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2026 Florida College Title IX Policy

Updated: 5/28/2026

A. INTRODUCTION

Statement Of Nondiscrimination

Every Florida College (“the College”) staff member, faculty member, and student has the right to work and study in an environment free from discrimination and harassment and should be treated with dignity and respect. The College prohibits discrimination and harassment against applicants, students, faculty or staff based on race, color, creed, national origin, sex, age, religion, disability, or any other classification protected by local state or federal law, so long as that person meets the College’s admissions criteria (in the case of an applicant or student) and is willing to abide by the College’s standard of conduct.

The College’s Title IX Policy (the “Policy”) incorporates protections afforded by Title IX of the Educational Amendments of 1972, which prohibits sex discrimination in educational programs and activities and requires certain procedures in response to sexual harassment as defined in the regulations as amended in 2020. Any individual whose conduct violates the Policy will be subject to disciplinary action up to and including termination for faculty and staff and expulsion for students.

The College also prohibits retaliation against any person opposing sexual harassment or participating in any investigation or complaint process under this Policy.

Application of Section 504/Americans with Disabilities Act to this Policy

In both practice and policy, Florida College adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability. The College is committed to providing individuals with disabilities equal access and opportunity and strives in its policies and practices to provide for the full participation of individuals with disabilities in all aspects of Florida College life.

Parties may request reasonable accommodation for disclosed disabilities to the Title IX Coordinator at any point relating to the implementation of this policy, including making a disclosure or report, and initiating a resolution procedure. Accommodation will be granted if they are appropriate and does not fundamentally alter the process. The Title IX



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Coordinator will not affirmatively provide disability accommodation that has not been specifically requested by the parties, even where the parties may be receiving accommodation in other Florida College programs and activities. With the consent of the impacted student or employee, the Title IX Coordinator will work collaboratively with the Dean of Students to ensure that approved reasonable accommodation (disability-related) is honored as applicable throughout any process related to this policy.

Application of Investigation and Decision-making Procedures at Florida College Academy

If a party is a student at Florida College Academy and has a disability, the Title IX Coordinator must consult with the student's Individualized Education Program team or the group of persons responsible for the student's placement decision to determine how to comply with the Individuals with Disabilities Education Act and Section 504 throughout Florida College Academy's investigating and decision-making procedures.

Purpose of this policy

This policy identifies and defines conduct prohibited under this policy and the process that will be used to respond to allegations of Prohibited Conduct.

The College will act on all notices of allegations of Title IX sexual harassment or retaliation. It will take necessary measures to end conduct that is in violation of this policy, prevent its recurrence, and remedy its effect on individuals and the community. Within any process related to this policy, the College provides reasonable accommodation to persons with disabilities and reasonable religious accommodation, when that accommodation is consistent with Florida and federal law.

Situations involving other conduct that may be in violation of other Florida College students or employee conduct policies should be reported to the Dean of Students for matters involving students, or the Director of Human Resources for matters involving faculty or staff. Situations involving other conduct relating to nonaffiliates should be reported to the Vice President of Finance.

To Whom This Policy Applies

This policy addresses Prohibited Conduct as defined below consistent with Title IX. Prohibited Conduct must occur within the College's program or activity and within the United States.



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The College program or activity includes (1) any on-campus premises of the College; (2) any off-campus premises over which the College has substantial control; (3) off-campus activities that are part of a College program, including field trips and sanctioned events such as performances, and athletic or academic competitions; and (4) activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the College's programs and activities over which the College has substantial control.

Concerns and reports that fall outside the scope of this Policy may be addressed by a separate applicable policy.

The status of a party may impact which resources and remedies are available to them, as described in this policy. Any rights in this policy for students at Florida College Academy are available to their parent, guardian, or other authorized legal representative to act on behalf of the student, including but not limited to making complaint through this policy for complaints of sex discrimination.

What is Prohibited by This policy

This policy prohibits sexual harassment and retaliation as defined below. These acts shall also be referred to as Prohibited Conduct under this policy:

Title IX Sexual Harassment

Conduct on the basis of sex that satisfies one or more of the following:

- a. Title IX Quid Pro Quo Sexual Harassment. An employee or graduate student conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct.
- b. Title IX Hostile Environment Sexual Harassment. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity.
- c. Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation, as defined below.

Sexual assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Specifically, this includes:



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Rape—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Sexual Contact—The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication.

Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

Dating violence: physical violence committed by a person:

- Who is or has been in a social relationship of romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on consideration of the following factors:
 - o The length of the relationship.
 - o The type of relationship; and
 - o The frequency of interaction between the persons involved in the relationship.

Domestic violence: felony or misdemeanor crimes of violence committed by a person who:

- o 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.
- o Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner.
- o Shares a child in common with the victim; or



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- o Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Stalking: Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Retaliation:

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by this policy or by law, including Title IX or its regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation, or hearing, and to any student who refuses to participate in an investigation, proceeding, or hearing.

Retaliation may occur even where there is a finding of "not responsible" under this policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation.

Delegation of Duties Under This policy

Obligations in this policy assigned to a particular title, such as the Title IX Coordinator, may be designated as appropriate by the College, including external professionals.

Academic Freedom

Florida College believes in and guarantees academic freedom to its faculty members; however, since these faculty members all fully understood and agreed to uphold the philosophy and purposes of Florida College when they were employed, this academic freedom is not to be interpreted as allowing one's personal conduct or doctrinal teachings to contradict the philosophy and purposes of Florida College, especially in undermining the statements of faith in Section 3.01 of the *Personnel Manual*. One's academic freedom ends when the faculty member hinders and undermines the spiritual transformation of the students, which will be determined according to the disciplinary procedure established by



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the college (*Personnel Manual* §3.08 and *Faculty Handbook* §2.05). A faculty member whose conduct or teaching is judged to betray the philosophy and purposes of the college is subject to dismissal by the President.

Title IX Coordinator

Florida College is committed to promoting a diverse, equitable, and inclusive working and learning environment free from sex discrimination. The Title IX Coordinator is charged with monitoring compliance with Title IX; providing education and training; and coordinating the College's investigation, response, and resolution of all reports of Prohibited Conduct under this policy. The Title IX Coordinator acts with independence and authority and oversees all resolutions under this policy free from bias and conflicts of interest. The Title IX Coordinator is available to meet with any Student, Employee, or other individual to discuss this policy or the accompanying procedures and can be contacted at:

Mike Benson
Florida College Title IX Coordinator
BensonM@floridacollege.edu
813-988-5131 x161.

Conflicts of Interest or Bias

Any individual carrying out any part of this policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the Provost and Vice President of Academics who will either take, or reassign, the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any investigator, Hearing Officer, or Appeals Officer have a conflict of interest, the investigator, Hearing Officer, or Appeals Officer is to notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate. This policy will note where parties have the opportunity to challenge the participation of any individual implementing this policy based on actual conflict of interest or demonstrated bias.

Crime and Incident Disclosure Obligations

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that the College report the number of incidents of certain crimes, including some of the Prohibited Conduct in this policy, that occur in particular campus-related locations. The Clery Act also requires the College to issue a warning to the community in certain circumstances.



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In the statistical disclosures and warnings to the community, the College will ensure that a complainant's name and other identifying information is not disclosed. The Coordinator will refer information to the Clery Officer when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

Consensual Relationship and Conflicts of Interest

Romantic relationships between faculty members, between faculty members and students, or between staff or students, even when appearing mutual at the onset, may result in one party feeling that he or she does not have the authority or power to end the relationship. Any employee of the college (regardless of his or her position in the organization) who enters into a romantic relationship with a student or a subordinate should realize that the nature of the relationship may make it difficult to prove mutual consent in the event of a complaint of sexual harassment (see *Personnel Manual* §3.06). Since this relationship may become exploitive and harmful, Florida College strongly discourages consenting relationships between an employee and a student or between two employees wherever a direct or indirect supervisory, academic, or decision-making responsibility for one of the parties exists.

In no case should any employee initiate, reciprocate, or continue a romantic or sexual relationship with a student or subordinate under the age of 18.

B. REPORTING SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT

Employee Reporting Obligations

Florida College believes it is important to be proactive in taking reasonable steps to identify and prevent incidents of sex discrimination and sexual harassment. All employees, with limited exceptions as identified by Florida College, are required to promptly provide to the Title IX Coordinator all complaints or reports of Prohibited Conduct and share all information reported or made available to the employee. If an employee in a supervisory capacity has direct knowledge of an incident of harassment or discrimination on the part of, or directed toward, any employee of the Title IX Coordinator community, that supervisor is required to bring the matter to the attention of the Title IX Coordinator.

Florida College also encourages employees who themselves experience sexual harassment to bring their concerns to the Title IX Coordinator, though they are not required to do so.

When providing this information to the Title IX Coordinator, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals and the nature of the incident.



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Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with FERPA. If the Title IX Coordinator or any employee with the authority to institute corrective measures on behalf of the College has knowledge about Title IX Sexual Harassment, then the College is considered to have actual knowledge of the report and will respond in accordance with this policy.

In addition, certain employees of Florida College are considered by law to be mandatory reporters of child abuse, elder abuse. These Florida College employees are required by law to report incidents of abuse to the Central Abuse Hotline (<https://www.myflfamilies.com/services/abuse/abuse-hotline>).

Employees at Florida College Academy

All employees in Florida College Academy are required to notify the Title IX Coordinator when the employee has information about conduct that may constitute sex discrimination.

How to Make a Report to the College

All reports of violations of this policy will be taken seriously and in good faith. The Title IX Coordinator will provide information and guidance regarding how to file a formal complaint with the College and/or local law enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the report.

At the time of filing a formal complaint of Title IX Prohibited Conduct, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.

Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. In all cases, Florida College will give consideration to the party bringing forward a report with respect to how the matter is pursued. The College may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that the College not initiate an investigation.

Employees, students, guests, or visitors who believe that this policy has been violated should promptly contact the Coordinator or another member of the Title IX Office as follows:



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Mike Benson
Title IX Coordinator
bensonm@floridacollege.edu
813-988-5131 x161

Reports can also be made at: <https://floridacollege.edu/student-life/campus-safety/incident-report/>

There is no timeline for making a report of sexual harassment, however, Florida College encourages the prompt reporting of a complaint as the ability of the College to pursue the complaint to conclusion may be hindered by the passage of time.

Amnesty

The College encourages the reporting of any and all alleged Sexual Harassment. Victims of People might be hesitant to report Sexual Harassment to College officials if they fear that they (or their friends) may be charged with a violation of another College policy, such as the Alcohol and Drug Policy. Similarly, bystanders are sometimes hesitant to offer assistance to others for fear that they may get in trouble. To encourage reporting of Sexual Harassment, the College will provide Complainants, as well as bystanders who cooperate with an investigation under this Policy or who provide help to victims or likely victims of Sexual Harassment, with immunity from being charged with violations of any other College policy in connection with conduct related to an alleged violation of this Policy. While violations of other policies cannot be completely overlooked, the College may provide referrals to counseling or may require educational assistance or other remedies in such cases. Although the College will provide individual bystanders with such immunity, student organizations may be subject to disciplinary action under other College policies in connection with any conduct related to an alleged violation of this Policy, if deemed appropriate or necessary for the safety and well-being of the College community.

Privacy and Confidentiality

The College values the privacy of its students, employees, and other community members. Community members should be able to seek the assistance they need and access this policy without fear that the information they provide will be shared more broadly.

References made to privacy mean Florida College offices and employees who cannot guarantee confidentiality, but will maintain privacy to the greatest extent possible, relaying information as necessary to investigate or seek a resolution and to notify the Title IX Coordinator or designee,



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who is responsible for tracking patterns and spotting systemic issues. The College will limit the disclosure as much as practicable.

All activities under these procedures shall be conducted with the privacy interests of those involved. While Florida College will take all reasonable steps to protect the privacy of individuals involved in a report, it may be necessary to disclose some information to individuals or offices on campus in order to address a report or provide for the physical safety of an individual or the campus. Thus, Florida College cannot, and does not, guarantee that all information related to reports will be kept confidential.

In order to maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this policy. Parties may request to review a hard copy of materials, and the College will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute retaliation under this policy.

Individuals may speak confidentially with a Confidential Resource. Confidential Resources (e.g., licensed mental health care providers, physicians, clergy) may not report to Title IX Coordinator any identifying information about conduct that may violate Florida College's policies against sex discrimination without the written consent of the individual who supplied the information, unless required by law. Such disclosures will not be reported to the Title IX Coordinator or initiate any process under this policy.

Reporting to the Police

Some Prohibited Conduct may constitute a violation of both the law and Florida College policy. Florida College encourages students to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. The decision not to file shall not be considered as evidence that there was not a violation of Florida College policy.

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy. Conduct may constitute Prohibited Conduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.



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Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a report is made to Florida College as well as to law enforcement, Florida College may delay its process if a law enforcement agency requests that Florida College delay its process for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct. Criminal or legal proceedings are separate from the processes in this policy and do not determine whether this policy has been violated.

All investigations and hearings under this policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred, and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of Florida College community or the safety of Florida College as an institution is threatened, any individual with such knowledge should promptly inform the Dean of Students. Florida College may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the College community and Florida College as an institution.

C. RESPONDING TO A REPORT

The following process will be used following the receipt of a report of Prohibited Conduct.

Initial Contact

Following receipt of a report alleging a potential violation of this policy, the Title IX Coordinator will contact the complainant to meet with the Title IX Coordinator for an initial intake and assessment meeting, and will provide the following:

- An invitation to meet to offer assistance and explain their rights, resources, and options under this policy;
- Access to this policy;
- Information regarding available campus and community resources for counseling, mental health, student financial aid, and other available services may be provided;
- The availability of Supportive Measures regardless of whether a formal complaint is filed and/or any resolution is initiated;
- The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes;



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- The right to notify law enforcement as well as the right not to notify law enforcement;
- The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from local law enforcement in preserving evidence;
- The right to an advisor of choice, if applicable, during Florida College proceedings under this policy including the initial meeting with the Title IX Coordinator
- A statement that retaliation for filing a formal complaint, or participating in any way in the procedures found in this Policy, is prohibited.
- Information on how to initiate the Investigation or Resolution-Based Agreement process.

Initial Intake & Assessment

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the resolution procedures apply based on the conduct and the status of the parties. The Title IX Coordinator may also determine that the provision of supportive measures only is the appropriate response under the policy. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the report is not the actual complainant, the Title IX Coordinator will limit communication to general information on policies and processes.

Should the complainant wish to file a formal complaint, the Title IX Coordinator will determine whether this policy applies and, if so, the appropriate process under this policy. The Title IX Coordinator will communicate to the complainant this determination.

If the information provided does not suggest a potential violation of this policy, the Title IX Coordinator will provide the complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

Requests for Confidentiality or No Further Action

When a complainant requests that Florida College not use their name as part of any resolution process, or that Florida College not take any further action, Florida College will generally try to honor those requests. However, there are certain instances in which Florida College has a broader obligation to the community and may need to act against the wishes of the complainant. In such circumstances, the Title IX Coordinator will notify the



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complainant in writing of the need to take action. The factors the Title IX Coordinator will consider when determining whether to act against the wishes of a complainant include:

1. The complainant's request not to proceed with filing a formal complaint;
2. The complainant's reasonable safety concerns regarding filing of a formal complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a formal complaint is not filed;
4. The severity of the alleged Prohibited Conduct, including whether the Prohibited Conduct, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the respondent is an employee of the College;
6. The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing sexual harassment, or sexual harassment alleged to have impacted multiple individuals;
7. The availability of evidence to assist a Hearing Officer or Decisionmaker in determining whether Prohibited Conduct occurred; and
8. Whether the College could end the alleged sexual harassment and prevent its recurrence without filing a formal complaint.
9. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other persons, or that the conduct as alleged prevents the College from ensuring equal access on the basis of sex to its education program or activity.

Emergency Removal

For Title IX sexual harassment, Florida College retains the authority to remove a respondent from Florida College's program or activity on an emergency basis, where Florida College (1) undertakes an individualized safety and risk analysis, (2) determines that an immediate and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations of sexual harassment justifies a removal, and (3) the College provides the respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. Florida College will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.



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For all other Prohibited Conduct, Florida College may defer to its interim suspension policies for students and administrative leave for employees.

Administrative Leave

The College retains the authority to place an employee respondent on administrative leave during a pending formal complaint process under this policy, with or without pay as appropriate. Administrative leave may be a supportive measure, emergency removal, or consistent with applicable law. Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

Formal Complaints

A formal complaint is required in order to proceed with a resolution process under this Policy except Support-Based Resolution. A formal complaint must be written, in paper form (hand delivered or by mail or shipping service) or electronically submitted and either signed or with another indication that it is being filed by the Complainant, the Complainant's parent or guardian, or by the Title IX Coordinator, and that alleges a violation of the Policy as defined above, by a covered person, within the College's program or activity, and requesting that the College investigate the allegations.

Where the Complainant is unable or unwilling to file a formal complaint, and there have been allegations of violations of this Policy involving covered persons in the College's programs and activities, the Title IX Coordinator may file and sign a formal complaint. In that case, the Title IX Coordinator does not have the status of Complainant or party. A Complainant retains their rights even if they decline to participate, including but not limited to receiving notices, the opportunity to review evidence and the right to receive the final investigation report. The Title IX Coordinator will use discretion in these matters.

A formal complaint cannot be filed anonymously because the Respondent must be notified who is making the accusation against them. A person does not, however, need to file a formal complaint to obtain supportive measures. For supportive measures, the Complainant's identity may remain confidential to the extent practicable to implement the supportive measure.

In certain cases, the identity of the Respondent may not be known by the person filing the formal complaint. They may still file the formal complaint and [Institution] may be able to better identify the Respondent.



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Dismissal of a Formal Complaint

Before dismissing a formal complaint, Florida College will make reasonable efforts to clarify the allegations with the complainant.

Florida College may dismiss a formal complaint brought under this policy, or any specific allegations raised within that formal complaint, at any time during the investigation or hearing, if:

- Florida College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Florida College's education program or activity and is not employed by Florida College;
- If specific circumstances prevent the College from gathering sufficient evidence to reach a determination regarding the formal complaint or allegations within the formal complaint;. or
- The complainant voluntarily withdraws their formal complaint in writing, and the Title IX Coordinator declines to file a formal complaint.

Florida College must dismiss a formal complaint when:

- The conduct alleged did not occur in the College's education program or activity, or did not occur against a person in the United States.
- The complainant voluntarily withdraws some but not all allegations in a formal complaint in writing, and the College determines that, the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this policy or
- Florida College determines the conduct alleged in the formal complaint, even if proven, would not constitute Prohibited Conduct under this policy.

Upon dismissal, Florida College will promptly notify the parties in writing of the basis for the dismissal.

Florida College will notify the parties that a dismissal may be appealed as per the Appeals section.

When a formal complaint is dismissed, Florida College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and,



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- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that Prohibited Conduct does not continue or recur within Florida College's education program or activity.

A complainant who decides to withdraw a formal complaint or any portion of it may later request to reinstate it or refile it.

Referrals for Other Misconduct

Florida College has the discretion to refer reports of misconduct not covered by this policy for handling under any other applicable Florida College policy or code. As part of any such referral for further handling, Florida College may use evidence already gathered through any process covered by this policy.

Should there be a conflict between the provision of this policy and other Florida College policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this policy will govern unless specifically stated otherwise.

This policy and these procedures are separate from Florida College's student disciplinary processes, by which Florida College may bring a discipline charge against a student for violating Florida College policy according to the provisions found in Florida College code of conduct (<https://floridacollege.edu/wp-content/uploads/2023/08/Handbook2023-24-Updated-27-2-2.pdf>).

Consolidation of Cases

Florida College may consolidate reports under this policy as appropriate: for example, if there are multiple reports where the allegations of Prohibited Conduct arise out of the same facts or circumstances, or there are multiple reports with overlapping parties.

Florida College also reserves the right to use this policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this policy in instances when the conduct is associated with an alleged issue of Prohibited Conduct under this policy. The Title IX Coordinator will address these consolidated reports in collaboration and coordination with other appropriate offices, such as Student Services and Human Resources. However, allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this policy.

Student Withdrawal or Employee Resignation while Matters are Pending

If a student or employee respondent permanently withdraws or resigns from Florida College with unresolved allegations pending, the College will consider whether and how to proceed with the resolution process. The College will continue to address and remedy any systemic



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issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct

A student respondent who withdraws or leaves while the process is pending may not return to Florida College without first resolving any pending matters. Such exclusion applies to all Florida College programs. Admissions will be notified that the student cannot be readmitted. They may also be barred from Florida College property or events. If a student respondent withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to Florida College unless and until the matter is fully resolved.

An employee respondent who resigns with unresolved allegations pending is not eligible for rehire with Florida College and the records retained by the Title IX Coordinator will reflect that status. All Florida College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter. If an employee chooses to resign and is found not responsible, that employee is eligible to be rehired, although being rehired is not guaranteed.

D. OPTIONS FOR RESOLUTION

There are multiple ways to resolve a report of sexual harassment. Whenever possible, the College will utilize the resolution method chosen by the complainant. During the resolution of a report, the Title IX Coordinator will determine whether to implement reasonable supportive measures designed to assist all parties (complainants and respondents) and community members in maintaining access to and participation in Florida College programs, services and activities during the resolution of the report.

This section includes information on Support-Based Resolution, Agreement-Based, and Investigation or investigation and Hearing procedures.

Support- Based Resolution

A formal complaint is not required for a support-based resolution. A support-based resolution is an option for a complainant who does not wish Florida College to take any further steps to address their concern, and when the Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support that may be appropriate include: adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; or counseling.



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A support-based resolution does not preclude later use of another form of resolution, for example if new information becomes available to Florida College and the Title IX Coordinator determines there is need for additional steps to be taken, or the complainant later decides to pursue a Formal Complaint.

Agreement-Based Resolution

A formal complaint is required for Agreement-Based Resolution. Agreement-Based Resolution is not available to resolve a student Complainant's allegation that an employee has engaged in sexual harassment. Agreement-Based Resolution is an alternative to the investigation and decision-making procedures where the Parties each voluntarily agree to resolve the complaint in a way that does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If the College offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Title IX Coordinator must still take other prompt and effective steps as needed to ensure that sexual harassment does not continue or recur within the education program or activity. Parties and the Title IX Coordinator may agree to pause or exit the investigation and decision-making resolution procedures to explore Agreement-Based Resolution.

Any party may design the proposed agreement between the parties. The Title IX Coordinator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Agreement-Based Resolution does not result in a determination about whether the alleged Prohibited Conduct occurred.

The Title IX Coordinator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through the Investigation or Investigation and Hearing process.

Initiating the Agreement-Based Resolution Process

Prior to the initiation of Agreement-Based Resolution, the Title IX Coordinator will provide the Parties written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The requirements of the Agreement-Based Resolution process;
- Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether Florida College could disclose such information for use in a future Florida College



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- resolution process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate.
- Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal.
- Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations.
- A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred.
- A statement that the respondent is presumed not responsible for violating this policy, unless respondent admits to violations of this policy;
- An explanation that all parties may be accompanied by an advisor of their choice, who may be a parent, colleague, friend, or attorney;
- A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume resolution procedures at any time before agreeing to a resolution;
- The date and time of the initial meeting with staff or the Title IX Coordinator, with a minimum of 3 days' notice;
- Information regarding Supportive Measures, which are available equally to the parties; and
- The potential terms that may be requested or offered in an Agreement-Based Resolution agreement.

For students who are a party at Florida College Academy, written notice of the allegations is not required. Florida College Academy will keep records documenting the resolution procedures including if the notice of allegations is provided orally. The Title IX Coordinator will determine the appropriate form of notice on a case-by-case basis, taking into account factors such as, but not limited to, age of the parties.

Facilitating an Agreement

If all Parties are willing to explore Agreement-Based Resolution, the Title IX Coordinator will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Title IX Coordinator does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator may decide that the reported conduct will instead be addressed through the



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investigation or investigation and hearing process. The Title IX Coordinator will inform the parties of such decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions. The investigator or Decisionmaker for the matter may not facilitate an Agreement-Based Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

- an agreement that the respondent will change classes or housing assignments;
- an agreement that the Parties will not communicate or otherwise engage with one another;
- an agreement that the Parties will not contact one another;
- completion of a training or educational project by the respondent;
- completion of a community service project by the respondent;
- an agreement to engage in a restorative justice process or facilitated dialogue; and/or
- discipline agreed upon by all parties.

In order to facilitate Agreement-Based Resolution, information shared by any party will not be used in any related resolution process of the same formal complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement-Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) days and may be extended by the Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.



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Records of an Agreement-Based Resolution process can be shared with other offices as appropriate.

Any violations of the terms of the Resolution Agreement may result in disciplinary action.

Investigation & Decision-making Resolution

This policy includes two types of investigation and decision-making procedures.

- An investigation and hearing process for Title IX matters relating to Florida College students and employees.
- An investigation process for Title IX matters relating to Florida College Academy students and employees. This process does not include a live hearing.

The following information applies to both types of the investigation and decision-making procedures.

Acceptance of Responsibility

If a respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the Coordinator or designated sanctioning officer will issue an appropriate sanction or responsive action as to those violation(s) and continue processing any remaining allegations of Prohibited Conduct, if any.

Assignment of the Investigator and/or Hearing Officer

Any assigned investigator or Hearing Officer will be trained and capable of conducting an adequate, reliable, and impartial investigation and hearing, as applicable, in a reasonably prompt timeframe. Florida College reserves the right to utilize internal or external professionals to serve in the roles needed to implement the policy.

All parties have the option to participate in the investigation and/or hearing, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the investigator prior to the investigator issuing the final report. In cases where there is a hearing, all parties have the same rights at the hearing, including the right to review any evidence that will be considered by the Hearing Officer prior to the hearing.

The investigator will establish deadlines for submission of names of relevant witnesses and submission of evidence and communicate those deadlines to the parties in writing.



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Conflict of Interest or Bias

After a Notice of Investigation is issued to all parties, any party may object to the participation of the Title IX Coordinator or designated investigator on the grounds of a demonstrated bias or actual conflict of interest. All parties will have three (3) days from the date of the Notice of Investigation to object to the selection of the investigator or the Title IX Coordinator. Objections to the Title IX Coordinator are to be made, in writing, to the Provost and Vice President of Academics. Objections to the appointment of the investigator are to be made in writing, to the Title IX Coordinator. All objections will be considered, and changes made as appropriate. If the objection is substantiated as to either the Title IX Coordinator or the Investigator, that individual shall be replaced. Any change will be communicated in writing.

Timeline

In those cases that do not include a hearing, Florida College strives to complete the investigation process within ninety (90) days from the date of the Notice of Investigation. In those cases that include a hearing, Florida College strives to complete the investigation process within sixty (60) days from the date of the Notice of Investigation, and complete the hearing within sixty (60) days of the Notice of Hearing.

The timeline for any part of the resolution process may be extended for good cause by the Title IX Coordinator. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated date of conclusion of the investigation and/or hearing. Good cause reasons for extension may include ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

Florida College shall not unreasonably deny a student party's request for an extension of a deadline related to a formal complaint during periods of examinations or school closures.

The investigator and/or Title IX Coordinator shall provide the Parties with periodic status updates, in writing.

Burden and Standard of Review

Florida College has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from Florida College and does not indicate responsibility. The standard of proof used in any determination process is the preponderance of the evidence standard, which means more likely than not.



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Written Notice of Meetings

Florida College will provide a party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

Evidence Gathering

Interviews

The investigator will interview all parties and relevant witnesses and gather relevant and directly related documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an investigator, the investigator will ask questions related to the allegations in the formal complaint and a party is given the opportunity speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant and directly related to the allegations. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The investigator ultimately determines whom to interview to determine the facts relevant to the formal complaint.

Irrelevant Evidence

The following are not relevant, as per applicable federal law. This means the following information will not be accessed or considered, except by Florida College to determine whether one of the exceptions listed below applies.

- Evidence that is protected under a privilege recognized by Federal or State law, 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 Florida College obtains that party's or witness's voluntary, written consent for use in its resolution procedures; and
- Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
 - a. They are offered to prove that someone other than the Respondent committed the conduct alleged by the complainant, or
 - b. They concern specific incidents of the complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.



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Investigation & Decision-making Procedures for Florida College Academy

This procedure is for all matters of Prohibited Conduct being investigated and determined under this policy except for sex-based harassment involving a student as a party.

The College will assign a trained investigator and/or trained hearing officers to conduct an adequate, reliable, and impartial investigation and hearing in a reasonably prompt timeframe. Florida College reserves the right to utilize internal or external investigators and hearing officers.

All parties have the option to participate in the investigation and/or hearing, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the investigator prior to the investigator's making any findings. In the event of a hearing, all parties have the same rights, including the right to review any evidence that will be considered by the Hearing Officer prior to the hearing.

Notice of Investigation

Prior to the start of an investigation, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

- The College's resolution procedures, including the applicable determination procedure, and any alternative resolution process, with a link to the full procedures.
- The specific allegations, including the identity of the parties, and dates and location if known.
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
- A statement that Retaliation is prohibited.
- Contact information for the assigned investigator and Decisionmaker, as well as the process for raising a challenge to the appointed investigator, Decisionmaker, or Title IX Coordinator, and the deadline for doing so.
- Expected length of the major stages of the resolution process, as well as any applicable deadlines.
- Whether the Investigator, or another individual, shall serve as the Decisionmaker.



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- A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the investigation and decision-making procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker.
- The parties may have an advisor of their choice who may be a friend, colleague, therapist, or attorney.
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, and to provide a response;
- A statement that the College prohibits knowingly making false statements or knowingly submitting false information during resolution procedures, with a link to the relevant policy(ies).
- The date and time of the initial interview with the investigator, with a minimum of five (5) days' notice.

Individual Interviews

The investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the investigator and the party or witness may attend each individual interview, and a party may be accompanied by their advisor. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings and may be subject to further Florida College discipline for failure to do so.

Florida College may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the College's discretion, with all participants joining virtually through a video conferencing option.

The College will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties and advisors. The College has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable Florida College rules.



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Evidence Review

At the conclusion of all facts gathering, the investigator will provide each party and their advisor, if any, the opportunity to review all relevant and not otherwise impermissible evidence gathered.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation and to submit any additional relevant evidence, questions for parties or witnesses, or the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Given the sensitive nature of the information provided, Florida College will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of 5 days to inspect and review the evidence and submit a written response in writing to the investigator. Florida College will provide access to copies of the parties' written responses to the investigator to all parties and their advisors, if any. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence. At the conclusion of the evidence review, when deemed appropriate by the investigator, the investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence is gathered during this second fact-gathering period, the new evidence will be made available for review by the parties and their advisors. The parties shall have 5 days to provide a response to the newly gathered evidence. No new evidence will be accepted as part of any response, except that the investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The investigator will consider the parties' written responses before finalizing the investigation report.

The parties may each submit a written impact statement prior to the conclusion of the resolution process. The impact statement is not evidence and will be reviewed only after a determination of responsibility is reached.



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Investigation Report

The investigator, who may also serve as the Decisionmaker, shall evaluate the relevant and not impermissible evidence and make a factual determination regarding each allegation, and also determine whether a violation of the policy occurred. The investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible or declined to participate. The investigator will not draw an inference about whether Prohibited Conduct occurred based solely on a party's or witness's refusal to respond to questions.

The investigator shall prepare a report which shall include:

- A description of the allegations of Prohibited Conduct;
- Information about the policies and procedures used to evaluate the allegations;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
- An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation;
- Findings of fact for each allegation, with rationale;
- Conclusions regarding which section of this policy or other Florida College policy, if any, the respondent has or has not violated, with rationale.

This report shall be provided to the Title IX Coordinator. In the event that the Decisionmaker has determined that a violation of Florida College policy has occurred, the Title IX Coordinator shall then provide the report to the appropriate Sanctioning Officer to determine the sanction, and the Title IX Coordinator shall then determine the appropriate remedy(ies) for the complainant and any impacted parties.

The Title IX Coordinator shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the investigation report. The Notice of Outcome shall include:

- A statement of, and rationale for, any disciplinary sanctions the College imposed on the respondent
- A statement as to whether remedies will be provided to the Complainant
- For the complainant, a description of any remedies that apply to the complainant
- The College's procedures and the permitted reasons for the parties to appeal, including identifying the Appeals Officer.



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- How to challenge participation by the Appeals Officer for bias or conflict of interest, which the Title IX Coordinator will resolve in their sole discretion.

The determination regarding responsibility becomes final either on the date that Florida College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Investigation & Decision-making Procedures in Cases of Sex-Based Harassment Involving a Student

The following describes the investigation and decision-making procedures for matters of sex-based harassment in which a student is either a complainant or respondent, regardless of the status of the other party.

Notice of Investigation

Prior to the start of an investigation, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

1. Florida College's investigation procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies;
2. Information about the agreement-based, with a link to the full procedures.
3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
4. A statement that retaliation is prohibited;
5. Whether the investigator, or another individual, shall serve as the Decisionmaker.
7. Expected length of the major stages of the resolution process, as well as any applicable deadlines.
8. The Notice will inform the parties that the investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the Title IX Coordinator for good



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cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s).

9. The process for raising a challenge to the appointed investigator, Decisionmaker or Title IX Coordinator, and the deadline for doing so.

10. A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker.

11. A statement that the parties may have an advisor of their choice who may be a friend, parent, therapist, colleague, or attorney.

12. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigation report that accurately summarizes this evidence. If Florida College provides access to an investigation report: The parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party; and

13. Florida College's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information.

14. The date and time of the initial interview with the Investigator, with a minimum of five (5) days' notice.

Individual Interviews

The investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the parties the names of relevant witnesses and relevant evidence. Only the investigator and the party or witness may attend each individual interview, and a party may be accompanied by their advisor. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process, and may be subject to further Florida College discipline for failure to do so.

The investigator will then gather from parties, witnesses, and other sources, all relevant evidence.

The College will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties and advisors.



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The College has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable Florida College rules.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the College's discretion, with all participants joining virtually through a video conferencing option. The investigator will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations, and has the sole discretion to determine which parties and witnesses to call to an interview. The investigator may conduct follow-up interviews as they deem appropriate.

Investigator Determination of Relevance

The investigator will determine whether parties and witnesses are likely to provide relevant information about the allegations, and has the sole discretion to determine which parties and witnesses to call to individual follow-up meetings.

The investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence that is not relevant will not be considered.

Evidence Review

At the conclusion of all fact-gathering, the investigator will provide each party and their advisor the opportunity to review all relevant and not otherwise impermissible evidence gathered. In the event that an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation and to submit any additional relevant evidence, questions for parties or witnesses, or the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Evidence not provided during the investigation process will not be considered by the Decisionmaker. Given the sensitive nature of the information provided, Florida College will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to



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abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of 10 days to inspect and review the evidence and submit a written response in writing to the investigator. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.

When deemed appropriate by the investigator, the investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have 5 days to provide a response to the newly-gathered evidence. No new evidence will be accepted as part of any response, except that the investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The investigator will consider the parties' written responses before finalizing the investigation report.

Investigation Report

The investigator will prepare a written report summarizing all of the relevant evidence gathered and all steps taken during the investigation process. The investigator will also include as an attachment all relevant evidence gathered during the investigation, as well as all interview notes.

Conclusion of Investigation, Notice of Hearing

Once the investigation report is final, the report together with all attachments shall be provided to each party and to their advisor, if any, in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Each party shall have ten (10) days to provide a response. The response, if any, shall be provided to the Hearing Officer.

Following conclusion of the investigation, each party shall be provided with a Notice of Hearing, which shall include information regarding the date of the hearing, the identity of the Hearing Officer, the process to be used at the hearing, deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Officer to ensure they are relevant to the allegations. The hearing shall be scheduled no less than ten (10)



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days from the date of the Notice of Hearing. The Notice of Hearing and access to the investigation report may be provided to the Parties on the same day.

Within three (3) days of receipt of the Notice of Hearing, either party may object to the Hearing Officer on the basis of a demonstrated bias or actual conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator shall remove the Hearing Officer and appoint another.

Hearing Procedures

The purpose of a hearing is for a Hearing Officer to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this policy. Florida College expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings may be conducted in person or via videoconferencing. The Title IX Coordinator may determine that the hearing will continue in the absence of any party or any witness.

Florida College will appoint a Hearing Officer, who will determine whether a violation of Florida College policy has occurred. The Hearing Officer shall have the authority to determine the relevance of evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or refusal to answer questions posed.

Each hearing shall be recorded by the College, and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of Florida College but shall be available for listening until the conclusion of the appeals process to complainant, respondent, their respective advisors, Hearing Officer, and Appeal Officer by contacting the Title IX Coordinator.

Prior to the Hearing

The parties and the Hearing Officer all have the right to call witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness at least five (5) days in advance of the hearing.

Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant



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information during the course of the investigation. If the witness did not participate in the investigation, the party must also provide the reason the witness was not interviewed by the investigator, and what information the witness has that is relevant to the allegations. The Hearing Officer will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. The Hearing Officer may instead send the case back to the investigator to interview the newly proffered witness prior to the hearing taking place.

A list of witnesses approved by the Hearing Officer will be provided to the parties at least three (3) days prior to the hearing.

Three (3) days prior to the hearing, each party shall submit to the Hearing Officer a preliminary list of questions they wish to pose to the other party, or to a witness. If the Hearing Officer determines that any questions are not relevant, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.

Advisor

Each party is entitled to be accompanied by one advisor at the hearing. The role of the advisor is to assist the party with understanding and navigating the proceedings. The advisor may not advocate for, respond for, or otherwise speak on behalf of, a party during the hearing. In the event that a party does not appear for the Hearing, the advisor for that party may not participate in the hearing or submit questions to be asked on behalf of the party.

Hearing Participation Guidelines

The Hearing Officer shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary to adjourn the hearing or exclude the disruptive person. In the event the Hearing Officer removes an advisor, the Hearing Officer will have the discretion to appoint another advisor for the remainder of the hearing. The Hearing Officer also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing.

Statements, Questioning and Presentation of Evidence

During the hearing, each party will be permitted to provide an introductory statement. Following introductory statements, the Hearing Officer will call parties and witnesses for questioning. The order of questioning shall be determined by the Hearing Officer. The



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Hearing Officer will pose questions to the parties and witnesses, including the questions the Hearing Officer approved to be asked that were submitted by each party prior to the hearing. Each party will then be provided with an opportunity to submit follow-up written questions to the Hearing Officer for the Hearing Officer to pose to the other party or witnesses. If the Hearing Officer determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.

Only the Hearing Officer is permitted to ask questions of parties and witnesses. Neither party may directly question the other party or witness. Advisors are not permitted to directly or indirectly question the other party or witness.

Following the questioning of parties and witnesses, each party will be permitted to provide a closing statement. An advisor is not permitted to provide a closing statement on behalf of their party.

The parties may each submit a written impact statement within 3 days after the conclusion of the hearing. The impact statement is not evidence and will be reviewed only after a determination of responsibility is reached.

Hearing Officer's Report

Following the hearing, the Hearing Officer shall prepare a determination report. All findings shall be made by a preponderance of the evidence, meaning more likely than not. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as complainant, respondent, or witness.

The determination report will include:

- A description of the Prohibited Conduct alleged;
- A reference to the policies and procedures used to evaluate the allegations;
- Description of all procedural steps taken to date;
- The Hearing Officer's evaluation of the relevant evidence along with the finding of facts;
- Determinations for each allegation, with the rationale;
- Sanction determination (if applicable)
- Whether remedies will be provided;
- The procedures for an appeal, including how to challenge participation by the Appeals Officer for bias or conflict of interest – which the Title IX Coordinator will resolve in their sole discretion.



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The Hearing Officer's report shall be provided to the Title IX Coordinator. If the Hearing Officer determines that there is no finding of responsibility, the Title IX Coordinator shall communicate the findings to each party, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome along with a copy of the Hearing Officer's report, to the parties, together with procedures for appeal.

If there is a finding of responsibility, the Hearing Officer will determine the appropriate sanction and notify the Title IX Coordinator of the sanctioning determination. The Title IX Coordinator will then provide each party, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome regarding the Hearing Officer's decision, including the Hearing Officer's report. The Title IX Coordinator will also provide written communication to the complainant regarding any appropriate remedies.

APPEALS

Dismissals of formal complaints and determinations made in the investigation and decision-making processes may be appealed in writing by either party. Appeals will be sent to the Title IX Coordinator, who will then send the appeal to the Appeals Officer assigned to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within ten (10) days following the issuance of the outcome letter.

When an appeal is filed, the other party shall be notified and provided with a copy of the filed appeal within one (1) day, and have five (5) days to respond to the appeal in writing. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

Within three (3) days of an Appeal Officer being assigned, either party may provide written objection to the Appeal Officer on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will appoint another Appeal Officer.

Appeals may be filed only on the following three grounds:

1. Procedural Error: A procedural error occurred would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or,
2. New Evidence: New evidence or information has arisen that was not available or known to the party during the investigation or hearing, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not



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considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or

3. Actual Conflict of Interest or Demonstrated Bias: The Title IX Coordinator, investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

The Appeal Officer will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Appeal Officer's decision to the parties. The decision of the Appeals Officer is final.

Failure to Complete Sanctions/Comply with Responsive Actions

All responding parties are expected to comply with conduct sanctions/responsive actions/corrective actions within the timeframe specified by the College. Responding parties needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator stating the reasons for needing additional time.

Failure to follow through on conduct sanctions/responsive actions/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive actions/corrective actions, such as suspension, expulsion, termination, or a transcript notation. Students who fail to comply will be referred to the Dean of Students in accordance with Florida College's Student Handbook. Employees who fail to comply will be referred to the Director of Human Resources.

E. RECORD RETENTION

In implementing this policy, records of all reports and resolutions will be kept by the Coordinator in accordance with the applicable Florida College records retention schedule. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act governing confidentiality of student information.

F. ADDITIONAL INFORMATION



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[The U.S. Equal Employment Opportunity Commission \(EEOC\) investigates reports of unlawful harassment and discrimination, including sex-based harassment, in employment.](#)

[The U.S. Department of Education, Office for Civil Rights \(OCR\) investigates complaints of unlawful discrimination and harassment of students and employees in education programs or activities.](#)

[For more information, contact the nearest office of the EEOC or OCR.](#)

US Department of Education

Office for Civil Rights:

Contact information: <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

U.S. Equal Employment Opportunity Commission (EEOC)

<https://www.eeoc.gov/contact-eeoc>

G. POLICY REVIEW & REVISION

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator will submit modifications to this policy in a manner consistent with institutional policy upon determining that changes to law, regulation or best practices require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. The policy definitions in effect at the time of the conduct will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to the College website.

H. KEY DEFINITIONS

Advisor: Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, therapist, or an attorney. Florida College will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend.



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Except where explicitly stated by this policy, advisors shall not participate directly in the process. Florida College will provide the parties equal access to advisors; any restrictions on advisor participation will be applied equally.

The advisor may not represent, advocate, or speak on behalf of a complainant or respondent. An advisor may not disrupt or impede any resolution proceeding.

Coercion/Force: Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

- Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.
- Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

Formal Complaint means a written document (hard copy or electronic) that alleges that a Respondent committed Prohibited Conduct and requests initiation of the procedures consistent with the Policy to investigate the allegation of the conduct. A “formal complaint” can only be filed by a Complainant with a signature or other indication that the Complainant is the person filing the Formal Complaint or signed by the Title IX Coordinator.

Complainant: Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this policy, and who was participating in a Florida College program or activity at the time of the alleged misconduct.

Confidential Resources: any individual identified by the College who receives information about conduct prohibited under this policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.



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Consent means intelligent, knowing, and voluntary consent and does not include coerced submission. “Consent” shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

Days: any reference to days refers to business days when the College is in normal operation.

Decision-maker: Trained professional designated by the College to decide responsibility, sanction, or appeals. A Decisionmaker may be one person or a panel of multiple people as determined by the College. When there is no hearing, the investigator may be appointed as the Decisionmaker. The Decisionmaker in a hearing process is also called the Hearing Officer.

Disclosure or Report: A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting sexual harassment under this policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

Finding: a written conclusion by a preponderance of the evidence, issued by an Investigator, that the conduct did or did not occur as alleged.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

Under this policy, the College will consider whether a respondent knew or should have known the complainant to be incapacitated, based on an objective, reasonable person standard that assumes the reasonable person is both sober and exercising sound judgment. The fact that the respondent was unaware of the complainant’s incapacity due to the respondent’s own drug or alcohol use shall not be considered as an excuse.

No-Contact Directive: A No Contact Directive is a document issued by a Florida College administrator that is designed to limit or prohibit contact or communications between the



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parties. A No-Contact Directive may be mutual or unilateral, with the exception that a No-Contact Directive issued as either a sanction or remedy shall be unilateral, directing that the respondent not contact the complainant.

Notice: All notices under this policy are written and sent to the student or employee's assigned Florida College email address or delivered via Certified Mail to the local or permanent address(es) of the parties as indicated in official Florida College records, or personally delivered to the intended recipient.

Party/parties: Referring to complainant(s), respondent(s), or both/all complainant(s) and respondent(s).

Remedies: Remedies means measures provided, as appropriate, to a complainant or any other person the College identifies as having had their equal access to the College's education program or activity limited or denied by sex discrimination or other prohibited conduct covered by this policy. These measures are provided to restore or preserve that person's access to the education program or activity after a Florida College determines that sex discrimination occurred. Only the complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for implementation of remedies.

Respondent: an individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

Sanctions: One or more of the sanctions or disciplinary steps listed here may be imposed on a respondent who is found responsible for a violation of Florida College's policies. Sanctions or disciplinary steps not listed here may be imposed in consultation with the Title IX Coordinator.

The form of sanction or discipline used will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable Florida College rules, policies, and procedures. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation.



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- An individual's disciplinary history.
- Previous resolutions or allegations involving similar conduct.
- The need for sanctions/responsive actions to bring an end to the sex discrimination or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination or retaliation.
- The need to remedy the effects of the sex discrimination or retaliation on the victim and the campus community.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Faculty found responsible for violating this policy may be referred to the appropriate academic official for any other applicable processes.

Possible sanctions and disciplinary steps for student respondents include, but are not limited to the following:

- Warning
- Probation
- Suspension
- Withholding Diploma
- Revocation of Degree
- Transcript Notation
- Organizational Sanctions
- Other Actions

Possible sanctions and disciplinary steps for staff and faculty respondents include, but are not limited to:

- Warning – Written or Verbal
- Performance Improvement Plan
- Required Counseling, training, or education
- Demotion
- Loss of Annual Pay Increase
- Suspension without Pay
- Suspension with Pay
- Revocation of Tenure



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- Termination

Student: Any person who has (or will have) attained student status by way of:

1. Admission, housing or other service that requires student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate or other program offered by the College.

Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or
- Provide support during the College's resolution procedures or during an alternative resolution process.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; no-contact directives (which may be mutual or unilateral at the discretion of the Title IX Coordinator); and training and education programs related to sex-based harassment. Supportive measures are non-disciplinary and non-punitive. Supportive Measures will also be offered to respondents when they are notified of the allegations.

Any Supportive Measures put in place will be kept confidential, except when doing so impairs the ability of the institution to provide the Supportive Measures.

The College will offer and coordinate supportive measures as appropriate for the parties as applicable to restore or preserve their access to the College's program or activity or provide support during the College's alternative resolution process or resolution procedures. Prohibited Conduct under this policy have the right to request supportive measures from Florida College regardless of whether they desire to file formal complaint or seek alternative resolution.

A party may challenge the College's decision to provide, deny, modify, or terminate supportive measures when such measures are applicable to them. An impartial employee will be



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designated to consider modification or reversal of the College's decision to provide, deny, modify, or terminate supportive measures. When the individual providing Supportive Measures is a Deputy Title IX Coordinator or other individual identified by the Title IX Coordinator to provide Supportive Measures, the Title IX Coordinator will be designated to consider the challenge regarding supportive measures. The impartial employee will typically respond to the challenge within five (5) days.

The Title IX Coordinator has the discretion to implement or modify supportive measures. Violation of the parameters of supportive measures may violate existing codes or handbooks.

I. RESOURCES

Privileged & Confidential Resources for Students

On Campus

Stacy Butler, Registrar Admin Assistant - butlerS@floridacollege.edu

Julie Sanchez - Residence Hall Supervisor, sanchezJ@floridacollege.edu

Off Campus

Crisis Center of Tampa Bay, One Crisis Center Plaza, 8398 Sheldon Rd., Tampa, Florida 33613. Phone 813-264-9961 or call 211.

Privileged & Confidential Resources for Employees

On Campus

Stacy Butler, Registrar Admin Assistant - butlerS@floridacollege.edu

Julie Sanchez - Residence Hall Supervisor - sanchezJ@floridacollege.edu

Local Law Enforcement Information

Temple Terrace Police Department
11250 North 56th Street
Temple Terrace, FL 33617
813-506-6500



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Tampa Police Department
813-231-6130

Hillsborough County Sheriff
813-247-8200