

PENSACOLA STATE COLLEGE
MANUAL OF PROCEDURES

Procedure Title:	Addressing Sexual Misconduct Offenses and other Title IX Violations by Students or Employees	<u>Number</u> 129
Related Policy:	Sexual Misconduct Policy – 6Hx20-1.028	<u>Page</u> Page 1 of 5

I. Purpose

To establish College procedures regarding sexual misconduct.

II. Procedure

A. Reporting Procedures

Any student or employee may file a complaint of sexual misconduct against any student or employee. As long as the accused remains a student or an employee of the College, there is no time limit or statute of limitations regarding the filing of a complaint of sexual misconduct. Students and employees are encouraged to report alleged sexual misconduct immediately in order for the College to conduct a thorough investigation.

1. Students or employees who feel as though they are victims of sexual misconduct should file a report as soon as possible. Reports of sexual misconduct can be made to the following:
 - a. Vice President, Administrative Services and General Counsel;
 - b. Associate Vice President, Institutional Diversity;
 - c. Director, Student Conduct;
 - d. Director, Human Resources;
 - e. Public Safety; or
 - f. Campus security authorities.
2. Reports of alleged sexual misconduct made by any student or employee to any of the above parties will result in notification of the report to the Associate Vice President, Institutional Diversity who is designated to serve as the College's Title IX Coordinator or the Deputy Title IX Coordinator for Students. The College will handle all reports of alleged sexual misconduct in a sensitive nature. If a student or employee wishes to speak with someone confidentially, students should contact the Lakeview 24 Hour Crisis Line, and employees should utilize the Employee Assistance Program. The College shall make every effort to resolve all reports of sexual misconduct within sixty (60) days. This timeline, and all others within this procedure, serve as guidelines rather than rigid restrictions. Circumstances may arise that require additional time beyond the sixty (60) days. If this occurs both complainants and respondents will be notified.

B. Intake Procedures

1. After receiving notification of an alleged sexual misconduct violation, the College will conduct an initial intake meeting with the complainant organized through the Title IX Coordinator or designee.
2. The intake meeting will not serve as a full investigation interview. At the meeting, the Title IX Coordinator, or designee, will seek to gain a basic understanding of the report and circumstances. The complainant will also be provided with information regarding campus and community resources, procedural options, and interim measures.
3. During the intake meeting, the College will notify the complainant of any interim measures available to limit potential retaliation, recurrence of alleged misconduct, and to assess the safety of the complainant. Interim measures available to a complainant may include, but are not limited to:
 - a. No Contact Order between the complainant and respondent;
 - b. Academic measures including class or building reassignment, finishing course via distance learning or independent study, working with instructors related to missed classes or assignments, providing medical withdrawals; and
 - c. Employment measures including working alternative hours to avoid contact, assigning complainant or respondent to different work location, or assigning complainant or respondent to a different department during investigation.

C. Investigation Procedures


1. If Title IX intake meeting concludes that disciplinary action could be appropriate because a violation of the sexual misconduct policy may have occurred, the report will move into the investigative phase.
2. During the investigative phase, the Title IX Coordinator or designee, who serves as a neutral fact-finder, will typically conduct interviews with the complainant, respondent, and any witnesses.
3. The Title IX Coordinator or designee may also compile documents, communication between the parties, other electronic records, and information from law enforcement as appropriate.
4. The Title IX Coordinator or designee will contact the complainant, respondent, and witnesses to begin the investigation.
5. The complainant may choose not to participate in the investigation, however, the investigation may continue without the participation of the complainant. In such case, the complainant will be advised that complainant's lack of participation may reduce the College's ability to respond appropriately to the alleged violation.
6. Once the case has moved into the investigative phase, the College will attempt to conclude the investigative phase within thirty (30) calendar days from the date in which the initial report is referred to the investigative phase.

7. The complainant, respondent, and any witnesses will have the opportunity to have a representative or advisor accompany them during the investigation meetings or interviews.
8. Records of the investigation, including all notes from interviews, the allegations, outcome of the investigation, and any actions taken will be kept by the Title IX Coordinator.
9. A written report of the investigation, including findings and recommendations will be provided to the Vice President, Administrative Services and General Counsel, and the Director of Student Conduct for student violations or to the President or appropriate Vice President for employee violations.
10. After a review of the Title IX Coordinator's report by the President or appropriate Vice President, determination will be made as to whether the allegations, if proven, would provide sufficient information upon which a hearing administrator or the College administration could find a violation of the College Sexual Misconduct Policy. This determination will be based on the preponderance of evidence standard.
11. If the determination is made that there is sufficient cause to believe a policy violation has occurred, both the complainant and respondent will be notified simultaneously.
 - a. If the respondent is a student, formal charges will be brought against the respondent from the Office of Student Conduct. The hearing will follow the Student Conduct Process.
 - b. If the respondent is a College employee, the investigative report and final determination will be submitted to the President for the President's direct reports or the Vice President over the area in which that employee works and to the Human Resources Department. The Vice President (or President) and Human Resources Office will determine whether remedial measures or disciplinary action will be pursued.
12. If it is determined that there is not sufficient cause to believe that the College Sexual Misconduct Policy was violated, both the complainant and respondent will be notified simultaneously and the case will not move forward to disciplinary action.
13. Non-disciplinary or remedial measures may be taken even if the respondent is not found responsible for violation of the College Sexual Misconduct Policy.

D. Investigation Finding Appeals

1. If it is determined that the Title IX investigation will not move forward to the disciplinary process, the decision may be appealed.
2. A student may appeal the decision through the Office of Student Conduct within five (5) business days. If the student appeals the decision of a case involving a college employee, the Office of Student Conduct will forward the appeal to the appropriate administrator.
3. A College employee may appeal the decision to his or her divisional Vice President (or President for the President's direct reports) within five (5) business days.
4. All appeals should consist of a written statement outlining the grounds for appeal.

- E. Comprehensive Education Program to Assure Awareness of the Problem of Sexual Misconduct, to Discourage Assaults, and to Encourage Reporting
1. Periodically, the College will communicate with students and employees regarding sexual misconduct through the employee and student newspaper, bulletin boards, and other communication resources.
 2. At the beginning of each academic year, athletic teams will receive special information through the coaching staffs regarding sexual misconduct.
 3. A video (either purchased or produced by the College) will be available for play in the student centers or other student facilities in game areas, and in classes for group discussion when appropriate.
 4. The Associate Vice President, Institutional Diversity, will schedule awareness programs and speakers periodically throughout the year to promote awareness of sexual misconduct offenses and the reporting of incidents that occur. Additionally, the Associate Vice President, Institutional Diversity, in conjunction with the Director, Staff Professional Development, will schedule training sessions with faculty and staff regarding awareness and reporting sexual misconduct offenses.
- F. Procedures to Enhance Campus Security
1. Campus security should be reviewed and increased as is necessary to minimize the threat of sexual assault on campus. The following will be important in this regard:
 - a. Lighting. All lighting on campuses meets Rule 6A-2, F.A.C., requirements. Initially public safety personnel will survey areas that appear to need larger output of existing lighting or that require new lighting in order to provide a safer environment. Recommendation will be forwarded to the Director, Physical Plant. Maintenance crews will check lighting on a regular basis to monitor status. Burned out bulbs will be replaced as soon as possible after being identified.
 - b. Landscaping. Landscaping patterns will be reviewed around parking lots and buildings to determine the existence of possible hiding places. Those found to be deficient will be altered to provide additional visibility. Thereafter, checks will be made on a recurring basis.
 - c. Rape prevention and sensitivity training for Pensacola State College public safety officers. Each full-time public safety officer at Pensacola State College will receive rape prevention training and sensitivity training to deal with victims of sexual battery. This training is available through a Florida Department of Law Enforcement approved trainer.
 - d. Pensacola State College Public Safety Student Services Program. Public safety officers are available to provide services to evening students and faculty who wish to be accompanied from a building to their automobiles. This process will be reviewed periodically to determine if the numbers involved are sufficient to perform the service for evening students and faculty.

Responsible Official: Vice President, Institutional Diversity/ Title IX Coordinator	
President's Signature: 	Date: 02/21/2017