
**LAKE-SUMTER STATE COLLEGE
ADMINISTRATIVE PROCEDURE**

TITLE: SEXUAL HARASSMENT, AND RELATED MISCONDUCT

Number: PRO 2-21

REFERENCE: Board Rule 2.02 (Equity)

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I. PURPOSE

The purpose of this policy is to define, generally, prohibited conduct related to sexual harassment and related misconduct, including sexual and gender-based harassment, sexual assault, sexual exploitation, interpersonal violence, stalking, complicity, and retaliation and outline the processes by which acts of misconduct are addressed, including investigations and disciplinary action.

Lake-Sumter State College ("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.

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

II. NOTICE OF NON-DISCRIMINATION BASED ON PROTECTED STATUS

It is the College's policy to provide equal opportunity for employment and educational opportunities to all applicants for employment, employees, applicants for admission, students, and others affiliated with the College, without regard to race, ethnicity, color, national origin, age, religion, disability, marital status, sex/gender, genetic information, sexual orientation, gender identity, and any other factor protected under applicable federal, state, and local civil rights laws, rules and regulations (collectively referred to as "Protected Status"). The College's protection of these statuses is grounded in federal, state, and local laws.

- a. The College encourages all community members to take reasonable and prudent actions to prevent or stop Prohibited Conduct. Acting may include direct intervention when safe to do so, seeking assistance from a person in authority at the College, enlisting the assistance of

others, contacting law enforcement, or contacting LSSC Security. Members of the College Community who exercise this responsibility will be supported by the College and protected from retaliation.

III. PROHIBITED CONDUCT

The 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 procedure prohibits sexual harassment, sexual assault, sexual exploitation, interpersonal violence, stalking, complicity, and retaliation. 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 Procedure further prohibits stalking and interpersonal violence, which need not be based on an individual's Protected Status. Finally, this Procedure prohibits complicity for knowingly assisting in an act that violates this procedure and retaliation against an individual because of his or her good faith participation in the reporting, investigation, and/or adjudication of violations of this procedure. These behaviors are collectively referred to in this procedure as Prohibited Conduct.

Conduct that constitutes discrimination and harassment based on Protected Status:

- a. 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.
- b. May or may not include intent to harm.
- c. May not always be directed at a specific individual.
- d. May be committed by anyone, regardless of protected status, position, or authority.
- e. May be committed by a stranger, an acquaintance, or someone with whom the reporting party has a current or previous relationship, including a romantic or sexual relationship;
- f. May be committed by or against an individual or by or against an organization or group
- g. May occur in the classroom, in the workplace, or in any other setting;
- h. May be a pattern of behavior or, if sufficiently severe, a one-time event;
- i. May be committed in the presence of others, when the reporting party and responding party are alone, or through remote communications, including email, text messages, or social media;
- j. May take the form of threats, assault, property damage, economic abuse, and violence or threats of violence;
- k. May include harassing or retaliatory behavior directed to a sexual or romantic partner, family member, or friend of the reporting party.

IV. SEXUAL OR GENDER-BASED HARRASSMENT

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 ".With the exception of stalking, dating/domestic violence, and sexual assault, the conduct must be "severe, pervasive, and objectively offensive" as determined under a reasonable person standard in order to violate Title IX.

Sexual or gender-based harassment, sexual assault, dating violence, domestic violence, stalking, sexual exploitation, and retaliation, as defined in this procedure, 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.

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 College Community and are contrary to our institutional values.

The College, as an educational community, will promptly and equitably respond to reports of sexual harassment, 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.

V. SCOPE AND APPLICABILITY OF THE PROCEDURE

a. Individuals covered by this procedure:

All members of the College Community are responsible for conducting themselves in accordance with this procedure and other College rules and procedures. LSSC students and employees who violate this procedure may face discipline up to and including expulsion or termination. This procedure and associated procedures apply to the conduct of and protect College students, employees, interns, volunteers, and visitors. Sexual harassment and non-discrimination provisions also apply to contractors and other third parties under circumstances within the College's control.

b. Locations covered by this procedure:

This Procedure applies to all Prohibited Conduct that occurs on campus (including campuses, 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 education program or activity that includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College. Examples of covered off campus conduct include conduct that occurs at College-sponsored events and activities, during college-sponsored travel, or In internship/ or experiential learning programs.

In determining whether the College has jurisdiction over off-campus conduct that is not part of an employment or educational program or activity of the College, and in evaluating "continuing adverse effects" the 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.

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

VI. DEFINITIONS

Appendix A includes a complete glossary of terms.

VII. ANNUAL REVIEW

This Procedure is maintained by the Title IX Coordinator. The Title IX Coordinator will review this Procedure 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 disciplinary sanctions and remedies imposed).

VIII. RELATED POLICIES

There may be relevant information in other College policies. Where that information conflicts with information in this Procedure, this Procedure will control. This Procedure shall apply to all reports alleging violation made on or after August 14, 2020 regardless of when the conduct is alleged to have occurred. This Procedure supersedes any policies and procedures to the contrary.

IX. REPORTING PROHIBITED CONDUCT

- a. **Reporting Responsibilities Title IX Coordinator - The College's Title IX Coordinator is responsible for the consistent application of the procedure to all individuals and ensures that the College responds promptly and equitably to eliminate sexual harassment, prevent its recurrence, and eliminate its effects. Contact information for the Title IX Coordinator, including office address, telephone number and e-mail address are posted on the College's website. Any person may report sexual harassment by using the Title IX Coordinator's contact information.**

The Title IX Coordinator may designate Deputy Title IX Coordinators to act in the absence of the Title IX Coordinator. Although there are other reporting options, described below, all reports of sexual harassment are referred to the Title IX Coordinator.

Responsible Employees - All College employees are considered Responsible Employees and have an obligation to make reasonable efforts to report instances of known or suspected prohibited conduct. All College employees are required to safeguard an individual's privacy. All employees and Campus Security Authorities who have information or receive a report of Prohibited Conduct must immediately share with the Title IX Coordinator all known details of an incident. No identifying information with respect to a Reporting Party, however, will be entered in the College's daily crime log or annual security report, or released in a timely warning or community notification.

Students and Guests to our properties - All students (who are not otherwise required to report as a Responsible Employee) and guests to our college properties are strongly encouraged to report any information, including reports or partial reports, to the Title IX Coordinator or Campus Security Authorities.

Reports Involving Minors - Florida law requires any person who knows, or has reasonable cause to suspect, that a child (under 18 years of age) is abused, abandoned, or neglected, to immediately report such knowledge or suspicion to the Florida Department of Children and Family Services (DCF). In addition, Florida law prohibits any person from knowingly and willfully preventing another person from meeting his or her reporting obligation to DCF. Any person may contact local law enforcement authorities to make a report of suspected child abuse at any time; however, this does not negate the statutory obligation to first report to DCF. Claimants should also complete an LSSC Incident Report. The College will share all applicable reports with DCF.

Filing a Report of Misconduct - Although the College requires that all employees report Prohibited Conduct, the College also encourages all other individuals to report Prohibited Conduct to the College and, if appropriate, to local law enforcement. Both College and criminal reports may be pursued simultaneously. A report of misconduct may be made in person, by telephone, in writing, by email, or by other electronic means. Reports may be anonymous. All reports will be shared with the Title IX Coordinator.

Formal complaint- a written document signed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the college investigate the allegation. Once a formal complaint is filed, the college must offer supportive measures to the complainant and respondent, provide written notice of the allegations to all known parties and investigate and adjudicate the complaint using the processes defined in this procedure.

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 the Reporting Party regardless of the course of action chosen. All individuals are encouraged to make a report, regardless of when, where, or with whom the incident occurred, and to seek any necessary assistance from college or community resources.

b. 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 as soon as possible after an incident of sexual assault, sexual exploitation, interpersonal violence, or stalking to ensure the preservation of evidence and to begin a timely investigation and remedial response. Contacting law enforcement does not automatically lead to the filing of criminal charges, and a Reporting Party may discuss available options with local authorities. The College will assist any College community member in utilizing community resources to obtain a safe place and will provide transportation to the hospital or law enforcement agency if requested, coordination with a law enforcement investigation, and information about on- and off-campus resources and options for resolution if so desired.

c. Timeliness of Report, Location of Incident

Reporting Parties and third-party witnesses are encouraged to report discrimination, harassment, sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, interpersonal violence, complicity, and retaliation as soon as possible. There is no time limit on reporting violations of this procedure. If the Responding Party is no longer a student or employee at the time of the report, the College may not be able to take disciplinary action against the Responding Party, but it will still seek to meet its Title IX obligation by providing support for a Reporting Party and taking steps to end the discrimination or harassment, prevent its recurrence, and address its effects. An incident does not have to occur on campus to be reported to the College. See "Locations Covered by This Procedure" (Section V).

d. Anonymity, Privacy, Confidentiality, and College Obligations

The College will seek action consistent with the Reporting Party's request where possible. Where a Reporting Party makes a report but requests that a name or other identifiable information not be shared with the Responding Party or that no formal action be taken, the College will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all College community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Responding Party. For any report under this procedure, every effort will be made to respect and safeguard the privacy interests of all individuals involved in a manner consistent with the need for a careful assessment of the report and any necessary steps to eliminate the conduct, prevent its recurrence, and address its effects.

Anonymity, privacy and confidentiality have distinct meanings under this Procedure as detailed below.

- Anonymity- The College will take all reasonable steps to investigate and respond to the report alleging violation consistent with a request for anonymity or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Reporting Party. The College will assess any barriers to proceeding, including Retaliation, and will inform the Reporting Party that Title IX prohibits Retaliation and the College will take strong responsive action to protect the Reporting Party. Where the College is unable to act consistent with the request of the Reporting Party, the Title IX Coordinator will communicate with the Reporting Party about the College's chosen course of action, which may include the College's choosing to pursue action against a Responding Party on its own behalf. Alternatively, the College may take non-disciplinary measures to remedy and limit the effects of the misconduct and prevent any recurrence while protecting the identity of the Reporting Party.
- Privacy- Privacy generally means that information related to a report under this Procedure will be shared only with those College employees who need to know in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. If the decision is made to pursue disciplinary action against a Responding Party, information related to the report will be shared with the Responding Party. Information regarding a report may be shared with either party's parents or guardians as may be authorized under the Family Education Rights and Privacy Act (FERPA).
- Confidentiality- Confidentiality means that information shared with designated community professionals, referred to in this Procedure 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). There are no College employees with legally-protected confidentiality. However, the College provides students and employees with access to External Confidential Resources (see Appendix C).

X. INITIAL ASSESSMENT

- a. The Title IX Coordinator, or Deputy Coordinator, will conduct a brief preliminary inquiry promptly upon receiving the report to determine reasonable cause, whether the reported activity meets at least one of the three Title IX prongs for the definition of sexual harassment, whether informal resolution is suitable, and determine possible supportive measures necessary. The goal of this assessment is to provide an integrated and coordinated response to reports of discrimination, harassment, sexual harassment, sexual assault, sexual exploitation, stalking, interpersonal violence, complicity, and retaliation. The assessment will consider the nature of the report, the safety of the individual and of the campus community, the Reporting Party's expressed preference for resolution, and the necessity for Supportive measures.
- b. In the course of the initial assessment, the Title IX Coordinator, or Deputy Coordinator, will consider the interest of the Reporting Party and the Reporting Party's expressed preference for manner of resolution. Where possible and as warranted by an assessment of the facts and circumstances, the Title IX Coordinator will seek action consistent with the Reporting Party's request.
- c. As part of the Initial Assessment, the Title IX Coordinator, or Deputy Coordinator, may, as appropriate given the facts and circumstances of each reported matter:
 - Assess the nature and circumstances of the allegation.
 - Address immediate physical safety and emotional well-being.
 - Notify the Reporting Party of the right to contact, or decline to contact, law enforcement and seek medical treatment.
 - Notify the Reporting Party of the importance of preservation of evidence.
 - Assess whether the reported matter involves minors and if so, follow the reporting guidelines set forth above.
 - Enter the report into the College's daily crime log, but omit the Reporting Party's name and other identifying information.
 - Assess the reported conduct for the need for a timely warning under the Clery Act.
 - Provide the Reporting Party with information about on- and off-campus resources.
 - Notify the Reporting Party of the range of interim accommodations and remedies.
 - Provide the Reporting Party with an explanation of the procedural options, including formal complaint, remedies-based resolution and discipline-based resolution.
 - Receive information identifying the respective advisors (if any) for the Reporting Party and Responding Party.
 - Assess for pattern evidence or other similar conduct by Responding Party.
 - Discuss the Reporting Party's expressed preference for manner of resolution and any barriers to proceeding.
 - Explain the College's Procedure prohibiting Retaliation to the Reporting Party and Responding Party.
 - Explain the appeal process.

XI. SUPPORTIVE MEASURES

- a. Supportive measures are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.
- b. When a report is received, the Title IX Coordinator may impose reasonable and appropriate Supportive Measures when necessary to protect the safety of the parties or witnesses involved. No actions that are not supportive measures as defined in 34 CFR s. 106.30 may be imposed. The range Supportive measures includes:
 - Assistance in setting up initial appointments off campus
 - mutual restrictions on contact between parties
 - Rescheduling of exams and assignments
 - Providing alternative course completion options
 - Change in class schedule, including the ability to drop a course without penalty or to transfer sections
 - Change in work schedule, work location, or job assignment
 - Limiting or prohibiting access to College facilities or activities pending resolution of the matter
 - Leave of absence (voluntary or involuntary);
 - Providing an escort to ensure safe movement between classes and activities
 - Providing academic support services, such as tutoring
 - College-imposed leave, suspension, or separation for the Responding Party
 - Any other measure which can be tailored to the involved individuals to achieve the goals of this Procedure.
- c. Supportive Measures may be applied at any time-for the Reporting Party, the Responding Party, and other involved individuals as appropriate to ensure their safety and well-being. Supportive Measures may be requested by the parties or imposed by the College at any time regardless of whether any particular course of action is sought by the Reporting Party Supportive measures will be kept private to the extent practical. Notification of Supportive Measures will be provided to both the Reporting Party and the Responding Party.

Supportive Measures are initiated based on information gathered during a report and generally are not intended to be permanent resolutions, hence, they may be amended, withdrawn, or made permanent. The Title IX Coordinator will maintain consistent contact with the parties so that safety, emotional, and physical well-being concerns can be reasonably addressed. The Title IX Coordinator will take appropriate, responsive, and prompt action to enforce Supportive Measures and/or to respond to retaliation by another party or witness.

- d. Denial of access to campus, campus facilities, and/or all other College activities or privileges for which they might otherwise be eligible should only be made after a safety and risk analysis has been completed to determine whether there is an immediate threat to the physical health or safety of a student or other individual. This safety and risk analysis will be conducted by the college BIT Team. Written notice must be provided by the Title IX Coordinator to the individual(s) being denied access. The individual denied access may appeal the decision to the Dean of Students, if a student, or to the Executive Vice President, if an employee, visitor, or contractor. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

XII. DETERMINATION TO PROCEED TO REMEDIES-BASED RESPONSE OR INVESTIGATION

At the conclusion of the Initial Assessment, the Title IX Coordinator will determine the appropriate manner of resolution, which may include remedies-based resolution, the initiation of an investigation, or referral to the Student Conduct process to determine if disciplinary action is warranted. The Title IX Coordinator has the discretion to determine which method of resolution is appropriate. A formal written complaint must be signed by the Reporting Party, or the Title IX Coordinator. Any individual wishing to explore alternative resolution methods is encouraged to discuss these options with the Title IX Coordinator.

Both the reporting party and the responding party must be notified in writing regarding the type of resolution method to be used.

If an informal resolution will be used, the process may be used at any point prior to reaching a determination of responsibility, as long as a formal complaint has been filed and the respondent is not an employee. All parties must provide voluntary, written consent to use the informal process.

All parties are provided written notice that includes:

- The allegations;
- Requirements for informal resolution, including circumstances where it precludes resuming a formal complaint arising from the same allegation;
- The right of any party to withdraw from the informal resolution process, prior to agreeing to a resolution, and resume the formal complaint process;
- Any consequences resulting from participating in the informal resolution process, including records that may be maintained and shared.

If a formal report is filed all parties should receive written notice that includes:

- The identities of the parties involved (if known);
- The specific violations;
- The conduct that would be considered a violation;
- The date of the incident;
- The location of the incident;
- A statement in the written notice that the responding party is presumed to be “not responsible” for the alleged conduct until a determination is made according to College process;

- A statement that parties may request to see and review evidence collected in an investigation;
 - A reminder of the expectation of truthfulness in your process (assuming your policy requires this), including consequences for providing knowingly false statements or submitting false information.
- a. When Reporting Party Does Not Wish to Proceed

In the event that a Reporting Party does not wish to proceed with an investigation or disciplinary resolution, the Title IX Coordinator will determine, based on the available information, including information learned in the Initial Assessment or as part of the investigation, whether the investigation or disciplinary resolution proceedings should nonetheless be initiated or if already begun, continue.

In making this determination, the Title IX Coordinator will consider, in light of the facts and circumstances of the reported matter and among other factors, including:

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

Remedies-based resolution is a voluntary approach designed to eliminate a hostile environment without taking disciplinary action against a Responding Party. Where the Initial Assessment concludes that remedies-based resolution may be appropriate, the Title IX Coordinator will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Reporting Party's access to educational, extracurricular, and employment activities at the College and to eliminate a

hostile environment. Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the Responding Party and/or indirect action by the College.

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

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

c. Investigation

Where the Initial Assessment concludes that disciplinary action may be appropriate, the Title IX Coordinator will initiate an investigation. The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to refer the report for disciplinary action. Each resolution process is guided by the same principles of fairness and respect for all parties. All individuals who violate these standards will be held accountable for their behavior through a process that protects the rights of both the Reporting Party and the Responding Party. Resources are available for both students and employees, whether as Reporting Parties or Responding Parties, to provide support and guidance throughout the investigation and resolution of the report.

The Title IX Coordinator will designate an investigator(s) with specific training and experience investigating allegations of the type presented, including when appropriate, sexual and gender-based harassment, sexual assault, stalking, and interpersonal violence. The investigator(s) may be an employee of the College or an external investigator engaged to assist the College in its fact gathering. Any investigator(s) chosen to conduct the investigation must be impartial and free of any actual conflict of interest. The College may use individual or a small team of investigators. It is the responsibility of the investigator(s), not of the parties, to gather relevant information, to the extent reasonably possible. The investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case. The investigator(s) will coordinate the gathering of information from the Reporting Party, the Responding Party, and any other individuals who may have information relevant to the determination. The investigator(s) will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. The Reporting Party and Responding Party will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. Witnesses must have observed the acts in question or have information relevant to the incident and cannot participate solely to speak about an individual's character.

- d. Primary Investigators
 1. Student/Student- Deputy IX Coordinator(s);
 2. Employee/Employee- Designated Human Resource Investigator;
 3. Student/Employee- Deputy IX Coordinator (s)/Designated Human Resource Investigator.

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

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

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

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

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.

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

The investigator(s) or designee will provide timely updates, as appropriate or requested, about the timing and status of the investigation. Information gathered during the review or investigation will be used to evaluate the responsibility of the Responding Party, provide for the safety of the Reporting Party and the College campus community, and take appropriate measures designed to end the misconduct, prevent its recurrence, and address its effects.

e. Advisors and Attorneys

During any investigation of sexual harassment, interpersonal violence, and/or stalking, the Reporting Party and Responding Party have the right to be assisted and accompanied by an Advisor of their choice. The Advisor may be an attorney. Under no circumstances may an Advisor be a witness. The Advisor may accompany the Reporting Party or Responding Party to any meeting with an investigator or a College employee.

Any person who serves as an Advisor should plan to make himself or herself available for meetings throughout the process. The Advisor observes and provides support during the investigation process. During meetings, interviews, and proceedings, the Advisor may be present; during the live hearing, the Advisor may cross examine opposing parties. A party may never personally cross-examine.

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.

XIII. 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. Title IX Coordinator is responsible for retaining the investigation report and related materials.

Determination not to proceed to live hearing- If the investigator(s) determines that there is insufficient information alleged to suggest that a procedure violation under Title IX may have occurred, the Reporting Party and Responding Party will be notified in writing. The Responding Party may still be referred to the Student Conduct process for resolution of the alleged violation(s). The Reporting Party will have the opportunity to seek review by the Appeals Officer by submitting a written request for review to the Title IX Coordinator within five business days of the date of such notice.

All parties must be provided an equal opportunity to inspect and review evidence obtained during the investigation that is “directly related” to the allegations, including evidence the investigator(s) do not intend to rely on in the investigative report, prior to finalization of the written report.

All parties must be provided at least ten days to review and submit a written response to the evidence, which must be considered by the investigator(s) before finalizing the report.

A final investigation report must be provided to all parties at least ten days before any hearing to decide whether a respondent is responsible for an alleged violation.

XIV. ADJUDICATION

Once an investigation has been completed and all parties have been provided a copy of the final investigation report, a live hearing must be held for the purpose of determining responsibility for alleged violations. The Title IX Coordinator or designee will issue a Notice of Alleged Violation to the Responding Party, with a copy to the Reporting Party, and refer the report to the disciplinary resolution process by transmitting the investigation report and Notice of Alleged Violation to a Hearing Officer. The Notice of Alleged Violation will identify the Hearing Officer. As outlined in greater detail below, the Hearing Officer will make a finding, by a preponderance of the evidence, as to whether or not the Responding Party is responsible for conduct in violation of this Procedure.

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

a. Live Hearing

1. Hearing date must be scheduled at least ten days after final investigation report was provided to parties.
2. A notice of hearing must be provided to all parties that includes date, time, location, participants and purpose of hearing, and allows sufficient time for parties to prepare.
3. The live hearing must be recorded or transcribed, and a copy of the recording or transcript must be made available to the parties for review.
4. All original documentation, including paper and electronic records related to the hearing, shall be maintained in the designated grievance file by the Title IX Coordinator and may be released only in accordance with the requirements of Florida law.
5. The College may hold the live hearing virtually, with technology enabling participants to see and hear each other.

b. Hearing Officer

Following a Notice of Alleged Violation, a Hearing Officer will be designated to review all relevant information in order to make a finding, by a preponderance of the evidence, as to whether the Responding Party is responsible for conduct in violation of this Procedure.

When the Responding Party is an employee, the Hearing Officer is typically the Director of Human Resources or designee, but may also be an internal member of the administration or an external member of the community. When the Responding Party is a student, the Hearing Officer is typically the Dean of Students or designee. Any individual designated by the College must have training or experience to serve in this capacity.

Upon designation of a Hearing Officer, both the reporting party and responding party must be notified. Either party may challenge the designation of the Hearing Officer within five business days of notification. For a report of Prohibited Conduct against a student employee who is acting within the scope of his or her employment at the time of the incident, the College may designate a Hearing Officer related to the student's employment in addition to or in lieu of the Hearing Officer typically assigned for reports against students.

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

1. The Hearing Officer should not pose and/or consider evidence of the complainant's prior sexual predisposition or sexual behavior unless such evidence is being offered to prove someone other than the respondent committed the alleged conduct, or the evidence relates to the complainant's prior sexual behavior with respect to the respondent and is being offered to prove consent.
2. An opportunity for cross examination must be provided to permit "all relevant questions and follow-up questions" of all parties and witnesses, including challenges to credibility, must be allowed.
3. Witnesses are to be present only during the time in which they give their statement and will remain outside the hearing room until called by the Hearing Officer. Each witness will be questioned first by the party presenting the witness, then by the other party, and finally by the ????
4. Cross examination must be performed by the party's advisor. A party may not conduct a cross-examination.
5. If a party does not have an advisor, the College must provide one to conduct cross examination at no cost.
6. Cross examination questions must first be evaluated by the Hearing Officer for relevance, before being permitted and any rejection of questions will be explained in the hearing record.
7. All prior statements from any party or witness who does not attend the hearing, or who chooses not to submit to cross examination must be excluded.

8. Questions regarding evidence of the complainant's prior sexual predisposition or sexual behavior will not be allowed during cross examination unless such evidence is being offered to prove someone other than the respondent committed the alleged conduct, or the evidence relates to the complainant's prior sexual behavior with respect to the respondent and is being offered to prove consent.
9. witnesses and all other persons involved in the hearing are expected to maintain strict confidentiality regarding the proceeding.
10. The Hearing Officer cannot draw adverse inference from the fact that a party or witness does not submit to cross-examination or other questions.
11. The refusal of a party or witness to answer questions asked by the Hearing Officer does not require exclusion of the person's statements.
12. A hearing officer cannot draw any inferences about the determination regarding responsibility based on a party's failure to appear at the hearing.

c. Hearing Process

The hearing will be conducted in the following order subject to recognition by the Hearing Officer:

1. Opening Statements. Both parties may make opening statements. The reporting party will make their opening statement first;
2. Presentation of Evidence. The case of the reporting party will be presented first, and then that of the respondent will be presented. Documents submitted as evidence will be numbered by the Hearing Officer.
3. Presentation of Rebuttal Evidence. Both parties may present rebuttal evidence. The reporting party will present rebuttal evidence first;
4. Closing Arguments. After all the evidence has been presented, both parties may make closing arguments. The reporting party's advocate will speak first and will have a final opportunity to rebut the closing argument of the respondent's advocate
5. Within 5 business days, The Hearing Officer shall consider the evidence and reach a decision, basing that decision only on the evidence and exhibits received at the hearing, arguments made in accordance with these procedures, and any opinions received from the LSSC College Counsel.

d. Determination of Responsibility

After a consideration of all of the relevant information, the Hearing Officer will make a finding by a preponderance of the evidence as to whether the Responding Party is responsible for engaging in Prohibited Conduct.

e. Notice of Outcome

A written determination of responsibility and sanction (if applicable) will be provided simultaneously to the Reporting Party and the Responding Party. A Notice of Outcome will include:

1. Alleged violation(s)
2. a description of all steps taken from receipt of the formal complaint through the live hearing process
3. specific descriptions and conclusions of findings of fact for each alleged violation(s)
- 4.
5. a statement and rationale with respect to each allegation, including determination, disciplinary sanctions and remedial measures
6. procedures for appeal, including basis upon which parties may appeal.

The Responding Party (when a student) will be informed of any disciplinary sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements.

The Reporting Party will be informed of any disciplinary sanctions and remedies that directly relate to the Reporting Party, including information about the Responding Party's presence on campus (or in a shared class or work space) that may assist a Reporting Party to make informed decisions or work with the College to eliminate Harassment and prevent its recurrence. The Notice of Outcome will also provide each party with applicable appeal options. The College may also notify appropriate College officials, including a direct supervisor of a Responding Party (when a student employee), as necessary to implement the outcome and/or disciplinary sanctions. Reporting Party will be informed of any disciplinary sanctions and remedies that directly relate to the Reporting Party, including information about the Responding Party's presence on campus (or in a shared class or work space) that may assist a Reporting Party to make informed decisions or work with the College to eliminate Harassment and prevent its recurrence. The Notice of Outcome will also provide each party with applicable appeal options. The College may also notify appropriate College officials, including a direct supervisor of a Responding Party (when a student employee), as necessary to implement the outcome and/or disciplinary sanctions.

f. Disciplinary Sanctions for Students

If the Responding Party is a student and is found responsible, the The Dean of Students will determine determines the appropriate sanction designed to address the misconduct, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and Title IX obligations. Disciplinary sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior. The The Dean of Students may impose any sanction deemed appropriate after a consideration of all of the relevant information. The imposition of disciplinary sanctions will take effect immediately and will not be stayed pending the resolution of any appeal. For students, the sanction may include removal from specific courses or activities, suspension from the College, or expulsion. Dismissal for Title IX purposes does not preclude action under another provision of the College's code of conduct. A full list of the range of disciplinary sanctions for students is contained in the Student Code of Conduct.

g. Disciplinary Sanctions for Employees

The Hearing Officer forwards the report and finding to the Executive Vice President and to the Title IX Coordinator. After review, the report is then forwarded to the immediate supervisor and the respective Vice President or if concerning a vice-president, the President who will consider the appropriate sanction designed to address the misconduct, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and Title IX obligations. Disciplinary sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior. The Vice President may impose any sanction deemed appropriate after a consideration of all of the relevant information. The imposition of disciplinary sanctions will take effect immediately and will not be stayed pending the resolution of any appeal. The final report and subsequent interventions or disciplinary sanctions will be forwarded to HR for placement in the employee's file.

The sanction may include any form of responsive action or progressive discipline as set forth in College Policies and Procedures, including training, referral to counseling, and/or disciplinary action, such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination.

For a student employee who is acting within the scope of his or her employment at the time of the incident, the sanction may include any of the disciplinary sanctions from the LSSC Student Code of Conduct or as applicable to employees in College Policies and Procedures.

Generally, for College faculty and staff, a recommendation of termination or other disciplinary action may implicate other applicable LSSC Board Rules and Administrative Procedures. Under these circumstances, additional steps may occur or be available as set forth in those policies and procedures. The College will support Reporting Parties, to the extent permitted by law, in being present and heard as witnesses in any subsequent hearing/appeal process conducted at the request of Responding Parties in response to such recommendations of disciplinary action.

XV. APPEAL OF DETERMINATION OF RESPONSIBILITY AND DISCIPLINARY SANCTIONS

The Reporting Party and Responding Party may appeal the decision of the Hearing Officer within five days of the receipt of the Notice of Outcome. A review of the matter will be prompt and narrowly tailored to stated appeal grounds. The Reporting Party and/or Responding Party may appeal only the parts of the determination of responsibility or disciplinary sanctions directly relating to him or her. Dissatisfaction with the outcome of the hearing is not grounds for appeal. The limited grounds for appeal are as follows:

- New information that could affect the finding of the Hearing Officer and that was not reasonably available through the exercise of due diligence at the time of the investigation.
- Procedural irregularity that affected the outcome; and/or Material deviation(s) from written procedures that significantly affected the outcome.

- Title IX Coordinator, investigator(s), or Hearing Officer had a conflict of interest or bias that affected the outcome.

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. The appeal must be provided to the Title IX Coordinator within five College business days of the date of the Notice of Outcome. Upon receipt of the appeal, the Title IX Coordinator will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within five College business days from the party's receipt of the notice of appeal from the Title IX Coordinator. In the event that both parties initially appeal the findings, each party will be provided notice and a copy of the other party's appeal or response.

Upon receipt of the appeal and any response, the Title IX Coordinator will notify the appropriate Appeals Officer. For an appeal involving a Responding Party who is a student, the Appeals Officer is typically the Vice President of Enrollment Services or designee. For an appeal involving a Responding Party who is an employee, the Appeals Officer is typically a vice president or senior level administrator. The appeal process outlined here supersedes (replaces) the grievance procedures contained in other College Policies and Procedures;

a. Appeal Considerations

1. The Appeals Officer shall consider the facts in support of the request and clarify facts as deemed necessary.
2. The appeal will be conducted in an impartial manner by the Appeals Officer.
3. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately.
4. The appeal is not a new review of the underlying matter.
5. The Appeals Officer shall consider the merits of an appeal only on the basis of the stated grounds for appeal which must be one of the three limited grounds provided above.
6. Except as required to explain the basis of new information unavailable at the time of an investigation, review of an investigation will be limited to the written investigation Report and all supporting documents.

b. Appeal Findings

1. The Appeals Officer can affirm the original findings
2. Alter the findings
3. Alter the disciplinary sanctions, depending on the basis of the requested appeal.
4. If the appeal is based on procedures not having been followed in a material manner, the Appeals Officer can ask that a new investigation and/or adjudication, or other appropriate action, occur.
5. In the case of new and relevant information, the Appeals Officer can recommend that the case be returned to the Hearing Officer to assess the weight and effect of the new information and render a determination after considering the new facts
6. The decision of the Appeals Officer is final.

c. Communication of Findings

The Appeals Officer will communicate the result of the appeal to the Reporting Party and Responding Party within 14 business days from the date of the submission of all appeal documents by both parties.

XVI. RESOLUTION OF CASES

Time Frames For Resolution

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

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

XVII. OBLIGATION TO PRESENT TRUTHFUL INFORMATION

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

XVIII. RETALIATION

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

Retaliation is a violation of College Procedure. Any individual who engages in Retaliation will be subject to prompt and appropriate disciplinary action. Individuals who have a concern about potential or actual retaliation should contact the Title IX Coordinator for assistance in addressing the concern. Complaints must be handled using “prompt and equitable” grievance procedures.

If the concern about Retaliation involves the Title IX Coordinator or the Director Human Resources, an individual may contact the Executive Vice President..

XIX. COMMUNICATION

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

XX. RECORDS

The Title IX Coordinator will retain records of all investigations, hearings, informal resolutions and other processes for seven years.

XXI. RELEASE OF INFORMATION

If a report of Prohibited Conduct discloses a serious and continuing threat to the campus community, LSSC Campus Safety will issue a timely notification to protect the health or safety of the community as required by the Clery Act. The notification will not include identifying information about a Reporting Party.

Pursuant to the Clery Act and Section 304 of the Violence Against Women Reauthorization Act of 2013, information regarding criminal incidents reported to Campus Security authorities must be shared with LSSC Campus Safety for inclusion in the Daily Crime Log. This information will also be included in the College's Annual Security Report available at www.lssc.edu/safelssc.

The College may also share aggregate and not personally identifiable data about reports, outcomes, and disciplinary sanctions. All College proceedings are conducted in accordance with the requirements of Title IX, the Clery Act, the Violence Against Women Act, FERPA, state and local laws, and College Procedure. No information, including the identity of the parties, will be released from such proceedings except as required or permitted by law or College Procedure/procedure.

Appendix A: Definitions

Advisor

An individual chosen by the reporting or responding party to provide support during the investigation and hearing process. Advisors provide cross examination during the live hearing process. Advisors may be an attorney, but do not have to be. In cases where a reporting or responding party does not have an advisor, the College will provide one at no cost.

Coercion or Force

Conduct, intimidation, and express or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that are employed to persuade or compel someone to engage in sexual contact.

College Community

Faculty, staff, administrators, students, student employees, volunteers, and visitors.

Complicity

Any act that knowingly aids, facilitates, promotes, or encourages the commission of Prohibited Conduct by another person.

Confidentiality

Information shared with designated community professionals, referred to in this Procedure as External Confidential Resources, will be disclosed only with the individual's express written permission. External Confidential Resources will not share information about an individual (including whether that individual has received services) with anyone, including the College, without the individual's express written permission, unless there is a continuing threat of serious violence to the patient/client or to others or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor).

Consent

Consent is the communication of an affirmative, conscious, and freely made decision by each participant to engage in agreed upon forms of sexual contact. Consent requires an outward demonstration, through understandable words or actions, which conveys a clear willingness to engage in sexual contact. Consent cannot be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may result in a violation of this Procedure. 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 Procedure.

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 18, with certain specified statutory exceptions.

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

Gender-Based Harassment

Sexual Harassment also includes Harassment based on gender, sexual orientation, or gender identity, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature. Also includes Harassment for exhibiting what is perceived as a stereotypical characteristic for one's Sex or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the actual or perceived Sex, Gender, or Sexual Orientation of the individuals involved.

Gender Expression /Gender Identity

An individual's socially-constructed status based on the behavioral, cultural, or psychological traits typically associated with societal attribution of masculinity and femininity, typically related to one's assigned sex at birth. This includes Gender Expression, which is how someone expresses his or her Gender through appearance, behavior, or mannerisms, and Gender Identity, which is the Gender with which an individual identifies psychologically, regardless of what Gender he or she was assigned at birth. A person's Gender Expression may not be the same as his or her Gender Identity.

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, and pervasive that it alters the conditions of education, employment, or participation in a College program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive under both a subjective and objective assessment. An isolated incident, unless sufficiently severe, does not amount to Hostile Environment Harassment

Incapacitation

Sleep, unconsciousness, intermittent consciousness, or any other state where an individual is unaware or unable to give consent to sexual contact. Incapacitation may also exist because of a mental or developmental Disability that impairs the ability to consent to sexual contact.

Supportive Measures

Actions taken by the College to ensure equal access to its education programs and activities and foster a more stable and safer 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 Reporting Party (of the same or different sex);
- The Reporting Party's spouse or partner (of the same or different sex);
- The Reporting Party's family member; or
- The Reporting Party's cohabitant or household member, including a roommate.

Privacy

information related to a report under this Procedure will be shared only with those College employees who need to know in order to assist in the active review, investigation, or resolution of the report.

Protected Status

Consistent with federal, state, and local laws, the College prohibits Discrimination and Harassment based on race, ethnicity, color, national origin, age, religion, disability, marital status, gender, genetic information, sexual orientation, gender identity, and any other factor protected under applicable federal, state, and local civil rights laws, rules, and regulations.

Quid Pro Quo Harassment

Unwelcome conduct based on Protected Status where submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a College program or activity.

Remedies-Based Resolution

A voluntary approach designed to eliminate a hostile environment without taking disciplinary action against a Responding Party.

Reporting Party

An individual who makes a report of Discrimination, Harassment, Sexual Harassment, Sexual Assault, Sexual Exploitation, Stalking, Interpersonal Violence, Complicity, or Retaliation. When used in this Procedure, Reporting Party refers to any individual who may have been the subject of any Prohibited Conduct by an individual or organization covered under the Procedure, regardless of whether the Reporting Party makes a report or seeks action under the Procedure. Responding Party refers to any individual who has been alleged to have violated the Procedure.

Responding Party

An individual who is alleged to have violated the College Procedure on Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Stalking, Interpersonal Violence, Complicity, or Retaliation and who is named in a report alleging violation.

Responsible Employees

Employees with administrative or supervisory responsibilities on campus or who have been designated as Campus Security Authorities.

Retaliation

Retaliation is acts or words taken against an individual because of the individual's participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Protected activity includes an individual's good faith (i) participation in the reporting, investigation, or resolution of an alleged violation of this Procedure; (ii) opposition to policies, practices, or actions that the individual reasonably believes are in violation of the Procedure; or (iii) requests for accommodations on the basis of religion or Disability. Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith is not substantiated. Retaliation may be committed by the Responding Party, the Reporting Party, or any other individual or group of individuals.

Sex/Gender

An individual's biological status of male or female, including pregnancy. Conduct of a sexual nature is by definition based on Sex as a Protected Status.

Sexual Assault /Sexual Contact

Sexual Assault involves having or attempting to have sexual contact with another individual without Consent. Sexual contact is the intentional touching or penetration of another person's clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast, by another with any part of the body or any object in a sexual manner. Sexual contact also includes causing another person to touch his or her own or another's body in a sexual manner. Sexual Assault includes, without limitation, sexual battery as defined in Section 794, F.S.

Sexual Exploitation

Taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, personal benefit, or any other non-legitimate purpose. Examples of Sexual Exploitation include: Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved; Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved; Prostituting another individual; Exposing one's genitals in non-consensual circumstances; Knowingly exposing another individual to a sexually transmitted infection or sexual virus without that individual's knowledge; and inducing incapacitation for the purpose of making another person vulnerable to non- consensual sexual activity.

Sexual Harassment

Conduct on the basis of sex that satisfies one or more of the following:

- a. An employee conditioning the provision of aid, benefit, or service to the recipient on an individual's participation in unwelcome sexual conduct (quid pro quo).
- b. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
- c. Sexual assault as defined in the Clery Act, or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Sexual Orientation

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

Stalking

Repeated, unwanted attention; physical, verbal, or electronic contact; or any other course of conduct directed at an individual that is sufficiently serious to cause physical, emotional, or psychological fear or distress or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances and with similar identities. Stalking may involve individuals who are known to one another, who have a current or previous relationship, or who are strangers. Stalking includes the concept of cyber-Stalking, a particular form of Stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Title IX Coordinator

The designated College official with primary responsibility for coordinating the College's compliance with, Title IX, and other federal and state regulations pertaining to equal access and equal opportunity.

Title IX Deputy Coordinators

Individuals responsible for supporting the Title IX Coordinator and accessible to any College community member for consultation and guidance on issues related to Discrimination, Harassment, Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Stalking, Interpersonal Violence, Complicity, and Retaliation. Deputy Coordinators are located in Human Resources, Student Affairs, and Safety/Security, and are available at each campus location.

Approved: 09.27.2020

Appendix B: Law Enforcement and Medical Providers

Lake County Sheriff

www.lcso.org

Non-emergency number (352) 342-2101, Emergency number 9-1-1

Sumter County Sheriff

<http://sumtercountysheriff.org/>

Non-emergency number (352) 569-1600, Emergency number 9-1-1

Leesburg Police

www.leesburgflorida.gov

Non-emergency number (352) 787-2121, Emergency number 9-1-1

Clermont Police

www.Clermontfl.gov/departments/police-department/

Non-emergency number (352) 394-5588, Emergency number 9-1-1

Appendix C: External Confidential Resources

LSSC Student Assistance Program

Five free sessions of mental health counseling available to currently enrolled students

www.lssc.edu/studev

LSSC Employee Assistance Program

Available to current full-time employees of LSSC

www.lssc.edu/staff/Pages/Departments/Human%20Resources/Benefits.aspx

Victim Service Center of Central Florida

Available to all members of the Central Florida community, (407) 497-6701

Lake County Community Resource Guide

www.lakecountycommunityresourceguide.com

Florida Department of Children & Family Services

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

-If there is no immediate danger, contact DCF's statewide hotline, 24 hours a day, 7 days a week, at 1-800-962-2873; or via the web at:

<https://abuse-report-bc.dcf.state.fl.us/AbuseWebReport/AddReporterinfo>