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DAYTONA COLLEGE

Title IX and Violence Against Women

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General 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 prohibited conduct against another Daytona College employee, then applicable provisions of the Employee Handbook shall control.

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.

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.

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 in to Tonya Wright, the Associate Campus Director/Title IX 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. The attached form is to be completed.

A live, real-time hearing will be conducted for both parties to cross-examine each other and/or witnesses. The live hearing may be conducted via a recorded Zoom or Microsoft Teams link or an in-person recorded meeting held at the campus. The process provides the parties with an opportunity to be heard and address the allegations and evidence in a live hearing that affords cross-examinations.

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.

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.

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 at the end of this document.

Definitions, Descriptions, and Details

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.

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 n 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.

Examples of various forms of Prohibited Conduct:

Unlawful Harassment

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.

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, 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.

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.

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 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

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 form complaint may be filed with the Title IX Coordinator in person, mail, or email. The complaint must indicate the that 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.

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 386-267-0565
Designee in her absence: Pamela Kraska, pkraska@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.

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, Dr. Kal Ali
Lead Instructor, Program Director, 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.

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.

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. 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.

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.

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.

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 sufficient evidence 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.

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.

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.

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 there 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

http://offender.fdle.state.fl.us/offender/homepage.do;jsessionid=YntbMNThZ2GSLnQrJSRT7lQNBlMPh1vnC1GYcLLYbWkF4vS2cvc9!-521741232

FORMAL COMPLAINT/GRIEVANCE OF SEXUAL MISCONDUCT

I understand that my filing of this formal complaint authorizes Daytona College to begin an investigation of an alleged sexual misconduct complaint.

I understand the information listed in the catalog and on the website concerning sexual misconduct.

My complaint is regarding:

Name:_____

The time, circumstances and details are as follows:

Signature:_____

Printed Name:_____

Date:_____

Phone Number:_____

Address:_____

Submit to the Daytona College Title IX Coordinator, Tonya Wright or her alternate (in the event of her absence), Pamela Kraska, as noted in the catalog and website.