 846-4343
Orange County Sheriff's Office For Emergencies: 911 Non-Emergency: (407) 254-7000	**AdventHealth Waterford Lake ER** (407) 281-3600
Osceola County Sheriff's Office For Emergencies: 911 Non-Emergency: (407) 348-2222	**AdventHealth Winter Garden** (407) 614-0500
	AdventHealth Winter Park (407) 646-7000
	Orlando Health-Dr. P. Phillips Hospital (407) 351-8500
	Orlando Health-Health Central Hospital (407) 296-1000
	Orlando Health-Horizon West Hospital ER (407) 407-1150
	Orlando Health Emergency Room-Osceola (321) 842-1270
	Orlando Health-St. Cloud Hospital (407) 892-2135
	Orlando Regional Medical Center (321) 841-5111
	Osceola Regional Medical Center (407) 846-2266
	Poinciana Medical Center (407) 530-2000
	Victim Service Center of Central Florida (407) 500-4325

Appendix C: External Confidential Resources

Victim Service Center of Central Florida
(407) 500-4325; 24-hour confidential hotline
https://www.victimservicecenter.org/

VSC's mission is to provide individualized services and resources to victims of sexual assault, violent crime and traumatic circumstances, through crisis response, advocacy, therapy, and community awareness.

Harbor House of Central Florida
(407) 886-2856; 24-hour confidential hotline
www.harborhousefl.com

Harbor House works to prevent and eliminate domestic abuse in Central Florida by providing critical life-saving services to survivors, implementing and advancing best practices, and educating and engaging the community in a united front.

Help Now of Osceola, Inc.
(407) 847-8562; 24-hour confidential hotline
www.helpnowshelter.org

Help Now of Osceola's vision is to eradicate violence and abuse in the community and also provides safe shelter, empowers survivors of domestic violence through counseling and advocacy and promotes violence free living through community awareness.

BayCare
Available to students who are currently enrolled in Valencia College credit classes
(800) 878-5470; 24-hour confidential hotline
baycare.org/sap

BayCare Health System will improve the health of all we serve through community-owned health care services that set the standard for high-quality, compassionate care.

Employee Assistance Program
Available to current full-time employees of Valencia College 24 hours a day
(866) 248-4094
www.liveandworkwell.com

Heart of Florida United Way 2-1-1
Available to all students and employees
Call 211 or (407) 839-4357
Text zip code to 898-211
www.hfuw.org/gethelp