ADMINISTRATIVE PROCEDURES

TITLE: Procedures for Responding to Allegations of Title IX Sexual Harassment, Title IX Sexual Assault, Title IX Impersonal Violence, and Title IX Stalking (Title IX Sexual Misconduct)

maybe submitted in writing to the Vice President of Student Affairs. (Business day is defined as a daywhere the College is open for business. It shall exclude Saturdays, Sundays, College holidays, and other official College closures as applicable.)

b. Upon receipt of a written challenge of the interim suspension, the Vice President of 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 of Student Affairs (or designee) is final.

Final Complaints of Title IX Sexual Misconduct-Determination of Jurisdiction; Notifications

When the College receives a complaint and all conditions to consider it a Title IX complaint are met, the Tit IX Coordinator follows Title IX regulations and established College practices regarding determination o jurisdiction and notifications. 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 allegin Title IX Sexual Misconduct under this policy and indicates a request by th(i)-2 (o)-1 (n)-1-1 (e)1 (1dc) (

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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, 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 formal complaint within twenty (20) College business days.

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 allegation 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/Title IX Coordinator.

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

4. 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 allegation with at least ten (10) College business days to inspect, review, and respond.

5. 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.

Completion of Investigation

1. Following the parties' opportunity to review the evidence, and supplementation as needed, eviden collection is complete and final. No further evidence may be submitted for the investigation by an party after this point. The Title IX Coordinator provides the investigation report (including analysis of the evidence) and the evidence in simultaneous notifications to the complainant and responde within 10 days following the date the evidence becomes final.

2. The complainant and respondent may provide a response to the final investigation. This informatio may not include additional evidence. The response must be submitted within 10 days following th notification of the i

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.

6. 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.

7. 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.

8. 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.

9. If a Complainant, Respondent or witness does not submit to cross-examination by a Title IX Advisor, the Title IX Hearing Officer will not rely on any statement provided by that individual in reaching their determination regarding responsibility. Additionally, no inference 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.

Elements of a Hearing

The College provides the details for the hearing in writing to both parties. The assigned College decision maker presides at the hearing and observes the following:

1. Reschedules the hearing if video and audio connections cannot be established within 15 minutes of the scheduled hearing time.
2. Reschedules the hearing if any party fails to appear for the hearing within 15 minutes of the scheduled time, without notification as provided in the notification letter. Each party is limited by the College to requesting or causing one rescheduled hearing before the decision maker will proceed with participation.

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5. A finding of responsibility for each allegation, with supporting reasoning.
6. Disciplinary actions imposed on the respondent.

- Finding of responsibility: the decision reached by the decision maker related to the complaint, following an investigation and/or a hearing. Options for findings: “responsible” or “not responsible” for the alleged conduct.
- Investigation: implementation of a plan to obtain and evaluate available evidence.
- Investigator, alternate investigator: individual(s) assigned by the College to obtain and evaluate available evidence. These individuals will be trained to conduct investigations without bias or conflict of interest.
- Live hearing, hearing: a prescribed time and method of synchronous communication that may be requested by either party (complainant or respondent) following the conclusion of the investigation repo and finding of responsibility by the decision maker.
- Relevance: the decision that evidence tends to illuminate the facts related to conduct that is alleged t violate Title IX. Evidence is relevant if it has any tendency to make a fact more or less probable than would be without the evidence and the fact is of consequence in determining the action.
- Respondent: term used in a complaint for an individual named as the alleged perpetrator of conduct tha could constitute sexual harassment, applied following acceptance of the complaint. The respondent m be a student, employee or individual attempting to participate in a College program or activity, such as applicant.
- Sexual harassment under Title IX: conduct based on sex described by at least one of the following:
    1. A College employee offering to take a College-related action if a student will participate in unwelcome sexual conduct
    2. Unwelcome conduct (in the view of a reasonable person) so severe, pervasive and objectively offensive that it effectively denies an individual equal access to the College’s education program or activity
    3. Sexual assault, dating violence, domestic violence or stalking.[1]
- Supportive measures: individualized actions taken by the College to restore or preserve equal access t the education program or activity for the complainant and respondent. They protect the safety of the parti and the College community and/or deter sexual harassment. The Title IX Coordinator offers and coordinates supportive measures regardless of the decision to file a formal complaint.
- Title IX Coordinator: individual designated by the College president to coordinate overall compliance with Title IX or respond in a given situation. This individual’s conduct precludes conflict of interest or bias relating to complainants, respondents or individuals involved.

[1] Per 34 CFR 106.45.c.7, sexual assault is defined in 20 U.S.C. 1092(f)(6)(A)(v). ‘‘Dating violence’’ is defi
in 34 U.S.C. 12291(a)(10). Domestic violence is defined in 34 U.S.C. 12291(a)(8). Stalking is defined in
U.S.C. 12291(a)(30).

NOTE : The appropriate officials normally will include the Behavior Intervention Team. Consultation will1