



**BEACON
COLLEGE**

SEXUAL MISCONDUCT RESPONSE POLICY

Contents

I. Introduction and Scope of Policy	3
II. Definitions	4
A. Prohibited Conduct	4
B. Other Definitions	7
III. Reporting and Complaint Procedures... ..	10
A. General Principles	10
B. Reporting Prohibited Conduct; Supportive Measures	11
C. Complaints of Sex Discrimination or Harassment; Supportive Measures	13
D. Counseling Resources	14
E. Amnesty.....	15
F. Emergency Removal.....	15
G. Administrative Leave	15
H. Pregnancy or Related Conditions	15
IV. Disposition of Complaints and Pre-Investigation Process	17
A. Initial Review of Complaint; Dismissal	17
B. Appeal of Dismissal of Complaint	18
C. Continuing Review	18
D. Surviving Allegations after Dismissal of Complaint.....	19
E. Consolidation; Related Allegations	19
F. Notice of Investigation and Allegations	20
G. Amended Notice of Investigation and Allegations	21
H. Admission to Charges	21
I. Choice of Advisor	21
V. Investigation and Determination	22
A. Timeframe	22
B. Procedural Questions	22
C. Evidence and Witnesses	22
D. Investigative Interviews	23
E. Right to Inspect and Review Evidence	23
F. Investigative Report; Recommendation for Determination	24
G. No Bias or Conflict of Interest.....	25
VI. Hearing and Determination	26
A. Timing and Notice.....	26
B. Procedural Questions	26
C. Hearing Before Hearing Officer	26

D. Live Virtual and In- Person Hearings Permitted; Accommodations	26
E. Record of the Hearing.....	26
F. Hearing Format.....	27
G. Advisors	27
H. Cross-Examination and Relevance	27
I. Party or Witness Not Subject to Cross-Examination	28
J. Rules of Decorum	28
K. Rules of Procedure	28
K.1. Opening and Closing Statements.....	28
K.2. Cross-Examination.....	29
K.3. Relevancy Determinations – Questions and Evidence	29
L. Standard of Evidence; Written Determination	29
M. Disciplinary Sanctions, Remedies and Supportive Measures	30
VII. Appeals.....	33
VIII. Informal resolution	34
IX. Law Enforcement and Community Resources... ..	36
A. National Resources... ..	36
B. Law Enforcement and Community Resources.....	37
X. Additional Considerations	40
A. Confidentiality	40
B. Access to Records	40
C. Interpretation and Construction.....	40
D. Timeframes and Deadlines... ..	41
Addendum A	
I. Complainant Information	42
II. Factual Information Regarding Complaint	42
III. Request for Investigation and Signature	43
Confirmation of Receipt of Beacon College Sexual Misconduct Response Policy	44

Beacon College Sexual Misconduct Response Policy

I. Introduction and Scope of Policy

Beacon College (the “College”) complies with Title IX of the Education Amendments of 1972 (2024) (“Title IX”), which prohibits Sex Discrimination and Sex-Based Harassment in education programs and activities receiving federal financial assistance. The College has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations, including complaints of Sex-Based Harassment that involve a student party. The purpose of this Sexual Misconduct Response Policy (“Policy”) is to define certain conduct prohibited by Title IX, as well as other types of sexual misconduct prohibited by the College, describe the process for reporting violations of the Policy and for initiating Complaints, outline the process used to investigate and decide alleged violations of this Policy, and identify the resources available to Complainants and Respondents.

The College prohibits Sex Discrimination, and other types of sexual misconduct defined in this Policy. The College also prohibits Sex-Based Harassment that occurs within any education program or activity of the College, against a person in the United States. The College’s “education program or activity” includes locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the Sex-Based Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College. Anyone may experience Sex Discrimination or Sex-Based Harassment or other sexual misconduct, irrespective of gender identity or sexual orientation. The College also prohibits Retaliation against any person for exercising any right or privilege under this Policy, or because the individual has made a report or complaint, testified, assisted or participated in an investigation, proceeding or hearing under this Policy.

As described further below, the College has designated a Title IX Coordinator to coordinate compliance with this Policy, and respond to inquiries, reports and Complaints under this Policy.

Allegations of Sex Discrimination or Sex-Based Harassment that do not meet the definition of Sex Discrimination or Sex-Based Harassment under this Policy shall be addressed under other applicable College policies, such as the Student Code of Conduct or policies applicable to employees or faculty, as appropriate and within the Colleges’ discretion.

The College may amend or update this Policy from time to time in its sole discretion. All prior and current versions of this Policy are accessible on the Beacon College website at: [Title IX Information and Resources - Beacon College](#). The College will apply

the version of the Policy in effect at the time the Prohibited Conduct is alleged to have occurred. If the alleged Prohibited Conduct is of a continuing nature and occurred over a period of time in which multiple versions of the Policy have been in effect, the College will apply the procedures in effect on the last date the Prohibited Conduct was alleged to have occurred.

II. Definitions

A. Prohibited Conduct

Prohibited Conduct under this Policy will also be Prohibited Conduct under other applicable College policies, such as the Student Code of Conduct or policies applicable to employees or faculty. The following conduct is prohibited:

“Child Abuse” means abuse, abandonment or neglect of a person who is under the lawful age of consent in the state in which the conduct occurs. The age of consent in Florida is eighteen (18). If other age requirements apply, individuals are expected to be aware of and comply with the laws applicable to them.

“Retaliation” means intimidation, threats, coercion, or discrimination, including charges against an individual for policy or code of conduct violations that do not involve Sex Discrimination or Sex-Based Harassment, but arise out of the same facts or circumstances as a report or complaint of Prohibited Conduct, or a Complaint, for the purpose of interfering with any right or privilege under this Policy. Retaliation may be directed against a Party, or against anyone who participates or who refuses to participate in any process under this Policy. However, charging an individual with a policy or code of conduct violation for making a materially false statement in bad faith in a report, complaint or Complaint, or in the course of a Grievance Process, does not constitute Retaliation under this Policy. A determination regarding responsibility, alone, will not be sufficient to conclude that any Party made a materially false statement in bad faith.

Notwithstanding this definition of Retaliation, the exercise of rights protected under the First Amendment of the U.S. Constitution does not constitute Retaliation under this Policy. A person engaged in retaliatory conduct is subject to disciplinary sanctions under this Policy. For students, this may include but is not limited to denial of certain privileges, disciplinary probation, suspension, or expulsion. For employees, this may include but is not limited to warnings, suspensions, or termination. The College will consider interim measures in response to Retaliation-related concerns in order to stop Prohibited Conduct and its recurrence. In some instances, this may lead to the removal of the person accused of Retaliation from campus pending resolution of the matter, in accordance with Section III.F.

“Sex Discrimination” means discrimination (other than Sex-Based Harassment) based on sex, which includes sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

“Sexual Assault” means any sexual act directed against a Complainant without the Affirmative Consent of the Complainant, including instances in which the Complainant is incapable of giving Affirmative Consent, including because of incapacitation. The sexual acts covered by this definition include:

- **Rape** — (Except Statutory Rape) Penetration, no matter how slight, of the vagina or anus with another body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant.
- **Sodomy**—Oral or anal sexual intercourse with another person: forcibly or against that person’s will, meaning without the Affirmative Consent of the Complainant; or not forcibly or against the person’s will in instances where the Complainant is incapable of giving Affirmative Consent because of the person’s age or temporary or permanent mental or physical Incapacity.
- **Sexual Assault With An Object**—To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person: forcibly or against that person’s will, meaning without the Affirmative Consent of the Complainant; or not forcibly or against the person’s will in instances where the Complainant is incapable of giving Affirmative Consent because of the person’s age or temporary or permanent mental or physical Incapacity.
- **Fondling**—The touching of the private body parts (buttocks, groin, breasts) of another person for the purpose of sexual gratification: forcibly or against that person’s will, meaning without the Affirmative Consent of the Complainant; or not forcibly or against the person’s will in instances where the Complainant is incapable of giving Affirmative Consent because of the person’s age or temporary or permanent mental or physical Incapacity.
- **Incest**—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**—Nonforcible sexual intercourse with a person who is under the statutory age of consent in the jurisdiction where the conduct occurs. The age of consent in Florida is eighteen (18). If other age requirements apply, individuals are expected to comply with the laws applicable to them.

“Sexual Battery” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object.

“Sexual Exploitation” means taking nonconsensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit a person other than the one being exploited. Some examples of sexual exploitation may include:

- Prostituting oneself or another person;
- Non-consensual photographing or video or audio recording of nude or sexually-explicit images or sexual activity or non-consensual transmitting, sending, disclosing or publicizing such images, videos, audio recordings, photographs or likeness, in whole or in part, by any means or medium, including but not limited to texting, email, live-streaming or social media;
- Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to witness one's consensual sexual activity; or engaging in non-consensual voyeurism.

“Sex-Based Harassment” is a form of sex discrimination and means Sexual Harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- (1) **Quid pro quo harassment.** An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- (2) **Hostile environment harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following: (i) The degree to which the conduct affected the complainant's ability to access the College's education program or activity; (ii) The type, frequency, and duration of the conduct; (iii) The parties' ages, roles within the College's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) The location of the conduct and the context in which the conduct occurred; and (v) Other Sex-Based Harassment in the College's education program or activity; or
- (3) **Specific offenses.** (i) **Sexual assault** meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation; (ii) **Dating violence** meaning violence committed by a person: (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) The length of the relationship; (2) The type of relationship; and (3) The frequency of interaction between the persons involved in the relationship; (iii) **Domestic violence** meaning felony or misdemeanor crimes committed by a person who: (A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the College, or a person similarly situated to a spouse of the victim; (B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) Shares a child in common with the victim; or (D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or (iv) **Stalking** meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) Fear for

the person's safety or the safety of others; or (B) Suffer substantial emotional distress.

In addition to the offenses described above, any sexual misconduct that violates the law of the jurisdiction where it takes place shall also be considered Prohibited Conduct under this Policy.

B. Other Definitions

“Actual Knowledge” means notice of Prohibited Conduct or allegations of Prohibited Conduct under this Policy by the Title IX Coordinator or any Official With Authority as defined herein. However, the College is not deemed to have Actual Knowledge when the only Official With Authority with Actual Knowledge is the Respondent.

“Affirmative Consent” means mutually understandable words or actions that clearly indicate a willingness to engage in a specific sexual activity. Affirmative Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity and may be withdrawn at any time. Silence or lack of protest, without actions evidencing permission, does not constitute Affirmative Consent. While Affirmative Consent may be expressed by words or by actions, it is highly recommended that Affirmative Consent be expressed and obtained verbally. Non-verbal Affirmative Consent expressed through actions may lead to confusion and potential for misunderstandings, which may lead to a violation of this Policy. Affirmative Consent must be given by both parties. Each party is responsible for obtaining Affirmative Consent to engage in the sexual activity. An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain Affirmative Consent if that individual is the one who initiates sexual activity. Affirmative Consent must be intelligent, knowing and voluntary. To give Affirmative Consent, a person must be of age in the state where the activity takes place. The age of consent in Florida is eighteen (18). Assent does not constitute Affirmative Consent if obtained through “coercion” or from an individual whom the Respondent knows or reasonably should know is “incapacitated”.

Affirmative Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of Affirmative Consent has been expressed, the sexual activity must cease immediately. Affirmative Consent is automatically withdrawn by a person who is no longer capable of giving Affirmative Consent due to incapacitation. A current or previous marital or consensual dating or sexual relationship between the Parties should never by itself be assumed an indicator of Affirmative Consent.

It is not a valid excuse that the accused believed there was Affirmative Consent if the accused knew, or reasonably should have known, that the Complainant was unable to give Affirmative Consent to sexual activity because he or she was: (1) asleep or unconscious; (2) incapacitated due to the influence of drugs, alcohol or medication so that he or she could not understand the fact, nature or extent of sexual activity; or (3) unable to communicate due to a mental or physical condition.

“Coercion” means the use of express or implied threats, intimidation, or physical force

which places an individual in reasonable fear of immediate harm or physical injury.

“Complainant” means:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the College’s education program or activity at the time of the alleged sex discrimination.

“Complaint” means an oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged discrimination under Title IX or its regulations. At the time of making the complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College. Participating or attempting to participate includes someone who has taken a leave of absence from their education or employment, but who intends to return. A Complaint may be made with the Title IX Coordinator in person, by mail, or by email, by using the contact information contained in Section III.B. of this Policy.

“Decision Maker” means the person responsible for determining sanctions. When the Title IX Coordinator makes a determination based on the recommendation of the Investigator’s final report, they are the Decision Maker. When the Hearing Officer makes a determination based on the Hearing, they are the Decision Maker.

“Grievance Process” means the process used by the College to investigate and decide Complaints. The Grievance Process shall provide a prompt, fair and impartial investigation and resolution, and shall be conducted by persons who receive annual training on issues related to Domestic Violence, Dating Violence, Sexual Assault and Stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

“Incapacity” means, by reason of mental or physical condition, an individual lacks the ability to make a knowing and deliberate choice (that is, to give Affirmative Consent) to engage in sexual activity. Someone who is drunk, legally intoxicated or under the influence of a narcotic, anesthetic or other substance may be incapacitated, but is not necessarily incapacitated. Individuals who are asleep, unresponsive, or unconscious are incapacitated. Factors the College will use to assess whether someone is incapacitated for purposes of this Policy include, but are not limited to: inability to communicate coherently, inability to dress or undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. The existence of any one of these factors may support a finding of incapacitation for purposes of this Policy.

“Notice” When an employee, student, or third party informs the Title IX Coordinator of the alleged occurrence of discriminatory, harassing, retaliatory, and/or Other Prohibited Conduct.

“Official With Authority” means the Title IX Coordinator and the following individuals who have the authority to institute corrective measures under this Policy: President, Vice President of Student Affairs, Associate Dean of Students and Director of Human Resources. An Official With Authority who has Actual Knowledge must immediately report incidents or allegations of Prohibited Conduct to the Title IX Coordinator.

“Party” or **“Parties”** means any Complainant or Respondent, individually or collectively.

“Pregnancy or Related Conditions” Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.

“Prohibited Conduct” means any of the defined terms under this Section II.A. Misconduct that is not defined as Prohibited Conduct under this Section may be prohibited by other College policies such as the Student Code of Conduct or the policies applicable to employees and faculty.

“Relevant” means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

“Remedies” means any measure designed to restore or preserve equal access to the College’s education program or activity. Remedies may include disciplinary sanctions or Supportive Measures, and may be punitive in nature. The College will not impose Remedies that are not Supportive Measures against a Respondent unless and until a determination of responsibility for Sex Discrimination or Sex-Based Harassment has been made against the Respondent pursuant to the Grievance Procedure. The Title IX Coordinator is responsible for coordinating the effective implementation of Remedies.

“Respondent” means an individual who has been alleged to have conducted themselves in a manner that could constitute Prohibited Conduct.

“Standard of Proof” means the criteria by which the Complaint and evidence is evaluated. When the College evaluates the Complaint and evidence based on a “preponderance of the evidence” standard of proof, it decides whether it is *more likely than not* that a Policy violation has or has not occurred. When the College evaluates the Complaint and evidence based upon a “clear and convincing” standard of proof, it decides that *highly likely or highly unlikely* that a Policy violation has or has not occurred. These standards of proof are based upon the available information at the time of the decision, that the Respondent is or is not in violation of the alleged Policy violation(s).

“Supportive Measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the initiation of a Complaint or where no

Complaint has been initiated, regardless of whether the Complainant chooses to report the incident to campus security or local law enforcement. These measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the College's educational environment, or deter Prohibited Conduct. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Supportive Measures may include:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact restrictions (no contact orders) between the Parties
- Academic support, extensions of deadlines
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

III. Reporting and Complaint Procedures

A. General Principles

The College strongly encourages individuals to report incidents involving conduct prohibited under this Policy and to obtain support services. Although the College does not limit the time frame for reporting allegations or for initiating a Complaint under this Policy, the College can most effectively respond to allegations of Prohibited Conduct if a report is made as promptly as possible after the incident occurs.

B. Reporting Prohibited Conduct; Supportive Measures

Any person may report Prohibited Conduct under this Policy (whether or not the person reporting is the person alleged to be the victim of the conduct), by giving verbal or written notice in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator below, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. A report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed below for the Title IX Coordinator.

Contact Information:

Katelyn Reinke, Associate Dean of Students and Title IX Coordinator
Beacon College
105 E. Main Street
Leesburg, FL 34748
kreinke@beaconcollege.edu
352-787-7547

Alternatively, any person may report Prohibited Conduct (whether or not the person reporting is the person alleged to be the victim of such conduct), to an Official With Authority, as defined in this Policy. Officials With Authority who obtain Actual Knowledge of Prohibited Conduct must promptly advise the Title IX Coordinator of any report, allegations or observations of Prohibited Conduct, including the identities of the individuals involved. This is required even if the person reporting the Policy violation is unsure about pursuing a Complaint. Failure of an Official With Authority to comply with this reporting requirement may result in disciplinary action, up to and including termination.

Similarly, all College employees who receive a report, make observations or learn of allegation of Prohibited Conduct must promptly advise the Title IX Coordinator of any report, allegations or observations of Prohibited Conduct, including the identities of the individuals involved. This is required even if the person reporting the Policy violation is unsure about pursuing a Complaint. Failure of an employee to comply with this reporting requirement may result in disciplinary action, up to and including termination.

Any person subject to this Policy is required to report suspected or known Child Abuse in accordance with applicable state law. In Florida, reports of suspected or known Child Abuse must be made to Florida Department of Children and Families (DCF). To report possible child abuse using the DCF Abuse Hotline please go to: <https://www.myflfamilies.com/service-programs/abuse-hotline/report-online.shtml> or call 1-800-962-2873, use 1-800-955-8771 for telecommunications device for the deaf, or report by fax at 1-800-914-0004. Any uncertainty about reporting Child Abuse should always be resolved in favor of making a report.

Upon receiving a verbal or written notice of Prohibited Conduct, the Title IX Coordinator shall:

- promptly contact the Complainant to discuss the availability of Supportive Measures and provide written information on Rights and Supportive Measures;
- consider the Complainant's wishes with respect to Supportive Measures;
- inform the Complainant of the availability of Supportive Measures with or without the initiating of a Complaint;
- explain to the Complainant the process for initiating the Complaint
- explain and provide written information on the following to persons alleging Domestic Violence, Dating Violence, Sexual Assault or Stalking regardless of whether the incident occurred on or off campus:

1. the importance of preserving evidence as may be necessary to the proof of criminal Domestic Violence, Dating Violence, Sexual Assault or Stalking, or in obtaining an order of protection;
2. options regarding law enforcement and campus authorities, including notification of the survivor's option to--
 - (a) notify on-campus security, local police or both; (b) be assisted by the Title IX Coordinator in notifying law enforcement authorities if the survivor so chooses; or
 - (c) decline to notify such authorities;
3. where applicable, the rights of survivors and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

All reports of Prohibited Conduct under this Policy will be promptly reviewed by the College. The Grievance Procedure set forth in this Policy will typically apply only to Complaints made in accordance with Section III.C. that are not otherwise dismissed pursuant to Section IV.A. As addressed in Section IV.E., in some circumstances and within the discretion of the College, Complaints may be consolidated (investigated and decided together under the Grievance Process) with reports of Prohibited Conduct, or alleged violations of other College policies. Within the discretion of the College, all other reports of Prohibited Conduct will typically be investigated in accordance with the Student Code of Conduct or the policies applicable to employees and faculty.

Where there has been a report of Prohibited Conduct, the College will keep the Complainant's identity confidential (including from the Respondent), unless disclosing the Complainant's identity is necessary to provide Supportive Measures for the Complainant (e.g., where a no-contact order is appropriate and the Respondent would need to know the identity of the Complainant in order to comply with the no-contact order, or campus security is informed about the no-contact order in order to help enforce its terms), and except as may be necessary in order to carry out the provisions of this Policy or a related College policy or to comply with applicable law.

Any person may choose to make a report anonymously. Where a person makes an anonymous report, the College will comply with this Section to the fullest extent possible, but may be limited in its ability to do so if the identity of any Complainant is unknown or to the extent the Complainant chooses not to proceed with a Complaint or participate in an investigation.

All individuals are encouraged to report sexual misconduct that may also violate criminal law to both the College and to local law enforcement. These processes are not mutually exclusive. The College encourages immediate involvement of the local rape crisis center or domestic violence victim service organization for allegations involving Dating Violence, Domestic Violence or Sexual Assault. A Complainant who chooses not to report to such organizations or to local law enforcement will still receive support and services from the

College. The College will assist a Complainant who wishes to make a report to local or campus security, if desired.

The College's Student Code of Conduct and employee and faculty policies prohibit knowingly making false statements or knowingly submitting false information during the Grievance Process. Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate College policies.

C. Initiation of Complaints of Sex Discrimination or Sex-Based Harassment; Supportive Measures

A Complainant may initiate a Complaint of Sex Discrimination or Sex-Based Harassment against a Respondent by giving verbal or written notice to the Title IX Coordinator in person, by mail, by telephone or by email, by using the contact information listed below. The Complainant may use the form at the end of this policy to initiate the Complaint.

The following people have a right to make a complaint of sex discrimination, *including* complaints of sex-based harassment, requesting that the College investigate and make a determination about alleged discrimination under Title IX: (1) A Complainant as defined herein; (2) A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or (3) the College's Title IX Coordinator.

With respect to complaints of sex discrimination *other than* sex-based harassment, the following persons have a right to make a complaint: (1) A Complainant as defined herein; (2) A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or (3) the College's Title IX Coordinator. (4) Any student or employee of the College; or (5) Any person other than a student or employee who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination.

Complainants who seek to initiate a Complaint may choose to use the Complaint form attached to this Policy as Addendum A, but are not required to do so. A complainant may give verbal notice in order to initiate the Complaint. When a Complaint is based on verbal notice, the Title IX Coordinator will complete the form at the end of this Policy as a means to ensure proper documentation is occurs. A Complaint must allege Sex Discrimination or Sex-Based Harassment against a Respondent and request that the College investigate the allegations of Sex Discrimination or Sex-Based Harassment.

Contact Information:

Katelyn Reinke, Associate Dean of Students and Title IX Coordinator

Beacon College
105 E. Main Street
Leesburg, FL 34748
kreinke@beaconcollege.edu
352-787-7547

Reporting Sex Discrimination or Sex-Based Harassment, whether verbally or in writing, to an Official With Authority (other than the Title IX Coordinator), or anyone other than the Title IX Coordinator, does not constitute a Complaint.

Where a Complainant desires to initiate the Grievance Process, the Complainant cannot remain anonymous. The Complainant's identity will need to be disclosed to each Respondent. However, the Title IX Coordinator may initiate a Complaint based on an anonymous report or complaint, which the College will investigate. Where the Title IX Coordinator signs a Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party under this Policy.

Upon receiving a Complaint, the Title IX Coordinator shall:

- promptly contact the Complainant to discuss the availability of Supportive Measures and provide written information on Rights and Supportive Measures;
- consider the Complainant's wishes with respect to Supportive Measures;
- explain and provide written information on the following to persons alleging Domestic Violence, Dating Violence, Sexual Assault or Stalking regardless of whether the incident occurred on or off campus:
 1. the importance of preserving evidence as may be necessary to the proof of criminal Domestic Violence, Dating Violence, Sexual Assault or Stalking, or in obtaining an order of protection;
 2. options regarding law enforcement and campus authorities, including notification of the survivor's option to--
 - (a) notify on-campus security, local police or both; (b) be assisted by the Title IX Coordinator in notifying law enforcement authorities if the survivor so chooses; or
 - (c) decline to notify such authorities;
 3. where applicable, the rights of survivors and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

D. Counseling Resources

The College offers counseling services on campus. While information shared with the College's counselors will be kept private, counselors may be required to disclose certain information to other College employees, or to third parties in certain circumstances, such as in a court or administrative proceeding. Other exceptions may include:

- i. Students exhibiting thoughts or behaviors that are potentially life threatening towards self or others.
- ii. Threats or behaviors of physical aggression/abuse towards self or others.
- iii. Specifically, these refer to suicidal thoughts/gestures, and thoughts/behaviors involving violence towards others. Acts of campus endangerment are also included in this category
- iv. Suspected or known instances of child abuse

For this reason, the College encourages individuals affected by Sexual Assault to seek the immediate involvement of a local rape crisis center or domestic violence victim service organization.

E. Amnesty

A person who makes a report or initiates a Complaint in good faith under this Policy will not be disciplined by the College for a violation of the College's drug and alcohol possession or consumption policies that may have occurred in connection with as reported incident.

F. Emergency Removal

Prior to removing a Respondent from its education program or activity on an emergency basis, the College shall: (1) undertake an individualized safety and risk analysis; (2) determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct justifies removal; and (3) provide the Respondent and Complainant(s) with notice of the emergency removal and provide the Respondent with an opportunity to challenge the decision immediately following the removal.

A Respondent seeking to challenge a decision ordering emergency removal must submit a written request specifying the reason(s) the emergency removal should be overturned to the President or his or her designee within five (5) business days of receiving notice. A written notification of the President's or designee's decision as to whether the emergency removal is sustained or overturned will be provided to the Respondent and Complainant(s) within three (3) business days of receipt of Respondent's written request.

G. Administrative Leave

The Director of Human Resources or his or her designee may determine to place a nonstudent employee Respondent on administrative leave during the pendency of the Grievance Process. The College, in its sole discretion, shall determine whether such leave will be paid or unpaid.

H. Pregnancy or Related Conditions

Any College employee who becomes aware of a student's pregnancy or related condition is required to provide the student with the Title IX Coordinator's contact information and communicate that the Coordinator can help take specific actions to prevent discrimination and ensure equal access to the College's education program and activity. If the employee has a reasonable belief that the Title IX Coordinator is already aware of the pregnancy or related condition, the employee is not required to provide the student with the Title IX Coordinator's contact information.

Upon notification of a student's pregnancy or related condition, the Title IX Coordinator will contact the student and inform the student of the College's obligations to:

- Prohibit sex discrimination.
- Provide reasonable modifications.
- Allow access, on a voluntary basis, to any separate and comparable portion of the institution's education program or activity.
- Allow a voluntary leave of absence.
- Ensure lactation space availability.
- Maintain a Resolution Process for alleged discrimination.
- Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

The Title IX Coordinator will also notify the student of the process to file a complaint for alleged discrimination, harassment, or retaliation, if applicable.

Students who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications to prevent sex discrimination and ensure equal access to the College's education program and activity. Any student seeking Reasonable Modifications must contact the Title IX Coordinator, provide evidence of pregnancy, and discuss appropriate and available Reasonable Modifications based on their individual needs. Students are encouraged to request Reasonable Modifications as promptly as possible. Reasonable Modifications are voluntary, and a student can accept or decline the offered Reasonable Modifications. Not all Reasonable Modifications are appropriate for all contexts.

Reasonable Modifications may include:

- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
- Intermittent absences to attend medical appointments
- Access to online or homebound education
- Changes in schedule or course sequence

- Time extensions for coursework and rescheduling of tests and examinations
- Allowing a student to sit or stand, or carry or keep water nearby
- Counseling
- Changes in physical space or supplies (for example, access to a larger desk or a footrest)
- Elevator access
- A larger uniform or other required clothing or equipment
- Other changes to policies, practices, or procedures determined by the Title IX Coordinator

IV. Disposition of Complaints and Pre-Investigation Process

A. Initial Evaluation and Review of Complaint; Dismissal

The College endeavors to treat complainants and respondents equitably. The Title IX Coordinator conducts an initial evaluation, typically within seven (7) business days of receiving Notice of the Complaint or knowledge of the alleged misconduct. The Title IX Coordinator shall assess whether the allegations meet the definition of Sex Discrimination or Sex-Based Harassment under this Policy before signing a Complaint and shall not sign a Complaint that would require dismissal.

The Title IX Coordinator must dismiss a Complaint, if any time during the investigation or hearing, it does not meet the following jurisdictional requirements:

- (i) The conduct alleged in the Complaint would not constitute Sex Discrimination or Sex-Based Harassment as defined under this Policy, even if proven;
- (ii) The conduct alleged in the Complaint did not occur in the College's education program or activity; or
- (iii) The conduct alleged in the Complaint did not occur against a person in the United States.

A Complaint that is dismissed for failure to meet the above jurisdictional requirements may nevertheless violate the College's Student Code of Conduct or employee and faculty policies. Unless the dismissal of the Complaint is overturned in accordance with Section IV.B., the matter shall be referred to the appropriate College personnel for investigation and potential adjudication under the College's Student Code of Conduct or employee and faculty policies.

The Title IX Coordinator may dismiss a Complaint, if at any time during the investigation or hearing one or more of the following grounds are met:

- (i) The College is unable to identify the Respondent after taking reasonable steps to do so
- (ii) The Respondent is no longer enrolled at or employed by the College;
- (iii) A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator declines to initiate a Complaint

- (iv) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Complaint or allegations therein.
- (v) The College determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven

If the Title IX Coordinator decides to dismiss the Complaint, the Title IX Coordinator shall promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will notify the parties simultaneously in writing. Furthermore, the matter will be referred to the appropriate personnel for processing under the Student Code of Conduct or policies applicable to employees and faculty. The Parties may appeal the dismissal as described below.

B. Appeal of Dismissal of Complaint

The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. A dismissal of a Complaint may be appealed by submitting a written notice of appeal of dismissal (“Appeal of Dismissal”), explaining the reasons for the appeal, to the Title IX Coordinator within three (3) business days of receiving the Notice of Dismissal. A Party may appeal dismissal on the following grounds:

- Procedural irregularity that affected the outcome of the determination;
- New allegations or evidence that was not reasonably available at the time the determination regarding dismissal was made, that could affect the outcome of the determination; or
- The Title IX Coordinator had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the determination.

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal, the Title IX Coordinator shall notify all other Parties in writing and provide them with three (3) business days to submit a written statement in support of, or challenging, the dismissal. The Title IX Coordinator will submit any Appeal of Dismissal to the President or his or her designee for consideration. The President or his or her designee must be a party who did not take place in the investigation of the allegations or in the dismissal of the complaint, they shall consider any Appeal of Dismissal and simultaneously provide the Parties with a written decision, including the reason for the decision, within ten (10) business days after receiving the Appeal of Dismissal or additional written statements in support of, or challenging, the dismissal, whichever is later. This decision is final and not subject to further review.

C. Continuing Review

If at any time the Title IX Coordinator receives information or evidence that may indicate that the Complaint is required to be dismissed or may be dismissed under this Section, he or she shall assess whether the Complaint is to be dismissed on a permissive basis in light of the new information or evidence. If at any time the Investigator or Hearing Officer receives information or evidence that may indicate that the Complaint is required to be dismissed or may be dismissed under this Section, they shall immediately notify the Title IX Coordinator and provide the Title IX Coordinator with the new information or evidence, in writing; the Title IX Coordinator shall then assess whether the Complaint is to be dismissed on a permissive basis in light of the new information or evidence. If the Title IX Coordinator determines to dismiss the Complaint, the Title IX Coordinator shall follow the procedure relating to dismissals in Section IV.A. If the Title IX Coordinator determines not to dismiss the Complaint, the Title IX Coordinator shall keep a written record of the reasons for the decision.

D. Surviving Allegations after Dismissal of Complaint

If the Title IX Coordinator determines to dismiss a Complaint, but the Complaint alleges sexual or other misconduct that may violate other College policies, the Title IX Coordinator shall communicate in the Notice of Dismissal that the allegations may violate other College policies and will be addressed in accordance with such policies. Generally speaking, the Respondent's identity will determine whether the allegations will be addressed pursuant to the Student Code of Conduct, or the policies applicable to faculty or employees, which the College shall determine at its discretion.

E. Consolidation; Related Allegations

The Title IX Coordinator may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party (multiple complaints or counter-complaints), when the allegations of Sex Discrimination or Sex-Based Harassment arise out of the same facts or circumstances. The decision of whether and how to consolidate Complaints is within the Title IX Coordinator's discretion.

The Title IX Coordinator may also consolidate a Complaint with a report or complaint of Prohibited Conduct that may violate this Policy, or a report or complaint of conduct that may violate another College policy, where the allegations arise out of the same facts or circumstances. The Title IX Coordinator may consolidate allegations of retaliation that arise during a Grievance Process with a pending case. The decision of whether and how to consolidate a Complaint with a report or complaint of other Prohibited Conduct or conduct that may violate another College policy is within the Title IX Coordinator's discretion.

The Title IX Coordinator shall endeavor to make decisions regarding consolidation as

early in the Grievance Process as possible. When the Title IX Coordinator determines to consolidate Complaints or allegations under this Section, he or she shall advise the Parties of the consolidation in the Notice of Investigation and Allegations under Section IV.F, or in a writing as soon thereafter as practicable.

F. Notice of Investigation and Allegations

Prior to an Investigation, and providing for sufficient time for parties to prepare a response before any initial interview, the Title IX Coordinator shall provide written notice of the allegations (“Notice of Investigation and Allegations”) to the Parties who are known, which shall include the following:

- (i) Notice of the allegations potentially constituting Sex Discrimination or Sex-Based Harassment as defined in this Policy;
- (ii) Notice of the College’s Grievance Process, including its informal resolution process, under this Policy;
- (iii) Sufficient details surrounding the allegations including the identities of the Parties involved in the incident, if known, the conduct allegedly constituting Sex Discrimination or Sex-Based Harassment, and the date and location of the alleged incident, if known;
- (iv) A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the Grievance Process;
- (v) A statement advising of the College’s prohibition against retaliation;
- (vi) A statement informing the Parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, who may accompany them to any meeting or hearing during the Grievance Process. The statement shall explain that the College shall not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or hearing during the Grievance Process;
- (vii) A list of the names and titles of available advisors from which to choose, and a statement that the Parties must notify the Title IX Coordinator of their choice of advisor within three (3) business days of the Notice of Investigation and Allegations;
- (viii) A statement informing the Parties that they are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence, if an investigative report was done; and
- (ix) A statement informing the Parties that the College’s Student Code of Conduct and employee and faculty policies prohibit knowingly making false statements or knowingly submitting false information during the Grievance Process.

If the Title IX Coordinator consolidated two or more Complaints, the Notice of Investigation and Allegations must advise the Parties of the consolidation. Similarly, if the Title IX Coordinator consolidated a Complaint with allegations of Prohibited Conduct

under this Policy or other misconduct under another College Policies, the Notice of Investigation and Allegations include a statement of all the charges, specify all provisions and policies alleged to have been violated, and advise the Parties of such consolidation.

G. Amended Notice of Investigation and Allegations

If, during the Grievance Process, the Title IX Coordinator receives additional Complaints or learns of additional information or allegations of sexual or other misconduct that arise out of or relate to the same or related facts or circumstances, the Title IX Coordinator may consolidate those matters and provide an Amended Notice of Investigation and Allegations to the Parties as soon as practicable. If necessary, the Title IX Coordinator may temporarily pause the proceedings to provide an Amended Notice of Investigation and Allegations.

H. Admission to Charges

If, during the Grievance Process, the Respondent accepts responsibility for the charges by submitting a written notice to the Title IX Coordinator, the investigator will conclude the investigation. In such case, an abbreviated hearing may be held in order to consider sanctions only, consistent with this policy, section VI. M. In consolidated cases involving multiple Respondents where only one or some Respondents accept the charges, or in cases the Respondent only accepts some charges but not others, the Grievance Process shall proceed in the ordinary course with regard to the remaining Respondents or charges.

I. Choice of Advisor

The Parties are entitled to an advisor of their choice, who may be, but is not required to be an attorney. The College maintains a list of advisors that are available to the Parties at no cost. Should a Party choose to engage an advisor that the College does not provide, the Party is responsible for any costs and fees for the advisor.

If a Party elects to use an advisor provided by the College, the Party shall notify the Title IX Coordinator within three (3) business days following receipt of the Notice of Investigation and Allegations and shall indicate the name of the Party's preferred advisor. A party may list alternate advisors in the event the Party's first choice for advisor is unavailable or otherwise unable to serve as advisor for the Party. If more than one Party requests the same College-provided advisor, the Title IX coordinator shall use a neutral method (such as flipping a coin or placing names in a hat) to determine which Party will be assigned that advisor. If necessary, the Title IX Coordinator will communicate with the Parties to identify alternative advisors.

A Party who chooses to use an outside advisor or attorney may seek to use a different outside advisor or attorney at any time, or may instead seek to request a College-provided advisor, upon written notice to the Title IX Coordinator. A Party who chooses to use a

College-provided advisor may seek to instead use an outside advisor or attorney at any time, upon written notice to the Title IX Coordinator. A Party who chooses to use a College-provided advisor may request a different College-provided advisor at any time by submitting a written request to the Title IX Coordinator, including the reasons therefore.

V. Resolution Process: Investigation

A. Timeframe

Upon providing the Notice of Investigation and Allegations to the Parties, the Title IX Coordinator shall assign an investigator to gather information and prepare an investigative report. The assigned investigator shall promptly commence an investigation. In ordinary circumstances, the investigator shall complete the investigation within thirty (30) business days after the referral. The investigative report should be completed within forty-five (45) business days after the referral. For good cause, these timeframes may be extended by the Title IX Coordinator with notice provided to all Parties. If a party or witness chooses not to participate in the Resolution Process or becomes unresponsive, the College reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Resolution Process.

B. Procedural Questions

All procedural questions shall be directed to the Title IX Coordinator. The Title IX Coordinator will share the questions and response with all Parties.

C. Evidence and Witnesses

The College will provide for adequate, reliable, and impartial investigation of complaints. The College presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the end of its grievance process. The burden of gathering evidence that is directly related to the allegations rests on the investigator and not on the Parties. However, the investigator cannot access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the investigator obtains that Party's voluntary, written consent.

The investigator shall ordinarily provide at least two (2) business days written notice to a Party or witness whose participation is invited or expected, including the date, time, location, participants, and purpose of all investigative interviews or other meetings or proceedings.

The Parties shall have an equal opportunity to identify witnesses, including fact and expert

witnesses, and to present other inculpatory and exculpatory evidence. The Parties shall not be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

Employees (not including Complainant and Respondent) are required to cooperate with and participate in the College's investigation and Resolution Process. Student witnesses and witnesses from outside the College community cannot be required to participate but are encouraged to cooperate with College investigations and to share what they know about a Complaint.

The Investigator will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless [ABC School] obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Questions and evidence about the Complainant's sexual predisposition are not relevant. Questions and evidence about the Complainant's prior sexual behavior are not relevant except: (i) when offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or (ii) when specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Affirmative Consent. Information protected by a legally-recognized privilege, such as the attorney client privilege, the physician-patient privilege or any other legally-recognized privilege, is also not relevant.

No individual shall attempt to alter or prevent a witness's statement or participation.

D. Investigative Interviews

The Parties shall have an equal opportunity to be accompanied by their advisor in any investigative interview or other meeting or proceeding, including the hearing, under this Policy; however, advisors may not speak or participate during an investigative interview. A Party may take brief breaks in order to consult with their advisor. No Party shall have the right to attend, or have their advisor attend, an investigative interview of another Party or witness.

E. Right to Inspect and Review Evidence

Before completing the investigative report, the investigator shall provide the Parties and their advisors a copy of the evidence obtained as part of the investigation that is directly related to the allegations raised in a Complaint, including the evidence the investigator does not intend to include in the investigative report, and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to conclusion of the investigation. Neither the Parties nor their advisors shall be permitted to disclose or disseminate the evidence to any person who is not a Party or witness or other participant in the Grievance Process. The investigator shall redact from such evidence any information that is not directly related to the allegations (or that is otherwise barred from use by any provision of this Policy, such as information protected by a legally-recognized privilege, or a Party's treatment records if the Party has not given written consent). The Parties shall have ten (10) business days to submit a written response to the investigator, which the investigator will consider prior to completing of the investigative report. All responses are due by 5 p.m. Eastern Time on the due date. Responses or additional information received after that time will not be considered by the investigator.

F. Investigative Report; Recommendation for Determination Based on Standard of Proof Met

The investigator shall complete the investigation and prepare an investigative report that fairly and objectively summarizes relevant evidence. The report may include credibility assessments but is not required to do so. The investigator shall redact from the investigative report any information that is not relevant, which is contained in evidence that is relevant. Once complete, the Investigator shall send each Party and their advisor a copy of the investigative report, including all relevant evidence and responses, if any.

Based on their investigation, interviews, and evidence collected, the Investigator will include in the final Report a non-binding recommendation of a final determination to present to the Title IX Coordinator. The Investigator will determine if there has been a violation of this policy using the defined Standards of Proof. The Determination will fit into one of four categories on a sliding scale: (1) High Likelihood Violation Occurred; (2) More Likely than Not Violation Occurred; (3) More Likely than Not No Violation Occurred; (4) High Likelihood No Violation Occurred. In either event if the Clear and Convincing Standard is met (1 or 4), the Title IX Coordinator may decide to make a Determination of

the Complaint based on the Investigator's recommendation alone. Provided that the Title IX Coordinator has had the opportunity to meet with the Parties themselves to review aspects of the report with them and make any additional credibility determinations, if necessary.

In either event if only a Preponderance Standard is met, the Title IX Coordinator will provide the Report and Responses to the Hearing Officer and should proceed to set the issue for hearing as outlined in Section VI.

Should the Title IX Coordinator decide to rely on the Investigator's Recommendation, they shall prepare a written determination letter ("Written Determination"), to transmit to the parties simultaneously. The Written Determination will be sent out within ten (10) business days after the recommendation is made by the Investigator. The Written Determination will include:

- (i) Identification of the allegations potentially constituting Sex Discrimination or Sex-Based Harassment as defined in this Policy;
- (ii) A description of the procedural steps taken from the receipt of the Complaint through the Investigator's determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearing dates held;
- (iii) Findings of fact supporting the Investigator's determination;
- (iv) Conclusions regarding the application of this Policy to the facts;
- (v) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Hearing Officer determines to impose on the Respondent, and whether Supportive Measures will be provided;
- (vi) A statement of, and rationale for, only those Remedies that directly affect the Respondent;
- (vii) The procedures and permissible bases for any Party to appeal.

Sanctions will be determined consistent with this policy as described in VI.M.

G. No Bias or Conflict of Interest

Neither the Title IX Coordinator nor any individuals designated to serve as an investigator, Hearing Officer, or informal resolution facilitator shall have a bias or conflict of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent. A Party or person appointed to serve in a role in the Grievance Process may submit a written letter of concern relating to bias or conflict of interest at any time to the Title IX Coordinator; however, if the letter of concern relates to the alleged bias or conflict of interest by the Title IX Coordinator, the Party or individual shall submit the letter to the Deputy Title IX Coordinator or his or her designee. The Title IX Coordinator or the Deputy Title IX Coordinator or designee shall promptly speak with the individual alleged to have a bias or conflict of interest and conduct any other appropriate inquiry into the matter. The Title IX Coordinator or the Deputy Title IX Coordinator or designee shall make a

determination as to whether the individual alleged to have a bias or conflict of shall be removed from their role. If the individual alleged to have a bias or conflict is removed from their role, the Title IX Coordinator or the Deputy Title IX Coordinator or designee shall appoint an alternate individual to serve in their place.

VI. Resolution Process: Hearing

A. Timing and Notice

A live hearing will be scheduled to take place no less than ten (10) business days and no more than thirty (30) business days after the investigator sends the investigative report to each Party. The Title IX Coordinator shall give all Parties and witnesses at least five (5) business days' notice of the hearing specifying the date, time, and place of the hearing, or if the hearing is virtual, the access instructions. The Investigator shall be available during the hearing in the event the Hearing Officer or any Party requests to call them as a witness. Any Party or witness who is unable to attend the hearing must immediately notify the Title IX Coordinator of the reasons for the inability to attend. The Title IX Coordinator may attend any hearing to observe the process.

The Title IX Coordinator shall send to the Hearing Officer the investigative report along with the relevant evidence and any timely received written responses to the investigative report at least five (5) business days prior to the hearing.

B. Procedural Questions

All pre-hearing questions regarding hearing procedures shall be directed to the Title IX Coordinator. The Title IX Coordinator will share the questions and response with all Parties. During the hearing, procedural questions may be directed to the Hearing Officer.

C. Hearing Before Hearing Officer

The hearing will be conducted by a Hearing Officer. Neither the Title IX Coordinator, the investigator, nor a Party's advisor shall serve as a Hearing Officer.

D. Live Virtual and In- Person Hearings Permitted; Accommodations

Live hearings may be conducted with all Parties physically present in the same geographic location. At the request of either Party, or as may be necessary or appropriate, the College may at its discretion provide for the live hearing to occur virtually with any or all of the Parties, witnesses and other participants located in separate rooms or geographical locations with technology enabling the Hearing Officer and participants to simultaneously see and hear each other. Should any Party or participant require any accommodations for the hearing, they should notify the Title IX Coordinator within two (2) business days of receiving the Notice of the Hearing.

E. Record of the Hearing

The College shall create an audio or audiovisual recording of all hearings and make it available to the Parties for inspection and review. It is the Hearing Officer's responsibility to ensure that the entire hearing is recorded, including cross-examination, opening and closing remarks, questions for the Hearing Officer, procedural discussions, objections and relevancy determinations and scheduling discussions. The Parties shall have an equal opportunity to inspect and review the recording of the hearing, however the College is not obligated to send the Parties a copy of the recording or transcript. Copies or transcripts of the recording may be made at the expense of the requesting Party.

F. Hearing Format

At the commencement of the hearing, the Hearing Officer will address the order of questioning and any other procedural announcements.

G. Advisors

If a Party does not have an Advisor present at the live hearing, the College shall provide without fee or charge to that Party an advisor, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that Party. Advisors' participation in hearings is generally limited to cross-examination of the other Party and witnesses, including questions challenging credibility.

H. Cross-Examination and Relevance

Only relevant cross-examination and other questions may be asked of a Party or witness. The Hearing Officer must permit each Party's advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination must be conducted directly, orally, and in real time by the Party's advisor of choice and never by a Party personally. The Hearing Officer will make real-time relevancy determinations related to each question asked prior to a witness or Party answering the question.

Where questioning or evidence is duplicative, the Hearing Officer may deem the questioning or evidence not relevant. Information protected by a legally-recognized privilege, such as the attorney-client privilege, the physician-patient privilege or any other legally-recognized privilege, is not relevant.

Questions and evidence about the Complainant's sexual predisposition are not relevant. Questions and evidence about the Complainant's prior sexual behavior are not relevant except: (i) when offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or (ii) when specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Affirmative Consent.

The Hearing Officer retains the discretion to determine what additional measures, if any, are reasonably appropriate to allow the Parties to respond to and use the evidence at a hearing, while preventing the evidence from being used in an impermissible manner as long as such measures apply equally to both Parties and do not restrict the ability of a Party to discuss the allegations under investigation or to gather and present relevant evidence. For example, such measures may be used to address sensitive materials such as photographs with nudity.

I. Party or Witness Not Subject to Cross-Examination

The Hearing Officer may rely upon any statement of a Party or witness in reaching a determination regarding responsibility, regardless of whether such Party or witness submits to cross-examination at the hearing. A finding of responsibility may not be based solely upon the statements of a Complainant or non-Party who does not submit to cross-examination at the hearing; but may be based in whole or in part upon a Respondent's admission that the Respondent engaged in the conduct alleged, regardless of whether the Respondent submits to cross-examination at the hearing. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

J. Rules of Decorum

The Hearing Officer is charged with the authority and discretion, consistent with what is required by this Policy, to impose rules of decorum and ensure that the live hearing proceed in an orderly, non-disruptive manner. All questioning must be relevant, respectful and non-abusive. Yelling or raised voices are not permitted and questions must be asked in a non-abusive and non-intimidating manner. Badgering of a Party or witness is prohibited; repetition of the same question will be deemed irrelevant and, therefore, is not permitted.

If a Party or advisor disrupts the proceeding or otherwise refuses to comply with the hearing procedures or rules of decorum established by the Hearing Officer, the Hearing Officer will provide a verbal warning that the Party or advisor's conduct is unacceptable. If the Party or advisor continues to disrupt the proceeding or violate the hearing procedures or rules of decorum, the Hearing Officer may take further action to ensure an orderly proceeding, which may include requiring a Party to use a different advisor to conduct cross examination, muting a participant's microphone, temporarily pausing the proceedings, or other actions the Hearing Officer reasonably believes are necessary or appropriate to ensure an orderly proceeding.

K. Rules of Procedure

K.1. Opening and Closing Statements

The Parties shall have the option of offering opening and closing statements of five (5) minutes each.

K.2. Cross-Examination

The Hearing Officer has the right and responsibility to ask questions and elicit information from the Parties and witnesses on their own initiative to aid in obtaining relevant evidence, both inculpatory and exculpatory.

K.3. Relevancy Determinations – Questions and Evidence

Before a Complainant, Respondent, or witness answers a cross-examination or other question posed by an advisor, the Hearing Officer shall determine whether the question is relevant and explain any decision to exclude a question as not relevant. In order to determine relevancy, the Hearing Officer may ask the advisor to explain the relevance or any other preliminary matters or questions. The Hearing Officer's decision is not subject to further challenge at that time and the hearing shall proceed in an orderly fashion.

L. Standard of Evidence; Written Determination

The Hearing Officer must objectively evaluate all relevant evidence, both inculpatory and exculpatory, and must not give deference to the investigative report. The Hearing Officer must apply the preponderance of evidence standard to reach a determination regarding responsibility. If the Hearing Officer determines there is insufficient evidence to find the respondent responsible for violating one or more policies, the Hearing Officer shall issue a written determination in accordance with this policy. If the Hearing Officer determines that the respondent is responsible for violating one or more policies, the Hearing Officer will then decide what disciplinary sanctions are appropriate, if any. In reaching a decision with respect to disciplinary sanctions, the Hearing Officer may take into consideration the respondent's prior disciplinary record. The Hearing Officer will also decide if any supportive measures or remedies are appropriate at that time.

The Hearing Officer's determination will not be announced during the hearing, instead the Hearing Officer will prepare a written determination letter ("Written Determination"), which the Hearing Officer will transmit to the Title IX Coordinator within ten (10) business days after the conclusion of the hearing. The Written Determination will include:

- (vii) Identification of the allegations potentially constituting Sex Discrimination or Sex-Based Harassment as defined in this Policy;
- (ix) A description of the procedural steps taken from the receipt of the Complaint through the Hearing Officer's determination, including any notifications to the

- Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearing dates held;
- (x) Findings of fact supporting the Hearing Officer's determination;
 - (xi) Conclusions regarding the application of this Policy to the facts;
 - (xii) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Hearing Officer determines to impose on the Respondent, and whether Supportive Measures will be provided;
 - (xiii) A statement of, and rationale for, only those Remedies that directly affect the Respondent;
 - (xiv) The procedures and permissible bases for any Party to appeal.

After receiving the Hearing Officer's Written Determination, the Title IX Coordinator will provide copies of the Written Determination to the Parties simultaneously.

If the charges in the Notice of Investigation and Allegations or Amended Notice of Investigation and Allegations included other charges of Prohibited Conduct under this Policy or of other misconduct under another College Policy that were consolidated in the same proceeding, the Written Determination shall also provide a statement of and rationale for the result as to each additional allegation and what sanctions, if any, are being imposed.

If an appeal is not timely filed, the determination regarding responsibility automatically becomes final on the date on which the appeal would no longer be considered timely. If an appeal is timely filed, the determination regarding responsibility becomes final on the date that the Title IX Coordinator provides the Parties (simultaneously) with the Appeal Decision.

M. Disciplinary Sanctions, Remedies and Supportive Measures

Remedies must be designed to restore or preserve equal access to the College's education program or activity. Remedies may include disciplinary sanctions or Supportive Measures, and may be punitive in nature. The College will not impose Remedies that are not Supportive Measures against a Respondent unless and until a determination of responsibility for Sex Discrimination or Sex-Based Harassment has been made against the Respondent pursuant to the Grievance Procedure set forth in this Section. Remedies that do not directly affect the Respondent must not be disclosed to the Respondent.

Supportive Measures may include counseling, extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Unless otherwise required by law, the College will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the College's ability to provide the Supportive Measures, and unless otherwise required by law.

The Parties are provided with a timely opportunity to seek modification or reversal of the College's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Title IX Coordinator. An impartial employee other than the employee who implemented the supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the Title IX regulatory definition of supportive measures. The College will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances materially change. The College typically renders decisions on supportive measures within five (5) business days of receiving a request and provides a written determination to the impacted party(ies) and the Title IX Coordinator.

The Decision Maker may consult with the Investigator and appropriate College offices on ranges or types of sanctions, but the ultimate decision with regard to sanctions must be made by the Decision Maker. The Decision Maker may consider the number and nature of the previous offenses, if any, and any mitigating circumstances which might exist may be in determining sanctions. The Decision Maker may, within his or her discretion, permit the Parties to submit sanction statements.

The range of disciplinary sanctions that may be imposed upon a student responsible for a violation of this Policy, either singly or in combination, are:

- i. Warning: A written statement advising the student that a violation of the Student Code of Conduct has been committed and that further misconduct may result in more severe disciplinary action.
- ii. Disciplinary Probation: Removal of the student from good standing. Additional restrictions or conditions may also be imposed. Appropriate College officials shall be notified of the imposition of such sanctions. Probation shall last for a stated period of time and until specific conditions, if imposed, have been met. Any violations of these rules or College policies committed during the probationary period will subject the student to further discipline, including suspension or expulsion.
- iii. Community Service: Completion of a determined number of hours in a designated setting. Community Service assignments may include campus and/or off-campus sites. Community Service may be imposed alone or in conjunction with other sanctions.
- iv. Educational Programs: Completion of an educational module based on a topic appropriate to the violation, reflective paper, apology letter, and other forms of education may be imposed that provide an opportunity for the student to learn from, rectify, and prevent future occurrences of the violation.
- v. Fines: Fines, specifically for violations of the Drug and Alcohol Policies may serve as a deterrent for future violations. Fines may also include restitution, or the reimbursement for damage to or misappropriation of College property or the property of others whether exclusively or in combination with other disciplinary action. Such reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be imposed on any student who alone, or

- through group or concerted activities, participates in causing the damages or costs.
- vi. Suspension from Housing: Temporary separation of the student from College housing for a specified period of time and/or until specific conditions, if imposed, have been met. Students who are on “housing suspension” will lose Residence Life support during the period of suspension. The student is responsible for securing and paying for lodging during the period of housing suspension.
 - vii. Expulsion from Housing: Permanent separation of the student from College housing. The dismissed student is responsible for securing and paying for alternative housing.
 - viii. Suspension: Temporary separation of the student from the College for a specified period of time and/or until specific conditions, if imposed, have been met. A temporary indication of suspension will appear on the student’s transcript until they return to good standing. Except where prior approval has been granted by the Associate Dean of Students or designee, a suspended student shall not participate in any college sponsored activity and shall be barred from the college campus.
 - ix. Expulsion: Permanent separation of the student from the College. An indication of dismissal will appear on the student’s transcript. The expelled student is prohibited from participating in college-sponsored activities, attending classes, taking meals in the dining hall, or otherwise visiting the campus in any way.

The following sanction ranges apply for Prohibited Conduct under this Policy. Sanctions can be assigned outside of the specified ranges based on aggravating or mitigating circumstances, or the Respondent’s cumulative conduct record.

- **Discrimination:** warning through expulsion or termination.
- **Discriminatory Harassment:** warning through expulsion or termination.
- **Quid Pro Quo Harassment:** warning through expulsion or termination.
- **Hostile Environment Harassment:** warning through expulsion or termination.
- **Rape:** suspension through expulsion or termination.
- **Fondling:** warning through suspension (termination for employees).
- **Incest:** warning through probation.
- **Statutory Rape:** warning through suspension (termination for employees).
- **Stalking:** probation through expulsion or termination.
- **Dating/Domestic Violence:** probation through expulsion or termination.
- **Sexual Exploitation:** warning through expulsion or termination.
- **Bullying:** warning through expulsion or termination.
- **Endangerment:** warning through expulsion or termination.
- **Hazing:** warning through expulsion or termination.
- **Retaliation:** warning through expulsion or termination.
- **Unauthorized Disclosure:** warning through expulsion or termination.
- **Failure to Comply/Process Interference:** warning through expulsion or termination.

The disciplinary sanctions that may be imposed upon an employee found to be responsible for a violation of this Policy, either singly or in combination, include but are not limited to written warning, disciplinary probation, reassignment or transfer, remedial measures such as trainings and educational programs, or termination.

VII. Appeals

Any Party may appeal a Written Determination by submitting a written appeal of determination (“Appeal of Determination”), explaining the reasons for the appeal, to the Title IX Coordinator within five (5) business days of receiving the Written Determination. A Party may appeal on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter;
- A conflict of interest or bias for or against Complainants or Respondents generally or an individual Party involving the Title IX Coordinator, investigator, or Hearing Officer that affected the outcome of the matter; or
- The sanctions assessed are substantially disproportionate to the findings.

The Director of Human Resources may also appeal a sanction imposed against an employee on the grounds that the sanction is not proportionate to the conduct. The disciplinary sanction will remain in place during the appeal process.

Within three (3) business days of receiving any Appeal of Determination, the Title IX Coordinator will conduct an initial review to determine if it is timely. If the appeal is not timely, the original Written Determination will stand and the decision is final, and the Title IX Coordinator shall notify the Parties in writing.

If the Appeal of Determination is timely, the Title IX Coordinator shall notify all other Parties in writing and provide them with five (5) business days to submit a written statement in support of, or challenging, the Written Determination. The Title IX Coordinator shall promptly provide copies of all Appeal of Determinations and additional written statements to all other Parties. After the five (5) business day period, the Title IX Coordinator will submit the Appeal of Determination, and any additional, timely written statements to the President or his or her designee for consideration. The President or his or her designee shall be trained to serve as a Hearing Officer, who did not serve as a Hearing Officer in the same case.

An appeal is not a hearing. The Chief Financial Officer or designee will not hear testimony. The Chief Financial Officer or designee shall consider any Appeal of Determination, along with any additional written statements in support of, or challenging, the determination, and make a decision. The Chief Financial Officer or designee will make a decision either upholding, overturning, or modifying the Written Determination, and simultaneously provide the Parties and the Title IX Coordinator with a written decision (“Appeal Decision”), including the reason for the decision, within ten (10) business days. The Appeal Decision is final and not subject to further review.

VIII. Informal Resolution

Where the facts alleged in the Complaint are not contested, or where the Respondent has admitted, or wishes to admit responsibility, or where the Parties want to resolve a case without a completed investigation or Grievance Process, informal resolution may be an appropriate solution. Informal resolution may include, but is not limited to, mediation and conciliation, and various forms of restorative justice, to be determined within the discretion of the Title IX coordinator.

An informal resolution process may be available at any time: (1) after a Complaint has been initiated and is not dismissed pursuant to Section IV.A. of this Policy; and (2) prior to the Hearing Officer reaching a determination regarding responsibility. The Title IX Coordinator may choose to offer the Parties an informal resolution process. Alternatively, any Party may submit a written request to the Title IX Coordinator for an informal resolution process. The decision as to whether to offer or grant a request to engage an informal resolution process resides within the sole discretion of the Title IX Coordinator. In consolidated cases or in cases involving multiple Parties, an informal resolution process may take place, if deemed appropriate by the Title IX Coordinator, where all Parties agree to participate; if only some Parties agree to participate, the Title IX Coordinator may sever matters that were previously consolidated or that involve multiple Parties. Notwithstanding, an informal resolution process is never available to resolve: (i) allegations that an employee engaged in Sex Discrimination or Sex-Based Harassment against a student; (ii) allegations of Sexual Assault.

When the Parties have indicated to the Title IX Coordinator their assent to engage in an informal resolution process, the Title IX Coordinator shall provide the Parties with a written notice of informal resolution (“Notice of Informal resolution”) which shall include:

- (i) a statement of the allegations;
- (ii) a statement that no Party is required to participate in an informal resolution process;
- (iii) a statement that any Party may withdraw from the informal resolution process and resume the Grievance Process with regard to a Complaint arising from the same allegations at any time prior to signing a resolution agreement;
- (iv) a statement that the Parties are required to keep all information and communications relating to the informal resolution process confidential both during and after the informal resolution process;
- (v) a statement that any statements or admissions disclosed during the informal resolution process shall remain confidential and shall not be used in a subsequent investigation or proceeding arising out of the same or any other Complaint;
- (vi) a statement that records relating to the informal resolution process will be maintained by the Title IX Coordinator and may only be shared or disclosed in accordance with this Policy, FERPA and other applicable federal or state laws;
- (vii) a statement that notwithstanding the confidentiality requirements of the

- informational resolution process, should the informal resolution process fail to satisfactorily resolve the matter, or if any Party withdraws from the informal resolution process, no Party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence after the matter is referred back to the Title IX Coordinator to resume the Grievance Process under this Policy;
- (viii) a statement that all Parties must provide their voluntary, written consent to engage in the informal resolution process to the Title IX Coordinator;
 - (ix) a statement that a record of the outcome, including a resolution agreement, if any, will be maintained by the Title IX Coordinator; and
 - (x) a statement that should the informal resolution process fail to satisfactorily resolve the matter, or if any Party withdraws from the informal resolution process, the matter shall be promptly referred back to the Title IX Coordinator to resume the Grievance Process under this Policy.

Upon receipt of each Party's voluntary written consent to participate in an informal resolution process, the Title IX Coordinator shall refer the matter to an informal resolution facilitator. The informal resolution facilitator shall promptly contact the Parties in writing to commence the informal resolution process, which may occur in person or virtually.

The College is not required to provide the Parties with advisors prior to entering into an informal resolution process, nor must it ensure that the Parties confer with advisors prior to entering into an informal resolution process. Advisors are not permitted to participate in an informal resolution process.

In the event a Complaint is not resolved by way of an informal resolution process, the informal resolution facilitator shall not serve as a witness in a related investigation or hearing.

Outcomes of an informal resolution process may include, but are not limited to, any of the following (or any combination thereof):

- Make the Respondent aware that the Respondent's behavior is being perceived as Sex Discrimination or Sex-Based Harassment, and make clear that the behavior is prohibited by this Policy;
- Make the Respondent aware that the purpose of the discussion is to achieve a change in behavior;
- Make clear the College prohibits Retaliation against the Complainant, or against anyone who participates in any process under this Policy.
- Suggest possible resolutions of the problem, including but not limited to: a change in the offensive behavior, counseling, an apology to the Complainant, a reevaluation of a grade, extension of deadlines or other course-related adjustments, modifications of work or class schedules, leaves of absence,

campus escort services, increased security and monitoring of certain areas on campus, mutual restrictions on contact between the Parties or a change in the relationship between the Parties (i.e., changed advisor, class enrollment, athletic travel or hotel accommodations, or work or housing assignments);

- Provide or continue Supportive Measures;
- Disciplinary measures designed to educate or deter further inappropriate conduct by the Respondent.

A resolution reached by way of an informal resolution process shall become final and binding upon all Parties signing a resolution agreement. Any resolution agreement shall be reduced to a writing signed by the Parties and the informal resolution facilitator as witness, with a copy provided to the Title IX Coordinator, and shall continue the requirement that the Parties keep all information and communications relating to the informal resolution process confidential. A resolution agreement may contain additional confidentiality requirements as agreed by the Parties.

The informal resolution process should be completed within ten (10) business days of the time a Notice of Informal resolution is sent to the Parties. Should the informal resolution process fail to satisfactorily resolve the matter, or if any Party withdraws from the informal resolution process, the matter shall be promptly referred back to the Title IX Coordinator to resume the Grievance Process under this Policy.

The informal resolution process may be utilized in connection with reports or complaints under other College Policies, such as the Code of Student Conduct or the policies applicable to employees and faculty.

IX. Law Enforcement and Community Resources

A. National Resources

National Sexual Assault Hotline

The National Sexual Assault Hotline is a free 24/7 telephone hotline operated by the Rape, Abuse & Incest National Network (RAINN). The hotline automatically redirects callers to local rape crisis centers based on the area code and first three digits of the caller's phone number. RAINN does not keep a record of the caller's phone number.

Hotline: 1-800-656-HOPE (1-800-656-4673)

<https://www.rainn.org/about-national-sexual-assault-telephone-hotline>

National Domestic Violence Hotline

For anyone affected by abuse and needing support, call 1-800-799-7233, or if you're unable to speak safely, you can log onto thehotline.org or text LOVEIS to 1-866-331-9474. These resources are available 24 hours a day/7 days a week.

National Gender-Based Street Harassment Hotline

The Online National Street Harassment Hotline is a free, confidential, secure service that provides live help through the Stop Street Harassment website.

Hotline: 855-897-5910 or use secure IM chat via <http://tinyurl.com/TheSHhotline>

National Suicide Prevention Lifeline

If you are in immediate danger of seriously harming yourself or being harmed by someone else, call 911 or going to the nearest emergency room.

If you are struggling with thoughts of suicide, the National Suicide Prevention Lifeline can help at 1-800-273-TALK (8255) and for the Spanish line call 888.628.9454 or TTY: 800.799.4TTY (4889)

B. Law Enforcement and Community Resources

Campus security is available on campus, and emergency medical assistance and law enforcement assistance are available off campus. Individuals are encouraged (but not required) to contact law enforcement and seek medical treatment as soon as possible following an incident that poses a threat to safety or physical well-being or following a potential criminal offense. For more information about filing a criminal complaint with law enforcement, please contact:

Leesburg Police Department

115 E Magnolia St
Leesburg, FL 34748
Phone: 352-787-2121 or for emergencies dial 911

Campus Safety

118 W. Meadow Street
Leesburg, FL 34748
Phone: 352-638-9799

Beacon College Wellness Line

833-434-1217

LOCAL HOSPITALS/EMERGENCY ROOMS:

UF Health Leesburg Hospital

600 E Dixie Ave
Leesburg, FL 34748
Phone: 352-323-5762

AdventHealth Waterman

1000 Waterman Way
Tavares, FL 32778
(352) 343-3333

South Lake Hospital 1900

Don Wickham Dr.
Clermont, FL 34711
Phone: (352) 394- 4071

MENTAL HEALTH SERVICES AND OTHER LOCAL SERVICES:

Haven of Lake and Sumter Counties, Inc.

2600 South St, Leesburg, FL 34748
Phone: 352-787-1379

Life and Hope Counseling

4400 N Highway 19A Ste 5
Mount Dora, FL 32757
Phone: (352) 357-1955

Family Life Counseling Center

1230 Oakley Seaver Dr. Clermont,
FL 34711
Phone: (352) 988-6673

Lifestream Behavioral Center

2020 Tally Rd
Leesburg, FL 34748
Phone: (352) 315-7500

Lake County Outreach Counseling Office

2600 South Street
Leesburg, FL 34748
Phone: (352) 787-5889

**DOMESTIC AND SEXUAL VIOLENCE VICTIMS/SURVIVORS AND ANY COUNTY
OR CITY SEXUAL ASSAULT REPSONSE ORGANIZATIONS:**

Community Health Centers

25 N 1st St
Leesburg, FL 34748
Phone: 877-552-4235 or 352-314-7400

Women's Care Center

309 High St # 102
Leesburg, FL 34748
Phone: 352-787-8929

Community Health Centers

212 E. Main St.
Tavares, FL 32778
(352) 314-7400

Community Health Centers

2140 Don Wickham Dr. Ste C
Clermont, FL 34711
(352)314-7400

Christian Care Center

115 N 13th ST.
Leesburg, FL 34748
(352) 314-8733

Lake County Health Department- Leesburg Health Services

2113 W. Griffin Rd.
Leesburg, FL 34748
Phone: (352)360-6548

Clermont Health Center-Lake County Health Department

875 Oakley Seaver Dr.
Clermont, FL 34711
Phone: (352) 989-9001

Community Primary Health Clinic 2300

Kurt St.
Eustis, FL 32726
(352) 589- 2501

X. Additional Considerations

A. Confidentiality.

The College must keep confidential the identity of Complainants, Respondents and witnesses, except as may be permitted by FERPA, as required by applicable law or as necessary to carry out the Grievance Process. To the extent disclosure of the identity of Complainants, Respondents, or witnesses is required by applicable law or is necessary to carry out the Grievance Process, the College will make such disclosure only to the extent necessary. Consistent with its legal obligations, the College may report or publish statistical information without disclosing the identities of the Parties.

Parties, advisors, and witnesses are prohibited from photographing, scanning or recording by audio, video or other means the evidence, or disseminating the evidence to third Parties or to the public. Should dissemination become necessary for litigation or other legal proceedings, the individual contemplating disclosure must advise all relevant Parties or other interested participants in writing of the pending disclosure and allow a reasonable time for such persons to contest the disclosure.

The Title IX Coordinator may, within his or her discretion, require the Parties, advisors, or witnesses to sign appropriate non-disclosure agreements.

Nothing in a non-disclosure agreement, or in this Section or any other Section of this Policy, shall restrict the ability of a Party to discuss or communicate about the allegations under investigation (e.g., with a parent, friend, or other source of emotional support), or to gather and present relevant evidence.

B. Access to Records.

Parties may request access to records under this Policy by submitting such request in writing to the Title IX Coordinator. The Title IX Coordinator shall assess the request in light of FERPA and any other applicable federal or state laws. If the request is granted, the requesting Party will have opportunity to review and inspect such records, which may be made available in redacted form. The Title IX Coordinator shall respond to requests for access to records within twenty-five (25) business days.

C. Interpretation and Construction.

The headings and subheadings employed in this Policy are provided for ease of reference only, and shall not be construed to limit the rights and responsibilities set forth in this Policy. In all cases, this Policy shall be interpreted consistent with the spirit and purpose of Title IX.

D. Timeframes and Deadlines.

The timeframes prescribed under this Policy may be subjected to limited extension for good cause upon written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a Party, a Party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. Decisions relating to extensions and delays shall be made by the Title IX Coordinator.

When any deadline or prescribed time period under this Policy falls on a Saturday, Sunday or holiday recognized by the College, the deadline or prescribed time period shall be extended to the next business day.

Addendum A

Discrimination or Sex-Based Harassment Complaint Form

Complainants who seek to initiate a Complaint of Sex Discrimination or Sex-Based Harassment may choose to use this form, but are not required to do so. Complaints or verbal or written notice may be submitted to the Title IX Coordinator in person, by mail, by telephone or by email, by using the contact information listed below.

Contact Information:

Katelyn Reinke, Associate Dean of Students and Title IX Coordinator
Beacon College
105 E. Main Street
Leesburg, FL 34748
kreinke@beaconcollege.edu
352-787-7547

I. Complainant Information

Name:

Email Address:

Cell Phone:

Current Title, Status or Relationship to the College (e.g., student, employee, etc.)

Title, Status or Relationship to the College at time of incident(s) described in Section II below (if different than current):



CONFIRMATION OF RECEIPT OF BEACON COLLEGE SEXUAL MISCONDUCT RESPONSE POLICY

I certify that I have received a copy of the Beacon College Sexual Misconduct Response Policy:

Signature

Date

Printed Name