

Eckerd College Policy against Discrimination and Harassment¹

Including Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence and Stalking

I. Introduction

Eckerd College is committed to providing a living, learning, and working environment free from discrimination, harassment, and retaliation. In compliance with federal and state civil rights laws and regulations, and consistent with Eckerd's educational mission and institutional values, Eckerd College does not discriminate on the basis of sex, race, color, religion, age, disability, status as a veteran, national or ethnic origin, sexual orientation, gender identity, gender expression or other protected characteristic in any educational program or activity, including admissions and employment.

Eckerd College is committed to complying with all requirements as set forth by Title VI and Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations, 20 U.S.C. 1681 *et seq.*; the Jeanne Clery Disclosure of Campus Security Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA); Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; the Age Discrimination in Employment Act of 1967; Title III of the Americans with Disabilities Act of 1990, as amended in 2008; and related federal and state authority.

All members of the College community, including students, faculty and staff, are expected to conduct themselves in a manner that does not infringe upon the rights of others. Discrimination or Harassment on the basis of a protected characteristic is prohibited by this Policy. Discrimination on the basis of sex, as prohibited by Title IX and its implementing regulations, includes Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking, all of which are prohibited by this Policy (collectively, Title IX Sexual Harassment). Sexual Assault, Dating Violence, Domestic Violence, and Stalking are also prohibited by the Clery Act. In addition, the College prohibits other forms of Sexual and Gender-Based Harassment, including under Title VII, which have similar, but not fully aligned definitions, to Title IX Sexual Harassment. The College also prohibits Sexual Exploitation and Retaliation. Specific definitions, including consent and incapacitation, are set forth in Sections V and VI. Collectively, this Policy refers to these prohibited forms of conduct as Prohibited Conduct.

The College prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by this Policy or federal or state laws, or because the individual makes a good faith report of Prohibited Conduct, files a formal complaint, testifies, assists, participates or refuses to participate in any manner in an investigation,

¹ This Policy applies to all reports of Prohibited Conduct that are received by the College on or after the effective date of this Policy, [August 14, 2020], and the effective date of any subsequent revisions, regardless of when the Prohibited Conduct occurred. The Policy uses the term Complainant to refer to the individual who reportedly experienced Prohibited Conduct and Respondent to refer to the individual who reportedly committed the Prohibited Conduct. This Policy was last revised effective August 27, 2025.

proceeding, or hearing related to a report or formal complaint of Prohibited Conduct under this Policy.

This Policy provides information about campus and community resources and reporting options, the difference between privacy and legal confidentiality, how to make a report and seek supportive measures, and how to file a formal complaint requesting investigation of a report. It also provides an overview of informal and formal resolution options, including the preliminary inquiry, investigation, hearing, and appeals process. The specific procedures for resolving a formal complaint under the Policy are as follows:

- Procedures for Resolving Complaints of Discrimination, Harassment and Retaliation
- Procedures for Resolving Complaints of Sexual Misconduct

A person who commits Prohibited Conduct in violation of this policy will be subject to disciplinary action, up to and including expulsion or termination. Some forms of Prohibited Conduct may also violate federal, state and/or local law, and criminal prosecution may occur independently of any disciplinary action imposed by the College.

It is the responsibility of every member of the Eckerd College community to foster an environment free from Prohibited Conduct. All members of the community are strongly encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. This may include direct intervention when safe to do so, enlisting the assistance of others, contacting law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive responsibility will be supported by Eckerd College and protected from retaliation.

II. Scope and Jurisdiction

This Policy applies to all members of the Eckerd community, including students, staff, faculty, and third parties such as volunteers, vendors, contractors, consultants, guests, alumni, applicants for admission or employment, campers or other individuals.²

This Policy applies to acts of Prohibited Conduct that occur in the College's education program or activity, which includes:

- 1) all of the College's operations, including locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the conduct occurs;
- 2) any building owned or controlled by a student organization that is officially recognized by the College.

² For the purpose of this Policy, Eckerd defines student as any individual who is registered or enrolled for credit bearing coursework in the academic program. Eckerd defines employee as any individual who has accepted an offer of employment and is paid a salary by the College. This Policy also applies to applicants for admission or employment.

The term education program or activity includes employment and admissions.

The College's education program or activities includes on-campus, off-campus, or online conduct, and conduct outside of the United States. Examples include College-sponsored, College-funded, or otherwise College-supported study off campus, research, internship, mentorship, summer session, conferences, meetings, social events, or other affiliated programs or premises. Conduct outside of the United States may include, for example, College-sponsored, College-funded, or otherwise College-supported study abroad.

Under certain circumstances, this Policy may also apply pertain to reports of Prohibited Conduct that occur outside of the education program or activity but have continuing effects in the education program or activity, or that fall within the scope of conduct otherwise regulated by the College. This may include, for example, a report of an off-campus Sexual Assault committed by a student.

A. Special Jurisdiction under Title IX

For some forms of Prohibited Conduct covered under this Policy, the College's jurisdiction is limited by Federal law. Specifically, The Title IX regulations apply to certain forms of sexual harassment that occur in an education program or activity in the United States. Where conduct occurs outside of the education program or activity, outside of the United States, or would not meet the definition of Title IX Sexual Harassment, the College is required to dismiss any allegations in a formal complaint under Title IX.

However, in keeping with the College's educational mission and commitment to foster a learning, living, and working environment free from discrimination, harassment, and retaliation the College will move forward under the same resolution process for Sexual and Gender-based Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking and other forms of Prohibited Conduct that occur outside of Title IX Jurisdiction (*e.g.*, not in the United States, or as noted above, outside of the education program or activity).

B. Jurisdiction regarding Third Parties

Any individual may make a report to the College of Prohibited Conduct and receive access to reasonably available supportive measures. A student, employee or other individual who is participating in, or attempting to participate in, the College's education program or activity may also file a formal complaint requesting an investigation under this Policy. In addition, the Title IX Coordinator may file a formal complaint on behalf of a third party where the reported conduct occurred in the College's education program or activity.

The College's ability to respond to a report of Prohibited Conduct under this Policy is based on its disciplinary authority over the Respondent. If the Respondent is not an employee or student, the College's ability to take disciplinary action will be limited and is determined by the context of the Prohibited Conduct and the nature of the relationship of the third-party Respondent to the College.

III. Coordination with Other Policies

Reports of Prohibited Conduct may sometimes implicate conduct prohibited by another College Policy. Student, staff and faculty conduct is also governed by the following College policies:

- EC- Book: Community Standards Policies and Procedures
- Human Resources Policies and Procedures Manual
- Faculty Handbook
- Consensual Relationships Policy

Where conduct involves the potential violation of both this Policy and another College policy, the College may choose to investigate other potential misconduct under the Resolution Process set forth in this Policy, provided that it does not unduly delay a prompt or equitable resolution of the report or formal complaint.

IV. Notice of Non-Discrimination

A. Non-Discrimination based on Protected Characteristics

Eckerd College does not unlawfully discriminate on the basis of sex, race, color, religion, age, disability, status as a veteran, national or ethnic origin, sexual orientation, gender identity, gender expression or other protected characteristic in any educational program or activity, including admissions and employment. Eckerd College adheres to all federal and state civil rights laws and regulations prohibiting discrimination in private institutions of higher education, including protections for those opposing discrimination or participating in any resolution process on campus or an external civil rights agency.

B. Non-Discrimination based on Sex

Eckerd College does not discriminate on the basis of sex in its education programs or activities, and the College is required by Title IX of the Education Amendments of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate on the basis of sex in the College's education program or activity extends to admission and employment. Inquiries about the application of Title IX and its implementing regulations may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights, or both.

Eckerd College has designated a Title IX Coordinator to ensure compliance with Title IX, its implementing regulations, and other applicable federal and state laws. The Title IX Coordinator is also responsible for coordinating the College's efforts with regard to Section 504 of the Rehabilitation Act of 1970 and Title II of the Americans with Disabilities Act of 1990 and their implementing regulations. The Title IX Coordinator is responsible for the prompt and equitable resolution of all reports, investigations, and informal and formal resolutions under this Policy related to Title IX Sexual Harassment and other forms of discrimination based on sex, gender, gender identity, gender expression, or sexual orientation. The Title IX Coordinator coordinates supportive measures, ensures that the

investigative and resolution processes are neutral and impartial, and acts to assure that employees or external professionals involved in the Title IX processes are free from conflicts of interest and/or potential bias. Concerns of bias or a potential conflict of interest by any other administrator involved in the resolution process should be raised with the Title IX Coordinator. To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Director of Human Resources at 727-864-8332 or hr@eckerd.edu.

Reports of Prohibited Conduct or questions about this Policy and procedures can be made to the Title IX Coordinator:

Michelle Espinosa
Title IX and Section 504 Coordinator
Eckerd College
4200 54th Avenue South
St. Petersburg, FL 33711
(727) 864-7810
Email: espinoml@eckerd.edu or ec-titleix@eckerd.edu

Concerns about the College's application of Title IX can be made externally to:

Assistant Secretary for Civil Rights
Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission (EEOC)
Contact: <http://www.eeoc.gov/contact/>

C. Disability Discrimination and Accommodation

Eckerd College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA and ADAAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as reading, concentrating, thinking,

hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Title IX Coordinator has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any allegation of noncompliance. Grievances of disability status and/or accommodations for both students and employees will be addressed using the Resolution Process for Discrimination and Harassment.

1. Students with Disabilities

Eckerd College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the College.

All accommodations are made on an individual basis. A student requesting any accommodation should first contact the Director of Accessible Education Services, who coordinates services for students with disabilities. The Director of Accessible Education Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's particular needs and academic programs.

2. Employees with Disabilities

Pursuant to the ADA, Eckerd College will provide reasonable accommodation(s) to all qualified employees with known disabilities, when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the College.

An employee with a disability is responsible for submitting a request for an accommodation to Human Resources and providing necessary documentation. The College will work with the employee and the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

V. Academic Freedom and Freedom of Speech

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discrimination and harassment. The College prohibition against harassment is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are prohibited under Eckerd College policy. Where speech or conduct is protected by policy, academic freedom and/or free speech rights, it will not be considered a violation of this Policy, although supportive measures or remedies may be offered to those impacted.

VI. Prohibited Conduct

This Policy prohibits a broad range of behaviors, which are referred to collectively as Prohibited Conduct. Prohibited Conduct can be committed by or against individuals of any sex, gender, gender identity, gender expression, or sexual orientation, and can occur between individuals of the same or different sex or gender, gender identity, gender expression, or sexual orientation. It can occur between strangers or acquaintances, between individuals involved in a professional relationship, and between people involved in intimate or sexual relationships. Some examples of Prohibited Conduct may be found on the Eckerd Title IX page. Prohibited Conduct includes:

A. Discrimination

Discrimination can take two primary forms:

1. Disparate Treatment Discrimination

Disparate treatment discrimination is any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's Protected Characteristic(s) and that: 1) excludes an individual from participation in; 2) denies the individual benefits of; or 3) otherwise adversely affects a term or condition of an individual's employment, education, living environment, or participation in a College program or activity.

2. Disparate Impact Discrimination

Employment: In the employment context, disparate impact discrimination occurs when there is sufficient evidence that policies, tests, or practices that are neutral on their face disproportionately exclude or adversely impact a group of individuals within the Protected Characteristics, where the policies, tests, or practices are not job-related and consistent with business necessity. The College considers the following issues:

- (1) Does the policy, test, or practice have a disparate impact on the basis of a particular Protected Characteristic? This typically requires a statistical analysis.
- (2) Is the policy, test, or practice job-related and consistent with business necessity?
- (3) If job-related and consistent with business necessity, is there a less discriminatory alternative available?

Student/Educational Program or Activity: In the student or educational context, disparate impact discrimination occurs when there is sufficient evidence that facially neutral policies, tests, or practices, although not adopted with the intent to discriminate, nonetheless have an unjustified effect of discriminating against Students or Third Parties on the basis of Protected Characteristics. In

determining whether a facially neutral policy has an unlawful disparate impact on the basis of Protected Characteristics, the College engages in the following three-part inquiry:

- (1) Has the policy, test, or practice resulted in an adverse impact on Students or Third Parties of a particular Protected Characteristic?
- (2) Is the policy, test, or practice necessary to meet an important educational goal?
- (3) If necessary to meet an important educational goal, are there comparably effective alternative policies, tests, or practices, available that would meet the stated educational goal with less of a burden or adverse impact on the disproportionately affected Protected Characteristic or is the proffered justification a pretext for discrimination?

In addition to the above, discrimination includes failing to provide reasonable accommodations, consistent with state and federal law, to a qualified individual with a disability or to accommodate religious beliefs of students, staff, and faculty.

Examples of potential discrimination under this Policy include but are not limited to those that result in the interference with, limitation, or denial of access to:

- An employee's, or applicant for employment's, access to employment or conditions and benefits of employment (e.g., hiring, advancement, assignment).
- A student's, or admission applicant's, ability to participate in, access, or benefit from educational programs, services, or activities (e.g., admission, academic standing, grades, assignment, campus housing; athletics).
- An authorized volunteer's ability to participate in a volunteer activity.
- A guest's or visitor's ability to participate in, access, or benefit from the College's programs or activities.

B. Harassment

Harassment is a form of Discrimination that occurs when verbal, physical, written, electronic, or other conduct based on an individual's protected characteristics is so severe, persistent or pervasive, *and* objectively offensive that it interferes with, limits or denies that individual's ability to participate in or benefit from the College's educational program or activity, or employment access, benefits, or opportunities (*hostile environment*).

Harassment can also occur when submission to or rejection of unwelcome conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement,

assignment); or participation in a College program or activity (e.g., campus housing) (*quid pro quo*).

Eckerd College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. The College may pursue disciplinary actions under this Policy for conduct that rises to the level of a hostile environment. In evaluating whether a hostile environment exists, the College will evaluate the totality of known circumstances, including, but not limited to:

1. the frequency, nature and severity of the conduct;
2. whether the conduct was physically threatening;
3. the effect of the conduct on the Complainant's mental or emotional state;
4. whether the conduct was directed at more than one person;
5. whether the conduct arose in the context of other discriminatory conduct;
6. whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or Eckerd College's programs or activities;
7. whether the conduct implicates academic freedom or protected speech; and,
8. other relevant factors that may arise from consideration of the reported facts and circumstances.

Examples of conduct that may constitute a hostile environment based on harassment include:

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Eckerd College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Abusive Affiliation (Hazing) Policy);
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or hurt, control, or diminish another person, physically or mentally, that is not speech or conduct otherwise protected by the First Amendment.

Eckerd College may also address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature not based on a protected characteristic. Addressing such behaviors will not typically result in the

imposition of discipline under Eckerd College policy, but may be addressed through remedial actions, education, and/or effective conflict resolution or other informal resolution mechanisms. For assistance with conflict resolution and other informal resolution techniques and approaches, employees should contact the Director of Human Resources and students should contact the Associate Dean of Community Standards.

C. Title IX Sexual Harassment

The Title IX regulations define Sexual Harassment as conduct on the basis of sex that must satisfy one or more of the following:

1. An employee of the College conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; or
2. 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 College's education program or activity; or
3. Sexual Assault, Dating Violence, Domestic Violence, or Stalking, as defined below.

1) **Sexual Assault:** Sexual assault is having or attempting to have sexual contact with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity (see below for definition of consent and incapacitation).³ Sexual contact includes:

- (1) sexual intercourse (anal, oral, or vaginal), including penetration with a body part (*e.g.*, penis, finger, hand, or tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight; or
- (2) fondling or touching of the private body parts, including, but not limited to, contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body, whether clothed or unclothed, for the purpose of sexual gratification, sexual degradation, or sexual humiliation; or
- (3) attempts to commit sexual assault.

2) **Dating Violence:** includes any act of violence committed by a person:

- (1) who is or has been in a social relationship of a romantic or intimate ~~nature~~ with the Complainant; and

³ The statutory definition of sexual assault referenced by the Title IX regulations also includes having or attempting to have sexual contact between persons who are related to each other within the degrees where marriage is prohibited by law.

- (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:
- (a) the length of the relationship;
 - (b) the type of relationship; and
 - (c) the frequency of interaction between the persons involved in the relationship.
- 3) **Domestic Violence:** includes any act of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Florida state law, or by any other person against an adult or minor Complainant who is protected from that person's acts under Florida state law;
- 4) **Stalking:** Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress.

Course of conduct means two or more instances including but not limited to unwelcome acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

D. Sexual and Gender-Based Harassment

Consistent with Title VII of the Civil Rights Act of 1964 and the recognition that Sexual Harassment may also occur in a wider variety of contexts, Eckerd College also defines Sexual and Gender-Based Harassment to include any sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, electronic, or otherwise (*sexual harassment*); or, any act of intimidation or hostility, whether verbal or non-verbal, graphic, physical, or otherwise based on sex or gender, sexual orientation, gender identity, or gender expression, even if the acts do not involve conduct of a sexual nature (*gender-based harassment*); when one or more of the following conditions are present:

- 1) Submission to or rejection of such conduct is either an explicit or implicit term or condition of, or is used as the basis for decisions affecting, an individual's employment or advancement in employment, evaluation of academic work, or advancement in an academic program, or basis for participation in any aspect of a College program or activity (*quid pro quo*)⁴; or
- 2) The conduct is sufficiently severe, pervasive, or persistent that it has the purpose or effect of unreasonably interfering with, limiting or depriving an individual from participating in or benefiting from the College's learning, working, or living programs under both an objective and subjective standard (*hostile environment*).

E. Sexual Exploitation

Sexual Exploitation involves one or more of the following behaviors committed for any purpose, including sexual arousal or gratification, financial gain, or other personal benefit:

- 1) taking sexual advantage of another person without consent;
- 2) taking advantage of another's sexuality; or
- 3) extending the bounds of consensual sexual activity without the knowledge of the other individual.

Examples of Sexual Exploitation include, but are not limited to: observing another individual's nudity or sexual activity, or allowing another to observe the same, without the knowledge and consent of all parties involved; exposing one's genitals in non-consensual circumstances, including unwelcome sexting; streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved; prostituting another individual; knowingly exposing another individual to a sexually-transmitted disease (STD) or infection (STI) or human immunodeficiency virus (HIV) without the individual's knowledge; knowingly failing to use contraception without the other party's knowledge; and inducing incapacitation for the purpose of taking sexual advantage of another person.

F. Retaliation

Retaliation means any adverse action, intimidation, threat, coercion, or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the individual has made a report or formal complaint of Prohibited Conduct, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing under this policy. Retaliation includes such conduct through associates or agents of a Complainant, Respondent, or participant in any investigation or proceeding related to this policy.

⁴ Unlike Title IX Sexual Harassment, which limits *quid pro quo* harassment to conduct by a College employee, Sexual and Gender-Based Harassment can be committed by an employee or student.

VII. Understanding Consent and Incapacitation

A. Consent

Consent is the voluntary, informed, and freely given agreement to participate in mutually agreed-upon sexual acts. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Consent cannot be obtained through force, where there is a reasonable belief of the threat of force, or by taking advantage of another person's incapacitation.

It is the responsibility of each party to determine that the other has consented before engaging in the activity. In evaluating whether consent has been freely sought and given, the College will consider the presence of any force, threat of force, or coercion; whether the Complainant had the capacity to give consent; and, whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

Force is the use or threat of physical violence or intimidation to overcome a person's freedom of will to choose whether or not to participate in sexual activity. Coercion is unreasonable pressure for sexual activity. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

In Florida, a minor cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old may be a crime, and a potential violation of this policy, even if the minor welcomed the sexual activity.

Additional guidance about consent includes:

- Consent to one form of sexual activity does not imply or constitute consent to another form of sexual activity.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- Consent to an act with one person does not constitute consent to an act with any other person.
- The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be real time and mutual consent to sexual activity.
- Consent can be withdrawn or modified at any time, and sexual contact must cease immediately once consent is withdrawn and clearly communicated.
- Consent cannot be inferred from the absence of a "no."

- Consent cannot be inferred from silence, passivity, or lack of verbal or physical resistance, and relying on nonverbal communication alone may result in a violation of this Policy.

B. Incapacitation

Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. Incapacitation means a person cannot understand the fact, nature, or extent of the sexual activity because they lack the physical and mental capacity to make informed, reasonable judgements about whether or not to engage in sexual activity.

When alcohol or other drugs are involved, incapacitation is a state of intoxication or impairment that is so severe that it interferes with a person's capacity to make informed and knowing decisions. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination. The College does not expect students or employees to be medical experts in assessing incapacitation. Individuals should look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. A person's level of intoxication is not always demonstrated by objective signs; however, some signs that a person may be incapacitated include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility.

Another effect of excessive alcohol consumption can be memory impairment or an inability to recall entire or partial events (sometimes referred to as "black-out" or "brown-out"). A person may experience this symptom while appearing to be functioning "normally," including communicating through actions or words that can reasonably and objectively be interpreted as communicating consent to engage in sexual conduct. Total or partial loss of memory alone, may not be sufficient, without additional evidence, to prove that a person was incapacitated under this Policy. Whether sexual contact under these circumstances constitutes Prohibited Conduct depends on the presence or absence of the outwardly observable factors indicating that a person is incapacitated, as described above.

An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism. It is especially important, therefore, that anyone engaging in sexual activity is aware of both their own and the other person's level of intoxication and capacity to give consent.

In evaluating consent in cases of reported incapacitation, the College asks two questions: (1) Did the Respondent know that the Complainant was incapacitated? and if not, (2) Would a sober, reasonable person in a similar set of circumstances as the Respondent have known that the Complainant was incapacitated? If the answer to either of these questions is "yes," the conduct is likely a violation of this policy based on the inability to give consent.

It is important to remember that the use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one's own or the other individual's intoxication or incapacitation, the safest course of action is to forgo or cease any sexual activity. Even where there is insufficient evidence to establish incapacitation, a Complainant's level of impairment may still be a relevant factor in establishing whether consent was sought and freely given.

A Respondent's voluntary intoxication is not an excuse for or a defense for failing to obtain consent, and it does not diminish the Respondent's responsibility to determine that the other person has given consent and has the capacity to do so.

VIII. Considerations in Advance of Reporting

A. Understanding the Difference between Privacy and Confidentiality

Eckerd College is committed to protecting the privacy of all individuals involved in a report of Prohibited Conduct under this policy. All employees who are involved in the College's response to harassment and discrimination, including the Title IX Coordinator, investigators and adjudicators, receive specific training and guidance about safeguarding private information, including the protections set forth in Title IX, the Clery Act, and the Family Educational Rights and Privacy Act ("FERPA").

Privacy and confidentiality have distinct meanings under this policy.

Privacy: refers to the discretion that will be exercised by the College in the course of any investigation or disciplinary processes under this Policy. Information related to a report of Prohibited Conduct will be handled discreetly and shared with a limited circle of College employees or designees who need to know in order to assist in the assessment, investigation, and resolution of the report and related issues. The College will make reasonable efforts to investigate and address reports of Prohibited Conduct under this Policy, and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the College will maintain the privacy of the parties to the extent reasonably possible.

Confidentiality: refers the level of protection that must be applied to statutory or legally-protected or privileged relationships, including professional mental health counselors, medical professionals, ordained clergy/pastoral counselors and rape crisis counselors (Confidential Resources). Information shared by an individual with a Confidential Resource, on campus or in the community, intended as a confidential communication, cannot be revealed to any other individual without express permission of the individual seeking services, unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor. When a report involves suspected abuse of a minor under the age of 18, these Confidential Resources are required by state law to notify child protective services and/or local law enforcement.

Similarly, an individual's medical and counseling records are confidential and cannot be released without the individual's written permission or unless permitted or required consistent with ethical or legal obligations.

B. Release of Information by the College

Pursuant to the Clery Act, Eckerd College must disclose statistics about Clery Act crimes in its daily crime log and Annual Security Report and provides those statistics to the United States Department of Education. If a report of Sexual Assault, Dating Violence, Domestic Violence, or Stalking discloses a serious or continuing threat to the campus community, the College will issue a timely notification to the community to protect the health and safety of the community as required by the Clery Act. In all of these instances, the information is reported in a manner that does not include personally identifying information about persons involved in an incident. In addition, Confidential Resources may submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or student.

The College will not release the name of the Complainant, the Respondent, or witnesses to the general public except as otherwise permitted or required by law. The College will also maintain the confidentiality of any supportive measures provided to a Complainant, to the extent that maintaining such confidentiality would not impair the College's ability to provide the supportive measures. The College may also share non-personally identifying information about reports received in aggregate form, including data about outcomes and sanctions. All Eckerd College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act (as amended by VAWA), Title IX, state and local law, and College policy.

C. Reporting Responsibilities of College Employees

1. Confidential Resources

As described above, Confidential Resources are prohibited from sharing information unless required or permitted by law or ethical obligations. Confidential Resources on campus and in the community include:

- Counseling Services at (727) 864-8248; www.eckerd.edu/counseling/
- Student Health Center at (727) 864-8326 or www.eckerd.edu/health-services/
- Office of Advocacy Services at (727) 864-8907; www.eckerd.edu/advocacy/
- Center for Spiritual Life at (727) 864-8587 or www.eckerd.edu/csl/
- Charles Nechtem Associates, Employee Assistance Program, at 1(800) 531-0200, 24-hours a day, or www.charlesnechtem.com
- Pinellas County Rape Crisis at (727) 530-7273, 24-hour hotline

- Suncoast Center Inc. at (727) 388-1220 or www.suncoastcenter.org

Campus counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

2. All Other Employees

All other Eckerd College employees, including faculty and staff, are expected to share known information about Prohibited Conduct with the Title IX Coordinator immediately. The College seeks to remove barriers and foster increased reporting in order to ensure equitable access to supportive measures, policies, and procedures for all College community members. Centralized reporting and recordkeeping also enhance the College's ability to identify and track patterns, trends, and impacts on campus climate.

In keeping with these values, employees must report all known information, including the identities of the parties, the date, time and location, and any details about the reported incident to the Title IX Coordinator. Employees may not promise Confidentiality or withhold information about Prohibited Conduct. Failure or delay in reporting suspected Prohibited Conduct in a timely manner may subject an employee to appropriate discipline, which may include any form of employee discipline, ranging from education and counseling to removal from a position or termination of employment.

Employees are not required to report information disclosed at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, or other public forums in which students may disclose Prohibited Conduct (collectively, public awareness events)); or during an individual's participation as a subject in an Institutional Review Board-approved human subjects research protocol (IRB research). The College may provide information about Title IX and available College and community resources and support at public awareness events. In addition, Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all subjects of IRB research.

3. Campus Security Authorities (CSAs)

Some employees, because of their role on campus, also have reporting responsibilities under the Clery Act. Employees who are considered Campus Security Authorities (CSAs) have a duty to report Sexual Assault, Dating Violence, Domestic Violence, Stalking, and other Clery Act-defined crimes. This reporting helps to provide the community with a clear picture of the extent and nature of campus crime in order to ensure greater community safety and enable campus community members to make important decisions about their own safety. CSAs include student affairs/student community standards staff, Campus Safety officers, coaches, athletic directors, residence life staff, student activities staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

4. Mandatory Reporting of Suspected Child Abuse

Under Florida state law, every person has a responsibility to report child abuse. Any member of the Eckerd College community who has reasonable cause to suspect abuse, or

neglect, of a minor under the age of 18 must make a report to the Title IX Coordinator or Campus Safety and Security, who will facilitate a report to local law enforcement and the Florida Department of Children and Families Abuse Hotline at 1(800) 962-2873. For more information see the College's Children on Campus and Working with Minors policy.

IX. How to Report Prohibited Conduct

The College encourages all individuals to report Prohibited Conduct or a potential violation of this policy to the Title IX Office, Campus Safety, and/or to local law enforcement. A Complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the College will assist a Complainant in contacting law enforcement at any time. Under limited circumstances posing a threat to health or safety of any College community member, the College may independently notify law enforcement.

An individual may make a report to the College, to law enforcement, to neither, or to both. Campus Title IX processes and law enforcement investigations operate independently of one another.

A. Emergency and/or Medical Assistance

All individuals who experience Prohibited Conduct are encouraged to seek immediate medical treatment and preserve physical evidence even if they have not decided whether they wish to pursue any campus or law enforcement action. This will help to ensure that a Complainant receives proper care, preserve any available evidence, and enhance their opportunity to pursue a disciplinary or criminal action at a later time. Local hospitals have trained Sexual Assault Nurse Examiners who can conduct a forensic examination. Eckerd College's medical personnel and Campus Safety can also assist in preserving other forms of evidence and/or providing referrals or transportation to community resources.

In addition, testing and treatment for sexually transmitted infections, HIV, and pregnancy are available by appointment at [Student Health Center](#) at (727) 864-8326.

Individuals are also encouraged to contact law enforcement as soon as possible following an incident that may pose a threat to safety or physical well-being or that is potentially a criminal act under Florida law.

Eckerd College community members with an immediate safety concern or medical injury can call 911 or Campus Safety and Security at (727) 864-8260. Community members can also contact the St. Petersburg Police Department at (727) 893-7780.

B. Reporting Prohibited Conduct to the College

Eckerd College encourages anyone who has experienced Prohibited Conduct to report it directly to the College. An individual does not need to know whether they wish to request any particular course of action or how to label what happened. An individual who is uncertain what they wish to do in response to an alleged incident of Prohibited Conduct, including how or whether to report the conduct, may contact and consult a Confidential Resource to address questions and concerns in a confidential setting. Individuals with

questions or concerns about the College's processes may also contact the Title IX Coordinator directly to learn more about resources and procedural options.

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

Eckerd College recognizes that deciding whether to make a report of Prohibited Conduct is a personal decision. Making a report is different from filing a formal complaint. When the College receives a report of Prohibited Conduct, the College will offer supportive measures to a Complainant, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. The College will consider the Complainant's wishes with respect to supportive measures and seek to respect a Complainant's autonomy in making the determination regarding how to proceed.

In limited circumstances, the Title IX Coordinator may file a formal complaint initiating an investigation into reported conduct. See Section XI.B.2. for additional information about the circumstances that might require a Title IX Coordinator to file a formal complaint.

The most efficient and effective way to learn about the College's resources and procedural options, to access supportive measures, or to file a formal complaint is by directly contacting the Title IX Coordinator.

1. Time Frame for Reporting

Complainants and witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the timeframe for reporting. However, the passage of time may impact or limit the College's jurisdiction and/or the ability to gather relevant evidence that may have been lost given the passage of time.

Depending on the relationship of the Respondent to the College, the College may not have the authority to impose disciplinary action; this may occur when a student Respondent has graduated or an employee Respondent is no longer employed by the College. If the Respondent is no longer affiliated with the College (for example, a report is made after a student has left or graduated or an employee no longer works for Eckerd College), the College will still provide reasonably available supportive measures to the Complainant, assist the Complainant in identifying external reporting options, and may take other appropriate action to address the reported conduct.

2. Amnesty

The College encourages reporting and seeks to remove barriers to reporting for students who experience or witness Prohibited Conduct. The College understands that students may be

hesitant to report Prohibited Conduct to College officials or participate in the resolution processes because they fear that they themselves may be in violation of the EC-Book, Community Standards policies that prohibit underage drinking or personal consumption of illegal drugs. Because it is in the best interests of the College community that Complainants and witnesses come forward to report Prohibited Conduct and share what they know, the College provides amnesty for conduct that which would otherwise be a violation of the Code of Student Conduct. The College also extends amnesty to students who offer help to others in need.

In general, the College will not pursue disciplinary action against a student who makes a good faith report to the College as a Complainant or witness for their own personal consumption of alcohol or other drugs (underage or illegal) which would otherwise be a violation of the Code of Student Conduct, provided the misconduct did not endanger the health or safety of others. The College may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

3. Anonymous Reporting

Anyone can make an anonymous report using the online reporting form posted at: https://cm.maxient.com/reportingform.php?EckerdCollege&layout_id=40.

This form provides an on-line method to report specific information related to an alleged incident(s) of Prohibited Conduct. This form may be used by anyone. Depending on the nature of the information provided, the College's ability to respond may be limited.

4. Obligation to Provide Truthful Information

All College community members are expected to provide truthful information in any proceeding under this policy. Submitting or providing deliberately false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions, in accordance with the Code of Student Conduct and other applicable College procedures. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are erroneous or are not later substantiated.

C. Additional Campus Resources

- Campus Safety: (727) 864-8260
- Outreach Services: (727) 864-8904
Located in Brown Hall to provide support and referrals to campus and community therapists)
- Residence Life: (727) 864-8421

- Human Resources Office: (727) 864-8332
- Dean of Faculty Office: (727) 864-8212
- Dean of Students Office: (727) 864-8421
- Community Standards/Conduct: (727) 864-8198

X. Supportive Measures and Emergency Removal/Administrative Leave

A. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent when a report is received. Supportive measures are available before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the College's education program or activities, including employment, without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter Prohibited Conduct.

Supportive measures may include counseling, extensions of deadlines, or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The College will consider a number of factors in determining which supportive measures to take, including the needs of the student or employee seeking supportive measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the Complainant; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether judicial measures have been taken to protect the Complainant (e.g., protective orders). The College will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority.

The Title IX Coordinator is responsible for ensuring the implementation of supportive measures and coordinating the College's response with the appropriate offices on campus. The College will maintain the privacy of any supportive measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures.

Eckerd College will also provide reasonably available supportive measures for third parties, provided that the supportive measures are within the scope of that individual's relationship to the College.

B. Emergency Removal

Certain circumstances may warrant removing a student Respondent from an Eckerd College educational program or activity. The College may remove a student Respondent on an emergency basis from College property or employment, education, or research programs or activities. Before imposing an emergency removal, the College will undertake an individualized analysis of safety and risk for the campus community to determine whether the Respondent's presence in the program or activity poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct and justifies removal of the Respondent from the College program or activity.

The Title IX Coordinator will promptly provide the Respondent with written notice of any removal and an opportunity to challenge the removal. During any challenge, the Respondent will remain off-campus and must comply with the notice of removal. That notice shall include a statement that the use of any information the Respondent chooses to provide may subsequently be used in implementing any aspect of this Policy, including the investigation and adjudication. The Respondent will have 3 days to submit a written challenge to the safety and risk analysis to the Title IX Coordinator.

C. Administrative Leave

Following a report of Prohibited Conduct, the College may place a non-student employee Respondent on administrative leave, with or without pay.

XI. Overview of Actions and Procedural Options upon Receipt of a Report

A. Preliminary Inquiry

Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will engage in a preliminary inquiry to assess and understand the nature of the report, provide outreach to a Complainant, offer supportive measures, and determine whether this Policy applies to the report, and if so, what form of resolution is reasonably available and appropriate. Centralized outreach through the Title IX Coordinator ensures that all College community members have access to information about the College's resources, policies, and procedural options for resolving the report.

At the conclusion of the preliminary inquiry, the following resolution options are possible:

No Further Action	Supportive measures Only	Formal Resolution	Informal Resolution
(which may involve referral to another College policy)	(regardless of whether a formal complaint is filed)	(following a formal complaint by the Complainant or Title IX Coordinator)	(following a formal complaint by the Complainant or Title IX Coordinator)

The nature of the reported conduct followed to pursue formal or informal resolution:

- For formal complaints involving any form of discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation in relation to a report of sex discrimination, the resolution procedures can be found at www.eckerd.edu/titleix.
- For formal complaints involving any other form of discrimination or harassment based on protected characteristics, the resolution processes can be found at www.eckerd.edu/titleix.

B. Overview of Procedural Options

In response to a report of Prohibited Conduct, the report may be resolved by: 1) the imposition of supportive measures only; 2) the filing of a formal complaint by the Complainant; 3) the filing of a formal complaint by the Title IX Coordinator; or, 4) an informal resolution voluntarily and mutually reached after the filing of a formal complaint. A Complainant is always entitled to reasonably available supportive measures, regardless of whether a formal or informal resolution process is initiated.

1. Expectations for the Parties

All resolution processes are conducted in accordance with federal and state law. In all stages of the resolution process, complainants and respondents can expect:

- a prompt, fair, impartial, and equitable investigation and resolution of allegations of Prohibited Conduct conducted by individuals with sufficient training and/or experience related to their role;
- an investigator, decision-maker, and/or facilitator of informal resolution free from conflict of interest or bias for or against complainants or respondents generally or the individual parties related to the report or formal complaint;
- privacy in accordance with this Policy and any legal requirements;
- access to reasonably available supportive measures, without fee or charge;
- freedom from Retaliation for making a good faith report of Prohibited Conduct or participating in any proceeding under this Policy;
- a presumption that the Respondent is not responsible until a determination is made at the conclusion of the resolution process;
- written notice of any meeting or proceeding at which the party's presence is contemplated by this Policy, including the date, time, location, participants, and

purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

- an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
- freedom to discuss the allegations under investigation or to gather and present relevant evidence;
- the opportunity to be accompanied by an advisor of choice, including the right to have that advisor accompany the party at any meeting or proceeding and to have the College provide an advisor to conduct cross-examination on the party's behalf at any live hearing;
- an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence;
- notice of reasonably prompt time frames for major stages of the process, with written notice of permissible extensions for good cause;
- written notice of an investigation, including notice of potential Policy violations and the nature of the alleged Prohibited Conduct;
- timely and equal access to any information that will be used informal or formal meeting or proceeding under this Policy, including all information gathered that is directly related to the allegations in the formal complaint as well as the information contained in the investigation report;
- written notice of the outcome of informal or formal resolution processes, including the determination of a Policy violation, any sanctions, and the rationale; and
- the opportunity to appeal the outcome.

2. Formal Complaint

A formal complaint is a document submitted to the Title IX Coordinator by the Complainant alleging that a Respondent engaged in Prohibited Conduct and requesting an investigation. Filing a formal complaint is a pre-requisite to pursuing either Informal or Formal Resolution.

As set forth in the Resolution Processes, the Title IX Coordinator also has the discretion to file a formal complaint. In evaluating the appropriate manner of resolution, including whether the Title IX Coordinator will file a formal complaint in the absence of a formal complaint by the Complainant, the Title IX Coordinator will consider the following factors:

1. whether the Complainant has requested anonymity;

2. whether the Complainant wants to participate in an investigation;
3. the severity and impact of the alleged misconduct and whether the misconduct was committed with a weapon;
4. the respective ages of the parties and whether the Complainant is a minor under the age of 18;
5. whether the Respondent has admitted to the misconduct;
6. whether the Respondent has a history of committing such misconduct or whether there have been other complaints about the same Respondent or the extent of prior remedial methods taken with the Respondent;
7. whether the Respondent is alleged to have threatened further misconduct;
8. whether the misconduct was committed by multiple perpetrators or whether the report reveals a pattern of misconduct (e.g., at a given location or by a particular group); and
9. the existence of independent evidence that may be available without the participation of the Complainant.

The College will take all reasonable steps to respond to the report consistent with a Complainant's requested course of action, but its ability to do so may be limited based on the considerations outlined above.

3. Formal Resolution

Following the filing of a formal complaint, Eckerd College will initiate an investigation and hearing process to determine if there is sufficient evidence, by a preponderance of the evidence, to establish that this policy has been violated. The investigation, hearing and appeals processes are described in the accompanying Resolution Processes.

4. Informal Resolution

Following the filing of a formal complaint, with the written consent of the Complainant and Respondent, the College may initiate an informal resolution process.

XII. Prevention and Education Programs

The College is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming, and returning students and current employees receive ongoing training and related programs.

Individuals involved in the implementation of this Policy receive training as required by the Clery Act and Title IX.

XIII. Documentation and Records Retention Policies

The College will create and maintain the following records for a period of seven years: records of any actions, including any supportive measures, taken in response to a report or formal complaint; records of investigations, including any determination regarding responsibility and any audio or audiovisual recording or transcript created, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant; any appeal and the result therefrom; any informal resolution and the result therefrom. These records will be maintained in accordance with the privacy protections set forth in Title IX, the Clery Act, FERPA, and state law regarding the privacy of personnel records.

XIV. Review of Policy

The policy reflects the College's good faith efforts to implement the newly-promulgated legal requirements under the Title IX regulations issued in May 2020, to synthesize those regulations with other Federal law, including the Clery Act, and with state law applicable to students and employees. The College reserves the right to modify this Policy and the accompanying procedures as necessary to comply with Federal or state law, and such modifications may be made before or during an ongoing resolution process. Given the rapidly evolving nature of the legal requirements applicable to Prohibited Conduct, and the desire to provide accessible, effective, and legally compliant policies and procedures, the College will review this policy on at least an annual basis. The review will take into consideration evolving legal requirements, evaluate the supports and resources available to the parties, and assess the effectiveness of the resolution process. The review will include the opportunity for individuals affected by the policy to provide feedback and will incorporate an aggregate view of reports, resolution, and climate.