
**LAKE-SUMTER STATE COLLEGE
ADMINISTRATIVE PROCEDURE**

**TITLE: TITLE IX SEXUAL HARASSMENT AND RELATED
MISCONDUCT GRIEVANCES**

NUMBER: 2-21

REFERENCE: Board Rule 2.02 and 2.06

PAGE 1 OF 22

Florida Statutes 39.201(1)(a)

Section 304 of the Violence Against Women Reauthorization Act of 2013

Title VII of the Civil Rights Act of 1964

Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C.
§ 1092(f) (the Clery Act)

Administrative Procedure 2-29

Administrative Procedure 4-15

Administrative Procedure 5-11

I. PURPOSE

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. Federal regulations define the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access educational programs and opportunities. The requirements and protections of this procedure apply equally regardless of sex, sexual orientation, and other protected classes in the College's non-discrimination policy. All requirements and protections are equitably provided to individuals regardless of protected class status or their status as a complainant, respondent, or witness.

II. RESPONSIBILITY

Oversight for this procedure falls under the Title IX Coordinator, the Vice President for Student Affairs, the Vice President of Facilities Planning, and the Associate Vice President of Human Resources.

III. SCOPE

This procedure provides a grievance process for individuals who may have been the subject of prohibited conduct including covered sexual harassment, sexual assault, sexual exploitation, interpersonal violence, stalking, complicity, retaliation and other conducted prohibited by Title IX.

This procedure applies to the conduct of and protects Lake-Sumter State College students, employees, interns, volunteers, and visitors. These provisions also apply to contractors and other third-parties in circumstances where the College has substantial control.

This procedure applies to all prohibited conduct that occurs on campus (including any campus, center, and other property leased/owned 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.

In determining whether the College has jurisdiction over off-campus conduct that is not part of an educational program or activity of the College, and in evaluating "continuing adverse effects" the Title IX Coordinator 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 assist the reporting party in identifying and contacting external law enforcement agencies and/or community resources.

The Title IX process may proceed independently of any student conduct, employee discipline, law enforcement, or threat assessment process.

This procedure shall apply to all reports alleging violation made on or after July 1, 2026, regardless of when the conduct is alleged to have occurred.

IV. POLICY CONFLICTS

Where information in another administrative procedure conflicts with this one, the information in this procedure shall take precedence.

V. ANNUAL REVIEW

The Title IX Coordinator shall review this procedure on 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).

VI. DEFINITIONS

Definitions of applicable terms in this procedure can be found in Appendix A.

VII. NOTICE OF NON-DISCRIMINATION BASED ON PROTECTED STATUS

Lake-Sumter State College assures civil rights for its students, employees, visitors, and contractors. LSSC prohibits discrimination on the basis of race, color, national origin, ethnicity, sex, age, disability, marital status, pregnancy, veteran status, religion, sexual orientation, or genetic information in any of its programs, activities, employment, and contracts.

VIII. ANONYMITY, PRIVACY, AND CONFIDENTIALITY

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 identifying 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.

a. Anonymity

1. 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.
2. Where the College is unable to take action 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. 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.
3. 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.

b. Privacy

1. 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.
2. If the decision is made to pursue disciplinary action against a Responding Party, information related to the report made to the College will be shared with the Responding Party.
3. Information regarding a report may be shared with parents or guardians only as authorized under the Family Educational Rights and Privacy Act (FERPA).

4. All complaints and investigations are treated privately to the extent possible, and information disclosed strictly on a need-to-know basis. All records and information pertaining to a complaint or investigation under this procedure will be maintained in secure files.

c. Confidentiality

1. Information shared with designated community professionals, referred to as External Confidential Resources in this procedure (see Appendix D), 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.
2. There are no College employees with legally protected confidentiality.

d. Preserved Legal Privileges

1. Information protected by legally recognized privileges, such as attorney-client privilege, doctor-patient privilege, and other similar protections, cannot be used during a Title IX investigation or resolution process unless the individual holding the privilege has knowingly and voluntarily waived that privilege in writing.

IX. 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.

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 defined in Appendix A and are collectively referred to in this procedure as prohibited conduct.

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. 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.
5. May be committed by or against an individual or by or against an organization or group.
6. May occur in the classroom, in the workplace, or in any other setting.
7. May be a pattern of behavior or, if sufficiently severe, a one-time event.

8. 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.
9. May take the form of threats, assault, property damage, economic abuse, and violence or threats of violence.
10. May include harassing or retaliatory behavior directed to a sexual or romantic partner, family member, or friend of the reporting party.

X. REPORTING PROHIBITED CONDUCT

These reporting procedures provide mechanisms for students, faculty, staff, and visitors to receive a fair investigation and hearing on issues. Students and employees are not required to exhaust these procedures with regard to reporting alleged violations before pursuing remedies outside the College with any applicable external enforcement agencies, including local law enforcement, the Equal Employment Opportunity Commission, the Florida Commission on Human Relations, and the U.S. Department of Education's Office for Civil Rights, the Department of Justice, and the Department of Labor.

The College encourages all individuals to report prohibited conduct to the College and, if appropriate, to local law enforcement. College and law enforcement/criminal reporting may be pursued simultaneously.

Although a report may come in through many sources, the College is committed to ensuring that all reports are referred to the Title IX Coordinator, who will ensure consistent application of the procedure to all individuals and allow the College to respond promptly and equitably to eliminate the harassment, prevent its recurrence, and eliminate its effects.

a. Reports to the College

The College provides reporting options through multiple contact points across campuses that are broadly accessible to all College community members.

To report an incident involving Prohibited Conduct or discuss any aspect of the procedure, individuals are encouraged to contact the Title IX Coordinator or Deputy Coordinators (see Appendix B).

Students and visitors to the College campus are strongly encouraged to report any information related to prohibited conduct, including partial reports.

Individuals are encouraged to report prohibited conduct 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.

Reports may be made anonymously.

Additional information about Title IX reporting is available on the College website at <https://www.lssc.edu/title-ix/>.

b. Reporting Party Right to Autonomy

The College recognizes that deciding whether to make a report and choosing how to proceed are personal decisions. At the time a report is made, a reporting party does not have to decide whether to request any particular course of action or know how he or she wishes to proceed, if at all. Choosing to make a report and deciding how to proceed after

making the report can be a process that unfolds over time. The College will make every effort to respect an individual's autonomy in making the determination as to how to proceed, and as described below, will balance agency and autonomy with the College's obligation to provide a safe and non-discriminatory learning and working environment. Resources are available to support 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 campus or community resources.

c. Emergency and External Reporting Options

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. This is the best option to ensure preservation of evidence and to begin a timely investigation and remedial response. Contacting law enforcement does not automatically lead to the filing of criminal charges, and a reporting party may discuss available options with local authorities.

The College will assist any College community member in utilizing community resources to obtain safety and will provide transportation to the hospital or law enforcement agency if requested, assist with coordination with a law enforcement investigation, and provide information about on- and off-campus resources and options for resolution.

XI. MANDATORY REPORTING OBLIGATIONS

A report of prohibited conduct should be made to the designated reporting options through the Title IX Coordinator. The College recognizes, however, that an individual may choose to share information with a trusted College employee.

a. Responsible Employees

Under Title IX, a Responsible Employee is typically any college employee who has the authority to take action to address sex discrimination/harassment or is designated by the institution as someone who must report such information to the Title IX Coordinator.

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 but must share with the Title IX Coordinator all known details of an incident.

b. Reports Involving Minors

Florida Statutes 39.201(1)(a) requires that 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 to the Florida Department of Children and Family Services (DCF). The law also prohibits any person from knowingly and willfully preventing another person from meeting his or her reporting obligation to DCF. Reporting child abuse to law enforcement does not negate the statutory obligation to report the abuse to DCF.

The College will share any applicable reports and information it receives with DCF.

XII. NON-INVESTIGATORY MEASURES

The College retains its authority to enact the follow non-investigatory measures available under the Title IX grievance procedures.

a. Supportive Measures

An individual who reports allegations that could constitute prohibited conduct have the right to receive supportive measures from the College regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive.

b. No Trespass Notification

The College has the authority to issue no trespass notifications when it determines that behavior is disruptive or represents a safety risk to the College community. No trespass notifications will be issued in accordance with Administrative Procedure 2-29.

c. Administrative Leave

The College retains its right to place an employee on administrative leave when determined to be in the best interests of the College. Administrative Procedure 5-11 provides additional information about administrative leave for employees.

XIII. INVESTIGATION PROCESS

a. Initial Assessment

Upon receipt of a report, the Title IX Coordinator, or Deputy Coordinator, will conduct a brief initial assessment to determine whether the reported activity meets the definition of prohibited conduct, the safety of the individual and College community, whether informal resolution is suitable, and determine what supportive measures may be necessary. The goal of this assessment is to provide an integrated and coordinated response to reports of prohibited conduct.

Where possible and as warranted by an assessment of the facts and circumstances, the Title IX Coordinator or Deputy Coordinator will seek action consistent with the Reporting Party's request.

As part of the initial assessment, the Title IX Team will evaluate:

1. Whether the allegations, if true, would constitute prohibited conduct under Title IX
2. Whether the institution has jurisdiction
3. Whether there is an identifiable complainant
4. Whether there are immediate safety concerns requiring supportive measures

As part of the initial assessment, the Title IX Team may, as appropriate, for each reported matter:

1. Address immediate physical safety and emotional well-being concerns
2. Notify the reporting party of the right to contact, or decline to contact, law enforcement and seek medical treatment
3. Notify the reporting party of the importance of preservation of evidence
4. Assess whether the reported matter involves minors and if so, follow the mandatory reporting guidelines
5. Provide the reporting party with information about on- and off-campus resources
6. Notify the reporting party of the range of interim accommodations and supportive measures
7. Provide the reporting party with an explanation of procedural options
8. Assess for pattern evidence of other similar conduct by responding party

9. Discuss the reporting party's expressed preference for manner of resolution and any barriers to proceeding
10. Explain the College's procedure prohibiting retaliation to the reporting party and responding party
11. Explain the appeal process to the reporting party and responding party

b. Supportive Measures

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 prohibited conduct. When a report is received, the Title IX Coordinator, or Deputy Coordinator, may impose reasonable and appropriate supportive measures when necessary to protect the safety of the parties or witnesses involved. The range of supportive measures includes:

1. Assistance in setting up initial appointments off-campus
2. Mutual restrictions on contact between parties
3. Rescheduling of exams and assignments
4. Providing alternative course completion options
5. Change to class schedule, including the ability to drop a course without penalty or to transfer sections
6. Change in work schedule, work location, or job assignment
7. Limiting or prohibiting access to College facilities or activities, pending resolution of the matter
8. Leave of absence (voluntary or involuntary)
9. Providing an escort to ensure safe movement between classes and activities
10. Providing academic support services, such as tutoring
11. College-imposed leave, suspension, or separation for the responding party
12. Any other measure that can be tailored to the individuals involved to achieve the goals of this procedure

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 involved or imposed by the College. 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 the information gathered and generally are not intended to be permanent resolutions. They may be amended, withdrawn, or made permanent during the course of the process.

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.

c. Determination to Proceed to Remedies-Based Resolution 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. Both the reporting party and the responding party must be notified in writing regarding the type of resolution method to be used.

In order to proceed to an investigation, a formal written complaint must be signed by the reporting party or the Title IX Coordinator.

d. 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.

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 assessment.

e. Investigation

If the Title IX Coordinator determines that the alleged conduct, if proven, could constitute a violation, the College will initiate a prompt, equitable, and impartial investigation. The purpose of the investigation is to gather and assess all relevant evidence to determine whether prohibited conduct occurred, using the preponderance of evidence standard.

If a formal investigation proceeds, the institution must provide written notice to both parties that includes:

1. Allegations with sufficient detail
2. Identities of parties involved (if known)
3. Description of the conduct at issue
4. Policies allegedly violated
5. Presumption of non-responsibility
6. Information about advisor rights
7. Prohibition on retaliation and false statements

Both parties will have an equal opportunity to participate in the investigation, including the opportunity to:

1. Provide statements and relevant evidence
2. Identify witnesses with relevant information
3. Submit proposed questions for the other party and witnesses
4. Be accompanied by an advisor of their choice

Participation is voluntary; however, the process will proceed based on the information reasonably available.

The Title IX Coordinator will assign a trained, impartial investigator with no conflicts of interest or bias. The investigator may be a College employee or an external professional.

The College bears the burden of gathering sufficient relevant evidence, to the extent reasonably possible.

The investigator will make reasonable efforts to gather relevant and reliable evidence, which may include:

1. Interviews with the reporting party, responding party, and witnesses
2. Documents, communications, and electronic records
3. Other information relevant to the allegations

The investigator will determine the relevance and will exclude information that is duplicative, not relevant or protected by legal privilege.

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 College will seek to complete the investigation within twenty (20) business days of the determination to proceed to investigation, 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 will communicate with involved parties regarding Title IX rights, procedural options, and the implementation of interim measures to ensure the safety and well-being of all affected individuals. The investigation will promptly resume as soon as law enforcement releases the cases.

f. Right to an Advisor

During an investigation, both the reporting party and responding party have the right to be assisted and accompanied by an advisor of their choice. The advisor observes and provides support during the investigation process. Under no circumstances, however, may the advisor also be a witness.

The advisor may accompany the parties to any meeting with an investigator or College employee. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. During a live hearing, the advisor may cross-examine the opposing party.

If a party does not have an advisor and the process goes to a live hearing, or the party requests an advisor, the College will provide an advisor at no cost.

An advisor may be an attorney, and any party may seek the assistance of an attorney at their own expense. However, 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.

g. Investigation Report

At the conclusion of the investigation, the investigator will prepare a written investigation report that summarizes the information gathered and synthesizes the contested and uncontested issues of fact and any supporting information. In preparing the report, the investigator 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.

All parties will be provided with access to review evidence obtained during the investigation that is directly related to the allegations, including evidence the investigator does not intend to rely on in the investigation report prior to the finalization of the report.

All parties will have ten (10) business days from receipt of the evidence and investigation report to submit a written response to the evidence, which will be considered by the investigator before finalizing the report.

The final investigation report will be provided to all parties before any hearing to decide whether a respondent is responsible for alleged prohibited conduct.

h. Adjudication

The College will provide a process for questions to be posted to parties and witnesses consistent with Title IX regulations. Questions will be reviewed for relevance and appropriateness before being asked. The College may conduct questioning through the investigator and/or a live hearing process, as outlined below.

1. Live Hearing

To ensure compliance with applicable laws and regulations, the College will provide a live hearing with real-time questioning by advisors where required or deemed appropriate. Hearings will be conducted by a trained, impartial hearing officer (decision maker).

A hearing date must be scheduled at least ten (10) business days after the parties were provided with the final investigation report. A notice of the hearing should include the date, time, location, participants, and the purpose of the hearing to allow parties sufficient time to prepare.

A live hearing may be held virtually with technology that allows all participants to see and hear one another.

The live hearing must be recorded or transcribed, and a copy of the recording or transcription must be made available to the parties for review.

All original documentation, including physical and electronic records, related to the hearing shall be maintained by the Title IX Coordinator and may only be released in accordance with relevant laws.

2. Hearing Officer

When the decision is made to conduct a live hearing, a hearing officer will be designated by the College 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.

An individual selected as a hearing officer must have training or relevant experience to serve in this capacity.

All parties should be notified of the designation of a hearing officer and the reporting party and responding party shall have five (5) business days to challenge the designation of the hearing officer. Parties may issue this challenge in writing to the Title IX Coordinator when there are reasonable and articulable grounds to establish bias, a conflict of interest, or an inability to be fair and impartial.

A designated hearing officer will be removed only if the Title IX Coordinator concludes that the Hearing Officer's bias prevents 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.

3. Live Hearing Process

A live hearing will be conducted in the following order. The hearing officer has the discretion to determine the appropriate amount of time permitted for each step in the process.

- i. Opening Statements – Both parties may make opening statements and the reporting party will make their opening statement first.
- ii. Presentation of Evidence – The case of the reporting party will be presented first and then that of the responding party. Documents submitted to evidence will be numbered by the hearing officer.
- iii. Presentation of Rebuttal Evidence – Both parties may present rebuttal evidence, and the reporting party will present rebuttal evidence first.
- iv. Closing Arguments – After all the evidence has been presented, both parties may make closing arguments. The reporting party's advisor will speak first and have a final opportunity to rebut the closing argument of the responding party's advisor.

The presentation of evidence during the hearing may include the testimony of witnesses. An opportunity for cross-examination will be provided to each party. Cross examination must be performed the party's advisor and the party may not conduct cross examination. The hearing officer will determine whether questions are relevant before they are answered. Any rejection of questions will be explained in the hearing record. Witnesses will be present only during the time in which they give their statement and will remain outside of the hearing room. Witnesses and all other persons involved in the hearing are expected to maintain strict confidentiality regarding the proceeding.

The hearing officer should not allow or consider evidence, including during cross-examination, of the reporting party's prior sexual predisposition or sexual behavior unless such evidence is being offered to prove someone other than the responding party committed the alleged conduct, or the evidence relates to the reporting party's prior sexual behavior with respect to the responding party and is being offered to prove consent.

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. The hearing office cannot draw adverse inference from the fact that a party or witness does not submit to cross-examination or other questions. The refusal of a party or witness to answer questions asked by the hearing officer does not require exclusion of the person's statements.

A hearing officer cannot draw any inferences about the determination of responsibility based on a party's failure to appear at the hearing.

4. Determination of Responsibility and Notice of Outcome

After consideration of all of the relevant information, the hearing officer will make a finding by the preponderance of the evidence standard as to whether the responding party is responsible for engaging in prohibited conduct.

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:

- i. Alleged violation(s)
- ii. A description of all steps taken from receipt of the formal complaint through the live hearing process
- iii. Specific descriptions and conclusions of findings of fact for each alleged violation(s)

- iv. A statement and rationale with respect to each allegation, including determination, disciplinary sanctions and remedial measures
 - v. 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 responding party (when an employee) will be notified that the determination of responsibility and notice of outcome has been sent to the Title IX Coordinator and Executive Vice President of Operations (EVP). After review, the EVP will forward the notice to the employee's vice president who will determine the appropriate sanction(s), in consultation with the EVP and Human Resources. Sanctions may include any form of responsive action or progressive discipline as set forth in the College's Administrative Procedures, including but not limited to, additional training requirements, referral to counseling, written warning, formal reprimand, withholding of promotion or pay increase, reassignment, suspension without pay, and termination. The sanction(s) should address the misconduct, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and Title IX obligations.
- Sanctions will take effect immediately and will not be stayed pending the resolution of an appeal. The final report and disciplinary sanctions will be kept by Human Resources in the employee's personnel file.
- If the responding party reports directly to the President, the EVP should send the notice directly to the President to determine the appropriate sanction(s).
- For a student employee who is acting within the scope of their student employment at the time of the incident, sanctions may be imposed as both a student and employee from the Student Code of Conduct and Administrative Procedures.
- 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.

i. Right to Appeal

The reporting party and the responding party may appeal the decision of the hearing officer within five (5) business days of the receipt of the Notice of Outcome. A review of the matter will be prompt and narrowly tailored to the stated appeal grounds.

Either party may appeal only the parts of the determination or sanctions that directly related to him or her.

The limited grounds for appeal are:

1. New information that could affect the findings of the hearing officer became available and was not reasonably available through due diligence at the time of the investigation
2. Procedural irregularity that affected the outcome and/or material deviation(s) from written procedures that significantly affected the outcome
3. Title IX Coordinator, Deputy Coordinator(s), investigator(s), or hearing officer had a conflict of interest or bias that affected the outcome

The appeal shall consist of a plan, concise, written statement outlining the grounds for appeal. The appeal should be submitted to the Title IX Coordinator as outlined in the Notice of Outcome.

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

Upon receipt of the appeal and responses to the Title IX Coordinator, the College will assign an appeals officer. For appeals involving a responding party who is a student, the appeals officer will typically be the Vice President of Enrollment and Student Affairs. For appeals involving a responding party who is an employee, the appeals officer will typically be a Vice President or other senior administrator.

The role of the appeals officer in the appeal process shall consist of:

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

Upon review of the appeal, the appeals officer may:

1. Affirm the original findings
2. Alter the findings
3. Alter the disciplinary sanctions, if appropriate for the basis of the appeal
4. If the appeal is based on procedures not having been followed in a material manner,
5. the appeals officer can ask that a new investigation and/or adjudication, or other
6. appropriate action, occur
7. In the case of new and relevant information, the appeals officer can recommend that
8. the case be returned to the hearing officer to assess the weight and effect of the new
9. information and render a determination after considering the new facts

The decision of the appeals officer is final.

The appeals officer will communicate the result of the appeal to the reporting party and responding party within fourteen (14) business days from the date of submission of all appeal documentation by both parties.

j. Timely Resolution of Cases

The College will make every effort to successfully resolve all reports within sixty (60) business days. All time frames expressed in this procedure are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames for good cause. 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 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, fundamental fairness, and reasonable promptness. All parties involved are entitled to periodic status updates on the process and any subsequent appeals.

k. 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 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.

l. 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.

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.

Retaliation is a violation of the College's Student Code of Conduct and Administrative Procedures and will be handled appropriately as outlined in those procedures.

m. Communication

College-issued is the primary means of communication used by the College. The Title IX Coordinator, Deputy Coordinators, investigator(s), and others will deliver notice to students and employees to College-issued email.

In the event that an individual is prohibited access to their College-issued email, communications will occur by postal mail or alternate email address.

XIV. RECORDS RETENTION & RELEASE OF INFORMATION

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

If a report of prohibited conduct discloses a serious and continuing threat to the campus community, the College will issue a timely warning notification to protect the health and safety of the community as required by the Clery Act. This 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 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/safety/.

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 statute, and College procedures. No information, including the identity of the parties, will be released from such proceedings except as required or permitted by law.

Updated: 09/27/2020, 06/30/2026

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. Parties may choose for their advisor to be an attorney, but this is not required. In cases where a reporting or responding party does not have an advisor, the College will provide one at no cost if requested.

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/Campus Community

This term refers to students, employees, interns, volunteers, and visitors of Lake-Sumter State College. In the physical sense, this applies to all any campus, center, and other location that is leased/owned/operated by the College.

Complicity

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

Confidentiality

Information that cannot be disclosed without the individual's express written permission. College employees cannot maintain confidentiality, but external confidential resources can and will not share information with anyone, including the College.

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.

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. 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. Under Florida law, the age of consent is 18. Individuals below this age are generally considered incapable of providing legally valid consent to sexual activity, although limited statutory provisions may affect criminal liability.

Education Program/Activity

Education program or activity means all of operations, including locations, events, or circumstances over which the institution exercises substantial control over both the respondent and the context in which the conduct occurs.

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.

Incapacitation

Incapacitation is a state in which an individual is unable to understand the nature of the sexual activity or unable to give knowing, voluntary consent due to the effects of alcohol, drugs, sleep, unconsciousness, or other physical or mental conditions.

Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, reasonably available, and without fee or charge to restore or preserve equal access to the education program or activity, protect safety, or deter sex discrimination, without unreasonably burdening any party.

Interpersonal Violence

Interpersonal Violence refers to violence or abuse between individuals in a personal or intimate relationship, including dating violence, domestic violence, stalking, and sexual violence. A reasonable person in similar circumstances would find intimidating, frightening, terrorizing, or threatening. 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

Privacy means that information related to a report or complaint is shared only with individuals who have a legitimate need to know in order to assist in the response, investigation, or resolution process.

Quid Pro Quo Harassment

Quid Pro Quo Harassment occurs when an employee conditions the provision of an educational benefit, service, or aid on an individual's participation in unwelcome sexual conduct.

Prohibited Conduct

Prohibited Conduct includes all forms of sex discrimination and sex-based harassment that violate Title IX or institutional policy, including but not limited to sexual harassment, sexual assault, interpersonal violence, stalking, sexual exploitation, retaliation, and any other conduct based on sex that denies or limits an individual's ability to participate in or benefit from the institution's education program or activity.

Remedies-Based Resolution

Remedies-Based Resolution is a voluntary process that resolves a report of sex discrimination or harassment without a formal determination of responsibility, typically through supportive measures and agreed-upon actions designed to restore or preserve equal access.

Reporting Party

Reporting Party (or Complainant) is an individual who is alleged to have experienced conduct that could constitute sex discrimination under Title IX.

Responding Party

Responding Party (or Respondent) is an individual who has been reported to have engaged in conduct that could constitute sex discrimination under Title IX.

Responsible Employees

Responsible Employees are employees designated by the institution who are required to promptly report known or suspected sex discrimination or harassment to the Title IX Coordinator.

At Lake-Sumter State College, all employees are considered responsible employees.

Retaliation

Retaliation is any adverse action taken against an individual for reporting, participating in, or refusing to participate in a Title IX process, or for opposing sex discrimination. 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-Based Harassment (Sexual Harassment)

Sex-Based Harassment is conduct based on sex that satisfies one or more of the following: quid pro quo harassment by an employee; unwelcome conduct that is sufficiently severe or pervasive that it limits or denies equal access; sexual assault, interpersonal violence, or stalking.

Sex Discrimination

Sex discrimination under Title IX is any unequal treatment, exclusion, or denial of benefits based on sex in an education program or activity that receives federal funding.

Sexual Assault

Sexual Assault refers to any sexual act directed against another person without consent, including when the person is incapable of giving consent.

Sexual Contact

Sexual Contact typically refers to intentional touching of intimate body parts for sexual purposes without consent.

Sexual Exploitation

Sexual Exploitation is taking non-consensual or abusive sexual advantage of another for one's own benefit or for the benefit of anyone other than the individual being exploited, including but not limited to recording or sharing intimate images without consent.

Sexual Orientation

Sexual Orientation refers to an individual's emotional, romantic, or sexual attraction to others.

Stalking

Stalking is engaging in a course of conduct directed at a specific individual that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional, physical, or psychological distress. Stalking includes cyberstalking through electronic means.

Title IX Coordinator

Title IX Coordinator is the individual designated by the institution to coordinate compliance with Title IX, including receiving reports, overseeing investigations, coordinating supportive measures, and ensuring institutional response obligations are met.

Title IX Deputy Coordinator

Title IX Deputy Coordinator is an individual designated to assist the Title IX Coordinator in carrying out compliance responsibilities and may act on behalf of the Coordinator in specific areas or campus locations.

APPENDIX B – TITLE IX TEAM

Title IX Coordinator

Dr. Carol Tolx (interim)

Associate Vice President, Human Resources

Student Services Building, Suite 200, 9501 U.S. Highway 441, Leesburg, FL 34788

(352) 365-3507

tolxc@lssc.edu

Deputy Title IX Coordinators for Students

Dr. Maureen Miller

Director, Student Wellness

Student Center, Room 104, 9501 U.S. Highway 441, Leesburg, FL 34788

(352) 435-6335

millere@lssc.edu

Michael Worden

Student Activities Specialist

Student Center, Room 103, 9501 U.S. Highway 441, Leesburg, FL 34788

(352) 323-3650

wordenm@lssc.edu

Deputy Title IX Coordinator for Employees, Contractors, Visitors

Dr. Carol Tolx (interim)

Associate Vice President, Human Resources

Student Services Building, Suite 200, 9501 U.S. Highway 441, Leesburg, FL 34788

(352) 365-3507

tolxc@lssc.edu

Title IX Hearing Officer

Carolyn Scott

Dean of Students

Building 2, Room 147, 1250 N. Hancock Rd., Clermont, FL 34711

(352) 536-2211

scottc@lssc.edu

APPENDIX C – LAW ENFORCEMENT AND EMERGENCY MEDICAL CONTACTS

Clermont Police Department

Non-Emergency Number: (352) 394-5588
Emergency Number: 9-1-1
Web: <https://www.clermontfl.gov/262/Police-Department>

Lake County Fire Rescue (EMS Service for all of Lake County)

Non-Emergency Number: (352) 343-9458
Emergency Number: 9-1-1
Web: <https://lakecountyfl.gov/fire>

Lake County Sheriff

Non-Emergency Number: (352) 342-2101
Emergency Number: 9-1-1
Web: www.lcso.org

Leesburg Police Department

Non-Emergency Number: (352) 787-2121
Emergency Number: 9-1-1
Web: https://www.leesburgflorida.gov/my_city/departments/police/index.php

Sumter County Fire & EMS (EMS Service for all of Sumter County)

Non-Emergency Number: (352) 689-4400
Emergency Number: 9-1-1
Web: <https://www.sumtercountyfl.gov/86/Fire-EMS>

Sumter County Sheriff

Non-Emergency Number: (352) 569-1600
Emergency Number: 9-1-1
Web: <http://sumtercountysheriff.org/>

APPENDIX D – EXTERNAL CONFIDENTIAL RESOURCES

Student Assistance Program

Mental health support resources available to currently enrolled students

www.lssc.edu/sap

Employee Assistance Program

Mental health support resources available to employees

<https://lssc3.sharepoint.com/sites/HumanResources/SitePages/Benefits.aspx>

Haven of Lake & Sumter Counties, Inc.

Provides comprehensive, unduplicated services to victims of domestic violence and sexual violence. Their primary objectives are to provide these victims with alternatives to abuse or life-threatening situations, and empowerment to establish a violence-free life.

<https://www.havenlakesumter.org/>

24/7 Hotline: (352) 753-8500

Victim Service Center of Central Florida

Providing individualized services and resources to victims of sexual assault, violent crime, and traumatic circumstances, through crisis response, advocacy, therapy, education, and community awareness.

<https://victimservicecenter.org/>

24/7 Helpline: (407) 500-4325

Lake County Community Resource Guide

The Lake County Community Resource Guide is a database of resources available to people in our community.

<https://lccrg.com/>

Florida Department of Children & Family Services

If a child is in immediate danger, call 9-1-1, then contact DCF 24/7 Abuse Hotline

If there is no immediate danger, contact the DCF 24/7 Abuse Hotline

<https://www.myflfamilies.com/services/abuse/abuse-hotline>

24/7 Abuse Hotline: (800) 962-2873