**LAKE-SUMTER STATE COLLEGE**
**ADMINISTRATIVE PROCEDURE**

TITLE: SEXUAL HARASSMENT, AND RELATED MISCONDUCT Number: PRO 2-21

REFERENCE: Board Rule 2.02 (Equity) Page: 1 of 30

## I. PURPOSE

The purpose of this policy is to define, generally, prohibited conduct related to sexual harassment and related misconduct, including sexual and gender-based harassment, sexual assault, sexual exploitation, interpersonal violence, stalking, complicity, and retaliation and outline the processes by which acts of misconduct are addressed, including investigations and i 0 5T 0 1 0.080 Tt

others, contacting law enforcement, or contacting LSSC Security. Members of the College Community who exercise this responsibility will be supported by the College and protected from retaliation.

## III. PROHIBITED CONDUCT

The College strives to be a community in which all members can learn and work in an atmosphere free from all forms of harassment, including sexual harassment, discrimination, intimidation and/or retaliation. This procedure prohibits sexual harassment, sexual assault, sexual exploitation, interpersonal violence, stalking, complicity, and retaliation. It expressly, theref ntohief sexual ason, It sexuIterl0.08ww -37.2 loit10formarn

## IV. SEXUAL OR GENDER-BASED HARRASSMENT

Title IX of the Education Amendments of 1972 states that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance ".With the exception of stalking, dating/domestic violence, and sexual assault, the conduct must be "severe, pervasive, and objectively offensive" as determined under a reasonable person standard in order to violate Title IX.

Sexual or gender-based harassment, sexual assault, dating violence, domestic violence, stalking, sexual exploitation, and retaliation, as defined in this procedure, are prohibited forms of discrimination under Title IX, which covers all of the College's programs and activities. Like racial, religious, and national origin harassment, sexual or gender-based harassment and sexual violence are also prohibited under Title VII of the Civil Rights Act of 1964, Section 760 et al, F.S., and other applicable laws.

The College's prohibition against interpersonal violence (including domestic and dating violence) and stalking is also governed by federal law because these forms of behavior are prohibited by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) (the Clery Act) and Section 304 of the Violence Against Women Reauthorization Act of 2013. Such acts violate the essential dignity of our College Community and are contrary to our institutional values.

The College, as an educational community, will promptly and equitably respond to reports of sexual harassment, sexual assault, interpersonal violence, and stalking in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

## V. SCOPE AND APPLICABILITY OF THE PROCEDURE

a. Individuals covered by this procedure:

All members of the College Community are responsible for conducting themselves in accordance with this procedure and other College rules and procedures. LSSC students and employees who violate this procedure may face discipline up to and including expulsion or termination. This procedure and associated procedures apply to the conduct of and protect College students, employees, interns, volunteers, and visitors. Sexual harassment and non-discrimination provisions also apply to contractors and other third parties under circumstances within the College's control.

b. Locations covered by this procedure:

## IX. REPORTING PROHIBITED CONDUCT

a. **Reporting Responsibilities Title IX Coordinator - The College's Title IX Coordinator is responsible for the consistent application of the procedure to all individuals and ensures that the College responds promptly and equitably to eliminate sexual harassment, prevent its recurrence, and eliminate its effects. Contact information for the Title IX Coordinator, including office address, telephone number and e-mail address are posted on the College's website. Any person may report sexual harassment by using the Title IX Coordinator's contact information.**

**The Title IX Coordinator may designate Deputy Title IX Coordinators to act in the absence of the Title IX Coordinator. Although there are other reporting options, described below, all reports of sexual harassment are referred to the Title IX Coordinator.**

**Responsible Employees - All College employees are considered Responsible Employees and have an obligation to make reasonable efforts to report instances of known or suspected prohibited conduct. All College employees are required to safeguard an individual's privacy. All employees and Campus Security Authorities who have information or receive a report of Prohibited Conduct must immediately share with the Title IX Coordinator all known details of an incident. No identifying information with respect to a Reporting Party, however, will be entered in the College's daily crime log or annual security report, or released in a timely warning or community notification.**

**Students and Guests to our properties - All students (who are not otherwise required to report as a Responsible Employee) and guests to our college properties are strongly encouraged**

## XI. SUPPORTIVE MEASURES

a. Supportive measures are individualized services reasonably available that are non-punitive, non-

d. Denial of access to campus, campus facilities, and/or all other College activities or privileges for a period of time.

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d. Primary Investigators
   1. Student/Student- Deputy IX Coordinator(s);
   2. Employee/Employee- Designated Human Resource Investigator;
   3. Student/Employee- Deputy IX Coordinator (s)/Designated Human Resource Investigator.

Medical and counseling records of a Reporting or Responding Party are privileged confidential records that individuals are not required to disclose. However, these records may contain relevant and material information, and a party may voluntarily choose to share such records with the investigator(s) after providing voluntary, written permission allowing investigator(s) access. Any records provided by a party become part of the file and are available for review by the opposing party.

In gathering the facts, the investigator(s) may consider other allegations of, or findings of responsibility for, similar conduct by the Responding Party to the extent such information is relevant and available. Such information may be relevant to prove motive, intent, and absence of mistake, pattern or another material fact.

In cases of sexual assault, sexual violence, sexual exploitation, interpersonal violence, or stalking, a Reporting Party's prior sexual history is generally not relevant and will not be considered as evidence during an investigation. Where there is a current or ongoing relationship between the Reporting Party and the Responding Party, and the Responding Party alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Reporting Party with other individuals is typically not relevant and will be considered only under very limited circumstances (e.g., to explain an injury or physical finding or other material fact).

In instances of allegations of interpersonal violence, whether there was a relationship (including romantic or intimate relationship with the Reporting Party [of the same or different sex]; the Reporting Party's spouse or partner [of the same or different sex]; the Reporting Party's family member; or the Reporting Party's cohabitant or household member [including a roommate]) will be gauged by the length, type, and frequency of interaction between the parties. Reports of

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Determination not to proceed to live hearing- If the investigator(s) determines that there is insufficient information alleged to suggest that a procedure violation under Title IX may have occurred, the Reporting Party and Responding Party will be notified in writing. The Responding Party may still be referred to the Student Conduct process for resolution of the alleged violation(s).

g. Disciplinary Sanctions for Employees

The Hearing Officer forwards the report and finding to the Executive Vice President and to the Title IX Coordinator. After review, the report is then forwarded to the immediate supervisor and the respective Vice President or if concerning a vice-president, the· President who will w.217 0 ct,

prevent its recurrence, and remw 45(ed)5.2(y)-1.5( i)13.7(ts)1.7( )10.6(ef)2.6(f)2.7(ec)1.1(t
interventions or disciplinary sanctions will be forwarded to HR for placement in the
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c. Communication of Findings

The Appeals Officer will communicate the result of the appeal to the Reporting Party and Responding Party within 14 business days from the date of the submission of all appeal documents by both parties.

## XVI. RESOLUTION OF CASES

Appendix A: Definitions

any other form of sexual contact, nor does Consent to sexual contact with one person constitute Consent to sexual contact with any other person. Additionally, Consent to sexual contact on one occasion is not Consent to engage in sexual contact on another occasion. Consent cannot be obtained by Coercion or Force or by taking advantage of a person's inability to give Consent because of Incapacitation or other circumstances.

A person who has given Consent to engage in sexual contact may withdraw Consent at any time. However, withdrawal of Consent requires an outward demonstration, through understandable words or actions that clearly conveys that a party is no longer willing to engage in sexual contact. Once Consent is withdrawn, the sexual contact must cease immediately. Note that generally in Florida, consent cannot legally be given by a minor under the age of 18, with certain specified statutory exceptions.

Discrimination
Any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's Protected Status and that is sufficiently serious, persistent and pervasive so as to unreasonably interfere with or limit: An employee's or applicant's access to employment or conditions and benefits of employment; A student's or admission applicant's ability to participate in, access, or

Harassment
A type of Discrimination that occurs when verbal, physical, electronic, or other conduct based on an individual's Protected Status interferes with that individual's: educational environment; work environment; participation in a College program or activity; or receipt of

Quid Pro Quo Harassment
Unwelcome conduct based on Protected Status where submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a College program or activity.

Remedies-Based Resolution
A voluntary approach designed to eliminate a hostile environment without taking disciplinary for wlinary

Sexual Exploitation
Taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, personal benefit, or any other non-legitimate purpose. Examples of Sexual Exploitation include: Observing another individual's nudity or sexual activity or allowing another to observua

Title IX Deputy Coordinators
Individuals responsible for

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