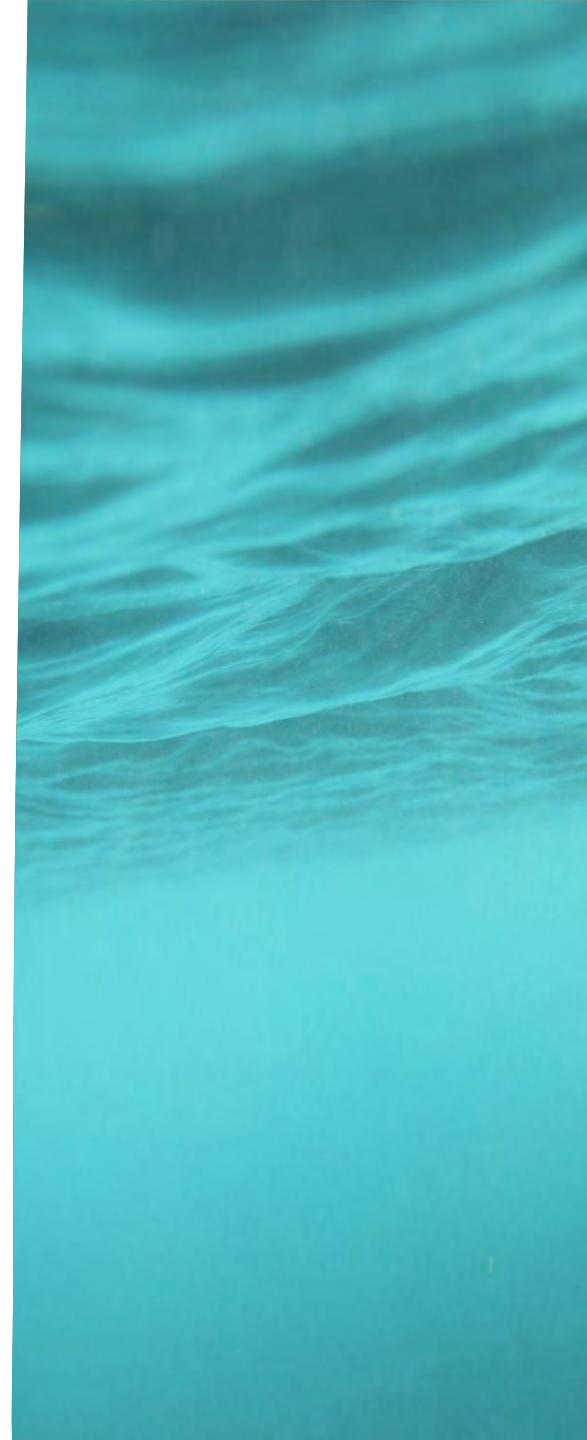


UNDERSTANDING TITLE IX AND IT'S ROLE IN ADDRESSING SEXUAL MISCONDUCT FOR THE DAYTONA COLLEGE COMMUNITY



Agenda Overview

- **Historical Background and Passage of Title IX**
- **Scope of Application Across Educational Settings**
- **Key Provisions and Definitions**
- **Other Relevant Definitions**
- **Defining and Understanding Sexual Misconduct**
- **non-exhaustive list of examples of conduct**
- **Daytona College Policy**
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- **Responsible Employees**
- **Rights of Complainants and Respondents**
- **Prevention, Support, and Remedies**
- **Challenges and Evolving Practices**
- **Conclusion**





Historical Background and Passage of Title IX

Enactment Year and Purpose

Title IX was enacted in 1972 to eliminate gender discrimination in education programs receiving federal funding.

Advancing Educational Equality

The legislation marked a milestone in promoting equal educational opportunities for all genders across the United States.



Scope of Application Across Educational Settings

Colleges and Universities

Higher education institutions are subject to Title IX, promoting nondiscrimination and equity in academics and athletics.

Federal Funding Requirement

Title IX applies only to institutions that receive federal funding, linking compliance to financial support.

Key Provisions and Definitions

Title IX Overview

Title IX prohibits sex-based discrimination, ensuring equal rights in educational environments.

Definition of Discrimination

Discrimination refers to unfair treatment based on sex, violating Title IX protections.

Harassment Explained

Harassment includes unwelcome conduct based on sex that creates a hostile environment.

Sexual Misconduct

Sexual misconduct encompasses sexual harassment and assault as defined by Title IX.

Other Relevant Definitions

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

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.

Defining and Understanding Sexual Misconduct

Definition of Sexual Misconduct

Sexual misconduct includes any unwelcome or inappropriate sexual behavior such as harassment, assault, or exploitation.

Violations of Consent and Boundaries

It often involves ignoring consent, crossing boundaries, or violating professional ethics, which harms trust and well-being.

Importance of Recognition

Recognizing sexual misconduct is vital for creating safe spaces and respecting everyone's personal boundaries in every environment.

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 gestures.
- 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

Distinction Between Harassment, Assault, and Other Misconduct

Definition of Sexual Harassment

Sexual harassment involves unwelcome conduct of a sexual nature that affects a person's work or education environment.

Understanding Sexual Assault

Sexual assault is any non-consensual sexual act or contact, often involving physical force or coercion.

Other Misconduct Explained

Other misconduct includes behaviors or actions that violate policies but do not fit harassment or assault definitions.

DAYTONA COLLEGE POLICY REPORTING AND INVESTIGATION PROCEDURES



Overview and Summary of Policy and Complaint Procedures


The preponderance of evidence will be the evidentiary standard used at Daytona College.

Complaints must be made only to the Associate Director, Compliance Director, or Vice President/Campus Director.

With or without filing a formal complaint, complainants and respondents will be equally advised of the availability of supportive measures, will have their wishes considered regarding supportive services and will be advised of the process for filing a formal complaint.

Both the complainant and the respondent will be entitled to prompt responses as to the receipt of knowledge of the complaint.

Both will be treated equally in explaining the processes, collecting evidence, having their evidence objectively evaluated for accuracy and relevancy, and be entitled to a reasonable time frame for resolution.

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Neither the complainant nor the respondent will be presumed to be responsible for the alleged conduct. Both will be given time to prepare for meetings and have an advisor of their choice. The advisor may or may not be an attorney. The advisor may inspect and review evidence.

No legally privileged information will be used unless the individual waives the privilege.


Both will have an opportunity to have conflicts of interest considered.

Both will be able to discuss and gather relevant evidence and have witnesses attend a hearing in the event of a formal complaint. If the witness does not attend the hearing, their testimony cannot be used even if it is written and signed.

If parties agree, informal resolutions are permissible.

Records will be kept for seven years.

Both parties are entitled to no retaliation.

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Complaints may be dismissed if:-Alleged incident did not occur on school grounds, common areas related to the school or affiliating sites.. Alleged incident did not involve education or services provided at the school.

-Evidence is unavailable or unable to be collected or if the alleged incident does not constitute misconduct under Title IX regulations.

-If the respondent is no longer attending or employed at the school at any time during the process or if the complainant notifies in writing, that they wish to withdraw the formal complaint.

If the complainant wishes to file a formal complaint of sexual discrimination or sexual misconduct, it must be filed in writing, signed and turned into the Associate Campus Director/Title IX Coordinator or Pamela Kraska, Alternate Title IX, Compliance Director as listed on the school's website and in the school catalog. This signed, written complaint indicates that the complainant agrees to the school starting a formal investigation of the alleged sexual complaint..

A live, real-time hearing will be conducted for both parties to cross examine each other and/or witnesses. Each party may have an advisor. Questions must be approved by the chair before asked in a cross examination and questions must be relevant to the situation being investigated. Investigators, complainants, respondents, witnesses and advisors will acknowledge that they have read and understand the training materials on the school's website. Associate Campus Director/Title IX Coordinator, Tonya Wright, will assist with explanations or questions about the training.

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If the College believes safety is at risk at any time, it may execute an emergency removal of individual(s) from education or activities. This will be invoked if the College determines an immediate threat to the physical health or safety to any individual. Upon being informed of a notice of removal, an immediate challenge may be filed.

The College may place an individual on administrative leave during and pending the result of the investigative process.


The committee investigating will provide an objective evaluation of relevant evidence.

The Title IX Coordinator, chair, investigator, or decision makers in facilitating an informal resolution, dismissal or conducting a hearing or appeal will be free from conflict of interest or bias and will have received training.

Disciplinary actions may range from a notice of warning through separation.

Determination of responsibility for sexual misconduct or discrimination will be made at the conclusion of the investigation and until that time, the respondent is presumed not responsible.

Neither party may make false, dishonest statements as noted in the rules of decorum that expect honesty and integrity.

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Written notice of the date, time, location, participants, purpose of the hearing, investigative interviews or other meetings will be provided to participants with time to prepare to participate. Proceedings will be recorded.

An investigative summary will be provided to participants at least 10 days prior to a hearing so that written responses and written questions to be asked at the hearing will be presented to the Title IX Coordinator, three days prior to the hearing.

Written determination will be provided to the complainant and respondent simultaneously.

The College will keep confidential the identity of the complainant, the respondent and any witnesses.

Conditions for Appeal:

- Either the complainant or the respondent may appeal a decision made by the College, however, an appeal is not a new hearing of the matter.
- An appeal is only permissible if there is a procedural irregularity, a policy was not followed, new evidence is discovered or a conflict of evidence is discovered.
- If the appeal is permissible, a new committee will be appointed to investigate the basis of the appeal and to make decisions to uphold or to change the original decision

Complaint form is located on the website and can be obtained by asking the Tonya Wright or Pamela Kraska..

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Initiation of Investigation

Investigations begin immediately after a report to uphold Title IX compliance and fairness principles.

Evidence Collection

Institutions gather all relevant evidence to ensure a thorough and unbiased investigation process.

Interview Process

Interviews with involved parties are conducted to obtain detailed information and understand circumstances.

Conclusion and Compliance

Findings are evaluated to ensure compliance with Title IX, leading to fair resolutions.

Responsible Employees

If an individual discloses Prohibited Conduct to any Responsible Employee, the employee responsible must report to the Title IX Coordinator all relevant details about the alleged conduct. Additionally, to the extent that 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:

- Vice President / Campus Director, Bill Bradley
- Associate Campus Director/ **Title IX Coordinator**, Tonya Wright
- Director of Compliance (Title IX designee if Coordinator is not present), Pamela Kraska
- Director of Education, April Hudson
- Lead Instructor, Program Director, or Faculty
- Any member of Management

To the extent possible, Daytona College is committed to **protecting the privacy of all individuals involved in a report on Prohibited Conduct**. All employees involved in the response to a report on 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.

Rights of Complainants and Respondents



Right to Be Informed

Both parties have the right to receive clear, timely information about the Title IX process and procedures.



Right to Participate

Complainants and respondents can actively participate in hearings, meetings, and investigations under Title IX.



Right to Receive Support

Support services such as counseling and advocacy are available to both complainants and respondents throughout the process.

PREVENTION, SUPPORT, AND REMEDIES



Educational Programs and Prevention Efforts

Training Programs

Daytona College conducts training sessions to educate students and staff on preventing sexual misconduct and fostering respect. Initial training is conducted during orientation and on-boarding.

Awareness Campaigns

Awareness campaigns raise consciousness about sexual misconduct and promote safe educational environments. Bulletin boards, guest speakers, are examples of activities.

Title IX Prevention Strategies

Daytona College utilizes Title IX policies to guide us in implementing prevention and response strategies against sexual misconduct.



Support Resources for Survivors

Counseling Services

Educational institutions offer referrals for counseling to support survivors' emotional recovery and mental health.

Advocacy Support

Advocacy services empower survivors by guiding them through institutional processes and rights.

Safe Educational Environment

Support resources ensure survivors can continue their education in a safe and supportive atmosphere.

Remedies and Disciplinary Actions

Remedies to Stop Misconduct

Daytona College implements measures to immediately halt misconduct and protect those affected.

Preventing Recurrence

Preventative strategies are implemented to avoid future incidents and uphold a safe environment.

Disciplinary Actions and Accommodations

Disciplinary actions and accommodations address misconduct consequences and support affected individuals.



CHALLENGES AND EVOLVING PRACTICES



Common Challenges in Enforcement

Balancing Fairness

Daytona College ensures fairness to all parties while enforcing policies without bias or prejudice.

Ensuring Compliance

Daytona College employees must always follow regulatory requirements as outlined in our policies and procedures.

Providing Support

Support mechanisms are implemented to assist individuals affected by enforcement actions and maintain trust.



Best Practices

Emerging Trends

Daytona College Title IX Coordinator and employees are informed of new developments and changes in Title IX compliance and policies to ensure updated practices.

Recommended Best Practices

Daytona College Focuses on effective strategies for preventing and addressing sexual misconduct within the institution.

Continuous Improvement

Daytona College practices ongoing efforts to enhance Title IX compliance and fosters a safer education community.

CONCLUSION

Importance of Title IX

Title IX is crucial for creating safe and equitable educational environments for all students.

KNOW THE PROCESS AT DAYTONA COLLEGE

Understanding Provisions

Knowing Title IX provisions helps Daytona College prevent sexual misconduct and uphold student rights effectively.

IF YOU HAVE A QUESTION, PLEASE ASK.

Supporting Affected Individuals

Awareness of Title IX enables better support for individuals impacted by sexual misconduct in education.

KNOW WHO TO CONSULT AT THE COLLEGE TO ENABLE THE APPROPRIATE SUPPORT.

READ THE POLICY

Available on the Daytona College website www.daytonacollege.edu under Consumer Information.

A printed copy is available upon request.

Please contact **Tonaya Wright, Title IX Coordinator**, or her alternate, Pamela Kraska with any questions