



Santa Fe College Rules Manual

Title: **Prohibition Against Discrimination and Harassment (Other Than Title IX Sexual Harassment)** **Procedure 2.8P Part A**

Based on: Rule 2.8

Effective Date: December 21, 2020

I. General Application and Responsibility of the College

The following procedure applies in the event of an alleged violation of the College’s policy against discrimination and harassment, including sexual harassment that does not meet the jurisdictional requirements of sexual harassment for purposes of Title IX, as set forth in Rule 2.8 (Prohibition Against Discrimination and Harassment) (hereinafter referred to as “Rule 2.8” or “the Rule”).

II. Definitions

For purposes of this Procedure, a “Complainant” under Rule 2.8 shall be deemed to be (1) the aggrieved individual or, (2) in some cases, the College. A third-party individual who has witnessed or is aware of discrimination or harassment may participate in the Advisement Process or file a Formal Complaint and will be referred to as a “Reporter.” The “Respondent” means any individual who has been reported to be the perpetrator of conduct that could constitute discrimination or harassment as defined in Rule 2.8. The term Equity Officer refers to the College’s Equity Officer/Title IX Coordinator or their designee. For the purposes of this Procedure (Part A), the term harassment excludes sexual harassment that meets the jurisdictional requirements of sexual harassment for purposes of Title IX (hereinafter known as “Title IX Sexual Harassment”). Procedures related to Title IX Sexual Harassment are located in Procedure 2.8P Part B.

III. Reservation of Rights

At all times during the process, the College reserves the right to investigate, pursue, and otherwise take appropriate action with respect to any allegations that may come to its attention on the basis of facts and evidence available.

IV. Reporting Responsibilities

Members of the College community should be aware that every employee, other than those considered confidential by SF, is responsible for making the Equity Officer aware of any concerns or complaints of discrimination or harassment. Positions with these reporting responsibilities include:

- All instructors, including full-time professors, adjuncts, and any others who offer classroom instruction or office hours to students;
- All chairs, directors, and deans;
- All advisors, access specialists, and high school dual enrollment guidance counselors;
- All coaches, trainers, and other athletic staff that interact directly with students;
- All student affairs administrators and their assistants;
- Medical personnel, if any;
- Santa Fe College police officers;
- Employees who work in offices that regularly interface with students; and
- All supervisors and managers.

In accordance with College Rule 2.16 and Florida law, all members of the College community must report known or reasonably suspected sexual abuse of minors to the Equity Officer, law enforcement, and the Florida Department of Children and Families (DCF). Additional reporting requirements are set forth in College Rule 2.16.

V. Investigative Procedures

A. Advisement Process

Anyone may seek advice or information on matters related to discrimination or harassment without having to request an informal resolution or file a Formal Complaint.

Parties seeking information or advice can expect to learn about resources available at Santa Fe College and elsewhere that provide counseling and support. They also will be advised about the steps involved in pursuing an informal resolution or filing a Formal Complaint. In addition, the Equity Officer may discuss with the Complainant or Reporter whether any supportive measures are appropriate at this stage. The Equity Officer may recommend consideration of emergency removal, which may include interim suspension of a student Respondent or administrative leave for an employee Respondent.

B. Informal Resolution Process

Any Santa Fe College student or employee may choose to seek informal resolution to their concern. The request can be made either orally or in writing to the Equity Officer.

The request should identify the alleged harasser and describe the allegations. The Equity Officer will assess the severity of the alleged harassment and the potential risk of a hostile environment for others in the community to determine whether informal resolution may be appropriate. This assessment may include limited fact-finding and the Equity Officer may assign one or more Investigators to the case. If informal resolution is appropriate, the Equity Officer or the Investigators will attempt to aid the parties in finding a mutually acceptable agreement. The Complainant shall have the option to end this process at any time and request to withdraw the complaint or engage in the Formal Complaint Resolution process.

A matter will be resolved when both parties expressly agree to an outcome that is also acceptable to Equity Officer. Once an agreement has been reached, the agreement will be commemorated in writing and will be held on file with the Equity Officer consistent with state records retention laws.

In addition, the Equity Officer or Investigator may discuss with Complainant whether any supportive measures are appropriate at this stage. The Equity Officer may offer supportive measures or require emergency removal of the Respondent.

The Equity Officer will strive to guide the informal resolution process to conclusion within three weeks of the date of the request for informal resolution.

C. Formal Complaint Resolution Process

1) How to File a Complaint

A Complainant or Reporter may file a Formal Complaint alleging a violation of College policy at any time. Formal Complaints should be submitted directly to the Equity Officer (see contact information at the end of this document).

The complaint should be in writing and, if not submitted electronically, signed and dated by the Complainant or Reporter. It should state the name of the alleged harasser (if known) and describe with reasonable specificity the incident(s) of alleged harassment or discrimination, including the date and place of such incident(s). The complaint must be in the Complainant or Reporter's own words and may not be authored by others absent extenuating circumstances. Attached to the complaint should be a list of any sources of information (for example, witnesses, correspondence, records) that the Complainant or Reporter believes may be relevant to the investigation. A complaint should not be delayed if such sources of information are unknown or unavailable.

2) Timeframe for Filing a Complaint

Santa Fe College does not limit the timeframe for filing a Formal Complaint. The College encourages complaints to be filed as soon as possible after an alleged Rule violation because the College's ability to gather adequate information may be limited when a significant length of time has elapsed between an incident and the filing of a complaint. The College's ability to complete its processes may be limited with respect to Respondents who are no longer affiliated with the College.

3) Initial Review

Once a complaint is received by the Equity Officer, the case will either be investigated by the Equity Officer, the Equity Officer and 1 investigator, or be assigned to 2 investigators (collectively called the Investigative Team). All investigators will be impartial and unbiased, will disclose any real or reasonably perceived conflicts of interest to the Equity Officer, and have training in investigating and evaluating conduct under the Rule and applicable confidentiality requirements. Any concerns by the participants in the investigation about potential conflicts of interest or the impartiality of the investigators should be reported to the Equity Officer as soon as possible.

The Investigative Team will contact the Complainant or Reporter in an attempt to gather a more complete understanding of the allegations, as well as any related conduct that may implicate the Rule. When a complaint is brought by a Reporter, the

Investigative Team generally will try to meet with the person identified as the potential Complainant both to gather information and to discuss his or her interest in participating in an investigation and provide that person with information about resources.

Based on the information gathered, the Investigators will determine whether the information, if true, would constitute a violation of the Rule. If it would, an investigation is opened. If the information provided would not constitute a violation if true, the case is administratively closed. The Investigators will convey this determination to the Complainant (and the Reporter, if there is one) and the Equity Officer in writing. If the information contained in the complaint could constitute a violation of other SF Rules, the Equity Officer may forward that concern to the appropriate Vice President.

After the decision is made to close a case administratively, the Complainant or Reporter may request reconsideration on the grounds that there is substantive and relevant new information that was not available at the time of the decision and that may change the outcome of the decision. The request for reconsideration should be submitted to the Equity Officer in writing (see contact information at the end of this document).

4) The Investigation

a. Investigative Steps

Once the decision to open an investigation is made, both parties will receive simultaneous written notice of that decision. This letter will include copies of this rule and procedure and will notify the parties of the implicated provisions of the Rule known at that time. The Investigative Team will request individual interviews with the Complainant (if necessary to gather additional evidence) and the Respondent, and, as appropriate, with other witnesses. Respondents will be able to view the written allegations in the first investigative interview and may provide a written response at their discretion, which may in turn be viewed by the Complainant.

During the investigation, both the Complainant and Respondent will have an equal opportunity to respond to information, provide evidence, and name witnesses.

After the collection of additional information is complete but prior to the conclusion of the investigation, the Investigative Team may request individual follow-up interviews with the Complainant and the Respondent to give each the opportunity to respond to the additional information that was gathered during the investigation.

Prior to the submission of the investigative report to the appropriate vice president, the parties will be simultaneously provided with a redacted, written draft summary of relevant evidence collected during the investigation, including a summary of party and witness testimony. The documents will be redacted for sensitive personal identifying information, student information protected by FERPA, and any other information deemed appropriate by the Equity Officer and/or the Investigative Team. The Complainant and Respondent may review the summary and provide

feedback in response. The Complainant and Respondent must submit any comments, feedback, additional documents, evidence, names of additional witnesses, or any other information they deem relevant to the investigator within seven (7) calendar days after receipt. If a party fails to provide a response to the summary within seven (7) calendar days after receipt, the College may move forward without that party's response.

b. Personal Advisors

Both the Complainant and the Respondent may bring a personal advisor to any interviews with the Investigative Team. During interviews, personal advisors may not speak for their advisees, although they may ask for breaks for their advisees or ask procedural questions. If a party's personal advisor is an attorney, the party must advise the Title IX Coordinator at least three (3) days prior to the interview.

c. Confidentiality

References made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean Santa Fe College offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Equity Officer or designee, who is responsible for tracking patterns and spotting systemic issues. The College will limit the disclosure as much as practicable, even if the Equity Officer determines that the request for confidentiality cannot be honored.

The Investigative Team, personal advisors, and others at the College involved in or aware of the complaint will take reasonable steps to protect the privacy of all involved. Once a complaint is filed, the Complainant or Reporter, the Respondent, and any witnesses will be notified of the potential for compromising the integrity of the investigation by disclosing information about the case and the expectation that they therefore keep such information – including any documents they may receive or review – private. They also will be notified that sharing such information might be construed as retaliatory by the other party. Retaliation of any kind is a separate violation of the Rule and may lead to an additional complaint and sanctions by the College.

d. Coordination with Law Enforcement Authorities

In some cases, conduct may constitute both harassment under the Rule and unlawful criminal activity. In such cases, individuals should feel free to contact law enforcement and may ask for assistance with notifying law enforcement from the Equity Officer or the Counseling Center (see contact information in Section VII below).

Because the standards for criminal investigations are different, police investigations or reports are not determinative of whether the College Rules have been violated. Furthermore, a criminal investigation into allegations does not relieve the school of its duty to resolve complaints promptly and equitably. In the event that an allegation includes behavior or actions that are under review by law enforcement authorities, the Investigative Team will seek updates from law enforcement and assess the timing of the investigation so that it does not compromise the criminal investigation.

e. Conclusion of the Investigation

At the conclusion of the investigation, the Investigative Team shall report the findings to the appropriate Vice President.¹ For complaints against students, the appropriate Vice President will be the Vice President of Student Affairs. For complaints against employees, the division in which the employee serves will determine the appropriate decision-maker. The Investigative Team will apply the preponderance of the evidence standard to make findings of fact and a determination of whether there was a violation of the Rule, and will provide a summary and findings, which may include recommendations, to the Vice President for future action and sanctions.

After consultation with the Equity Officer, the Vice President will set forth a written decision as to future action and sanctions within 10 days of the Vice President's receipt of the findings. The Equity Officer shall simultaneously provide the parties with the decision letter, signed by the Vice President, which will include a summary of the findings and the Vice President's decision.

f. Timeframes for Investigation

SF will seek to complete any investigation and resulting disciplinary process within 60 calendar days after receipt of a complaint. SF will seek to complete any appeal within 30 calendar days after receipt of the appeal.

There may be circumstances requiring longer timeframes. Timeframes may be extended, for example, in the interest of the integrity and completeness of the investigation, to accommodate witness availability, to comply with requests not to prejudice investigations or processes of external law enforcement, or for other legitimate reasons, including the complexity of the investigation and the severity or extent of alleged misconduct. The Investigative Team will notify the parties of any extensions of timeframes and the reasons for those extensions.

If any of the parties requires an extension for any reason, they should provide that request in writing to the Investigative Team who has the discretion to approve/deny any requests. If an extension is granted, the Investigative Team will notify the parties of any extensions of timeframes and the reasons for those extensions.

¹ For purposes of these procedures, the Vice President will be referenced hereafter, but the President would become involved at this level if one of his immediate staff members is the accused.

D. Appeals

Both the Respondent and the Complainant will be notified of their rights to appeal in writing and may appeal on the following grounds:

1. A procedural error occurred, which may change the outcome of the decision;
2. The appellant has substantive and relevant new information that was not available at the time of investigation and that may change the outcome of the decision;
3. The findings were clearly erroneous; or
4. The sanction is not proportional to the severity of the violation.

Appeals must be in writing, state the grounds for appeal, and be received by the Equity Officer within 7 calendar days of the date of the delivery of the Vice President's decision letter.

Upon receipt of a timely appeal, the Equity Officer will notify the other party and Vice President of the appeal in writing. If the subject of the appeal is a student, an appellate board as defined in Rule 7.23 Student Conduct Code will consider the appeal. If the subject of the appeal is an employee, the Equity Officer will then appoint an appellate board consisting of three trained Investigators not involved in the Investigation to provide a review of the grounds for appeal.

The appellate board shall have the authority to order an investigation be reopened, dismiss findings completely or in part, and/or modify a sanction. Once the appellate panel has reached a consensus as to action, it shall submit a written report as to future actions to the appropriate Vice President, the Equity Officer, and the parties, within 20 days of the receipt of appeal. Subject to limitations specified in State Board of Education Rule 6A-14.0411 (applicable to faculty), the decision of the appellate board is final.

VI. Supportive Measures, Emergency Removal, Administrative Leave, Remedies, and Sanctions

A. Supportive Measures

Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter discrimination or harassment. Supportive measures may be provided even if the incident occurs outside the jurisdiction of this policy and may be provided to both the Complainant and Respondent. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The College should maintain as private any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such privacy would not impair the ability of the College to provide the supportive measures.

The Equity Officer is responsible for coordinating the effective implementation of supportive measures.

B. Administrative leave

The College may place a non-student employee Respondent on administrative leave during the pendency of a grievance process in accordance with Rule 3.20.

C. Remedies

Upon agreement by the parties or a finding of violation of Rule 2.8, the College may apply disciplinary sanctions and/or remedies, to restore or preserve the Complainant's equal educational access and to address the Respondent's behavior.

Depending on the nature and severity of the conduct, possible remedies for the Complainant might include, but are not limited to: providing an escort to ensure that the Complainant can move safely and comfortably between classes and activities; ensuring that the Complainant and Respondent do not attend the same classes; prohibiting contact between the Complainant and the Respondent; providing counseling services; providing referral to off campus providers of medical care; providing academic support services, such as tutoring; arranging for the Complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment or discrimination and the misconduct that may have resulted in the Complainant being disciplined; training for the College community; campus climate assessments; and disseminating educational information.

D. Sanctions

1) Students

Upon agreement by parties at the conclusion of the Informal Resolution Process or upon a finding of violation of Rule 2.8, the College may impose disciplinary sanctions to a Student that include, but are not limited to:

- a. a written letter of reprimand;
- b. mandatory completion of a harassment, discrimination, or sexual harassment training program;
- c. referral for student conduct proceedings;
- d. an ongoing stay away or no contact order prohibiting contact with the victim;
- e. restrictions on eligibility for college employment;
- f. suspension, probation, or expulsion;
- g. transfer to another class;
- h. a trespass order prohibiting the student from coming to campus;

- i. if alcohol was involved, mandatory attendance at an alcohol abuse program; and/or
- j. mandatory community service; and/or mandatory attendance at counseling sessions.

2) Employees

Upon agreement by parties at the conclusion of the Informal Resolution Process or a finding of violation of Rule 2.8, the College may apply disciplinary sanctions to an Employee that include, but are not limited to:

- a. a written letter of reprimand;
- b. mandatory completion of a harassment, discrimination, or sexual harassment training program;
- c. an ongoing stay away or no-contact order prohibiting contact with the victim;
- d. suspension, probation, or termination;
- e. a trespass order prohibiting the employee from coming to campus;
- f. job change or transfer; and/or
- g. mandatory attendance at counseling sessions.

3) Third Parties

Sanctions for third parties over which the College exercises substantial control, including vendors, may include, but are not limited to:

- a. An ongoing stay away or no-contact order prohibiting contact with the victim;
- b. Limiting or terminating the third party's permission to be present on campus; and/or
- c. Suspension from doing business with the College (if a vendor).

E. Special Circumstances

1) Requests for Anonymity

If a Complainant or Reporter requests confidentiality or asks that the complaint not be pursued, SF will take all reasonable steps to understand the scope of the conduct and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. The Equity Officer will evaluate the request in the context of SF's legal obligations and SF's responsibility to provide a safe and non-discriminatory environment for all students and employees and will inform the Complainant of their decision.

When a Complainant or Reporter insists that their name or other identifiable information not be disclosed to the Respondent, the ability of SF to respond may be limited.

Additionally, all individuals should be aware that Florida's Public Records Law, Ch. 119, F.S., provides a right of access to the records of Santa Fe College. In the absence of a statutory exemption, this right of access applies to all materials made or received by the College in connection with the transaction of official business which are used to perpetuate, communicate, or formalize knowledge.

2) Request to Withdraw the Complaint

While SF will take every effort to respect the Complainant's wishes to withdraw a formal complaint, SF must be mindful of its overarching commitment to provide a nondiscriminatory environment. As a result, the Equity Officer may determine that investigation is appropriate despite a Complainant's request to withdraw the complaint or failure to cooperate.

VII. Resources

1) **Equity Officer and Title IX Coordinator:**

Lara Zwilling
Equity Officer and Title IX Coordinator
3000 NW 83rd Street, R-Annex, Room 113
Gainesville, FL 32606
352-395-5950
equity.officer@sfcollge.edu

2) **Disabilities Resource Center:** The Disabilities Resource Center serves students who document disabilities that limit academic access, faculty instructing students with disabilities, and other individuals seeking disability information.

Disabilities Resource Center (DRC)
Building S, Room 229
3000 NW 83rd St., Gainesville, FL 32606
Voice/TTY (352) 395-4400; Fax (352) 395-4100
E-mail: drc@sfcollge.edu
Web: www.sfcollge.edu/student/drc/

3) **Confidential Resources:**

Counseling Center - All Santa Fe College Counseling Center staff members are licensed professionals able to provide confidential counseling, crisis intervention, and advocacy.

Santa Fe College Counseling
Center Building R, Room 227
3000 NW 83rd Street
Gainesville, FL 32606
Phone: 352.395.5508
Web: www.sfcollge.edu/counseling

Employee Assistance Program (student employees not eligible) – 1-800-272-7252

4) **Santa Fe College Police Department:**

For emergencies, call: 352-395-5555 (or dial 911);
For all other police business, call: 352-395-5519

5) **Outside Agencies:**

Whether or not a complaint is filed with Santa Fe College, any person may file a complaint of discrimination with the following agencies or any other state or federal agency having jurisdiction:

Florida Human Rights Commission –

Web: <http://fchr.state.fl.us/>

Florida Department of Children and Families –

Web: <https://www.myflfamilies.com/>

Report abuse or neglect: 1-800-962-2873

U.S. Equal Employment Opportunity Commission –

Web: <https://www.eeoc.gov/employees/charge.cfm>

U.S. Department of Education Office of Civil Rights -

Office for Civil Rights, Atlanta Office

U.S. Department of Education 61

Forsyth St. SW, Suite 19T70

Atlanta, GA 30303-8927

Telephone: 404-974-9406

E-mail: OCR.Atlanta@ed.gov



Santa Fe College Rules Manual

Title: **Prohibition Against Discrimination and Harassment: Title IX Grievance Procedure** **Procedure 2.8P Part B**

Based on: Rule 2.8

Effective Date: December 21, 2020

I. General

The following procedure applies in the event of an alleged violation of the College's prohibition against sexual harassment under Title IX of the Education Amendments of 1972 ("Title IX"), as set forth in Rule 2.8 (Prohibition Against Discrimination and Harassment) (hereinafter referred to as "Rule 2.8" or "the Rule").

II. Definitions

- A. **Complainant:** The Complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment as defined in Rule 2.8 in accordance with Title IX. Under Rule 2.8, the Complainant shall be deemed to be the aggrieved individual. The aggrieved individual or, if legally appropriate, their parent or legal guardian, may file a Formal Complaint; however, a parent or legal guardian is not a Complainant.
- B. **Formal Complaint:** A Formal Complaint is a written document (physical or electronic) filed by a Complainant or, in extraordinary circumstances signed by the Title IX Coordinator, alleging Title IX Sexual Harassment against a Respondent within Santa Fe College's education program or activity and requesting that the allegation of Title IX Sexual Harassment be investigated. A Formal Complaint initiates the grievance process.
- C. **Report:** A verbal or written notice to the Title IX Coordinator regarding a potential violation of the College's policy against Title IX Sexual Harassment. A Report may be made by a third party. A Report is not a Formal Complaint.
- D. **Reporter:** A third-party individual who has witnessed or is aware of sexual harassment who notifies the Title IX Coordinator verbally or in writing. Any person may report sex discrimination, including sexual harassment, to the Title IX Coordinator.
- E. **Respondent:** The Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment.
- F. **Title IX Coordinator:** The College's Equity Officer/Title IX Coordinator or their designee.

G. Title IX Sexual Harassment:

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- 1) An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (also called *quid pro quo* harassment);
- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity, including work programs or activities (also called a *hostile environment*); or
- 3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute discrimination on the basis of sex.

A *hostile environment* can be created by severe, pervasive, and objectively offensive conduct, including by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. Whether the conduct creates a hostile environment may depend on a variety of factors, including: the degree to which the conduct affected one or more person's education or employment; the type, frequency, and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred.

Sexual harassment is considered to be Title IX Sexual Harassment and processed under this procedure when:

- 1) It occurs in the United States; and
- 2) The Complainant is a current student or employee participating in or attempting to participate in an education program or activity of the College at the time a Formal Complaint of sexual harassment is filed.

An education program or activity includes locations, events, or circumstances over which the college exercises substantial control over both the Respondent and the context in which the sexual harassment occurred.

III. Overview of Process

The Complainant and other members of the College community that have knowledge of sex-based discrimination or harassment should contact the Title IX Coordinator. The Complainant must file a Formal Complaint if the Complainant wishes to pursue the Informal Resolution Process (see section VI, H) or a Formal Hearing (see section VI, J). Once a Formal Complaint has been filed, the Title IX Coordinator will review the complaint to determine whether it should proceed under Part B, Part A, or another College Rule/Procedure, or be dismissed. Parties may appeal

the Title IX Coordinator's decision to dismiss a Formal Complaint (see section VI, E).

If the Formal Complaint moves forward under Part B, the Complainant and Respondent will proceed with the grievance process utilizing the Informal Resolution Process or a Live Hearing. Both parties are permitted to select Personal Advisors to assist with the grievance process, and if a party does not have a Personal Advisor, the College will provide a College Advisor (see section VI, G).

If the Informal Resolution Process is selected, both parties must consent in writing. This process avoids the need for a full investigation and hearing and results in a mutually accepted written resolution. Either party may withdraw from the Informal Resolution Process at any time and proceed with a live hearing.

If either party does not consent to the Informal Resolution Process, a live hearing may ensue. The Title IX Coordinator and/or Investigators will review and gather evidence to produce an investigative report (see section VI, I) with the cooperation of the parties. After the investigation is complete, there will be a live hearing in which three to five decision-makers will hear evidence and make a determination as to whether the Respondent is responsible for allegations in the Formal Complaint and determine appropriate sanctions (see section VI, J, x). If either party disagrees with the outcome of the hearing, they may appeal (see section VIII).

Whether or not the Complainant elects to file a Formal Complaint, the Title IX Coordinator may provide the Complainant and Respondent with supportive measures (see section VII).

This section is intended to serve as a brief overview of the grievance process under this procedure. This process is fully described below.

IV. Reporting Responsibilities

Members of the College community should be aware that every employee, other than those considered confidential by SF, is responsible for making the Title IX Coordinator aware of any concerns or complaints of sexual harassment, sexual abuse, or inappropriate romantic or sexual relationships between a member of the College and any person for whom that individual has a professional responsibility. Examples of such inappropriate relationships that should be reported include those between an instructor and their student, an employee and their direct supervisor, and medical personnel or counselors and their patients. Employees with these reporting responsibilities include:

- All instructors, including full-time professors, adjuncts, and any others who offer classroom instruction or office hours to students;
- All chairs, directors, and deans;
- All advisors, access specialists, and high school dual enrollment guidance counselors;
- All coaches, trainers, and other athletic staff that interact directly with students;
- All student affairs administrators and their assistants;
- Medical personnel, if any;
- Santa Fe College police officers;
- Employees who work in offices that regularly interface with students; and
- All supervisors and managers.

In accordance with College Rule 2.16 and Florida law, all members of the College community must report known or reasonably suspected sexual abuse of minors to the Title IX Coordinator, law enforcement, and the Florida Department of Children and Families (DCF). Additional reporting requirements are set forth in College Rule 2.16.

V. Advisement Process

Anyone may seek advice or information on matters related to sexual harassment without having to file a Formal Complaint.

Parties seeking information or advice can expect to learn about resources available at Santa Fe College and elsewhere that provide counseling and support. They also will be advised about the steps involved in filing a Formal Complaint and pursuing the Grievance Process or Informal Resolution Process.

In order to pursue the Grievance Process (Informal Resolution Process or Live Hearing Process), the Complainant must file a Formal Complaint. However, the Title IX Coordinator may offer supportive measures, refer for safety and risk analysis that may lead to emergency removal or mandated administrative leave for the Respondent before the Complainant even decides to file a Formal Complaint.

VI. Grievance Process for Title IX Sexual Harassment (Informal Resolution and/or Live hearing)

A. How to File a Formal Complaint

The Complainant initiates the grievance process by filing a Formal Complaint. Formal Complaints should be submitted directly to the Title IX Coordinator (see contact information at the end of this procedure).

Though an initial report to the Title IX Coordinator may be made verbally, the Formal Complaint must be in writing and signed and dated by the Complainant or, in extraordinary circumstances, signed by the Title IX Coordinator. It should state the name of the alleged harasser and describe with reasonable specificity any incident of alleged Title IX Sexual Harassment, including the date and place of any such incident. The Formal Complaint must be in the Complainant's own words and may not be authored by others absent extenuating circumstances. Attached to the Formal Complaint should be a list of any sources of information (for example, witnesses, correspondence, records) that the Complainant believes may be relevant to the investigation. A Formal Complaint should not be delayed if such sources of information are unknown or unavailable. A form will be provided for this purpose.

B. Timeframe for Filing a Formal Complaint

As long as the Complainant is participating in or attempting to participate in an education program or activity of the College at the time of filing the Complaint, Santa Fe College does not limit the timeframe for filing a Formal Complaint. The College encourages Formal

Complaints to be filed as soon as possible after an alleged Rule violation because the College's ability to gather adequate information may be limited when a significant length of time has elapsed between an incident and the filing of a Formal Complaint. The College's ability to complete its processes may be limited with respect to Respondents who are no longer affiliated with the College.

C. Written Notice of Formal Complaint

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice to the parties who are known. The written notice will include the following:

- 1) Notice of the College's Grievance Process, including any Informal Resolution Process.
- 2) Notice of the allegations of Title IX Sexual Harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Harassment, and the date and location of the alleged incident(s), if known.
- 3) A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- 4) A statement informing the parties that they may have an Advisor of their choice, who may be, but is not required to be, an attorney, and who may inspect and review evidence.
- 5) A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source.
- 6) A statement informing the parties of any provision in the College's code of conduct or other rules or procedures that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

D. Initial Review

Once a Formal Complaint is received by the Title IX Coordinator, the case will either be investigated by the Title IX Coordinator, Title IX Coordinator and 1 Investigator, or be assigned to 2 Investigators (collectively called the Investigative Team). All Investigators will be impartial and unbiased and will disclose any real or reasonably perceived conflicts of interest to the Title IX Coordinator. Any concerns by the participants in the investigation about potential conflicts of interest or the impartiality of the Investigators should be reported to the Title IX Coordinator as soon as possible. The Investigative Team will contact the Complainant in an attempt to gather a more complete understanding of the allegations.

E. Dismissal of Complaint

1) Mandatory Dismissal

Based on the Formal Complaint and information gathered, the Investigators will determine whether allegations, if true, would constitute a violation of Title IX Sexual Harassment. If they would, an investigation will be opened. If the conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment even if proved (e.g. not severe, pervasive, and objectionably offensive) or if the conduct did not occur in the College's education program or activity or did not occur against a person in the United States, the Investigators will inform the Title IX Coordinator. The Title IX Coordinator must dismiss the Formal Complaint with regard to such alleged conduct for purposes of Title IX Sexual Harassment and administratively close the Title IX Sexual Harassment case. However, the case may be pursued under Procedure 2.8 Part A or other appropriate College rules or procedures.

2) Discretionary Dismissal

The Title IX Coordinator may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or a hearing:

- a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- b. The Respondent is no longer enrolled in or employed by the College; or
- c. Specific circumstances prevent the Title IX Coordinator or Investigative Team from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

3) Notice of Dismissal

Upon a dismissal required or permitted under this subsection, the Title IX Coordinator will promptly send written notice of the dismissal and reasons therefor simultaneously to the parties.

4) Appeal of Dismissal

Either party may appeal a decision to dismiss a Formal Complaint as described in the Appeals section below.

5) Notice of Removal to Procedure 2.8P Part A

A dismissal does not preclude action under other College rules or procedures. If the information contained in the Formal Complaint could constitute a violation of Rule 2.8 in accordance with Procedure 2.8 Part A or a violation of other SF Rules such as Rule 7.23, the Title IX Coordinator may proceed accordingly or forward that concern to the appropriate Vice President.

F. Consolidation of Formal Complaints in Multi-Party Situations

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this procedure to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

G. Personal Advisors

In cases involving allegations of Title IX Sexual Harassment, both parties have a choice of Personal Advisor. Each party should notify the Title IX Coordinator as soon as possible after receipt of notice of the Formal Complaint of whether or not that party has chosen a Personal Advisor. If the party’s Personal Advisor is an attorney, the party must advise the Title IX Coordinator. If a Complainant or Respondent does not have a Personal Advisor, the College will provide a trained College Advisor. The College will provide the parties equal access to Advisors and support persons; any restrictions on Advisor participation will be applied equally.

Both the Complainant and the Respondent may bring a College or Personal Advisor to any interviews with the Investigative Team. During interviews, Advisors may not speak for the Complainant or Respondent, although Advisors may ask for short breaks or ask procedural questions.

The Advisor is not an advocate. The Advisor’s main duty under this Procedure is to cross-examine witnesses during a hearing. This duty is further described in the Hearing section below.

The College has a long-standing practice of requiring Complainants to participate directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor to any meeting or hearing to which they are required or are eligible to attend. Except where explicitly stated by this Procedure 2.8P Part B, Advisors shall not participate directly in the process as per standard policy and practice of the College.

The College will not intentionally schedule meetings or hearings on dates where the Advisors for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

The College’s obligations to investigate and adjudicate in a prompt timeframe under Title IX and other College policies apply to matters governed under this Procedure, and the College cannot agree to extensive delays solely to accommodate the schedule of an Advisor. The determination of what is reasonable shall be made by the Title IX Coordinator. The College will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor, and may offer the party the opportunity to obtain a different Advisor or utilize one provided by the College.

H. Informal Resolution Process

Any Complainant or Respondent may seek to pursue Informal Resolution of a Formal Complaint without need for a full investigation or adjudication. However, the Informal Resolution Process may not be used to resolve allegations that an employee sexually harassed a student. The Informal Resolution Process is not available if a Formal Complaint has not been filed. Both Complainant and Respondent must provide written consent to the Informal Resolution Process.

An initial request to pursue the Informal Resolution Process may be made either orally or in writing to the Title IX Coordinator. The request should identify the alleged harasser and describe the allegations.

At any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution Process and resume the formal Grievance Process to pursue a Live Hearing.

Once requirements for the Informal Resolution Process are met, the Title IX Coordinator will provide the parties with a written notice disclosing:

- 1) The allegations;
- 2) The requirements of the Informal Resolution Process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process to pursue a Live Hearing; and
- 3) Any consequences resulting from participating in the Informal Resolution Process, including the records that will be maintained or could be shared.

A matter will be resolved without a hearing when both parties expressly agree to supportive measures, remedies, and/or sanctions. Once an agreement has been reached, the agreement will be commemorated in writing and will be held on file with the Title IX Coordinator consistent with state and federal records retention laws.

The Title IX Coordinator will strive to guide the Informal Resolution Process to conclusion within four weeks of the date of the request to pursue the Informal Resolution Process.

I. The Investigation of a Formal Complaint

1) Investigative Steps

Once the decision to open an investigation is made, both parties will receive simultaneous written notice of that decision. This notice letter will include copies of Rule 2.8 and this Procedure 2.8P Part B and will notify the parties of the implicated provisions of the Rule known at that time. The Investigative Team will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered Title IX Sexual Harassment.

The Investigative Team will request individual interviews with the Complainant (if necessary to gather additional evidence) and the Respondent, and, as appropriate, with other witnesses.

During the investigation, both the Complainant and Respondent will have an equal opportunity to respond to information, provide evidence, and name witnesses.

After the collection of additional information is complete but prior to the completion of the investigative report, the Investigative Team may request individual follow-up interviews with the Complainant and the Respondent to give each the opportunity to respond to the additional information that was gathered during the investigation.

The Title IX Coordinator and Investigative Team will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence (i.e. evidence that tends to prove and disprove the allegations) during the investigation.

The Title IX Coordinator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the investigative report, the Title IX Coordinator will send to each party and the party's Advisor the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will be given at least 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report. The Complainant and Respondent must submit any comments, feedback, additional documents, evidence, names of additional witnesses, or any other information they deem relevant to the Investigator by this deadline. The College must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

The Investigative Team will create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's Advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The investigative report is not intended to catalog all evidence obtained by the Investigator, but only to provide a fair summary of that evidence. Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the investigative report. The Investigative Team may redact irrelevant information from the investigative report when that information is contained in documents or evidence that is/are otherwise relevant. Evidence obtained in the investigation that is determined in the reasoned judgment of the Investigative

Team not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their Advisors, if any.

2) Burden of Proof and Burden of Gathering Evidence

The College and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of Title IX has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the College and does not indicate responsibility.

The College cannot access, consider, disclose, or otherwise use medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information.

3) Notice

The Title IX Coordinator and Investigative Team will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with reasonable time for the party to prepare to participate.

4) Coordination with Law Enforcement Authorities

In some cases, conduct may constitute both Title IX Sexual Harassment under the Rule and unlawful criminal activity. In such cases, individuals should feel free to contact law enforcement and may ask for assistance with notifying law enforcement from the Title IX Coordinator or the Counseling Center (see contact information below).

Because the standards for criminal investigations are different, police investigations or reports are not determinative of whether Title IX Sexual Harassment violates the Rule. Furthermore, a criminal investigation into allegations does not relieve the College of its duty to resolve complaints promptly and equitably. In the event that an allegation includes behavior or actions that are under review by law-enforcement authorities, the Investigative Team will seek updates from law enforcement and assess the timing of the investigation so that it does not compromise the criminal investigation; this may cause delays in the College process.

5) Timeframes for Investigation

The College will seek to complete any investigation and resulting disciplinary process within 90 calendar days after receipt of a Formal Complaint. The College will seek to complete any appeal within 30 calendar days after receipt of the appeal.

There may be circumstances requiring longer timeframes. Timeframes may be extended, for example, in the interest of the integrity and completeness of the investigation, to accommodate witness availability, to comply with requests not to prejudice investigations or processes of external law enforcement, or for other legitimate reasons, including the complexity of the investigation and the severity or extent of alleged misconduct. The Investigative Team will notify the parties of any extensions of timeframes and the reasons for those extensions.

If any of the parties requires an extension for any reason, they should provide that request in writing to the Investigative Team who has the discretion to approve/deny any requests. If an extension is granted, the Investigative Team will notify the parties of any extensions of timeframes and the reasons for those extensions.

J. Hearing

1) Decision-Makers

The Title IX Coordinator will appoint three to five decision-makers for the hearing. The panel will elect a Chair to oversee the hearing, establish the rules and expectations for the hearing, and determine whether questions are relevant during cross examination. The decision-makers cannot be the same person or persons as the Title IX Coordinator or the Investigators.

2) Live Hearing Process

Live hearings may be conducted with all parties physically present in the same geographic location or, at College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the Title IX Coordinator will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-makers and parties to simultaneously see and hear the party or the witness answering questions.

In order to obtain access to any evidence, the parties and their Advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Grievance Process. Once signed, this agreement may not be withdrawn.

3) Hearing Procedures

For all live hearings conducted under this Grievance Process, the procedure will be as follows:

- The Chair will open and establish rules and expectations for the hearing.
- The Complainant and Respondent (not their Advisors) will each be given the opportunity to provide opening statements.
- Decision-makers may ask questions of the parties and witnesses;
- Parties' Advisors will be given the opportunity for live cross-examination after decision-makers conduct their initial round of questioning. During the parties'

cross-examination, decision-makers will have the authority to pause cross-examination at any time for the purposes of asking their own follow up questions and any time necessary in order to enforce the established rules of decorum.

- Should a party or the party's Advisor choose not to cross-examine a party or witness, the party shall affirmatively waive cross-examination through a written or oral statement to the decision-makers. A party's waiver of cross-examination does not eliminate the ability of the decision-makers to use statements made by the party.

4) Live Cross Examination Procedure

Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's Advisor and never by a party personally. Each party's Advisor will conduct live cross-examination of the other party or parties and witnesses. During this live cross-examination the Advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the decision-makers will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the decision-makers, may be deemed irrelevant if they have been asked and answered.

5) Participants in the Live Hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

- The parties cannot waive the right to a live hearing.
- The decision-makers cannot rely on the statements of a party or witness who does not submit to cross-examination.
- The College may still proceed with the live hearing in the absence of a party and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party.
- For example, a verbal or written statement constituting part or all of the Title IX Sexual Harassment itself is not a "prior statement" that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of Title IX Sexual Harassment under the Formal Complaint.
- The College will not threaten, coerce, intimidate, or discriminate against a party in an attempt to secure that party's participation.
- If a party does not submit to cross-examination, the decision-makers cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a "statement" by that party.

- The decision-makers cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions.

The Decision-makers

- The hearing body will consist of a panel of 3 to 5 decision-makers including the Chair.
- No member of the hearing body will also have served as the Title IX Coordinator, Title IX Investigator, or Advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor

- Personal or College Advisors will conduct cross-examination on behalf of the parties.
- The parties are not permitted to conduct cross-examination; it must be conducted by the Advisor.
- The Advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The Advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's Advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their Advisor appear at the hearing, the College will provide an Advisor to appear on behalf of the non-appearing party.

Witnesses

- Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from retaliation.
- If a witness does not submit to cross-examination, the decision-makers cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. However, the decision-makers cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

6) Evidence Must be Relevant

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Chair must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of Title IX Sexual Harassment more or less likely to be true. “Relevant” evidence and questions do not include the following types of evidence or questions, which are deemed “irrelevant” at all stages of the Title IX grievance process:

- a. Evidence or questions about the Complainant’s sexual predisposition or prior sexual behavior unless:
 - i. They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or
 - ii. They concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.
- b. Evidence or questions that constitute, or seek disclosure of, information protected under a legally recognized privilege such as attorney-client privilege.
- c. Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent.

7) General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decision-makers.

Decision-makers shall not draw inferences regarding a party or witness’ credibility based on the party or witness’ status as a Complainant, Respondent, or witness, nor shall they base their judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness’ testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decision-makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

A witness’ testimony regarding third-party knowledge of the facts at issue will be allowed but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

While the expert witnesses will be allowed to testify and subject to cross-examination, the decision-makers will be instructed to afford lower weight to non-factual testimony

of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

Parties may call character witnesses to testify. While the character witnesses will be allowed to testify and subject to cross-examination, the decision-makers will be instructed to afford very low weight to any non-factual character testimony of any witness.

The parties may present evidence and testimony regarding polygraph tests (“lie detector tests”) and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed and subject to cross-examination, the decision-makers will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness’ conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the decision-makers may draw an adverse inference as to that party or witness’ credibility.

8) Standard of Evidence

The preponderance of the evidence standard will be used to determine responsibility. This standard of evidence will be utilized for all Formal Complaints of Title IX Sexual Harassment, whether the Respondent is a student or employee (including faculty).

9) Determination regarding responsibility.

The decision-makers will issue a written determination regarding responsibility to the Title IX Coordinator within 7 calendar days of the hearing. To reach this determination, the decision-makers will apply the preponderance of evidence standard of evidence.

The written determination will include:

- a. Identification of the allegations potentially constituting Title IX Sexual Harassment;
- b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of the College Procedure 2.8P Part A or other College rules or procedures to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or

- preserve equal access to the College's education program or activity will be provided by the College to the Complainant; and
- f. The College's procedures and permissible bases for the Complainant and Respondent to appeal.

The Title IX Coordinator must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the Title IX Coordinator provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

10) Transcript

The Title IX Coordinator must create an audio recording, audiovisual recording, or transcript of any live hearing and make it available to the parties for inspection and review. The Title IX Coordinator has discretion to determine whether to create an audio recording, audiovisual recording, or transcript.

VII. Supportive Measures, Emergency Removal, Administrative Leave, Remedies, and Sanctions

A. Supportive Measures

Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. Supportive measures may be provided even if the incident occurs outside the jurisdiction of this procedure and may be provided to both the Complainant and Respondent. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The College must maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

B. Emergency removal

The President or a Vice President of the College, in consultation with the Behavioral Intervention Team, may remove a Respondent from the College's education program or activity on an emergency basis, provided that the College (1) undertakes an individualized safety and risk analysis, (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and (3) provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The Respondent may challenge an emergency removal decision. The challenge must be in writing and submitted to the Title IX Coordinator within 10 days of the date of the emergency removal decision. The Respondent must comply with the emergency removal during this challenge period. The Title IX Coordinator will submit the Respondent's challenge of the emergency removal decision to the individual designated by the President to hear the challenge, and that individual to the removal determination should not be involved in any decision regarding responsibility or appeal of that decision regarding responsibility. The decision regarding the challenge to the removal determination is final.

C. Administrative leave

The College may place a non-student employee Respondent on administrative leave during the pendency of a grievance process in accordance with Rule 3.20.

D. Remedies

Upon agreement by the parties at the conclusion of the Informal Resolution Process or a finding of responsibility at the conclusion of a hearing, the College may apply disciplinary sanctions and/or remedies, both to restore or preserve the Complainant's equal educational access and to address the Respondent's behavior.

Following a determination of responsibility, depending on the nature and severity of the conduct, possible remedies for the Complainant might include, but are not limited to: providing an escort to ensure that the Complainant can move safely and comfortably between classes and activities; ensuring that the Complainant and Respondent do not attend the same classes; prohibiting contact between the Complainant and the Respondent; providing counseling services; providing referral to off campus providers of medical care; providing academic support services, such as tutoring; arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant being disciplined; training for the College community; campus climate assessments; and disseminating educational information.

E. Sanctions

1) Students

Upon agreement by the parties at the conclusion of the Informal Resolution Process or a finding of responsibility at the conclusion of a hearing, the College may apply disciplinary sanctions to a student that include, but are not limited to:

- a. a written letter of reprimand;
- b. mandatory completion of a harassment, discrimination, or sexual harassment training program;
- c. referral for student conduct proceedings;
- d. an ongoing stay away or no contact order prohibiting contact with the victim;
- e. restrictions on eligibility for college employment;
- f. suspension, probation, or expulsion;
- g. transfer to another class;
- h. a trespass order prohibiting the student from coming to campus;
- i. if alcohol was involved, mandatory attendance at an alcohol abuse program;
- j. mandatory community service; and/or
- k. mandatory attendance at counseling sessions.

2) Employees

Upon agreement by parties at the conclusion of the Informal Resolution Process or a finding of responsibility at the conclusion of a hearing, the College may apply disciplinary sanctions to an employee that include, but are not limited to:

- a. a written letter of reprimand;
- b. mandatory completion of a harassment, discrimination, or sexual harassment training program;
- c. an ongoing stay away or no-contact order prohibiting contact with the victim;
- d. suspension, probation, or discharge;
- e. a trespass order prohibiting the employee from coming to campus;
- f. job change or transfer; and/or
- g. mandatory attendance at counseling sessions.

3) Third Parties

Sanctions for third parties over which the College exercises substantial control, including vendors, may include, but are not limited to:

- a. An ongoing stay away or no-contact order prohibiting contact with the victim;
- b. Limiting or terminating the third party's permission to be present on campus; and/or
- c. Suspension from doing business with the College (if a vendor).

VIII. Appeals

A. When Available

The College offers both parties an appeal from a determination regarding responsibility, and from the College's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- 1) Procedural irregularity that affected the outcome of the matter;
- 2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- 3) The Title IX Coordinator, Investigators, or decision-makers had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and
- 4) The sanction is not proportional to the severity of the violation.

B. How to Request an Appeal

In order for an appeal to be considered, appeals must be in writing, state the grounds for appeal, and be received by the Title IX Coordinator within 7 calendar days of the date of the delivery of the decision-makers' written determination. Notwithstanding the foregoing, the Title IX Coordinator, in her sole discretion, may permit a request for appeal after the 7 calendar days in the event of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter or other extraordinary circumstances.

C. Notice of Appeal

Upon receipt of a timely appeal, the Title IX Coordinator will notify the other party in writing when an appeal is filed. The Title IX Coordinator will notify the appropriate Vice President of the appeal in writing.

D. Appellate Board

The Title IX Coordinator will appoint an appellate board consisting of three decision-makers to provide a review of the grounds for appeal. The Title IX Coordinator will ensure that the decision-makers for the appeal did not serve as hearing decision-makers, Investigators, or the Title IX Coordinator in the same matter.

E. Appellate Procedures

The Title IX Coordinator will implement appeal procedures equally for both parties.

The appellate board shall have the authority to order an investigation be reopened, dismiss findings completely or in part, and/or, or modify a sanction. The appellate board will give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. There will be no appellate hearing.

F. Final Written Decision

Once the appellate panel has reached a consensus, the appellate board will issue a written decision describing the result of the appeal and the rationale for the result as to action. They shall submit a written report as to future actions to the appropriate Vice President and the Title IX Coordinator within 20 days of the receipt of appeal. The Title IX Coordinator will provide the written decision simultaneously to both parties.

Subject to limitations specified in State Board of Education Rule 6A-14.0411 (applicable to faculty), the decision of the appellate board is final.

IX. Retaliation

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege described in this Procedure, or because the individual has made a Report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Procedure. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a Report or Formal Complaint of sex discrimination, or a Report or Formal Complaint of Title IX Sexual Harassment, for the purpose of interfering with any right or privilege under this Procedure, constitutes retaliation. Individuals' First Amendment rights will be protected.

Retaliation of any kind is a separate violation of the Rule and may lead to an additional complaint and sanctions by the College.

X. Training

The Title IX Coordinator, Investigators, decision-makers, College Advisors, and any person who facilitates the informal resolution process shall receive training appropriate for their roles under this Procedure. Training will include but not be limited to training on the definition of sexual harassment, the scope of the College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias. The College will ensure that decision-makers are trained on any technology used for live hearings and issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant. The hearing body of decision-makers will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing. The College will ensure that Investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Training materials will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of Title IX Sexual Harassment.

Individuals in these positions may not serve in more than one role (for example, an Investigator cannot be a decision-maker). Therefore, individuals serving in these roles will not be cross-trained.

The College will publish on its website any materials used to train the Title IX Coordinator, Investigators, decision-makers, College Advisors, and any person who facilitates the Informal Resolution Process.

XI. Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or witness. Individuals who wish to file a complaint about the College's Rule or Procedures may contact the U.S. Department of Education's Office for Civil Rights using contact information available below.

XII. Special Circumstances

A. Confidentiality and Requests for Privacy

References made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean Santa Fe College offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible; information disclosed will be relayed as necessary to investigate and/or seek a resolution, to notify the Title IX Coordinator, who is responsible for tracking patterns and spotting systemic issues, and to report to insurance providers and other appropriate recipients. When a Formal Complaint is filed, the Formal Complaint and evidence related to the case will be shared with the Respondent in accordance with this Procedure. The College will limit disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

The College will keep confidential from the public, as permitted by applicable law, the identity of any individual who has made a Report or Formal Complaint of sex discrimination, including any individual who has made a Report or filed a Formal Complaint of Title IX Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. However, the College may not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

If a Complainant or Reporter requests confidentiality or asks that the Report not be pursued, the College will take all reasonable steps to understand the scope of the

conduct and respond to the Report consistent with the request for confidentiality or request not to pursue an investigation. The Title IX Coordinator will evaluate the request in the context of the College's responsibility to provide a safe and non-discriminatory environment for all students and employees and the College's legal obligations and inform the Complainant of their decision. The ability of the College to respond and take meaningful action will be limited without full cooperation of the Reporter, Complainant and witnesses.

Additionally, all individuals should be aware that Florida's Public Records Law, Ch. 119, F.S., provides a right of access to the records of Santa Fe College. In the absence of a statutory exemption, this right of access applies to all materials made or received by the College in connection with the transaction of official business which are used to perpetuate, communicate, or formalize knowledge.

B. Request to Withdraw the Complaint

While the College will make every effort to respect the Complainant's wishes to withdraw a Formal Complaint, the College must be mindful of its overarching commitment to provide a nondiscriminatory environment. As a result, the Title IX Coordinator may determine that investigation or a hearing is appropriate despite a Complainant's request to withdraw the complaint or failure to cooperate.

XIII. Resources

1) **Equity Officer and Title IX Coordinator:**

Lara Zwilling
Equity Officer and Title IX Coordinator
3000 NW 83rd Street, R-Annex, Room 113
Gainesville, FL 32606
352-395-5950
equity.officer@sfcollge.edu

2) **Disabilities Resource Center:** The Disabilities Resource Center serves students who document disabilities that limit academic access, faculty instructing students with disabilities, and other individuals seeking disability information.

Disabilities Resource Center (DRC)
Building S, Room 229
3000 NW 83rd St., Gainesville, FL 32606
Voice/TTY (352) 395-4400; Fax (352) 395-4100
E-mail: drc@sfcollge.edu
Web: www.sfcollge.edu/student/drc/

3) **Confidential Resources:**

Counseling Center - All Santa Fe College Counseling Center staff members are licensed professionals able to provide confidential counseling, crisis intervention, and advocacy.

Santa Fe College Counseling
Center Building R, Room 227
3000 NW 83rd Street
Gainesville, FL 32606
Phone: 352.395.5508
Web: www.sfcollege.edu/counseling

Employee Assistance Program_(student employees not eligible) – 1-800-272-7252

4) **Santa Fe College Police Department:**

For emergencies, call: 352-395-5555 (or dial 911);
For all other police business, call: 352-395-5519

5) **Outside Agencies:**

Whether or not a complaint is filed with Santa Fe College, any person may file a complaint of discrimination with the following agencies or any other state or federal agency having jurisdiction:

Florida Human Rights Commission –

Web: <http://fchr.state.fl.us/>

Florida Department of Children and Families –

Web: <https://www.myflfamilies.com/>

Report abuse or neglect: 1-800-962-2873

U.S. Equal Employment Opportunity Commission –

Web: <https://www.eeoc.gov/employees/charge.cfm>

U.S. Department of Education Office of Civil Rights -

Office for Civil Rights, Atlanta Office

U.S. Department of Education 61

Forsyth St. SW, Suite 19T70

Atlanta, GA 30303-8927

Telephone: 404-974-9406

E-mail: OCR.Atlanta@ed.gov