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# DAYTONA COLLEGE

## **Campus Security Annual Report The Jeanne Clery ACT Disclosure of Campus Security Policy, Title IX and Campus Crime Statistics Act, Violence Against Women Reauthorization Act of 2013**



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## Introduction

Daytona College believes that all students deserve a safe and secure facility in which to study. The College strives to provide such an environment for its students, faculty, and staff and takes active steps to secure and safeguard its facilities. However, students, faculty and staff must be aware of the established safety and security measures. Equipped with this information, students, staff, and faculty can become active partners in providing the safest and securest possible environment in which to study, teach, and work. This Report is created each year by the Compliance Department after surveying the campus for reports of Clery-covered crimes and making a good faith effort to obtain crime statistics from the Ormond Beach law enforcement agencies. The Compliance Department is responsible for ensuring this Report is properly distributed to all current students and employees as well as all prospective students and prospective employees. This Report provides guidelines and advice that can contribute to this aim and encourage trust and effective communication in our educational community.

Daytona College's **2023 – 2024 Annual Security Report** is published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Campus Security Enhancement Act and Violence Against Women Act (VAWA). This Report includes statistics for the previous three years concerning reported crimes that occurred on campus and on public property within, or immediately adjacent to and accessible from college property. The Report also includes institutional policies on campus security policies concerning alcohol and drug use, crime prevention, the reporting of crimes and other matters. Federal Public Law 102-26 (Jeanne Clery Act) and its extension in Public Law 110-315 of the Higher Education Opportunity Act of 2008 requires that colleges and schools disclose security policies and procedures and campus crime statistics to prospective and enrolled students. Therefore, each year, notification is sent to all prospective and enrolled students, faculty, and staff. This Report establishes policies and procedures for the campus of Daytona College. Additional information about the Jeanne Clery Act can be found at the following website: <https://clerycenter.org/about-page/>

Daytona College has prepared the following information for distribution to its students and employees, effective **September 18, 2024**. This information will be updated on an annual basis and made available to current students and employees. This document has been provided to each student and employee individually. Additionally, the document is located on the Daytona College Website under Consumer Information: [www.daytonacollege.edu](http://www.daytonacollege.edu).

### **Security of and Access to Campus Facilities**

The Campus and facilities located at 425 S. Nova Road Ormond Beach, Florida are restricted to students, faculty, staff, guests, and invitees of the college, except when part or all of the campus, buildings, or facilities, are open to the general public for an approved and designated time and purpose. The campus is open during the day and evening hours to allow students, employee and guest access. The facilities are unlocked by 8:00 a.m. Monday through Friday. Some programs may hold classes on Saturday. Saturday and Sunday access are limited to authorized individuals, i.e., students, faculty members, college staff, maintenance workers, etc. Security considerations used in the maintenance of campus facilities: Proper lighting and building security are major factors in reducing crime on campus. Safety and security issues are considered and implemented in the design and placement of all campus lighting, shrubbery, trees and the like. Safety and security issues are considered when planning and designing major renovations to campus facilities or construction of new facilities on campus.

### How This Publication is Distributed:

Daytona College distributes this report to students, staff, and faculty in one of the following ways:

1. United States Postal Service
2. Campus Email
3. Printed Distribution
4. Electronically via download at the Daytona College Website ([www.daytonacollege.edu](http://www.daytonacollege.edu))
5. A combination of these methods

Upon request, the College will provide a paper copy of this or any disclosures at no charge.

### Laws Governing This Report

Enacted in 1990, The Student Right to Know and Campus Security Act (pub. L. 101 -542) was designed to “assist students in making decisions which affect their personal safety...” and “to make sure institutions of higher education provide students, prospective students, and faculty the information they need to avoid becoming the victims of campus crime.” The Higher Education Act of 1998 and the subsequent amendment of the implementing regulations (34 C.F.R. 668.46) significantly expanded institutions’ obligations under the Act and renamed it the “Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act” (hereafter the “Clery Act”). The 2020 new Title IX Rules have been implemented by Daytona College on August 13, 2020.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, named in memory of a student who was slain in her dorm room in 1986, is an amendment to the Higher Education Opportunity Act (Public Law 110-315).

Commonly referred to as the Clery Act, this amendment requires colleges that participate in Title IV student financial assistance program to do the following:

- Collect, classify and count crime reports and crime statistics. This includes statistics for certain categories of crimes (referred to as “Clery Act Crimes”), which occur on campus, at off campus facilities controlled by the college and public property contiguous to campus. The Clery of crime categories include Murder/Non- Negligent Manslaughter, Negligent Manslaughter, Sex Offenses (Forcible and Non-Forcible), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, and arrests and disciplinary referrals for Weapons, Alcohol, and Drug Law Violations. Daytona College does not maintain a campus police or security department but does log any incidents on campus when or if they occur.
- Issue campus alerts. To provide the campus community with information necessary to make informed decisions about their health and safety, colleges must:
  - Issue a timely warning for any Clery Act crime that represents an ongoing threat to the safety of students or employees
  - Issue an emergency notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.
- Publish an annual security report containing safety and security related policy statements and crime statistics and distribute it to all current students and employees.

Daytona College submits crime statistics via a Web-based data collection survey maintained by the Department of Education to disclose crime statistics by type, location and year. The statistics have been compiled with cooperation from local law enforcement agencies for the campus. Definitions for the reporting offenses are provided within this report. The College publishes an annual security report distributed to all current students and employees no later than October 1st of each year. The report is available on the Campus Website at [www.daytonacollege.edu](http://www.daytonacollege.edu).

As you read the report, comments, questions or concerns may be addressed to: Daytona College  
 Attention: Compliance/Regulatory Affairs Director 425 S. Nova Road Ormond Beach, FL 32174 or 386-267-0565.

Questions regarding Title IX policies and procedures, please see **Tonya Wright, the Title IX Coordinator**. She can be reached at the campus at 386-267-0565 or [twright@daytonacollege.edu](mailto:twright@daytonacollege.edu). Her designee in her absence is Pamela Kraska. She can be reached at the campus at 386-267-0565 or [pkraska@daytonacollege.edu](mailto:pkraska@daytonacollege.edu)

**History**

| <b>Year</b>                 | <b>Title</b>   | <b>Provisions</b>  |
|-----------------------------|--|--|
| 1990<br>11/8/1990           | Student Right-To-Know and Campus Security Act; Crime Awareness and Campus Security Act of 1990. Title II of Public Law: 101-542 (s. 580)                               | Required institutions of higher education participating in federal student aid programs to disclose 3 years' worth of campus crime statistics and security policies.   |
| 1991<br>04/09/1991          | Higher Education Technical Amendments of 1991; Section 10, Public Law: 102-26 (H.R. 1285)  | Changed initial collection of statistics from September 1, 1991 to August 1, 1991 and changed crime statistics reporting period from school year to calendar year.   |
| 1992<br>07/23/1992          | Higher Education Amendments of 1992; Section 486(c) of Public Law: 102-325 (S. 1150)   | Broadened sexual assault reporting and added required sexual assault policy statements. Specified effective dates of initial collection and dissemination requirements.  |
| 1998<br>10/07/1998          | Higher Education Amendments of 1998; Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Section 486(e) of Public Law: 105-244 (H.R. 6) | Expanded crime categories that must be reported, added geographical breakdown, expanded definition of campus, expanded reporting of hate-crimes, added public crime log, and named law after Jeanne Clery.   |
| 2000<br>10/28/2000          | Victims of Trafficking and Violence Protection Act of 2000; Campus Sex Crimes Prevention Act; Section 1601 of Public Law: 106-386 (H.R. 3244)                          | Added notice of where public sex offender registration information about offenders on campus may be obtained.  |
| 2008<br>08/14/2008          | Higher Education Opportunity Act; Public Law 110-315   | Required statement of emergency response and evacuation procedures in annual security report and emergency notifications on campus, expanded hate crime statistics reported and statement of policy on law enforcement authority of campus personnel, established safeguards for "whistleblowers." |
| 2020<br>August 14,<br>2020  | New Title IX Rules effective 8/14/20   | Added rules pertaining to regulations 34C.F.R. §106.8(a); 34 C.F.R. §106.8(b)(1); 34 C.F.R. §106.8(b)(2); 34 C.F.R. §106.8(c); 34 C.F.R. §106.8(b)(iii); and 34 C.F.R. §106.45(b)(10)(D)   |
| 2021<br>January 19,<br>2021 | FSA Handbook   | Clery Act Appendix for Statutory and regulatory requirements (Rescission of and Replacement for the 2016 Handbook for Campus Safety and  |

| <b>Clery Act Requirements – The Basics (1/19/21)</b>              |   |
|---|---|
| Collect, classify, and count crime reports and statistics         |   |
| Issue campus alerts and warning notices                           | Publish an Annual Security Report (Due date: October 1)             |
| Disclose missing student notification procedures, when applicable | Submit crime and fire statistics to the Department, when applicable |
| Disclose procedures for institutional disciplinary actions        | Provide educational programs and campaigns                          |
| Keep a daily crime log, when applicable                           | Disclose fire safety information, when applicable                   |

### **Campus Security Procedures, Authority and Enforcement Policy**

Daytona College does not employ or contract with any law enforcement or security personnel.

Daytona College values the safety and well-being of our students, faculty, and visitors and will provide a consistent approach to work effectively and efficiently to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

The Campus Director is the primary Campus Security Authority (CSA) for the Daytona College Campus. The campus director provides information in the areas of parking, fire prevention, safety, and enforcement of all applicable regulations. State and local police personnel can provide security for the campus and they do have the authority to make arrests. Institution officials work closely with the federal, state, and local police agencies to ensure a safe environment for each student and employee. The campus director or designee with security responsibilities are always available on campus or easily accessed through the main reception desk. The reception desk also maintains emergency contact numbers for police, fire and medical emergencies and the campus has interior cameras. The facility located next door to the campus houses the admissions office and is assessed by employees of Daytona College only. Similar including adequate lighting in parking areas and walkways are present. Local police agencies typically maintain regular patrol routes near Daytona College. Information about security services can be obtained through the campus director. Students and employees are encouraged to learn more about these services particularly if attending class before or after normal business hours.

Federal law defines four categories of Campus Security Authorities or CSAs: college or College police; non-police security staff responsible for monitoring college or College property; individuals/offices designated by the college or College as those to whom crime should be reported; and officials with significant responsibility for student and campus activities. If a college staff member has ‘significant responsibility’ for students and campus activities outside of the classroom, and students potentially could report a crime / incident to that staff member, then they are a CSA. CSAs are defined by function, not title. For Daytona College, CSAs include the Campus Safety Committee:

- Vice President
- Campus Director/ Safety Officer
- Director of Education and/or Compliance Director
- Lead Instructor or Program Director
- Any member of Senior Management

Administrative, clerical, and service staff who do not have “significant responsibility” for students and campus activities are not considered a CSA. The CSA is obligated to report crimes reported to them which occur on campus and the specific geographical areas as define in the Clery Act to the Campus Director of Daytona College. CSAs are not responsible for determining authoritatively whether a crime occurred and they have no arresting authority. What a crime is believed to have occurred, the individual must complete a Crime Incident Report. This form is filed with the Campus Director and is used for any investigation that may be conducted.

When a student, faculty, or staff member tells a CSA about a Clery Act qualifying crime or any incident that may be a crime, the student involved is entitled to file a report with the school without filing a Police report.

Specific information regarding the following includes:

A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to those reports, including policies for making timely reports to members of the campus community regarding the occurrence of crimes described in paragraph (a) (6) of this statute.

Daytona College, 425 S. Nova Rd., Ormond Beach, Florida has the following policy with regard to the reporting of criminal actions and/or emergencies that may take place on school property:

In the event of any type of criminal activity or emergency, the senior administrative staff person (Campus Director, School Administrator, Compliance/Regulatory Affairs Director) must be immediately notified. In their absence, the Director of Education, senior faculty member or administrative staff member must be notified. In the absence of any employee of the school, the relevant governmental agency must be notified. In the event that a situation arises, either on or off campus, that, in the judgment of administration, constitutes an on-going or continuing threat, a campus wide “security update” will be issues and distributed to students and faculty in the form of a verbal announcement, text or email.

In the event of criminal activity and/or emergency, all relevant governmental agencies must be alerted at once by the senior administrative staff or faculty member and a decision made as to the safety of the campus facility and the assurance of the well-being of students and staff. The campus should be cleared until relevant governmental agencies are on the scene. These decisions are made upon reasonable, logical, and common-sense observations by the school staff.

Students and employees are encouraged to make note of any activity of a criminal nature and bring it to the attention of the school staff.

Students and school employees will be notified of any occurrence of a criminal nature, as noted in paragraph

(a) (6) of the statute through normal communication channels, including but not limited to bulletin boards, memos, classroom announcements, etc.

The Compliance/Regulatory Affairs Director is responsible for compiling the annual report and ensuring the overall accuracy. The campus community can report crimes anonymously by submitting details to the Campus Director (or the Compliance/Regulatory Affairs Director) at 386-267-0565.

Report all emergencies involving a crime in process, a medical emergency, and/or fire to 911 in a timely manner. To report non-emergency incidents occurring on campus, contact the main office at 386.267.0565. Any time there is a reason to believe that a security problem has occurred or is in progress, students or college's staff should call to report the incident to administration immediately. Reporting crimes or other public safety incidents in a timely manner help protect others. The education or compliance department will assist

students with notification of proper authorities as needed.

Confidential Reporting: Daytona College encourages anyone who is the victim or witness to any crime to report the incident. All police records are public records under state law. Reports made to the police department cannot hold reports of crime in confidence; however, state law protects the identity of the victims of sex crimes. Report any crime to a college administrator.

A statement of current policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

Access to school facilities is limited to those hours of operation listed in the official school catalog or employee handbook. Students are not permitted on school property without school faculty or staff present to unlock the facility, provide instruction or supervision, and to secure the facility at the end of the day. At no time will the school campus be without at least one staff member or employee on site while the campus is open to students.

The last school employee to leave the facility is charged with the responsibility to safeguard the facility, including locking all exterior and interior doors, turn off all lights, equipment, and heating/air conditioning units, set the alarm, and any other tasks necessary to secure the facility.

The following guidelines and procedures are set forth to help insure a safer campus:

- Report lost or stolen ID cards to the Education Department
- If you do not recognize a person, or suspect suspicious behavior, contact an administrator immediately.

Daytona College does not provide or maintain housing units for students.

**For more information on Safety, please refer to the Emergency Preparedness and Operations Plan for Safety, Illness and Injury Prevention located on the Daytona College website or available from the College Office.**

Beginning with the annual security report distributed by October 1, 2010, the following must be included: Emergency Response, and Fire Log Statistics:

All institutions must include a statement of policy regarding campus law enforcement in their Annual Security Report.

- (a) A description of the law enforcement authority of the campus security personnel.

Daytona College campus authority is with the Campus Director.

- (b) A description of the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding (MOU), for the investigation of alleged criminal offenses.

Daytona College does not have any agreements with any agencies.

Daytona College follows appropriate procedures in contacting law and safety enforcement agencies in the event of a dangerous situation or if a crime has been committed.

- (c) A statement of policies which encourage accurate and prompt reporting of all crimes



to the campus police and the appropriate law enforcement agencies.

Daytona College requires that accurate and prompt reporting of all crimes to the appropriate campus and non-campus official and the appropriate law and safety enforcement agencies. Daytona College is a non-residential college, and does not have a campus police force. Therefore, all crimes are reported to local authorities as described in this report regarding policies and procedures to report crimes. Daytona College does not utilize pastoral or professional counselors for this process. Copies of accident/incident report forms may be requested from the administrative office. Voluntary confidential reporting: Local law enforcement will allow a victim or witness to report crime on a voluntary and confidential basis.

A statement of current policies concerning campus law enforcement, including:

The enforcement authority of security personnel, including their working relationship with state and local police agencies and whether those security personnel have the authority to arrest individuals.

All school administrative personnel are empowered by the school to act in the school's behalf as security personnel. All employees are to work with any and all law enforcement/police agencies with jurisdiction in the area where the school is located. NO employee of Daytona College is empowered to arrest, search or otherwise detain individuals against their will. Daytona College personnel are not police officers and are not empowered as such. During the course of an incident, the responding personnel will obtain the information necessary to make a complete report for our files. If you wish to file a police report, the staff personnel will contact the Ormond Beach Police Department

Daytona College enjoys excellent cooperative relations with the Ormond Beach Police Department. This agency will promptly respond to our campus for emergencies, to complete police reports and to conduct criminal investigations. No written memorandum of understanding exists between Daytona College and the Ormond Beach Police Department.

Policies that encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies and when the victim of such crime elects or is unable to make such a report.

As that Daytona College does not have any police authority of its own, it is the responsibility of all faculty and staff members to report any possible crime or emergency to the school administration. Anyone who offers information regarding potential criminal activities and/or emergency situations is assured that in no way will stepping forward affect their ability to continue their education or their employment. The administration is required to notify the Ormond Beach Police Department regarding any unlawful activity in a timely manner.

Daytona College strongly encourages anyone who is a victim of or witness to a crime to promptly report the incident to the Campus Administration. Students, employees and guests should immediately report crimes in progress, accidents, and other emergencies to the front desk of the college.

In the event that the victim of a crime elects to not report the crime, he/she may meet with the Daytona College Student/Employee Advocate who will continue to monitor the situation. If the victim is unable to report a crime due to a physical or mental impairment then a college instructor, staff member or administrator will take appropriate action.

## TIMELY WARNINGS AND IMMEDIATE NOTIFICATIONS

Policies related to making timely reports to the campus community on crimes considered to be a threat to other students and employees that are reported to campus administration or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

In the event a situation arises, either on or off campus, that, in the judgement of the Campus Director constitutes an ongoing or continuing threat, a campus wide timely warning will be issued. The College will alert the campus community with timely warnings to inform and aid in the prevention of similar crimes. Timely warnings can be issued for threats to property as well as threats to persons. It is irrelevant whether the victims or perpetrators are members of the campus community. All crimes that fall under the Clery Act and the Violence Against Women Reauthorization Act of 2013 (VAWA) as amended will be reported to campus security authorities or local law enforcement agencies and are considered by the College to represent serious continuing threat to students and employees.

A timely warning will be issued as soon as pertinent information is available. The issuing of a timely warning will be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Timely warnings will be issued by danger to the campus community and the possible risk of compromising law enforcement efforts. Timely warnings will be issued by the Campus Director or the senior management team. The following are methods the College may alert the campus community of a timely warning:

- Instructor announcement in class and in the learning management system
- Letters to all students and employees
- Website E-Mail, Text Message, and/ or Social Media

Daytona College will distribute to all students and employees within a reasonable time period reports on crimes considered to be a threat to other students and employees. The names of victims are confidential and will not be provided in the timely warning.

A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

Students are made aware of their responsibilities and channels of communication regarding security procedures and practices as part of their introductory orientation as they begin classes. Employees are informed of security procedures and practices during staff meetings and through memos from the administrative staff as necessary. All students who attend the campus located in Ormond Beach, Florida and all employees of the College are provided with a copy of this report upon enrollment/ hire and on or before October 1<sup>st</sup> of each year.

A description of programs designed to inform students and employees about the prevention of crimes.

Daytona College provides information on personal safety and crime prevention. The student services staff has a director of services that are available, within the community, to assist those who have suffered from a criminal act. These services are usually free and are provided by the community. Students, faculty and staff are provided with instructions on how to report all criminal acts. This publication is provided to all at the time of employment, enrollment or as requested.

The student services staff have available resources addressing domestic violence, dating violence and stalking. Campus Safety which includes crime safety and security information such as how to report a crime, crime prevention information, safety tips, etc. will be presented at the student and employee. Daytona College encourages students and employees to be mindful of their own safety and the safety of others. All safety information will be disseminated to students and employees through email, posting on the learning management system and informational displays on the school bulletin boards.

### **CRIME PREVENTION and CAMUS SAFETY AND SECURITY AWARENESS PROGRAMS**

**A key element of campus crime prevention is student, faculty, and staff member awareness** and participation to actively help ensure the campus remains safe for all. Throughout their tenure with Daytona College, students are informed about safety and security procedures and practices while on campus. During orientation students are told where they can find information on crimes on campus and in those neighborhoods surrounding the campus. Other resources include various safety tips students can employ to prevent becoming a victim of crime. They are encouraged to look out for themselves and one another. Student and employees have access to information on crime prevention and victim resources through the Campus Director, the Director of Education, the Compliance / Regulatory Affairs Director, and the Campus Title IX Coordinator. Students and employees are provided a copy of this document and have access to other materials located on campus. Materials provide information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services, as well as options and available assistance for changing academic, living, transportation, and working situations, if requested and reasonably available, regardless of whether a report is filed with local law enforcement.

Daytona College does not offer any formal crime prevention lectures, workshops or seminars but does invite speakers on campus for all students and staff.

As described more fully in the college's Campus Sexual Misconduct Policies, Daytona College is committed to offering educational programs to promote awareness and prevention of crime that constitute prohibited sexual misconduct. Students and staff should also employ the following general safety tips:

#### **Personal Safety**

- Always be aware of your surroundings
- Try to stay in well-lit areas
- Walk confidently at a steady pace on the side of the street facing traffic
- Walk close to the curb. Avoid doorways, bushes and alleys
- Wear clothes and shoes that give you the freedom to move
- Don't walk alone at night and always avoid areas where there are few people.
- Be careful when people stop and ask you for directions; always reply from a distance.
- If you are in trouble, attract help in any way that you can. Scream, yell for help.
- Remain calm. Don't panic. Think rationally and evaluate your resources and options.
- If ever attacked, go to a safe place and call the police. The sooner you make the report, the greater chance the attacker will be caught.

#### **Home Safety**

- Check the identification of any sales or service people before letting them in.
- Don't let any stranger in your home when you are alone.
- Never give the impression that you are alone if strangers telephone or come to

the door.

- If you come home and find a door open or signs of a forced entry, don't go in. Call the police from the nearest phone.
- Keep written records of all furniture, jewelry, and electronic products. If possible, keep these records in a fireproof safe box.
- Secure sliding glass door locks.
- Don't hide spare keys in mailboxes, planters, or under doormats.
- Avoid announcing vacations or your schedule on social media.

### **Vehicle Safety**

- Close all windows, lock all doors and take the keys with you.
- Never hide a second set of keys anywhere on your car.
- Never leave your car's engine running even if you will only be gone for a minute.
- Park in well-lit areas.
- Activate any antitheft devices you have.
- Push or recline your passenger seat forward; if you return to your car and the passenger seat has been returned to its normal position, chances are someone has entered your vehicle.
- When approaching your vehicle, have your keys in your hand.
- Before you invest in any alarms, check with several established companies and decide what level of security fits your needs.

**In support of awareness and crime prevention, Daytona College encourages its students and employees to take responsibility for their own security and the security of others.**

### **Identify Theft**

If your wallet or purse is stolen on campus, notify a Daytona College Campus Administrator.

### **Resources for Identify Theft:**

- Cancel your Credit Cards
  - MasterCard 1-800-Mastercard (800-627-8372)
  - Visa 1-303-967-1096
  - American Express 1-800-528-4800
  - Discover 1-800-347-2683
- Other Contacts
  - Federal Trade Commission 877-ID-THEFT and/or [IdentityTheft.gov](https://www.identitytheft.gov)
  - Social Security Administration (to replace your card) 800-772-1213
- Three National Credit Reporting Organizations
  - Experian Information Solutions, Inc. 800-311-4769
  - TransUnion 800-680-7289
  - Equifax Credit Information Services, Inc. 800-525-6285
  - You may require a FREE credit report once a year but contacting [www.annualcreditreport.com](https://www.annualcreditreport.com) or by calling 877-322-8228

**(phone numbers correct at time of publication 7/1/24)**

## Crime Statistics and Information

### **ROBBERY**

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

### **AGGRAVATED ASSAULT**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.

### **BURGLARY**

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

### **MOTOR VEHICLE THEFT**

The theft or attempted theft of a motor vehicle. (Classified as motor vehicle theft in all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.

### **ARSON**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**HATECRIMES** – A crime reported to local police agencies or to campus security authority that shows evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. In their recording, schools must identify the actual or perceived category of the victim that motivated the crime. The categories are: race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and disability.

**STALKING** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

### **LIQUOR LAW VIOLATIONS**

The violation of laws or ordinances prohibiting; the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.

### **DRUG ABUSE VIOLATIONS**

Violations of State and local laws relating to the unlawful possession, sale, use,

growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

#### **WEAPON LAW VIOLATIONS**

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

#### **VIOLENCE IN THE COLLEGE and WORKPLACE**

Violence by a student or employee against another will not be tolerated. If you receive or overhear any threatening communications from someone at the college, report it to your instructor or supervisor at once. Do not engage in either physical or verbal confrontation with a potentially violent individual. If you encounter an individual who is threatening immediate harm to someone on the premises, contact an emergency agency (911) immediately.

All reports will be kept confidential to the extent possible, investigated and documented. Students and employees are expected to report and participate in an investigation of any suspected or actual causes of violence and will not be subjected to disciplinary consequences for such reports or cooperation.

Violations of this policy, including the failure to report or fully cooperate in the investigation, may result in disciplinary action, up to and including immediate dismissal.

All crimes and other actions which violate the Daytona College Code of Conduct are subject to the imposition of sanctions administered by municipal, State, or Federal courts. Daytona College does not authorize, supervise, or recognize any off-campus residences or other student organization buildings. The statistics in this report refer exclusively to acts committed on the Daytona College campus, in non-campus buildings or property and public property.

- (6)(i) Statistics concerning the occurrence on campus and non-campus for the three previous calendar years of the following criminal offenses reported to local police agencies and to any official of the institution who has significant responsibility for student and campus activities:

**Statistics concerning the criminal offenses of murder, forcible rape, and aggravated assault as listed in paragraph (6) (i) of the statute that manifest evidence of prejudice based upon race, religion, sexual orientation, or ethnicity, as prescribed by the Hate Crimes Statistics Act.**

| Criminal Offense                             | On-Campus |      |      | Non-Campus |      |      | Public Property |      |      |
|--|-----------|------|------|------------|------|------|-----------------|------|------|
|  | 2021      | 2022 | 2023 | 2021       | 2022 | 2023 | 2021            | 2022 | 2023 |
| Murder                                       | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Non-negligent manslaughter                   | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Negligent manslaughter                       | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Sex offenses – Forcible                      | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Sex offenses – Non-forcible                  | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Rape   | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Fondling                                     | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Incest                                       | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Statutory Rape                               | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Domestic Violence *                          | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Dating Violence *                            | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Stalking *                                   | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Robbery                                      | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Aggravated assault                           | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Burglary                                     | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Motor vehicle theft                          | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Arson  | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Simple assault                               | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Larceny-theft                                | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Intimidation                                 | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Destruction/damage/<br>vandalism of property | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Weapons Law Arrests                          | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Liquor Law Arrests                           | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Drug Law Arrests                             | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Weapons law Referrals                        | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Liquor Law Referrals                         | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Drug Law Referrals                           | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Hate Crimes **                               | 0         | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |

\*Reporting for Domestic Violence, Dating Violence, Stalking began in 2013. For 2012 a good faith effort was made by Daytona College to determine if any incidents occurred in these areas.

\*\* Effective in 2015 all hate crimes will be reported by gender, ethnicity and national origin. Daytona College has not determined that any crimes were unfounded.

Clery geography – for the purposes of collecting statistics on the crimes within this report includes buildings and property that are part of the institution’s campus, the institution’s non-campus buildings and property and public property within or immediately adjacent to and accessible from the campus.

Campus means any building or property owned or controlled by a school within the same reasonably contiguous geographic area and used by the school in direct support of, or in a manner related to its educational purposes.

Non-campus Building means any building or property owned or controlled by a student organization recognized by the institution and any building or property owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonable contiguous geographic area of the institution.

Public Property means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

## Definitions

The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations, and liquor law violations are excerpted from the Uniform Crime Reporting Handbook. The definitions of forcible and non-forcible sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook

## **Sex Offenses**

**Forcible** – Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

1. **Forcible Rape** – The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
2. **Forcible Sodomy** – Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
3. **Sexual Assault with An Object** – The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against this person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
4. **Forcible Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
5. **None-Forcible** – Unlawful, non-forcible sexual intercourse.
6. **Incest** - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
7. **Statutory Rape** – Non-forcible sexual intercourse with a person who is under the statutory age of consent.
8. **Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.



9. **Domestic Violence** – a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA) or any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction.

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 persistent or pervasive conduct or 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. Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment. In addition, the following conduct may violate this Policy:

1. Observing, photographing, videotaping, or making other visual or auditory records of sexual activity or nudity, where there is a reasonable expectation of privacy, without the knowledge and consent of all parties.
2. Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipients.
3. Sexual advances, whether or not they involve physical touching.
4. Commenting about or inappropriately touching an individual's body.
5. Requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment.
6. Lewd or sexually suggestive comments, jokes, innuendoes, or gestures.
7. Stalking.

Other verbal, nonverbal, graphic, or physical conduct may create a hostile environment if the conduct is sufficiently persistent, pervasive, or severe so as to deny a person equal access to the College's programs or activities. 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.

#### Unwelcome Conduct

Conduct is unwelcome if a person (1) did not request or invite it and (2) regarded the unrequested or uninvited conduct as undesirable or offensive. That a person welcomes some sexual contact does not necessarily mean that person welcomes other sexual contact. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion.

Whether conduct is unwelcome is determined based on the totality of the circumstances, including various objective and subjective factors. The following types of information may be helpful in making that determination: statements by any witnesses to the

alleged incident; information about the relative credibility of the parties and witnesses; the detail and consistency of each person's account; the absence of corroborating information where it should logically exist; information that the Respondent has been found to have harassed others; information that the Complainant has been found to have made false allegations against others; information about the Complainant's reaction or behavior after the alleged incident; and information about any actions the parties took immediately following the incident, including reporting the matter to others.

In addition, when a person is so impaired or incapacitated as to be incapable of requesting or inviting the conduct, conduct of a sexual nature is deemed unwelcome, provided that the Respondent knew or reasonably should have known of the person's impairment or incapacity. The person may be impaired or incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or unconsciousness. A Respondent's impairment at the time of the incident as a result of drugs or alcohol does not, however, diminish the Respondent's responsibility for sexual or gender-based harassment under this Policy.

#### Gender-Based Harassment

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the College's education or work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this Policy.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress. Any person, who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#). "Cyberstalk" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. "Credible threat" means a threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause bodily injury to, a person. Any person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person, and makes a credible threat with the intent to place that person in reasonable fear of death or bodily injury of the person, or the person's child, sibling, spouse, parent, or dependent, commits the offense of aggravated stalking, a felony of the third degree.

Consent is based on choice. Consent is an intelligent, voluntary, informed decision by someone capable of making such a decision. In order for there to be consent in a sexual situation, there must be an affirmative statement or action by each participant. Consent does exist if coercion, threats, intimidation, or physical force are used. If someone is mentally or physically incapacitated or impaired such that

Controlling their own conduct, there can be no consent in the situation. This includes such impairment or incapacitation resulting from the consumption of alcohol or other drugs. Whether a person has used a position of authority or influence to take advantage of another person will be a consideration in determining whether consent exists in a sexual situation.

A person is legally incapable of giving consent if he or she is:

- Under 18 years of age or
- Incapacitated or impaired as described above by alcohol or other drugs or
- Developmentally disabled or
- Temporarily or permanently mentally or physically unable to do so.

Sexual Assault includes any sexual act directed against another person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent, including forcible rape, forcible sodomy, sexual assault with an object and forcible fondling. Sexual assault includes unlawful, non-forcible sex offenses, including incest (non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law) and statutory rape (non-forcible sexual intercourse with a person who is under the statutory age of consent).

Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- (7) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students engaged at off-campus locations of student organizations recognized by the institution, including student organizations with off-campus housing facilities.

This does not apply to Daytona College.

- (8)(i) Statistics concerning the number of arrests for the following Hate crimes occurring on campus, non-campus, and public property during the past three calendar years.

No occurrences during the last three years. Please see table in (6)(i)

- (ii) Statistics concerning those crimes listed in paragraph (a) (8) (i) of the statute that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, as prescribed by the Hate Crimes Statistics Act.

No occurrences during the last three years. Please see table in **(6)(i)**

- (ii) Statistics concerning the number of crimes reported in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim that were reported to the campus authorities or local police agencies, which data shall be collected and reported according to category of prejudice

No occurrences during the last three years. Please see table in (6)(i)

- (iii) Statistics of crimes of domestic violence, dating violence, and stalking incidents that were reported to campus authorities or local police agencies.

No occurrences during the last three years. Please see table in (6)(i) All statistics shall not identify victims of crimes or persons accused of crimes.

- (iv) Each institution of higher education participating in any program under this title shall develop and distribute as part of the report a statement of policy.

- a. Institution programs to prevent domestic violence, dating violence, sexual assault, and stalking;

Prevention efforts at Daytona College include a lighted parking lot and grounds, video recordings of student and employee access areas of the campus, safety notices on public displays, and awareness literature provided to students and employees.

Daytona College provides students and employees with literature relating to domestic violence, dating violence, sexual assault, and stalking. An advocate is available to work with any employee and student who request someone. The Education department invites outside authorities and speakers for presentations to students and employees.

- b. Education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and staking.

Daytona College holds an annual prevention and awareness program for all incoming students and new employees that includes the review of the College's report; the policy statement that the institution prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking; definitions contained within this report; safe and positive options for bystander intervention that may be cared out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual; and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks. In this training, a description of safe and positive options for bystander intervention, information on risk reduction, and information on the institution's policies and procedures after a sex offense occurs will be discussed. Daytona College will hold ongoing prevention and awareness campaigns for students and employees throughout the year by providing information on sexual assault, victim advocate programs, and provide an employee of the College to speak with regarding any questions or concerns.

## Definitions

**Awareness programs** at Daytona College provide training and printed information regarding resources available to students and employees on crime prevention and awareness.

**Bystander Intervention**: Bystanders are often the largest group of people involved in incidents of sexual assault and gender-based violence and misconduct; they outnumber both the perpetrators and the victims. A bystander might have knowledge that an incident of sexual violence will occur or is occurring, or a bystander may witness sexual assault or misconduct firsthand. A bystander could have knowledge about an assault that has already occurred.

**Ongoing prevention and awareness campaigns** include notices on boards within the college and information available in the learning resource room and through the College staff and faculty.

The **primary prevention program** for Daytona College is the annual training provided to all students and staff regarding crime prevention and violence against women.

**Risk reduction** is the decrease in the probability of an adverse outcome and lowering of factors to prevent a crime. Daytona College practices risk reduction through the use of policies and procedures, cameras located throughout the college and lightening.

- c. On-going prevention and awareness campaigns for students and faculty, including information as described above.

Daytona College provides ongoing prevention and awareness campaigns for students, faculty and employees through postings on bulletin boards and distribution of informative pamphlets. The Education Department invites outside speakers into the college for informative discussions / presentations.

- d. Possible sanctions or protective measures that Daytona College may impose following the final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.

Daytona College does not maintain a police authority on campus. All incidents of rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking are reported to local authorities. Protective measures may include the change of a schedule or other measures if possible. Sanctions Daytona College may impose as a result of a crime will include disciplinary action, up to and including immediate discharge.

- e. Procedures victims should follow if a sex offense, domestic violence, sexual assault, or stalking has occurred, including written procedures.
  1. Report the crime immediately to a Daytona College faculty, staff or administrative employee;
  2. If the victim is unable to report the crime than anyone observing during or after should immediately report the crime;
  3. All evidence must be preserved as it may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, stalking, or in obtaining a protection order. Do not remove or touch any evidence.
  4. The College advocate or administrator in the advocate's absence will present options to

the victim to include:

1. Notify proper law enforcement authorities
  2. Obtain assistance by campus authorities in notifying law enforcement authorities;
  3. Decline to notify such authorities; and
  4. Referral to local agencies who can provide counseling on the rights of victims, protection orders, restraining orders or similar lawful orders issued by a criminal, civil, or tribal court.
  5. Daytona College will honor all orders issued by a criminal, civil, or tribal court to protect the victim by immediately contacting the local authorities.
- f. Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking.

The investigatory process involves interviewing the parties involved and any witnesses while gathering documentary or other evidence. In cases involving alleged criminal conduct, the complainant may file a criminal complaint with the local police department. As soon as possible, the complainant will be offered appropriate assistance.

Based on the outcome of the investigation, the assigned Title IX coordinator or their designee will determine if there is sufficient cause to proceed with the complaint. If so, the Title IX coordinator or the designee will arrange for an informal resolution conference with the accused. Complainants do not attend informal resolution meetings but are apprised of the meeting's outcome. If the accused does not accept responsibility for the allegations and/or the proposed sanction, the Title IX Officer or their designee will determine if the evidence warrants a formal hearing before the Grievance Committee. The exact nature of the responsive action depends on the circumstances, but may include discipline up to and including suspension or dismissal from the College for a student, staff or faculty who is found to have violated College policies.

The College will take appropriate action i.e., an investigation, adjudication and disciplinary and remedial/corrective steps in response to a complaint made pursuant to the complaint policies/procedures listed above. The College will make every effort to handle complaints and investigations with sensitivity to both the rights of the person who complains, and the rights of the accused.

The College handles complaints discreetly and attempts to maintain privacy throughout the investigatory process, to the extent practicable and appropriate under the circumstances. However, in order to investigate, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Additionally, the College may have legal obligations to disclose information to law enforcement or in the context of legal proceedings.

Complaints may be made anonymously. While the College endeavors to investigate all complaints, including anonymous complaints, the nature of anonymous complaints makes investigation, determination, and remediation more difficult and, at times, impossible. Further, while the College attempts to protect the identity of complainants who do not wish to be identified, this may not always be possible.

In appropriate cases as determined by the College, conflict resolution may be possible. This is permitted only where both the complainant and accused voluntarily agree to participate, and either party may terminate informal resolution attempts and commence formal Grievance procedures at any time prior to reaching a mutually acceptable resolution. Depending on the circumstances, a mediated resolution may not necessarily involve face-to-face discussions between the complainant and the accused. Certain cases are not appropriate for conflict resolution, such as complaints of particularly egregious sexual harassment or cases involving sexual assault or violence.

Occasionally, an individual makes a complaint and later wishes to revoke or discontinue the investigation or adjudication process. Similarly, it may occur that someone other than the victim reports an incident, and the victim declines to participate in the investigation or adjudication process. In other instances, complaints may be received anonymously and/or the victim may not wish to be personally identified. The College endeavors to respect the wishes of a victim to either not be identified and/or not participate in the process. In these situations, the College attempts to investigate and address complaints in accordance with the victim's wishes.

In determining whether sex discrimination, sexual harassment or sexual misconduct occurred, the College does not apply the criminal standard of "beyond a reasonable doubt," nor do formal court rules of evidence apply.

Instead, the College uses a "preponderance of the evidence" standard, and the College may consider any evidence it deems relevant. A "preponderance of the evidence" means the evidence which is of greater weight, or is more convincing than opposing evidence such that it is "more likely than not" that an act occurred.

If the applicable investigatory or adjudicatory process allows for parties to offer witnesses and evidence, the complainant and the accused will have an equal opportunity to do so. The complainant and the accused will be informed in writing of the outcome of the complaint, to the extent permitted by law. An accused who is a student may appeal the outcome to an impartial decision maker. An employee who is deemed guilty shall have whatever rights are granted by law. The particular method and grounds for appeal are explained in the student policies.

The College endeavors to resolve complaints promptly. Ordinarily, the investigative stage will take no longer than 60 calendar days from the time the complaint is received. In exceptional circumstances (including but not limited to especially complex cases, or when the College is not in session), it may be necessary to extend these timelines. If that occurs, the parties will be informed of the expected timeline for completion.

The accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any relate meeting or proceeding by an advisor of their choice and both the accuser and the accused shall be informed in writing of the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking; the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding; of any change to the results that occurs prior to the time that such results become final; and when such results become final.

The College prohibits retaliation against any individual who in good faith makes a complaint of sex discrimination, sexual harassment, or sexual misconduct or participates as a witness in a proceeding under this or any other College policy. Retaliation is also unlawful pursuant to Title IX and other laws.

Violation of our policy will result in disciplinary action, up to and including immediate discharge

- g. Information about how the institution will protect the confidentiality of victims, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

Daytona College will protect the confidentiality of victims in all public notices and reports to the extent permissible by law. Names of victims will be recorded and filed within the accounting/personnel office at Daytona College. These records are available on a limited access to authorized personnel only.

- h. Written notification to students and employees about existing counseling health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

Daytona College maintains listing of community resources that include existing counseling, health, mental health, victim advocacy, legal assistance, and other community services for victims both on-campus and in the community. If the victim requests assistance and they are reasonably available, Daytona College will assist in deciding for the victim, regardless if reported to local law enforcement. Resources are available in the campus learning resource room or through the campus advocate. Written notification of the location of these resources is provided to students and employees no less than annually. Daytona College strongly encourages survivors of sexual assault and gender-based violence and misconduct to consider the following resources:

- Ormond Beach Police Department – 386.676.3500
- Daytona Beach Police Department – 386. 671. 5100
- Volusia County Sheriff's Department – 386.248.1777
- Children's Advocacy Center of Volusia and Flagler Counties (for adults, adolescents, and children) <http://childrensadvocacy.org/>
- Rape Crisis Hotline for Adults, Adolescents and Children – 1.800.940.7273
- Steward-Marchman ACT Behavioral Healthcare– <http://www.smabehavioral.org/> 24 Hour Hotline – 800.539.4228
- Victims' Advocate Office / State Attorney – 386.239.7710
- Domestic Abuse Council of Volusia County\_ <http://www.domesticabusecouncil.com/index.htm> 24 Hour Crisis Line 800.500.1119
- **State and National Resources**
- FloridaHealth.gov Sexual Abuse or Violence Prevention <http://www.floridahealth.gov/programs-and-services/prevention/sexual-violence-prevention/index.html>
- Florida Department of Children and Families– <https://www.myflfamilies.com>
- Florida Abuse Hotline – 800.962.2873 TTY 800.453.5145 <https://www.myflfamilies.com/service-programs/abuse-hotline/>



- Florida Coalition Against Domestic Violence – hotline: 1-800-500-1119 <https://www.fcadv.org>
- NotAlone- A national program launched to protect students from sexual assault. NotAlone.gov offers references to several local, state, and national resources. \_
- National Sexual Assault Hotline – 800.656.4673 <https://rainn.org/get-help/national-sexual-assault-hotline> (live chat available online)
- National Domestic Violence Hotline – 800.799.7233 \_ \_ <http://www.thehotline.org/> (live chat available online)

The Violence Against Women Act and its regulations require the inclusion of certain Florida State definitions in a campus's Annual Security Report and also require that those definitions be provided in campaigns, orientations, programs and trainings for employees and students. Definitions required include: consent; dating violence; domestic violence; sexual assault; rape, and stalking.

Domestic Violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies under the Violence Against Women Act, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on statements given by the person reporting the violence and consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Note that for Clery purposes, an incident fitting the description of domestic violence or dating violence is considered a crime regardless of whether the incident qualifies as a crime in the local jurisdiction. Daytona College prohibits any domestic violence on our campus or at any college sponsored event.

Sexual harassment Daytona College defines sexual harassment as unwelcome behavior of a sexual nature that relates to the gender or sexual identity of an individual and that has the purpose or effect of creating an intimidating, offensive or hostile environment for study. This policy applies to all interactions between students and Daytona College faculty members and other faculty, staff, and administrative personnel, and other students.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Repeated incidents or a pattern of harassing behavior may be cause for serious corrective action. However, a more serious incident, even if isolated, may be sufficient cause for action under this policy including referral to law enforcement when applicable.

## **Title IX and Violence Prevention Policy**

### **Policy Statement**

All members of the Daytona College community have the right to be treated, and the responsibility to treat others, with dignity and respect. These principles are fundamental to the educational mission of Daytona College. It is the policy of the College to provide an environment free of unlawful discrimination, harassment, and sexual misconduct. The College is committed to (1) educating its community how to prevent unlawful occurrences such as these, (2) fostering an environment in which a victim promptly reports alleged violations, and (3) resolving complaints in a fair and timely manner.

Daytona College Title IX, and applicable provisions of the Code of Federal Regulations prohibit discrimination on the basis of sex in any education or activity the College operates. This policy against discrimination extends to student admissions and employment. The College also prohibits retaliation against an individual who reports, submits a complaint, or who otherwise participates in good faith in any matter related to this policy. Any inquiries about the application of Title IX rules may be addressed to the Title IX Coordinators identified in this document or the U.S. Department of Education's Assistant Secretary of the Office of Civil Rights.

Upon receiving a complaint of Prohibited Conduct (see definition below), the College will take prompt reasonable and timely steps to stop any such conduct, prevent its recurrence, determine what occurred, and remedy any subsequent effects. Daytona College provides all parties with opportunities to present facts, identify witnesses, and will reach reasonable conclusions based on the evidence collected. The College will take appropriate action against those engaging in Prohibited Conduct, including disciplinary measures when warranted, up to and including termination of employment or changes to student enrollment status, up to and including permanent separation from the institution.

This Policy applies to all current students, employees, volunteers, interns, vendors (including their employees, independent contractors, visitors, and institution-affiliated organizations). However, to the extent an employee engages in any prohibited conduct against another Daytona College employee, then applicable provisions of the Employee Handbook shall control.

This Policy applies to Prohibited Conduct that occurs within the United States:

- On institution-controlled property,
- At institution-sponsored events;
- In-school programs or activities, and/or off-campus;
- Where the conduct has continuing adverse effects on any member of the Daytona College community in any Daytona College program or activity, even if it occurs outside of an academic term or when the student is not currently enrolled at the College

Members of the College community are encouraged to promptly report Prohibited Conduct to the College, regardless of where the incident occurred or who committed it. An individual who has experienced Sexual Misconduct (as defined below) is encouraged to immediately seek assistance from a medical provider and report the incident to local law enforcement. Reports to Daytona College and law enforcement may be pursued simultaneously.

Even if Daytona College does not have jurisdiction over the person accused of Prohibited Conduct, the College will still take prompt action to provide for the safety and well-being of the individual reporting and the campus community. Measures include taking reasonable steps to stop and remedy the effects of the Prohibited Conduct and to prevent recurrence of the behavior.

When used in this Policy and accompanying procedures, “Complainant” refers to the individual who reportedly is the subject or recipient of the Prohibited Conduct and “Respondent” refers to the individual who is reported to have directed the Prohibited Conduct toward the Complainant or another person.

## Prohibited Conduct

Sex and gender-based harassment, sexual misconduct, and retaliation (“Prohibited Conduct”) violate:

- Title IX of the Educational Amendments Act of 1972
- Violence Against Women Reauthorization Act of 2013
- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”)
- Florida law

All forms of such conduct are prohibited under this Policy, as are attempts or threats to commit Prohibited Conduct. Reported behavior that does not constitute Prohibited Conduct under this Policy but is nevertheless determined to be inappropriate pursuant to another applicable Daytona College policy may subject a Respondent to disciplinary action, as published in the Student and/or Employee Handbook.

All individuals are protected against Prohibited Conduct regardless of sex, gender, sexual orientation, gender identity or gender expression. Prohibited Conduct can be committed by any individual regardless of an individual’s sex, gender, gender identity and expression, or sexual orientation, and can occur between individuals of the same or different sex, strangers or acquaintances, as well as people involved in intimate or sexual relationships. Organizations affiliated with the institution or that use Daytona College property or resources in connection with their activities are also prohibited from engaging in Prohibited Conduct.

Below are definitions and descriptions of the various forms of Prohibited Conduct:

### 3.1 Unlawful Harassment

**3.1.1. Quid Pro Quo** is a Daytona College employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcomed conduct.

**3.1.2. Hostile Academic Environment** is unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity. An individual may experience unlawful harassment even if the offensive conduct was not aimed directly at them. Unlawful harassment also includes misconduct based on the individual’s gender expression, gender identity, transgender status, gender transition, or nonconformity with sex stereotypes. Inappropriate behavior that does not rise to the level of unlawful harassment under this Policy may still subject the offender to disciplinary action up to and including permanent separation from DAYTONA COLLEGE.

The following is a non-exhaustive list of examples of conduct that, depending on the nature, frequency, and severity, may constitute behavior that is severe or pervasive and unreasonably interferes with an individual’s work or academic performance:

- Sending unwanted sexually oriented jokes to a student or work group email list
- Displaying explicit sexual pictures in common areas of institution property or on a work computer station where others can view it
- Making or using derogatory comments, epithets, slurs, or jokes of a sexual nature
- Unwelcomed graphic comments about an individual’s body or using sexually degrading

words to describe an individual

- Unwanted suggestive or obscene communications
- Unwelcomed touching of the intimate parts of one's body
- Unwelcomed touching of any part of the body
- Unwelcomed sexual advances
- Promising a benefit in exchange for engaging in sexual activity

Even when relationships are consensual, care must be taken to eliminate the potential for harassment or other conflicts. DAYTONA COLLEGE's practice, as well as more general ethical principles, prohibits individuals from participating in evaluating the academic performance of those with whom they have amorous and/or sexual relationships. Sexual or romantic relationships between a student and employees, most especially faculty and administrators, are prohibited. Upon learning of the existence of such a relationship, Responsible Employees (as defined below) have an obligation to report it to the Title IX Coordinator, Daytona College Administration and owners of the College.

### 3.2 Sexual Misconduct

Sexual Misconduct is generally defined as sexual conduct that occurs by force or threat of force or without affirmative consent, including where the person is incapacitated. This definition encompasses a range of sexual conduct that could also fall within the definition of unlawful harassment. The Title IX Coordinator will determine whether allegations should be treated as sexual harassment or misconduct under Title IX based on the specific conduct alleged and the totality of the circumstances. Prohibited forms of sexual misconduct include, but are not limited to: non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, relationship violence, and stalking. Below are terms that are relevant to the understanding of sexual misconduct.

#### 3.2.1 Relevant Terms, Definitions, and Examples

**Non-consensual sexual intercourse** is defined as having or attempting to have sexual intercourse with another individual by force or threat of force, without affirmative consent, including where the person is incapacitated. Sexual intercourse includes the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person.

**Non-consensual sexual contact** is defined as having sexual contact with another individual by force or threat of force, or without affirmative consent, including where the person is incapacitated. Sexual contact includes intentional contact with the intimate body parts of another (whether directly or through clothing), touching any part of the body of another in a sexual manner, or disrobing or exposure of another.

**Sexual exploitation** occurs when an individual takes non-consensual or abusive sexual advantage of another for their own or another's benefit or advantage. The following are examples of conduct that could constitute sexual exploitation:

- Unauthorized sharing or posting sexually explicit photos of another, including a current or former partner.
- Surreptitiously taking pictures or videos of individuals, especially of private or intimate areas of their body.
- Observing, recording, viewing, distributing, or allowing another to observe, record, view or distribute, intimate or sexual images of another individual without that individual's consent.

- Surveillance and other types of observations, whether by physical proximity or electronic means.

**Affirmative Consent** is the affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing through a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relationship between them, should never by itself be assumed to be an indicator of consent. It is not a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:

- The Respondent's belief arose from the intoxication or recklessness of the Respondent
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented

It is not a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

- The Complainant was asleep or unconscious
- The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity
- The Complainant was unable to communicate due to a mental or physical condition

A person who is incapacitated is not capable of giving effective consent to sexual activity. A person may be incapacitated by a temporary or permanent mental or physical condition, sleep, unconsciousness, or be incapacitated as a result of consumption of alcohol or drugs. Incapacitation is a state beyond mere intoxication or "drunkenness." Impairment must be significant enough to render a person unable to understand the fact, nature, or extent of the sexual activity. In evaluating affirmative consent in cases involving incapacitation, Daytona College considers the state of incapacitation of the Complainant and the knowledge of the Respondent.

**Relationship Violence is dating violence or domestic violence.**

**Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with a Complainant. The existence of such a relationship shall be determined by the Complainant's statement and consideration of the length of the relationship, type of relationship, and the frequency of interaction between persons involved in the relationship.

**Domestic Violence** means use of physical, sexual or emotional abuse or threats to control another person who is a spouse or former spouse, a cohabitant or former cohabitant, a person with whom they have a child, by person similarly situated to a spouse under the law of the state where the violence occurred, and by any other person against an adult or youth victim who is protected from that person's acts under the laws of the state where the violence occurred.

**Stalking** is a course of conduct of a sexual or romantic nature or motivation directed at an individual that would cause a reasonable person to fear for their safety or the safety of others, or to suffer

substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with the person or their property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Stalking that is not sex or gender-based is covered by the Violence Prevention Policy which can be found in in this report and should be reported to the Student Services Director and will be handled pursuant to that policy. Similarly, any incident(s) of stalking in which the stalker and victim are both employees, will be governed under provisions of the Employee Handbook and employer practices. The following are examples of conduct that depending on the frequency and severity may constitute stalking:

- Repeated unwanted communication, including face-to-face contact, telephone calls, voice messages, emails, text messages, postings on social networking sites, written letters, or gifts
- Posting picture(s) or information of a sexual nature on social networking sites or other websites
- Gathering information about the person using public records, online searches, going through the garbage, or contacting the person's family, friends, or coworkers
- Posting private pictures or videos on school bulletin boards or internet sites
- Installing spyware on another person's personal devices, including phones or computers
- Surveillance or other types of observation, including staring or peeping
- Pursuing, following, or showing up uninvited at or near places like classrooms, residence, workplace, or other places frequented by an individual
- Directly or indirectly making threats to the person

### **3.3 Retaliation**

Retaliation against any member of the Daytona College community for making a good-faith report of Prohibited Conduct, or for participating in an investigation, proceeding, or hearing conducted by the College or a state or federal agency, is strictly prohibited under this Policy.

It is a violation of the College policy to file a knowingly false complaint under this Policy. An individual who feels they have been the subject of a knowingly false complaint may pursue their own complaint in response, upon resolution of the original complaint and using the steps outlined in this Policy. A complaint filed in good faith under this provision shall not constitute a false report. A finding of no responsibility is not, by itself, evidence that the underlying complaint was not filed in good faith. Overt or subtle acts of retaliation, reprisal, interference, discrimination, intimidation, or harassment against an individual or group for exercising their rights under Title IX or other federal and state laws constitutes Prohibited Conduct under this Policy. Daytona College will take prompt and appropriate corrective action to stop and remedy retaliation if it occurs.

The College will maintain the privacy of all individuals involved in a report of Prohibited Conduct, to the extent possible. All Daytona College employees who are involved in the institution's response, including the Title IX Coordinator, Title IX investigators, Hearing Officers, and Appeal Officers receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort is made to protect the privacy interests of all individuals involved, in a manner consistent with the need for a thorough review of the matter. This includes shielding private, confidential (including but not limited to medical) information unrelated to the facts and circumstances of the case pursuant to FERPA, federal and state privacy protections, as well as the College's Policy. The College will inform all individuals involved in the investigation and/or hearing process, in writing, of the critical importance and expectation that, while the processes are ongoing, they maintain the confidentiality of the process and any

information shared with them as a result of their participation. Further, all documents provided in preparation for or related to the hearing proceedings may not be disclosed to any other party under FERPA, as such documents constitute education records which may not be disclosed outside of the proceedings, except as may be required or authorized by law.

Privacy generally means that information related to a report of Prohibited Conduct will only be shared with those individuals who have a “need to know.” These individuals will be instructed to be discreet and respect the privacy of all individuals involved.

Because sexual misconduct (see definition above) may involve physical trauma and is a crime, individuals who have experienced sexual violence are urged to seek medical treatment as soon as possible. They are strongly encouraged to preserve all physical and digital evidence of the violence. This may be needed to prove criminal sexual violence, or for obtaining a protective order. Individuals who have experienced sexual violence should not shower, bathe, douche, eat, drink, wash their hands, or brush their teeth until after they have had a medical examination. They should save all the clothing they were wearing at the time of the incident. Each item of clothing should be placed in a separate paper bag (not plastic). They should not clean or disturb anything in the area where the sexual violence occurred. Digital evidence relating to the incident, such as texts, emails, and social media posts, should be also be preserved.

The College encourages individuals who have experienced sexual misconduct to seek immediate support and advocacy services provided by the College or community services. The Title IX Coordinator or other campus officials will provide information regarding off-campus resources for support and advocacy.

A victim of prohibited conduct has a right to file a formal complaint against anyone engaging in prohibited conduct. To initiate a complaint, a complainant must submit a document alleging prohibited conduct against a respondent and requesting that Daytona College investigate the allegation. A formal complaint may be filed with the Title IX Coordinator in person, mail, or email. The complaint must indicate that the complainant is the person filing the formal complaint. A complainant may, at any time, request a dismissal of the complaint. All requests for dismissal must be sent to the Title IX coordinator and be in writing. Additionally, anyone who witnesses, experiences or is otherwise aware of conduct that the individual believes to be in violation of this policy, including retaliation, is urged to contact the Title IX Coordinator.

Upon receipt of a formal complaint, the Title IX Coordinator will assess the complaint for a Title IX violation and, if appropriate, refer the matter for investigation and a hearing pursuant to the procedures set forth in this policy.

### **7.1 Title IX Coordinator and Designee**

The Title IX Coordinator is responsible for coordinating the College’s compliance with Title IX and for the College’s overall response to conduct falling under Title IX. The Title IX Coordinator oversees all Title IX complaints, monitors outcomes, identifies and addresses any patterns of systemic problems that arise, and assesses effects on the campus climate. The Title IX Coordinator will also discuss with both parties the offering of any “supportive measures” which are non-disciplinary, non-punitive individualized services that are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party. Please see below for more details. The Title IX Coordinator also oversees the implementation and application of DAYTONA COLLEGE’s Title IX-related policies within the scope of Title IX. The Title IX Coordinator coordinates DAYTONA COLLEGE’s response to all complaints of Prohibited Conduct to ensure consistent treatment of parties involved, and

prompt and equitable resolution of complaints. The contact information for the Title IX Coordinators can be found below.

Tonya Wright, Title IX Coordinator. [twright@daytonacollege.edu](mailto:twright@daytonacollege.edu) 386-267-0565

Designee in her absence: Pamela Kraska, [skraska@daytonacollege.edu](mailto:skraska@daytonacollege.edu) 386-267-0565

If Complainant believes that the campus Title IX Coordinator has a conflict of interest or is biased, the Complainant may contact any other Title IX Coordinator listed above or request the appointment of a designee.

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## 7.2 Responsible Employees

If an individual discloses Prohibited Conduct to any Responsible Employee the responsible employee must report to the Title IX Coordinator all relevant details about the alleged conduct. Additionally, to the extent either the Complainant and/or Respondent are Daytona College employees, the Responsible Employee must also notify the owners of the College. The following are Responsible Employees:

- Campus Director
- Title IX Coordinator
- Director of Education and/or Compliance / Regulatory Affairs Director
- Lead Instructor or Program Director
- Any member of Senior Management

To the extent possible, Daytona College is committed to protecting the privacy of all individuals involved in a report of Prohibited Conduct. All employees involved in the response to a report of Prohibited Conduct must understand the importance of properly safeguarding private information. The College will make every effort to protect individuals' privacy interests consistent with Daytona College's obligation to investigate reports made to Daytona College.

If a member of the Daytona College community would like support and guidance in filing a complaint, they may contact the Title IX Coordinator or the designee if the Complainant does not feel comfortable contacting the listed Title IX Coordinators for any reason.

## 7.3 Notification of Law Enforcement

Individuals who have experienced sexual misconduct (see definition above) are encouraged to notify local law enforcement. Daytona College will aid in notifying law enforcement if the individual so chooses. An individual who has experienced sexual violence also has the right to decline to notify law enforcement or Daytona College.

Daytona College has an obligation under applicable state law to report incidents of sexual violence to law enforcement. However, Daytona College will not report identifying information about the Complainant without the Complainant's consent after being notified of their right to have personally identifying information withheld.

### Requests for Confidentiality of that Complaint Not be Pursued

If a Complainant discloses an incident to the Title IX Coordinator or a Responsible Employee, but requests that their name not be used, that the institution not pursue an investigation, or that no disciplinary action be taken, Daytona College must weigh the request against its obligation to provide a safe, non-discriminatory environment. The Title IX Coordinator will weigh the request for confidentiality against factors including, but not limited to:



- the seriousness of the conduct;
- circumstances that suggest there is a significant risk that the accused will commit further acts of Prohibited Conduct;
- whether Daytona College can undertake any action without the participation of the Complainant;
- the existence of independent evidence;
- the extent of prior remedial methods taken with the Respondent; and
- any legal obligation to proceed based on the nature of the conduct, whether there was a weapon involved, and the age of a student victim.

The Title IX Coordinator will determine the appropriate manner of resolution in accordance with Title IX. The

Title IX Coordinator will attempt to address the conduct consistent with the Complainant's request not to use their name or their request not to pursue an investigation or that no disciplinary action be taken, while also protecting the health and safety of the Complainant and the institution community.

Daytona College's ability to fully investigate and respond may be limited if the Complainant requests anonymity or declines to participate in an investigation. For example, if a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, it may be limited in its ability to fully respond to the complaint. The College will, however, take other action to limit the effects of the Prohibited Conduct and prevent its recurrence.

In those instances where the Title IX Coordinator determines that the College must proceed with an investigation despite the request of the Complainant, the Title IX Coordinator will inform the Complainant of Daytona College's intention to initiate an investigation.

In all cases, the final decision on whether, how, and to what extent Daytona College will investigate, and whether other measures will be taken in connection with the report of Prohibited Conduct, rests solely with the Title IX Coordinator and Daytona College.

### **Contacting Government Agencies**

Employees, students and others participating in the College's educational programs or activities may direct questions regarding Title IX or file complaints with the U.S. Department of Education Office for Civil Rights, (800) 421-3481, [www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html). Filing a complaint with a federal agency under Title IX must be done within 180 days after an alleged discriminatory or harassing event and there is no requirement to exhaust remedies through Daytona College's internal procedures before filing directly with a federal agency.

Participants in programs funded by other federal agencies providing federal financial assistance to Daytona College may file directly with those agencies. Complaints can also be directed to the Florida Commission for Independent Education at 850-345-3200.

### **I. Introduction and Scope of Procedures**

Daytona College will take prompt and appropriate action to address all reports of Prohibited Conduct in a fair and impartial manner. Daytona College's policy reflects its commitment to support and encourage individuals who have been subjected to Prohibited Conduct to come forward. Daytona College takes all allegations of Prohibited Conduct seriously and responds appropriately. Daytona College's policy is also intended to ensure that individuals accused of engaging in Prohibited Conduct are not prejudged; that they have notice and a full and fair opportunity to respond to allegations before findings and conclusions are reached; and that decisions are based on the evidence gathered in a process

that is fair to both Reporting Parties and Responding Parties. All Respondents are presumed not responsible. Daytona College will conduct a fair, impartial, timely and thorough investigation.

These procedures are for the benefit of current members of the Daytona College community. However, these procedures do not apply in cases in which the Reporting Parties and Responding Parties are current employees. If an employee is alleged to have engaged in any misconduct affecting another employee, then the provisions of institution's Employee Handbook and employer practices shall control.

When a complaint involves a third party who is not affiliated with the institution, Daytona College's ability to investigate and act against the person accused of Prohibited Conduct may be limited. However, in all cases, Daytona College will conduct an inquiry into what occurred and take prompt action as is practicable to provide for the protection and well-being of the Complainant and the campus community.

## **II. Reporting to Daytona College**

A member of the Daytona College community who wishes to report Prohibited Conduct should file a complaint as soon as possible after the incident, although complaints may be made at any time. Complaints can be made in writing and should be brought to the attention of the Title IX Coordinator or a Responsible Employee listed in Sexual Harassment and Sexual Assault Prevention Policy (the "Policy"). Please see the Policy for instructions how to make a complaint of Prohibited Conduct.

## **III. Initial Assessment, Supportive Measures, and Dismissals**

For reports of Prohibited Conduct covered by Title IX, Daytona College's Title IX Coordinator will make an initial assessment of the complaint which will include: (1) an immediate assessment of any risk of harm to individuals or to the campus community; (2) taking steps necessary to address those risks; and (3) an assessment whether the allegations meet the definition of "Prohibited Conduct" under the Policy and applicable Title IX regulations. These steps may include interim protective measures to provide for the safety of the Complainant and the campus community as described in the Policy.

The Complainant will be provided with information on the Complainant's rights and options under the Policy and these procedures, written materials about the availability of, and contact information for, resources and services, and coordination with law enforcement. The need for, and types of, interim measures also will be discussed. The Title IX Coordinator may also meet with the Respondent and other relevant parties as part of the initial assessment. If the Title IX Coordinator meets with the Respondent, the individual will be provided with information on the Respondent's rights under the Policy and these procedures, and written materials about the availability of, and contact information for campus resources and services.

Daytona College's Title IX Coordinator will also determine whether the complaint contains sufficient facts to pursue a claim under the Policy and Title IX regulations. To conform to applicable law, the Title IX Coordinator is required to dismiss a complaint if the alleged harassment, as defined in the Policy, did not occur in Daytona College's education program or activity, or did not occur against a person in the United States. The Title IX Coordinator has the discretion to dismiss the complaint if: (1) the Complainant submits a written request to withdraw the complaint or specific allegations; (2) the Respondent is no longer enrolled or employed by Daytona College; or (3) specific circumstances prevent Daytona College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. For all dismissals, the Title IX Coordinator will provide the parties with a written notice explaining his/her decision. Thereafter, if the complaint is not dismissed, the Title IX Coordinator will refer the complaint to a Title IX investigator and formal resolution.

#### **IV. Alternative Resolution**

After an initial assessment of the alleged facts, the Title IX Coordinator may—if both parties agree—begin an Alternative Resolution process. Alternative Resolution is not available for incidents in which an employee is accused of sexually harassing a student.

Alternative Resolution may include, among other responses:

- Referral for disciplinary action;
- An agreement between the parties;
- Referring the Respondent to targeted preventive educational and training programs; and
- Conducting a follow-up review to ensure that the resolution has been carried out effectively.

Except for the limitations stated above, the Title IX Coordinator has sole discretion to determine whether the complaint is appropriate for Alternative Resolution, to determine the type of resolution to pursue, and to stop the process at any time before its conclusion and move to a Formal Investigation. Participation in Alternative Resolution is voluntary, meaning both the Reporting and the Responding Parties must mutually agree, in writing, to participate. If Alternative Resolution is selected, the Title IX Coordinator will provide timely written notice to both parties that discloses the allegations and that:

- The Title IX Coordinator has begun the process;
- The process is voluntary and will end upon either party's request;
- Termination of Alternative Resolution may result in Formal Investigation;
- They may be accompanied by an advisor throughout the process; and
- The Title IX Coordinator will notify both parties of the process's outcome
- Conclusion of the Alternative Resolution process will preclude the parties from resuming a formal complaint arising from the same allegations unless the parties failed to satisfy the terms of the agreement; and
- Records of the process will be maintained and shared

The Title IX Coordinator will conduct the Alternative Resolution process unless good cause requires another individual. The Title IX Coordinator will endeavor to complete the Alternative Resolution process promptly, typically within 30 to 60 business days of notifying the parties in writing of starting the process. However, the Title IX Coordinator may extend the Alternative Resolution process past 60 days for good cause. The Title IX Coordinator will notify the parties in writing of the reason for any extension and the projected new timeline. The actual time required will depend on the specific circumstances, including the complexity of the allegations and the nature of the alleged conduct.

Once the parties have agreed to the terms of an Alternative Resolution, Daytona College will not conduct a formal investigation unless the Title IX Coordinator determines that the Respondent failed to satisfy the terms of the Alternative Resolution.

The Title IX Coordinator will keep records of all reports and conduct addressed through Alternative Resolution.

#### **V. Supportive Measures**

As described in the policy, supportive measures are actions taken by Daytona College in response to a report of Prohibited Conduct and will be made available to both parties as appropriate. These steps may include, but are not limited to, interim safety measures, which may be made at any time, to provide for the safety of individuals and the campus community. Appropriate administrative changes

and/or academic changes may be made, if requested and reasonably available, at any stage in the process to protect the rights of either party. They will be made by the Title IX Coordinator in coordination with responsible administrators. These changes include, but are not limited to, counseling services, academic accommodations, mutual “no contact” orders between individuals, restrictions on access to Daytona College or to specific Daytona College areas or activities, limitations on extracurricular, changes to classes, changes to work schedules, a leave of absence, as well as any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy. Changes specifically affecting faculty and staff might include, but are not limited to, transfer of supervisory or evaluative responsibility regarding grading, supervision, changes to office assignments and/or administrative leave.

When taking steps to separate a Complainant and Respondent, Daytona College will engage in an individualized and appropriate evaluation based on the information gathered by the Title IX Coordinator, making every effort to avoid depriving any student of their education. Care will be taken to protect both parties with the greatest degree of privacy possible. If a Complainant wishes to seek a temporary restraining order or similar judicial order, Daytona College will provide the Complainant with information to initiate that process.

The imposition of interim measures is not indicative of a determination of responsibility or any other outcome.

These measures may be modified at any time and may be kept in place after a final decision is reached. All parties are expected to comply with any interim measures that may be imposed until the formal resolution process concludes. Failure to comply with interim measures may be separate grounds for disciplinary action.

### **Investigation and Formal Resolution**

The following procedures apply to the investigation and formal resolution of complaints of Prohibited Conduct.

#### **A. Investigation Procedures**

For complaints that have not been dismissed or resolved informally, the Title IX Coordinator will refer the matter to a Title IX investigator. For complaints against parties outside the institution, the Title IX Coordinator will make reasonable efforts to prevent future incidents. The purpose of the investigation is to determine the facts relating to the complaint; decisions are based on the evidence. Evidence may include the testimony of any involved parties and/or witnesses, and any documents relating to the complaint. Daytona College’s policy and procedures are intended to ensure that individuals reported for Prohibited Conduct are not prejudged and are provided with adequate notice and an opportunity to be heard regarding the allegations made against them. Consistent with federal and state law, the investigators will ask questions or seek evidence that is relevant and not protected by law. Furthermore, evidence of a prior consensual sexual, romantic, or intimate relationship between the Complainant and Respondent itself does not by itself imply consent or preclude a finding of Prohibited Conduct. Daytona College’s investigation will occur independently from any legal/criminal proceedings that may take place. Daytona College may defer fact-gathering for an appropriate time during a criminal investigation.

Investigators will be trained on issues related to Prohibited Conduct, trauma-informed responses, and investigation processes that protect the safety of all involved and promote accountability. The investigators must be impartial and free of any conflict of interest.

Below are the procedures and processes related to Title IX investigations:

- (1) The investigation begins when the Complainant files a complaint and the Title IX Coordinator refers the matter to the investigator.
- (2) Within a reasonable length of time after the complaint has been filed, the Title IX Coordinator will notify both parties in writing that the investigation has commenced. This notification will: summarize the allegations and underlying reported behavior; identify the assigned investigator; identify the parties involved, the specific section of the Policy allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident; warnings against retaliation; advise the parties to review the Policy and these procedures and where each are located; and set forth any supportive measures and other directives.
- (3) Either party may object to an investigator if they believe that investigator has a conflict or cannot be impartial. A conflict of interest occurs where an individual's personal interests or relationships conflict with their ability to be a neutral fact finder in a particular case. For example, if a member of the faculty has also served as an advisor for a party to a complaint or has a close personal relationship with one of the parties, there may be a conflict of interest. The objection must be in writing, explain the bias or conflict of interest, and be sent to the Title IX Coordinator no later than five (5) calendar days after the date of the notice of investigation. The Title IX Coordinator will consider any objections and notify the parties of the decision related to the assigned investigator.
- (4) After a reasonable amount of time to review the notice of investigation and applicable policies, the parties will be given equal opportunity to meet with the investigator. In those meetings, the investigator will gather evidence about the allegations, including any documents or written statements submitted by either party. The Complainant and Respondent may have an advisor of their choice accompany them throughout the investigation process. An advisor may be a family member, friend, or attorney, but cannot be an employee of the institution. The advisor may attend, but shall not participate in meetings with complainant or respondent. This includes speaking on behalf of a party.
- (5) The parties may suggest witnesses and documents to the investigator, as well as questions for the investigator to ask the other party and any witnesses. The investigator will determine whether the suggestions are relevant and appropriate. Daytona College asks the parties to keep the investigation private but cannot prohibit the parties from discussing the investigation with others in connection with identifying evidence for the investigator together.
- (6) The investigator will interview relevant witnesses and gather other evidence related to the allegations. Witnesses may also submit documents or written statements to the investigator(s).
- (7) The investigator will investigate any allegations that alcohol or drugs were involved in the incident.
  - (8) The investigator will use the *preponderance of evidence* standard in determining whether Prohibited Conduct occurred. A preponderance of the evidence means that it is more likely than not that the incident occurred. When the investigator is presented with two different but plausible versions of the incident, credibility determinations may affect the outcome.
  - (9) The Complainant and Respondent will be given equal opportunity to review and respond to all the evidence gathered by the investigator.
  - (10) The investigator will prepare a written report that includes: the factual allegations; the alleged policy violations; statements of the parties; a summary of the evidence; an

explanation of why any evidence was not considered (if applicable); credibility determinations, when appropriate; findings of fact; and an analysis of whether the Respondent is responsible for misconduct under the Policy. Prior to completion of the investigative report, the recipient must send to each part and the parties advisory, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

After the report has been finalized, the matter will be referred for a hearing. No less than 10 days before any hearing and a copy of the report will be provided to the Hearing Officer, the parties, and their advisors, if any, for the parties' review and written response.

## **B. Hearing Procedures**

Once the matter is referred to a hearing, there will be a fact-finding hearing before a single Hearing Officer. The hearing is to determine whether a violation of the Policy occurred. Through the Hearing Officer, the institution will consider the relevant evidence available.

### (1) Hearing Officer

The Hearing Officer may be an institution employee or outside contractor appointed by the Title IX Coordinator. Regardless, they will be appropriately trained, including on how to make a trauma-informed response, with such training coordinated by the Title IX Coordinator. The Title IX Coordinator will inform the parties of the Hearing Officer's identity. Within five (5) calendar days after the notification, the parties may request the Hearing Officer's disqualification because of bias or conflict of interest. The Title IX Coordinator shall have sole discretion to decide whether an actual bias or conflict of interest exists. Employment or affiliation with the institution, or prior work as a contractor, on its own, does not warrant disqualification. Similarly, the Hearing Officer's gender, gender identity, race, ethnicity, religion, sexual orientation or similar identifying characteristic, or the fact that they differ from those of any party, do not, on their own, warrant disqualification.

### (2) Pre-Hearing Meeting

The Hearing Officer will hold a separate pre-hearing meeting with each party and their advisors, if any to explain the formal resolution process, address questions, begin to define the scope of the hearing, and address other issues to promote an orderly, productive and fair hearing.

- a. Each party should also come to the pre-hearing meeting prepared to schedule dates for the hearing. If the parties fail to agree, the Hearing Officer shall unilaterally set the date and time.
- b. If a party has an advisor, the advisor may attend the pre-hearing meeting but cannot speak on the party's behalf.
  - c. The Hearing Officer will explain what to expect at the hearing.
  - d. The Hearing Officer will discuss with each party which witnesses they intend to bring to the hearing, the scope of issues, and disputed facts. The Hearing Officer has sole discretion to grant or deny, in whole or part, the parties' requests for witnesses.
  - e. The Hearing Officer will discuss measures available to protect the well-being of parties and witnesses at the hearing, as appropriate.
  - f. The Hearing Officer shall inform any party without an advisor that Daytona College will provide one without fee or charge. To the extent a party
  - g. A reasonable time after the meeting, the Hearing Officer will determine: the scope of the hearing; identify material disputed facts; whether to reasonably allow or exclude evidence including witness testimony; and/or make any other determinations necessary to promote an orderly, productive, and fair hearing.
  - h. The Hearing Officer will request the attendance of all witnesses whose testimony is

determined to be within the scope of the hearing. The institution cannot compel parties or witnesses to testify in the hearing and their decision not to testify will not be a reason to cancel or postpone a hearing. However, the Hearing Officer shall inform the parties of the consequences of non-participation.

- i. At least five (5) business days prior to the hearing, the parties will receive the Hearing Officer's written confirmation of scope and evidence; copies of all the evidence that will be considered at the hearing, including, without limitation, the investigation file; and the names of expected witnesses and a summary of their expected testimony. If the Hearing Officer has excluded evidence (including witness testimony) that a party has requested to present, they will explain why in writing. The Hearing Officer will also notify the parties of any procedural determinations they have made regarding the hearing, including whether the Hearing Officer is ordering a new investigation due to a material procedural error committed by the investigator and delaying the hearing.

(3) Hearing Procedures

- a. The hearing will be live and recorded. For the convenience of the parties, Hearing Officer, and/or witnesses, the entire hearing, or portions of it, may be conducted over videoconference.
- b. The parties and witnesses will address only the Hearing Officer and the parties advisors. Courtroom rules of evidence and procedure will not apply. The Hearing Officer will generally consider all evidence they determine to be relevant and reliable. The Hearing Officer may determine and weigh the relevance of any witness testimony or other evidence to the findings.
- c. During the hearing, the Hearing Officer may: reasonably exclude evidence, including witness testimony; decide any procedural issues for the hearing; and/or make any other determinations necessary to promote an orderly, productive, and fair hearing.
- d. The investigator shall make themselves available for questioning by the Hearing Officer at the hearing.
- e. Witnesses will attend the hearing only to provide their testimony and will not be permitted to sit in attendance for any other part of the proceedings.
- f. The investigation file will be entered as evidence at the hearing. The Hearing Officer may rely on any facts or findings in the report that are undisputed.
- g. In cases where the credibility of a witness is not central to the determination of a particular disputed issue and the witness does not appear at the hearing, the Hearing Officer may determine what weight to give to their statements from the investigation report.
- h. If a party or witness does not submit to cross-examination at the live hearing, the Hearing Officer shall not rely on any statement of that party or witness in reaching a determination regarding responsibility provided, however, that the Hearing Officer 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.
- i. The Hearing Officer will allow the parties and/or witnesses to be visually or physically separated during the hearing. This may include, but is not limited to, the use of a physical partition, a separate physical location, videoconference, and/or any other appropriate technology.
- j. To assess credibility, the Hearing Officer and advisors must have sufficient visual and audio access to the Complainant, Respondent, and any witnesses presenting information.
- k. The parties will have the opportunity to present the evidence they submitted at the pre-hearing meeting, subject to any permissible exclusions determined by the Hearing Officer. Unless good cause is shown the parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-

- hearing meeting.
- l. The parties have the right to hear (or, if deaf or hard of hearing, to access through auxiliary aids for services) testimony of all individuals who testify at the hearing and to propose questions to be asked of all individuals who testify at the hearing. The parties may propose questions at the hearing by submitting them to the Hearing Officer in writing at the pre-hearing meeting or anytime during the hearing session(s) in which the witness or party provides testimony.
  - m. The Hearing Officer will determine the order of questioning. The Hearing Officer may exclude questions that are unduly repetitive, not irrelevant, harassing, unduly time consuming, or seek privileges or protected information. The Hearing Officer will briefly state his or her reasons for excluding questions asked by the parties' advisors.
  - n. The Hearing Officer will decide whether the Respondent was responsible for misconduct under the Policy based on a preponderance of evidence standard. The Hearing Officer will consider the investigation file and report, as well as the other evidence presented and accepted at the hearing. On any disputed issue of significance, the Hearing Officer will make their own reasonable findings and credibility determinations based on all the evidence before them.
  - o. The Hearing Officer will adjourn the hearing after they have determined that each side has had an opportunity to present their respective case and no other evidence is required to form reasonable conclusions.

### **C. Final Resolution**

Once the Hearing Officer has adjourned the hearing, the Hearing Officer will render a decision. The Hearing Officer may reach any one of the conclusions below:

- Respondent was responsible for misconduct under the Policy
- Respondent was not responsible for misconduct under the Policy

If the Hearing Officer found that the Respondent was responsible for misconduct under the Policy, the Hearing Officer must sanction the Respondent but has discretion as to which of sanctions below will be imposed, understanding that the Hearing Officer may choose more than one sanction:

- Verbal warning
- Training
- Mandatory counseling/coaching



- Exclusion from participation in certain activities for specified period
- Suspension from campus
- Termination
- Revocation of admission
- Other appropriate corrective action

The Hearing Officer may not impose any other form of sanction on Respondent. DAYTONA COLLEGE will take appropriate measures to prevent the reoccurrence of any Prohibited Conduct, and to correct any discriminatory effects on the Complainant and others, as appropriate. The Title IX Coordinator will be responsible for effective implementation of any remedies.

Results of disciplinary proceedings may be disclosed in a manner consistent with applicable law, including Family Educational Rights and Privacy Act (FERPA), Title IX, and the Clery Act.

(1) Notification of Decision and Sanctions

The Hearing Officer will send written notice to the Complainant, Respondent, and Title IX Coordinator, setting forth his or her determination and the sanctions to be imposed (if any). The written notice will conform to the requirements of 34 C.F.R. § 106.45, which includes:

- a. Identification of the allegations;
- 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 Policy 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 Daytona College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to Daytona College's education program or activity will be provided by Daytona College to the Complainant; and
- f. The procedures and permissible bases for the Complainant and Respondent to appeal.

#### **D. Appeals**

Appeals of a Hearing Officer's final, written decision of responsibility is strictly limited to: (1) procedural irregularity that affected the matter's outcome; (2) new evidence that was not reasonably available when the determination of responsibility was made that could affect the matter's outcome; and/or (3) the Title IX Coordinator, Title IX Investigator, or Hearing Officer had a conflict of interest or bias that affected the matter's outcome. There are no other grounds for appealing a Hearing Officer's decision and only final, written decisions of responsibility are appealable.

Appeals may be made by either the Respondent or Complainant and must be in writing and submitted to the Title IX Coordinator within ten (10) calendar days of notification of the Hearing Officer's final, written decision of responsibility or of the Title IX Coordinator's mandatory or discretionary dismissal of a complaint. The initial request must contain a brief statement identifying the basis for the appeal. The Title IX Coordinator will refer only timely and appealable matters to an Appeal Officer. If the Title IX Coordinator determines that the matter cannot be appealed, he or she will provide written notice to the requesting party. If the matter is referred for an appeal, the Title IX Coordinator will then disclose, in writing, the Appeal Officer's identity to the person making the appeal. The appealing party will have three (3) business days after being notified of the Appeal Officer's identity to request, in writing, that the Title

IX Coordinator appoint a new Appeal Officer and identify the alleged conflict of interest. The Title IX Coordinator, or designee if the Title IX Coordinator has been accused of bias or a conflict of interest, has the sole discretion to appoint another Appeal Officer or deny the appealing party's request.

After the Appeal Officer has been selected and the matter is assigned, the Appeal Officer will notify both parties in writing of the appeal and its basis. Both parties may submit a written statement supporting or challenging the matter's outcome. Although the Appeal Officer will set deadlines for responses, all appeals generally should be conclude within thirty (30) calendar days from the initial request.

After reviewing the written appeal, the Appeal Officer has the sole discretion to deny or grant the appeal, and, if granted, order a new hearing or refer the case back to the Hearing Officer with instructions. The Appeal Officer, if he or she grants the appeal, may order the Title IX Coordinator to reopen a dismissed case. The Appeal Officer may only rely on the evidence presented at the hearing; no other evidence may be considered. Within a reasonable amount of time after rendering a decision, the Appeals Officer will send a copy of the decision to the appealing party and the Title IX Coordinator. The written notice shall include reasons supporting the granting or denial of the appeal and the remedy chosen. All appeal decisions are final.

#### **F. Additional Complaints**

If the corrective action does not end the Prohibited Conduct, the Complainant should immediately notify the Title IX Coordinator. In such cases, the Complainant has the right to file another complaint.

#### **SEX OFFENDER INFORMATION**

##### Florida Statute 943.0435

##### Legislative Findings, Purpose, and Intent

The Legislature finds that sexual offenders, especially those who have committed their offenses against minors, often pose a high risk of engaging in sexual offenses, even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount government interest. Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Releasing information concerning sexual offenders to law enforcement agencies and to persons who request such information, and the release of such information to the public by a law enforcement agency or public agency, will further the governmental interests of public safety. Please Note: The designation of a person as a sexual offender is not a sentence or a punishment, but is simply the status of the offender which is the result of a conviction for having committed certain crimes.

The federal Campus Sex Crimes Prevention Act requires colleges and universities to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders/predators may be obtained. The act also requires registered sex offenders/predators to provide to appropriate state officials notice of each institution of higher education in that state at which the offender/predator is employed, carries on a vocation, or is a student.

In accordance with Florida State Statute 775.21 ("The Florida Sexual Predators Act") and Florida State Statute 943.0435, convicted sex offenders in Florida must register with the Florida Department of Law Enforcement (FDLE) within 48 hours of establishing permanent or temporary residence. The FDLE makes information concerning the presence of registered sexual offenders/predators available to local

law enforcement officials and the public. It is then the responsibility of the county sheriff or the municipal police chief to make required notification to all community members of the presence of predators (only) in a manner deemed appropriate by the sheriff or police chief.

Students and employees of Daytona College should refer to the Florida Department of Law Enforcement Sexual Predator/Offenders Registry web site for information regarding possible sexual predators or offenders at this institution. <http://offender.fdle.state.fl.us>, or call 1-888-FL-PREDATOR / 1-888- 357-7332 or utilize the <http://offender.fdle.state.fl.us/offender/Search.jsp>. Information is also available in the United States Department of Justice national sex offender registry – <http://www.nsopw.gov/Core/Portal.aspx>. Updated site information on 07/01/2019.

The address for the Florida Department of Law Enforcement (FDLE) Sexual Offender and Predator Unit is P.O. Box 1489 Tallahassee, FL 32302. Email address is [sexpred@fdle.state.fl.us](mailto:sexpred@fdle.state.fl.us)

<http://offender.fdle.state.fl.us/offender/homepage.do;jsessionid=YntbMNTThZ2GSLnQrJSRT7IQNBIMPh1vnC1GYcLLYbWkF4vS2cvc9!-521741232>

#### **Additional National Resources:**

**National Sexual Assault Hot line 800-656-(hope) 4673 For assistance throughout the United States:**

**Alabama Coalition Against Rape Montgomery, AL 334.264.0123**

**Alaska Network on Domestic Violence & Sexual Assault (ANDVSA) Juneau, AK**

**907.586.3650**

**Arizona Sexual Assault Network (Assn) Phoenix, AZ**

**Arkansas Coalition Against Sexual Assault Fayetteville, AR**

**501.246.3276**

**CALCASA Rape Prevention Resource Center Sacramento, CA**

**916.446.2520**

**Colorado Coalition Against Sexual Assault Denver, CO**

**303.839.9999**

**Connecticut Sexual Assault Crisis Services (CONNSACS) East Hartford, CT 860.282.9881**

**Contact Lifeline Wilmington, DE 302.761. 9800**

**DC Rape Crisis Center Washington, DC 202.232.0789**

**Florida Council Against Sexual Violence Tallahassee, FL 850.297.2000**

**Georgia Network to End Sexual Assault(GNESA) Atlanta, GA 404.815.5261 Guam Healing Arts Crisis Center**

**Tamuning, GU 671.647.5351**

**Hawaii State Coalition for the Prevention of Sexual Assault Honolulu, HI**

**808.733.9038**

**Idaho Coalition Against Sexual & Domestic Violence (ICASDV) Boise, ID**

**208.384.0419**

**Illinois Coalition Against Sexual Assault (ICASA) Springfield, IL**

**217.753.4117**

**Iowa Coalition Against Sexual Assault(ICASA) Des Moines, IA 515.244.7424 Kansas Coalition Against Sexual & Domestic**

**Violence Topeka, KS 785.232.9784**

**Kentucky Association of Sexual Assault Programs Frankfort, KY 502.226.2704**

**Louisiana Foundation Against Sexual Assault (LAFASA) Hammond, LA 225.372.8995 Maine Coalition Against Sexual**

**Assault Augusta, ME 207.626.0034**

**Maryland Coalition Against Sexual Assault Silver Spring, MD 301.328.7023 Jane Doe Inc./ MCASADV  
Boston, MA 617.248.0922**

**Men Can Stop Rape Washington  
, DC 202.265.6530**

**Michigan Coalition Against Domestic & Sexual Violence Okemos, MI 517.347.7000**

**Minnesota Coalition Against Sexual Assault St. Paul, MN 651.209.9993 Mississippi Coalition Against Sexual Assault,  
Jackson, MS 601.948.0555**

**Missouri Coalition Against Domestic and Sexual Violence Jefferson City, MO 573.634.4161 Montana Coalition Against  
Domestic Violence and Sexual Assault Helena, MT 406.443.7794**

**Nebraska Coalition to End Sexual and Domestic Violence Lincoln, NE 402.476.6256 Nevada Coalition Against Sexual  
Violence Las Vegas, NV**

**New Hampshire Coalition Against Domestic & Sexual Violence Concord, NH 603.224.8893 New Jersey Coalition Against  
Sexual Assault Trenton, NJ 609.631.4450**

**New Mexico Coalition of Sexual Assault Programs Albuquerque, NM 505.883.8020**

**New York State Coalition Against Sexual Assault Albany, NY 518.482.4222**

**New York City Alliance Against Sexual Assault New York, NY 212.229.0345**

**North Carolina Coalition Against Sexual Assault Raleigh NC 888.737.CASA (2272) North Dakota Council on Abused  
Women's Services/CASAND Bismarck, ND 701.255.6240 Ohio Alliance to End Sexual Violence Cleveland, OH  
888.886.8388**

**Oklahoma Coalition Against Domestic Violence and Sexual Assault Oklahoma City, OK 405.524.0700**

**Oregon Coalition Against Domestic and Sexual Violence Portland, OR 503.230.1951**

**Pennsylvania Coalition Against Rape (PCAR) Enola, PA 717.728.9740**

**Day One**

**100 Medway Street Providence, RI 02906 401.421.4100**

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E-mail: [info@DayOneRI.org](mailto:info@DayOneRI.org)

South Carolina Coalition Against Domestic Violence & Sexual Assault Columbia, SC 803.256.2900

South Dakota Coalition Against Domestic Violence & Sexual Assault Pierre, SD

**605.945.0869**

Tennessee Coalition Against Domestic and Sexual Violence Nashville, TN

**615.386.9406**

Texas Association Against Sexual Assault Austin, TX 512.474.7190 Utah Coalition Against Sexual

Assault Salt Lake City, UT 801.746.0404

Vermont Network Against Domestic Violence and Sexual Assault Montpelier, VT 802.223.1302

Virginia Sexual and Domestic Violence Action Alliance Charlottesville, VA 434.979.9002 Richmond, VA

**804.377.0335**

**(v/tty)**

Washington Coalition of Sexual Assault Programs Olympia, WA 360.754.7583

West Virginia Foundation for Rape Information and Services Fairmont, WV 304.366.9500

Wisconsin Coalition Against Sexual Assault Madison, WI

**608.257.1516**

Wyoming Coalition Against Domestic Violence and Sexual Assault Laramie, WY

**307.755.5481**

### **Investigations of complaints**

A complaint that a student, staff or faculty member has committed sexual harassment or engaged in nonconsensual sexual activity may be made to the Title IX Coordinator, or a staff or faculty member. The College will investigate, as appropriate under the circumstances.

The investigatory process involves interviewing the parties involved and any witnesses while gathering documentary or other evidence. In cases involving alleged criminal conduct, the complainant may file a criminal complaint with the local police department. A complainant need not pursue a criminal complaint in order to seek or to hold the accused responsible through the College's Student Code of Conduct. As soon as possible, the complainant and the accused will be offered appropriate assistance, and our Academic Affairs department will be contacted if course adjustments are required.

Based on the outcome of the investigation, the Title IX Coordinator or their designee will determine if there is sufficient cause to proceed with the complaint. If so, the Title IX Officer or their designee will arrange for an informal resolution conference with the accused. (Complainants do not attend informal resolution meetings but are apprised of the meeting's outcome.) If the accused does not accept responsibility for the allegations and/or the proposed sanction, the Title IX Officer or their designee will determine if the evidence warrants a formal hearing before the Grievance Committee. The exact nature of the responsive action depends on the circumstances, but may include discipline up to and including suspension or dismissal from the College for a student, staff or faculty who is found to have violated College policies.

### **Implementing Provisions/Policies**

The College will take appropriate action (i.e., an investigation, adjudication and disciplinary and remedial/corrective steps) in response to a complaint made pursuant to the complaint policies/procedures listed above. The College will make every effort to handle complaints and investigations with sensitivity to both the rights of the person who complains and the rights of the accused.

The College handles complaints discreetly and attempts to maintain privacy throughout the investigatory process, to the extent practicable and appropriate under the circumstances. However, in order to investigate, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Additionally, the College may have legal obligations to disclose information to law enforcement or in the context of legal proceedings.

Complaints may be made anonymously. While the College endeavors to investigate all complaints, including anonymous complaints, the nature of anonymous complaints makes investigation, determination, and remediation more difficult and, at times, impossible. Further, while the College attempts to protect the identity of complainants who do not wish to be identified, this may not always be possible.

In appropriate cases as determined by the College, conflict resolution may be possible. This is permitted only where both the complainant and accused voluntarily agree to participate, and either party may terminate informal resolution attempts and commence formal Grievance procedures at any time prior to reaching a mutually acceptable resolution. Depending on the circumstances, a mediated resolution may not necessarily involve face-to-face discussions between the complainant and the accused. Certain cases are not appropriate for conflict resolution, such as complaints of particularly egregious sexual harassment or cases involving sexual assault or violence.

Occasionally, an individual makes a complaint and later wishes to revoke or discontinue the investigation or adjudication process. Similarly, it may occur that someone other than the victim reports an incident, and the victim declines to participate in the investigation or adjudication process. In other instances, complaints may be received anonymously and/or the victim may not wish to be personally identified. The College endeavors to respect the wishes of a victim to either not be identified and/or not participate in the process. In these situations, the College attempts to investigate and address complaints in accordance with the victim's wishes.

If a victim wishes to talk about an incident with the assurance that the discussion will be confidential and will not result in an investigation or follow up action, they may contact the Title IX Coordinator. Anyone wishing to have an incident investigated, mediated or adjudicated must make a complaint either orally or in writing in accordance with the procedures described above.

In determining whether sex discrimination, sexual harassment or sexual misconduct occurred, the College does not apply the criminal standard of “beyond a reasonable doubt,” nor do formal court rules of evidence apply. Instead, the College uses a “preponderance of the evidence” standard, and the College may consider any evidence it deems relevant. A “preponderance of the evidence” means the evidence which is of greater weight or is more convincing than opposing evidence such that it is “more likely than not” that an act occurred.

If the applicable investigatory or adjudicatory process allows for parties to offer witnesses and evidence, the complainant and the accused will have an equal opportunity to do so. The complainant and the accused will be informed in writing of the outcome of the complaint, to the extent permitted by law. An accused who is a student may appeal the outcome to an impartial decision maker. An employee who is deemed guilty shall have whatever rights are granted by law. The particular method and grounds for appeal are explained in the student policies listed above.

The College endeavors to resolve complaints promptly. Ordinarily, the investigative stage will take no longer than 60 calendar days from the time the complaint is received. In exceptional circumstances (including but not limited to especially complex cases or when the College is not in session), it may be necessary to extend these timelines. If that occurs, the parties will be informed of the expected timeline for completion.

The College prohibits retaliation against any individual who in good faith makes a complaint of sex discrimination, sexual harassment, or sexual misconduct or participates as a witness in a proceeding under this or any other College policy. Retaliation is also unlawful pursuant to Title IX and other laws.

### **Reporting Child Abuse**

If you see a child in immediate danger call 911. Penalties for those who suspect a child is being abused but fail to report it have been increased from a misdemeanor to a felony. Financial penalties also have increased. If you suspect or know of any child who is being harmed, report the abuse immediately.

Florida Law (Florida Statutes Chapters 39 and 415 requires any individual who suspects that a child has been abused by any person to make a report with the Florida Abuse Hotline. Any allegations a child was abused or neglected by a caregiver will be investigated by the Department of Children and Families while allegations of child abuse by someone other than a caregiver will be accepted at the Hotline and immediately electronically transferred to the appropriate local law enforcement agency where the child lives.

## **Definitions**

**Abuse for children** means any willful act or threatened act that results in any physical, mental or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes do not in itself constitute abuse when it does not result in harm to the child.

**Neglect for children** occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired.

**Abuse for adults** means any willful act or threatened act by a relative, caregiver, or household member which causes or is likely to cause significant impairment to a vulnerable adult's physical, mental, or emotional health. Abuse includes acts and omissions.

**Neglect for adults** means the failure or omission on the part of the caregiver or vulnerable adult to provide the care, supervision, and services necessary to maintain the physical and mental health of the vulnerable adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, which a prudent person would consider essential for the well-being of a vulnerable adult. The term neglect also means the failure of a caregiver or vulnerable adult to make a reasonable effort to protect a vulnerable adult from abuse, neglect, or exploitation by others.

**Exploitation** means a person who stands in a position of trust and confidence with a vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, a vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive a vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult; or knows or should know that the vulnerable adult lacks the capacity to consent and obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult.

Any person, including professionally mandatory reports, should contact the Florida Abuse Hotline when they know or have reasonable cause to suspect that a child or vulnerable adult has been abused, abandoned, neglected, or exploited. The Hotline has counselors available 24 hours a day, 7 days a week. The Hotline counselor will determine if the information provided meets legal requirements to accept a report for investigation.

Florida Abuse Hotline – 1-800-962-2873 TDD – 1-800-453-5145

Be prepared to provide specific descriptions of the incident(s) or the circumstances contributing to the risk of harm, including who was involved, what occurred, when and where it occurred, why it happened, the extent of any injuries sustained, what the victim(s) said happened, and any other pertinent information are very important.

(9) A statement of policy regarding the possession, use and sale of alcoholic beverages



and enforcement of state underage drinking laws.

- (A) Disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.
- (ii) Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses

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Daytona College seeks to provide to all of its students, faculty, and staff a work place and academic setting which is identified as a community free of risk, so far as possible, from sexual violence or attack.

In the event of an incident regarding a potential sex related crime on the school campus or non-campus, the involved individuals must contact the School Administrator with responsibility for this program for information and direction with regard to the above listed concerns (items 12 (I- vii)). Daytona College does not condone nor will permit such activity to take place within the confines of the school campus. Our regular disciplinary policies remain our primary source of information and procedures that we will follow. All staff members are required to participate in sexual harassment training when scheduled.

Students and staff should contact the campus director or campus administrator immediately to report a sex offense. The student has the option to notify proper law enforcement authorities including local police. The institutional personnel will assist the student in notifying these authorities if the student requests the assistance of local authorities. Students may be referred to off campus counseling, mental health, or other student services for victims of sex crimes. A complete listing of resources can be located in the campus library or from any campus administrator. The student has the option to request that the school change the victim's academic situation after an alleged sex offense if they are reasonably available.

Beginning with the annual security report distributed by October 1, 2005, a statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 (j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

### **Title IX Investigation**

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states that: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

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A Title IX investigation is an administrative procedure, not a disciplinary process. The purpose of a Title IX investigation is to determine: whether conduct prohibited by Title IX occurred; whether there is an ongoing risk of further prohibited conduct and if so, to act to prevent its recurrence; whether accommodations for the affected party are

needed to

remedy the effects of the prohibited conduct; whether safety precautions should be put in place to make the Daytona College community safe; whether the conduct necessitates review for disciplinary procedures; and whether changes to policies, practices or training should be implemented.

Daytona College prohibits discrimination and harassment based on race, color, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, genetic information, veteran status, or any other status protected by applicable law to the extent prohibited by law.

### **Unwelcome Conduct**

Conduct is unwelcome if a person (1) did not request or invite it and (2) regarded the unrequested or uninvited conduct as undesirable or offensive. That a person welcomes some sexual contact does not necessarily mean that person welcomes other sexual contact. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion.

Whether conduct is unwelcome is determined based on the totality of the circumstances, including various objective and subjective factors. The following types of information may be helpful in making that determination: statements by any witnesses to the alleged incident; information about the relative credibility of the parties and witnesses; the detail and consistency of each person's account; the absence of corroborating information where it should logically exist; information that the Respondent has been found to have harassed others; information that the Complainant has been found to have made false allegations against others; information about the Complainant's reaction or behavior after the alleged incident; and information about any actions the parties took immediately following the incident, including reporting the matter to others. In addition, when a person is so impaired or incapacitated as to be incapable of requesting or inviting the conduct, conduct of a sexual nature is deemed unwelcome, provided that the Respondent knew or reasonably should have known of the person's impairment or incapacity. The person may be impaired or incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or unconsciousness. A Respondent's impairment at the time of the incident as a result of drugs or alcohol does not, however, diminish the Respondent's responsibility for sexual or gender-based harassment under this Policy.

### **Gender-Based Harassment**

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the College's education or work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this Policy.

### **A STATEMENT OF CURRENT POLICIES CONCERNING THE SEXUAL ASSAULT PREVENTION PROGRAM AND THE PROCEDURES THAT ARE FOLLOWED**

#### **College Notice of Petitioners Rights under the Violence Against Women Act**

No person in the United States shall, on the basis of sex, be excluded from participation

in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Daytona College not only complies with the letter of Title IX's requirements but also endorses the law's intent and spirit. The College is committed to compliance in all areas addressed by Title IX including access to higher education, career education, math and science, standardized testing, athletics, education for pregnant and parenting students, learning environment, and technology, as well as sexual harassment.

Sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and include dating violence, domestic violence, and stalking. As such should you report a form of sex-based discrimination, The College wants to inform you of our policy and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus as well as your rights and The College's responsibilities.

As a petitioner of sexual assault, dating violence, domestic violence or stalking, you will receive a full copy of our institution's Title IX Policy. This policy has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. These procedures include our right to inform you of your rights to file criminal charges as well as the availability of medical, counseling, and support services. We also offer additional remedies to prevent contact between a complainant and an accused party. The policy also addresses possible sanctions and interim and/or long-term protective measures that the College may impose. The policy is included in this document.