Non-Discrimination and Anti-Harassment Policy

"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." — Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681)

Beacon College is committed to maintaining a fair and respectful environment for living, work and study. To that end, and in accordance with federal and state law and College policy, Beacon College prohibits harassment of or discrimination against any person because of race, color, sex (including sexual harassment and pregnancy), sexual orientation, gender identity, ethnicity or national origin, religion, age, genetic information, disability, or veteran status by any member of Beacon College Community (as defined below) on campus, in connection with a Beacon College program or activity, or in a manner that creates a hostile environment for members of the Beacon College Community. Incidents of harassment and discrimination will be met with appropriate disciplinary action, up to and including dismissal or expulsion from Beacon College.

Prohibited bias factors such as race, color, sex (including sexual harassment and pregnancy), sexual orientation, gender identity, ethnicity or national origin, religion, age, genetic information, disability, or veteran status should not hinder employment, study or institutional services, programs or activities. Prohibited bias factors will not be permitted to have an adverse influence upon decisions regarding students, employees, applicants for admission, applicants for employment, contractors, or volunteers or participants in or users of institutional programs, services, and activities. Beacon College will continue in its efforts to maintain an institutional environment free of such bias and restates its policy prohibiting the interference of such bias factors.

Every member of the Beacon College Community is expected to uphold this Policy as a matter of mutual respect and fundamental fairness in human relations. Every student of this institution has a responsibility to conduct himself/herself in accordance with this Policy as a condition of enrollment, and every Beacon College employee has an obligation to observe Beacon College policies as a term of employment. In addition, one aspect of performance appraisal for Beacon College personnel at all levels of supervision and administration will include the qualitative evaluation of their leadership in implementing this Policy. Merit and productivity, free from prohibited bias, will continue to guide decisions relating to employment and enrollment.

Nothing in this Policy prevents a Beacon College Community member from filing a complaint with a state or federal agency or court.
I. Definitions

A. Members of the Beacon College Community

Members of the Beacon College Community are any persons employed by or affiliated with Beacon College in any way and persons participating in any Beacon College program or activity, including, but not limited to:

1. Beacon College faculty, staff, administrators, employees, and independent contractors;
2. Beacon College students;
3. Volunteers and participants in any Beacon College program or activity; and
4. Guests and visitors to campus, to any property owned or leased by Beacon College, or to any property owned or leased by any Beacon College-affiliated organization or group.

B. Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, “sexual harassment” is defined as: Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual’s employment or status in a course, program or activity; or
2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
3. Such conduct has the purpose or effect of:
   a. interfering with the individual’s work or educational performance;
   b. creating an intimidating, hostile, or offensive working and/or learning environment; or
   c. interfering with or limiting one’s ability to participate in or benefit from an educational program or activity.

Examples of sexual harassment may include, but are not limited to the following:

1. Physical contact of a sexual nature perpetrated without consent (e.g., without clear words or actions that are knowingly, freely and actively given indicating permission to engage in mutually agreed upon sexual activity) or where a person is incapable of giving consent due to the use of drugs or alcohol, or due to an intellectual or other disability. This includes rape, sexual assault, sexual battery and sexual coercion.
2. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, compensation, promotion, grades, or letters of recommendation.
3. Unwelcome sexual advances, physical or implied, or direct propositions of a sexual nature. This activity may include inappropriate/unnecessary touching or rubbing against another, sexually suggestive or degrading jokes or comments, remarks of a sexual nature about one’s clothing or body, preferential treatment in exchange for sexual activity, and the inappropriate display of sexually explicit pictures, text, printed materials, or objects that do not serve an academic purpose.
4. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort or that humiliates another.
5. Remarks speculating about a person’s sexual activities or sexual history or remarks about one’s own sexual activities or sexual history that do not serve a medical or academic purpose.
This Policy includes domestic violence, dating violence and stalking as forms of sexual harassment. Sexual harassment can occur regardless of the relationship, position or respective sex of the parties. Same sex harassment violates this Policy, as does harassment by a student of a faculty member or a subordinate employee of his/her supervisor.

C. Discriminatory Harassment

At Beacon College, discriminatory harassment is defined as:

Unwelcome verbal or physical conduct based on race, color, sex (including sexual harassment and pregnancy), sexual orientation, gender identity, ethnicity or national origin, religion, age, genetic information, disability, or veteran status when:

1. Such conduct has the purpose or effect of unreasonably interfering with the individual’s work or educational performance;
2. Such conduct creates or has the intention of creating an intimidating, hostile, or offensive working and/or learning environment; or
3. Such conduct unreasonably interferes with or limits one’s ability to participate in or benefit from an educational program or activity.

D. Title IX Coordinator

The Title IX Coordinator is the individual designated by the President with responsibility for providing education and training about prohibited discrimination and harassment to the Beacon College community and for receiving and investigating reports and complaints of discrimination and harassment in accordance with this Policy.

The Title IX Coordinator Office, located at 105 East Main Street, by phone at 352-638-9762, or via email at tbrown@beaconcollege.edu. Complaints of discrimination or harassment under this Policy may be made to the Title IX Coordinator in person, in writing (via email or otherwise) or over the phone. Complaints can also be made anonymously, but this may limit the extent to which the complaint can be investigated.

All reports and complaints of discrimination or harassment will be promptly evaluated and appropriate action will be taken as expeditiously as possible. The Title IX Coordinator is authorized to designate other appropriately trained individuals to investigate discrimination and harassment complaints and reports as deemed appropriate.

The Title IX Coordinator does not serve as an advocate for any party. Advocacy, counseling and support resources available on campus and in the greater community are identified at the end of this Policy.

Where the discrimination or harassment alleged is potentially of a criminal nature, the Beacon College Community members are encouraged to also contact Campus Safety (for conduct that occurred on campus) or local law enforcement in the relevant jurisdiction (for conduct that occurred off campus). The Beacon College Community members have the right to simultaneously make a complaint under this Policy and to law enforcement.
II. Rights & Responsibilities

A. Prohibition Against Retaliation

Anyone who, in good faith, reports what s/he believes to be discrimination or harassment, who participates or cooperates in, or is otherwise associated with any investigation, will not be subjected to retaliation. Anyone who believes he or she has been the victim of retaliation for reporting discrimination or harassment or for participating or cooperating in, or otherwise being associated with, an investigation should immediately contact the Title IX Coordinator. Any person found to have engaged in retaliation in violation of this Policy will be subject to disciplinary action under this Policy.

B. Confidentiality

Beacon College strongly supports an individual’s interest in confidentiality, particularly in instances involving sexual misconduct. Upon a request that the identity of the complainant or alleged victim be withheld or upon request not to investigate an allegation, Beacon College will explain that honoring the request may limit its ability to respond fully to the incident and may limit Beacon College’s ability to discipline the respondent. If the complainant or alleged victim still requests confidentiality, the Title IX Coordinator, will determine whether or not the confidentiality request can be honored while still providing a safe and nondiscriminatory environment for the Beacon College Community. The complainant or alleged victim will be informed of any decision to act contrary to the request for confidentiality before any disclosures are made and before an investigation begins.

In support of an individual’s request for confidentiality and Beacon College’s interest in learning about incidents of discrimination and harassment, Beacon College designates two levels of confidential resources:

1. **Privileged Resource Employee** – These resources will not report disclosures of harassment or discrimination to the Title IX Coordinator. However, they still must comply with anonymous reporting for Clery Act purposes and mandatory reporting under Florida State law:
   - Beacon College Counseling Services
   - Beacon College Health Services

2. **Support Resource Employee** – These resources may talk to an alleged victim in confidence and generally report to Beacon College only that the incident occurred (date, time, location and perpetrator, if known) without revealing information that will personally identify the alleged victim. Disclosures to these employees will not automatically trigger an investigation against the alleged victim’s wishes as discussed above:
   - Beacon College Ombudspersons
   - Student Support Services

C. Reporting

Any administrator, supervisor, faculty member, or other person in a position of authority who is not a confidential resource as defined above who knows of, or receives a complaint of, discrimination or harassment must fully report the information or complaint to the Title IX Coordinator promptly. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, orientation
leaders, etc.) and must also promptly report discrimination or harassment to the Title IX Coordinator. A complaint or report of discrimination or harassment made to any administrator, supervisor, faculty member or other person in a position of authority generally obligates Beacon College to investigate the incident and take appropriate steps to address the situation. The responsibility to investigate rests with the Title IX Coordinator and not with the employee who receives the complaint or report.

Beacon College encourages any person who feels he or she has been discriminated against or harassed to promptly report the incident to the Title IX Coordinator or discuss the incident with the confidential resources identified above. Any member of the Beacon College Community who observes discrimination or harassment of another person on campus, in connection with a Beacon College program or activity, or in a manner that creates a hostile environment for members of Beacon College Community should report the conduct to the Title IX Coordinator. No member of Beacon College Community should assume that an official of Beacon College knows about a particular discriminatory or harassing situation.

If a complainant or alleged victim reports discrimination or harassment to a person in a position of authority who is not a confidential resource, but wants to maintain confidentiality, the person in a position of authority must relay the request for confidentiality when reporting the alleged discrimination or harassment to the Title IX Coordinator. The request for confidentiality will be considered but cannot be guaranteed, as referenced above.

Complaints and reports of discrimination and harassment should be reported as soon as possible after the incident(s) in order to be most effectively investigated. All reports and complaints of discrimination and/or harassment will be promptly evaluated and appropriate action will be taken as expeditiously as possible. Complaints may be made in person, in writing (via email or otherwise) or over the phone. Complaints can also be made anonymously, but this may limit the extent to which the complaint can be investigated.

D. False Accusations

To make deliberate false accusations of discrimination or harassment violates this Policy. In such instances, the complainant or witness will be subject to disciplinary action by Title IX Coordinator under this Policy. However, a no-violation finding by the Title IX Coordinator does not constitute proof of a false and/or malicious accusation.

E. Consensual Relationships in Regard to Sexual Harassment

When one party has a professional relationship toward the other, or stands in a position of authority over the other, even an apparently consensual sexual relationship may lead to sexual harassment or other breaches of professional obligations. Beacon College prohibits all faculty and staff, including graduate assistants, from pursuing or engaging in dating or sexual relationships with any student whom they currently supervise, teach, or evaluate in any way.

Employees are prohibited from having a dating or sexual relationship where one employee supervises, evaluates, or in any other way directly affects the terms and conditions of the other employee’s employment. This provision applies to both student and non-student employees. Any employee who supervises, evaluates or in any other way directly affects the terms and conditions of another employee must immediately disclose the existence of a dating or sexual relationship to his/her immediate supervisor.
Individuals who violate the consensual relationship prohibition are subject to disciplinary action under this Policy, up to and including termination.

**F. Conflicts of Interest**

If the complainant, respondent, or Title IX Coordinator representative asserts that a complaint presents an actual or apparent conflict of interest for the EOO, the complaint should be submitted or referred to the Office of the President to resolve the conflict of interest. An actual or apparent conflict of interest is a financial interest, relationship, or other circumstance that would lead a reasonable person to doubt the objectivity of the Title IX Coordinator representative. If the Office of the President determines there is no actual or apparent conflict of interest for the Title IX Coordinator, the Title IX Coordinator shall conduct the inquiry into the complaint. If the Office of the President determines that an actual or apparent conflict of interest exists for the Title IX Coordinator, then the Office of the President shall appoint an independent individual with appropriate experience and training to conduct the inquiry into the complaint.

**G. Academic Freedom and Freedom of Expression**

Beacon College is committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research. Academic freedom and freedom of expression shall be strongly considered in investigating complaints and reports of discrimination or harassment, but academic freedom and freedom of expression will not excuse behavior that constitutes a violation of the law or this Policy.

**H. Records**

Records of investigations conducted and resolutions reached pursuant to this Policy are maintained in accordance with privacy requirements under state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA), and under Beacon College policy. Additionally, Beacon College will take reasonable steps to maintain privacy in relation to any accommodations or protective measures afforded to an alleged victim or complainant, except to the extent necessary to provide the accommodations or protective measures.

Information pursuant to this Policy shared internally between Beacon College administrators is provided on a need-to-know basis.

Any public release of information to comply with the open crime logs or timely warning provisions of the Clery Act will not release the names of victims or information that could easily lead to a victim’s identification.

**I. Right to be Accompanied by an Advisor or Support Person**

During the investigation, the complainant(s) and respondent(s) may be accompanied by an advisor or support person of his or her choosing at meetings and interviews at which he or she is present; however, no advisor or support person may actively participate in the investigative process. The advisor or support person may not already be directly involved in Beacon College’s investigative process, such as a party or a witness. The Title IX Coordinator may discount or disregard any testimony that is not provided directly by a party or witness.
J. Amnesty for Students

Beacon College encourages students to come forward and report violations of the Policy notwithstanding their choice to consume alcohol or to use other drugs. Information reported by a student during an investigation concerning use of drugs or alcohol will not be used against any student in a Beacon College disciplinary proceeding or voluntarily reported to law enforcement. Students may be referred by the Title IX Coordinator to the Beacon College Health Services for drug or alcohol education.

III. Processing, Investigation, and Resolution of Discrimination and Harassment Reports and Complaints

Beacon College’s complaint process, outlined herein, is the procedure used to investigate complaints or reports of discrimination and harassment, to end any discrimination and harassment found, to remedy the effects of discrimination and harassment, and to prevent any recurrence. If appropriate, the Title IX Coordinator may recommend that the complainant and respondent attempt to resolve their differences through mediation or through the grievance process.

Proceedings under this Policy may be carried out prior to, simultaneously with or following civil or criminal proceedings. Decisions about the timing of specific actions will be made by the Title IX Coordinator based on the status of the evidence and other relevant case factors. These procedures do not replace the right of the complainant to file complaints or seek remedies available under state or federal law.

Any member of the Beacon College Community who feels he or she has experienced discrimination or harassment is encouraged, but not required, to clearly explain to the alleged offender that the behavior is objectionable and request that it cease. Beacon College encourages any Community member to report any unresolved incidents of discrimination or harassment as outlined in this Policy.

Beacon College employees identified as witnesses are required to fully cooperate with an investigation. Any member of the Beacon College Community who willfully disregards, delays or thwarts an investigation or makes false statements during an investigation may be found in violation of this Policy and subject to disciplinary action under this Policy.

The Title IX Coordinator or his/her designees will explain to all parties that he/she is not an advocate for either the complainant or the respondent. Advocacy, counseling and support resources available on campus and in the greater community are identified at the end of this Policy.

Information obtained during the course of the complaint process will be shared only to the extent necessary to conduct a thorough, fair and impartial investigation.

A. Standard of Proof

Investigative findings under this Policy will be made using the preponderance of the evidence standard (i.e., “more likely than not”). This standard requires that the information supporting an alleged violation be more convincing than the information in opposition to it.
B. Interim Protective Measures

The Title IX Coordinator or his/her designee may impose interim protective measures before the final outcome of an investigation if failure to take the interim measures would constitute a threat to the safety and well-being of the complainant or other members of Beacon College Community or to ensure equal access to Beacon College’s education programs and activities. Imposing interim protective measures does not indicate that a violation of this Policy has occurred.

These interim measures may include but are not limited to:
- Change of Beacon College housing assignment;
- Issuance of a “no contact” directive;
- Restrictions or bars to entering certain Beacon College property;
- Changes to academic or employment arrangements, schedules or supervision;
- Interim suspension; and
- Other measures designed to promote the safety and well-being of the parties.

In imposing interim measures, the Title IX Coordinator will attempt to minimize the burden on both the alleged victim and respondent. Any party may appeal interim measures in writing to the President within two working days of the party’s receipt of the notification of the restriction. All interim protective measures will remain in effect during the appeal and thereafter unless modified by the Title IX Coordinator or overturned by the President.

C. Initiating an Investigation

As part of any investigative process, the investigator will:
- Provide a copy of this Policy to the complainant;
- Determine whether the complaint is one that falls under the Policy; if not, refer to the appropriate Beacon College or off-campus resource;
- Inform the respondent of the complaint brought against him/her and provide a copy of this Policy; and
- Inform all parties of this Policy’s non-retaliation provision.

D. Informal Process

The informal process is an opportunity to bring resolution to a complaint through awareness, education, and/or a facilitated discussion. Informal resolution may be appropriate if the complainant, respondent and Title IX Coordinator or his or her designee all agree. The informal process cannot be used to resolve complaints of sexual assault.

During an informal process, fact-finding occurs to the extent necessary to resolve the conflict and protect the interest of the parties and the Beacon College Community, but the Title IX Coordinator or his or her designee does not make a determination of whether the Policy has been violated. The complainant or respondent always has the option to end the informal process and request a formal process.

Informal resolutions may include, but are not limited to:
- Training;
- Changes to work or academic arrangements;
- Housing reassignment;
• Informal discussion with person whose conduct, if not stopped, could rise to the level of discrimination or harassment;
• Advisory discussion with the respondent’s supervisor, professor or advisor;
• “No contact” directive to one or more of the parties; and
• Suspension.

E. Formal Process

All complaints that are not resolved through the informal process or to which the informal process does not apply (e.g., sexual assault complaints) are resolved through a formal process involving a full investigation conducted by the Title IX Coordinator or his/her designees.

As part of the formal process, the investigator will:
• Inform complainant, alleged victim, and respondent of their right to be interviewed and provide evidence;
• Obtain information and evidence, including the identity of any witnesses, from the complainant and the respondent;
• Attempt to obtain information from the identified witnesses;
• Collect and maintain appropriate documentation;
• Disclose appropriate information to others only on a need-to-know basis consistent with state and federal law; and
• Keep the appropriate supervisors/administrators/faculty informed of the status of the complaint and investigation, and seek input from them as appropriate when implementing any resolution or discipline.

Interviews with the investigator constitute the hearing.

1. Resolution

The amount of time needed to conduct an investigation will depend in part on the nature of the allegation(s) and the evidence to be investigated (e.g., the scope of the allegations, the time period and number of events implicated by or relevant to the complaint, the number or availability of witnesses involved and the volume of documents). Within 60 calendar days of receipt of the complaint, the Title IX Coordinator or his/her designee will provide notice of the outcome of the investigation or will advise the parties of the additional estimated amount of time needed for the investigation. Upon conclusion, the Title IX Coordinator or his/her designee will notify the complainant and respondent, in writing, of the results of the investigation. The written decision will be disclosed only to the complainant, respondent, and Beacon College officials as appropriate to determine and enforce any remedial actions, discipline or sanctions, and to prepare for any appeals. The Title IX Coordinator will follow up as appropriate to ensure that remedial action is effective. Complainants are encouraged to report any reoccurrences of conduct that were found to violate this Policy, as well as to report any retaliation for the complaint or related investigation. Remedial and preventative measures may be imposed by the Title IX Coordinator even in the absence of a violation of this Policy if conduct is found to occur that may, if not addressed, rise to the level of a violation. Any unprofessional conduct or inappropriate behavior found during the course of the investigation that is not covered by the Policy will be addressed with the respective department or Office of Human Resources.
2. Remedies

Where discrimination or harassment in violation of this Policy is determined to have occurred, Beacon College will take timely action to remedy the effects. Potential remedies for the complainant or victim include, but are not limited to:

- Extensions of time to re-do or complete academic work without an academic or financial penalty;
- Changes to academic or employment arrangements, schedules or supervision that minimize burden on the complainant or victim;
- Provision of or referral to medical, counseling, and academic support services;
- Change of Beacon College housing assignment;
- Training/re-training on this Policy and other relevant topics for individuals or groups implicated in the discrimination or harassment; and
- Other measures designed to repair negative impact of discrimination or harassment.

3. Sanctions

If a violation of this Policy is found, the level of discipline and type or scope of sanctions will depend on the severity and nature of the discrimination or harassment, the weight of the evidence, and the need to maintain a safe and respectful environment. Available sanctions include, but are not limited to:

- Mandatory training or counseling;
- “No Contact” directive;
- Restriction or bar to entering certain Beacon College property or attending Beacon College events;
- Housing reassignment;
- Community service;
- Written warning;
- Transcript notation;
- Probation;
- Suspension; and
- Expulsion or termination.

4. Right to Appeal

All parties shall have the right to appeal the outcome of the formal process and decision to the Beacon College President pursuant to this Policy. The President must receive a written appeal within ten (10) business days after the receipt of the written notification of the decision being appealed. The President or his/her designee may receive additional information if he/she believes such information would aid in the appeal.

The President may overturn or modify a finding or sanction if, in his or her reasonable discretion, he or she finds any of the following factors had a material impact on the finding or sanction:

- Material failure to comply with applicable procedures or to conduct a reasonably thorough investigation;
- Partiality, bias, or conflict of interest by the Title IX Coordinator or his/her designee;
• Findings, if not overturned or modified, would result in a substantial injustice to a party or parties, including a substantially inadequate or excessive sanction; or
• New evidence that was not reasonably available to be presented by the parties during the course of the investigation.

A decision by the President or his/her designee will be made within a reasonable time and the Title IX Coordinator, the complainant, and the respondent will be notified in writing of the decision on the appeal. During the time of appeal and review, disciplinary action or sanction or remedial/preventative measures, if any, taken as a result of the original complaint may be implemented and enforced. Upon the request of the appealing party, the President may, in his or her discretion, temporarily suspend the imposition of the disciplinary action, sanction, or remedial/preventative measures while the appeal is pending.

If an appeal is not filed within the appeal period, the findings become final and are not subject to any review.

IV. Beacon College and Community Support Services

Beacon College Title IX Coordinator
• Mr. Thomas Brown, Director of Human Resources & Risk Management
  Phone: 352-638-9762
  Email: tbrown@beaconcollege.edu

On-Campus Resources
• Counseling Services: 352-638-9773
• Health Services: 352-638-9701
• Campus Safety: 352-638-9799

Off Campus Resources
• Leesburg Police Department: 352-787-2121 or 911

• Haven of Lake and Sumter Counties Inc
  Address: 2600 South St, Leesburg, FL 34748
  Phone: 352-787-1379
  24-Hour Domestic Violence Hotline: 1-800-500-1119 or 352-753-5800
  24-Hour Sexual Assault Hotline: 352-787-1379

• Leesburg Regional Medical Center
  Address: 600 E Dixie Ave, Leesburg, FL 34748
  Phone: 352-323-5762
  http://www.cfhalliance.org

• Community Health Centers
  Address: 225 N 1st St, Leesburg, FL 34748
  Phone: 877-552-4235

• Women’s Care Center
  Address: 1309 High St # 102, Leesburg, FL 34748
  Phone: 352-787-8929